

# Rail Transport Act

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## Chapter One GENERAL PROVISIONS

**Article 1.** (Amended, SG No. 19/2016) This Act governs the terms and procedure for the construction, maintenance, development and operation of the railway infrastructure; the safety and interoperability requirements; as well as relations between carriers and customers in the process of provision of transport services by rail.

**Article 2.** The operation of the following entities is not subject to this Act:

1. the metropolitan railway system;
2. the urban tram transport system;
3. the internal railway transport of the Ministry of Interior, the Ministry of Defence and other government agencies, companies or enterprises, with the exception of activities pertinent to the requirements of technical operation and traffic safety.

**Article 3.** (1) (Amended, SG No. 96/2017, effective 1.01.2018) The railway infrastructure facilities and the land on which they are built, or which is intended for their construction, shall be public state property and shall be used by the National Railway Infrastructure Company (NRIC) or by commercial entities whereto a concession has been awarded under the procedure and provisions as per the Concessions Act.

(2) New railway infrastructure facilities may be constructed upon lands constituting public state property only.

(3) The railway infrastructure shall be managed and husbanded according to the purpose and the needs for which it is provided.

(4) (Amended, SG No. 36/2006) Railway infrastructure facilities intended for commercial use and not directly related to the traffic control and safety systems may be leased in accordance with the procedure as per the State Property Act, provided that traffic safety is not affected.

**Article 4.** (1) The railway infrastructure shall have on both sides a no-building zone defined by a border line running at 60 m from the axis of the outermost railway track, or at 100 m therefrom for main lines constructed for speeds in excess of 160 km/h. Within the boundaries of populated areas the no-building zone shall be specified by force of the respective zoning and urban development plans.

(2) (Amended, SG No. 92/2006) The alienation zone of the railway infrastructure shall be the area necessary for situating the road bed and the elements of the railway infrastructure, and the air-space above it, as specified in a construction plan. The minimum alienation zone shall be 6 m-wide from the outermost rail-head, measured horizontally and perpendicularly to the track axis.

(3) (New, SG No. 92/2006) The Railway Infrastructure Manager shall prepare, maintain and keep a register of the railway infrastructure facilities assigned to it for management.

(4) (New, SG No. 92/2006) The Minister of Transport, Information Technology and Communications shall determine by means of an ordinance the activities which may be performed within the area defined by the no-building zone and within the alienation zone, as well as those facilities that can be built and/or reconstructed.

(5) (Renumbered from Paragraph 3, SG No. 92/2006) The standard rail gauge of the railways in the Republic of Bulgaria is 1,435 mm. By way of exception, and in case of a proven necessity, the Minister of Transport, Information Technology and Communications shall be entitled to allow other rail gauges as well.

**Article 5.** The Minister of Transport, Information Technology and Communications shall implement the state policy in railway transport by:

1. (amended, SG No. 47/2011, effective 21.06.2011) proposing the ten-year program under Article 27 for the development of railway transport and infrastructure for approval by the Council of Ministers;

2. (new, SG No. 47/2002, amended, SG No. 92/2006, SG No. 47/2011, effective 21.06.2011) determining by means of ordinances the essential requirements to the railway infrastructure and the rolling stock for attaining interoperability of the national railway system with the railway system within the European Union;

3. (renumbered from Item 2, SG No. 47/2002) ensuring the implementation of the commitments undertaken by the State by virtue of bilateral and multilateral international agreements in the field of railway transport and the development of railway infrastructure;

4. (renumbered from Item 3, SG No. 47/2002, amended, SG No. 92/2006) allowing for the crossing between railway lines of the railway infrastructure and roads of the national road grid, local roads, streets, pipelines, below- and above-ground high- and low-voltage powerlines, etc., as well as the interconnectivity of the railway lines of the railway infrastructure;

5. (renumbered from Item 4, SG No. 47/2002) issuing the Rules and Regulations of the National Railway Infrastructure Company; by appointing and dismissing the Director General and the Management Board;

6. (renumbered from Item 5, SG No. 47/2002, amended, SG No. 92/2006) organising the independent investigation of grave railway accidents;

7. (new, SG No. 92/2006) determining by way of an ordinance the terms, conditions and procedure of drawing up and approval of the scheduled timetable of trains using the railway infrastructure, as well as for effecting operational changes therein in accordance with the specific conditions;

8. (new, SG No. 92/2006) approving the measures for averting, and for eliminating the consequences of, emergencies and accidents as may have affected the railway infrastructure;

9. (new, SG No. 92/2006) defining the activities relevant to the safety management of railway transport.

**Article 6.** (Amended, SG No. 92/2006) (1) (Supplemented, SG No. 15/2013, effective 1.01.2014) The coordination and control of activities in the sphere of railway transport shall be carried out by the Railway Administration Executive Agency - a legal person subsisting on budget support under the Minister of Transport, Information Technology and Communications; the latter shall be based in the City of Sofia, and shall have territorial units.

(2) (Amended, SG No. 47/2011, effective 21.06.2011) The Railway Administration Executive Agency is a regulatory body in railway transport.

(3) The Railway Administration Executive Agency shall be the national authority responsible for railway safety.

(4) (New, SG No. 47/2011, effective 21.06.2011) The Railway Administration Executive Agency shall be the authority to control the enforcement of Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315/14 of 3 December 2007), hereinafter referred to as "Regulation (EC) No. 1371/2007".

(5) (New, SG No. 19/2016) The Railway Administration Executive Agency is independent in performing its decision making functions, including of the infrastructure managers, the charge collecting authorities, the allocation bodies and the orderers. The Railway Administration Executive Agency is functionally independent of any competent authority participating in the award of public services contracts in the area of rail transport.

(6) (New, SG No. 19/2016) The Railway Administration Executive Agency shall adopt its own rules for the exchange of information and cooperation between itself as both a regulatory and a safety body, on the one hand, and the licensing authority, on the other hand, with a view to averting any detrimental impact on competition or safety in the rail transport services market. Such rules must be endorsed by the licensing authority.

(7) (New, SG No. 19/2016) The rules as per Paragraph 6 shall also govern the procedure of issuance of recommendations by:

1. the regulatory body and the safety body to the licensing authority on matters as may affect competition in the rail transport services market;

2. the safety body and the regulatory body to the licensing authority on matters as may affect safety; in the event that such recommendations are rejected, the relevant body must present its motives for such rejection.

**Article 7.** (1) (Previous text of Article 7, SG No. 92/2006) The Railway Administration Executive Agency shall:

1. (amended, SG No. 19/2016) control access to the railway infrastructure;

2. (amended, SG No. 92/2006) oversee the implementation of the requirements for the issuance of licenses and permits under this Act;

3. (supplemented, SG No. 92/2006, SG No. 22/2009, amended, SG No. 47/2011, effective 21.06.2011) administer licence, certificate and permit fees under this Act, as well as fees for issue of certificates of professional competence and acknowledgement of competence, in the amounts set by the Council of Ministers, subject to a proposal by the Minister of Transport, Information Technology and Communications;

4. issue certificates of professional competence to the railway transport personnel;

5. (amended, SG No. 92/2006) keep registers and collect statistical data in respect of any and all railway operations;

6. (effective 28.11.2000 - SG No. 97/2000, amended, SG No. 92/2006) develop and submit to the Minister of Transport, Information Technology and Communications drafts for statutory regulations in the sphere of railway transport;

7. (new, SG No. 92/2006) perform control functions under this Act, including with respect to the commissioning of structural subsystems of the railway system;

8. (new, SG No. 92/2006) submit to the Minister of Transport, Information Technology and Communications, for his/her approval, measures for averting, and for eliminating the consequences of, calamities and accidents as may have affected the railway infrastructure;

9. (new, SG No. 92/2006) obtain clearance for the designs for the crossing between railway lines of the railway infrastructure and roads of the national road grid, local roads, streets, pipelines, below- and above-ground high- and low-voltage powerlines, etc., as well as the interconnectivity of the railway lines of the railway infrastructure;

10. (new, SG No. 19/2016) carry out monitoring of the conditions for competition in the market for rail transport services and submit on an annual basis to the European Commission the relevant information about the use of networks and the assessment

of the framework conditions in the rail transport sector;

11. (new, SG No. 19/2016) supervise the infrastructure manager and the operators of service facilities in determining the charges for the use of, respectively, the railway infrastructure and the service facilities, including for the purpose of preventing discrimination against orderers and keeping the balance in the rail transport services market;

12. (renumbered from Item 7, SG No. 92/2006, renumbered from Item 10, SG No. 19/2016) perform other functions assigned to it by law or by an act of the Council of Ministers.

(2) (New, SG No. 92/2006) The Railway Administration Executive Agency shall keep a registers of locomotive drivers; in that, it shall cause the entry of data as defined by the Executive Director of the Railway Administration Executive Agency.

(3) (New, SG No. 22/2009) In performing its functions under this Act, the Railway Administration Executive Agency shall be entitled to require information from the infrastructure manager, from the applicants who have submitted an application for granting a capacity, and from other stakeholders, as the persons shall submit this information within the time limit set by the Railway Administration Executive Agency.

**Article 8.** (1) (New, SG No. 92/2006, repealed, SG No. 15/2013, effective 1.01.2014).

(2) (Amended, SG No. 88/2005, renumbered from Paragraph 1, SG No. 92/2006) The operation of the Railway Administration Executive Agency shall be funded from the budget of the Ministry of Transport, Information Technology and Communications by means of:

1. (amended, SG No. 92/2006, supplemented, SG No. 22/2009, amended, SG No. 47/2011, effective 21.06.2011) licence, certificate and permit fees under this Act, as well as for issue of certificates of professional competence and acknowledgement of competence;

2. (amended, SG No. 47/2002, repealed, SG No. 92/2006);

3. funds from fines and material sanctions under this Act;

4. interest on deposits of own funds and on overdue receivables;

5. (new, SG No. 92/2006) own revenue.

(3) (Renumbered from Paragraph 2, amended, SG No. 92/2006) The activity, structure and operation of the Railway Administration Executive Agency shall be governed by Rules of Organisation adopted by the Council of Ministers subject to a proposal by the Minister of Transport, Information Technology and Communications.

**Article 8a.** (New, SG No. 19/2016) (1) The Railway Administration Executive Agency is managed and represented by an Executive Director, appointed by the Minister of Transport, Information Technology and Communications, subject to prior approval by the Prime Minister.

(2) The Executive Director has the power to hire and dismiss all employees of the Railway Administration Executive Agency.

## **Chapter Two**

### **RAILWAY INFRASTRUCTURE**

#### **Section I**

#### **Management of the Railway Infrastructure**

**Article 9.** (1) A National Railway Infrastructure Company shall be established having the status of a state-owned enterprise as per Article 62, (3) of the Commerce Act.

(2) The National Railway Infrastructure Company shall be a legal entity based in the City of Sofia.

(3) The National Railway Infrastructure Company shall be the manager of the railway infrastructure.

(4) (Amended, SG No. 47/2011, effective 21.06.2011, supplemented, SG No. 17/2018, effective 23.02.2018) The National Railway Infrastructure Company shall manage the property entrusted to it, which is both public and private state-owned property. Property – public and private State property, shall be provided by the State for the implementation of the subject of its activity by a decision of the Council of Ministers.

**Article 10.** (1) (Amended, SG No. 47/2011, effective 21.06.2011) The subject of activity of the National Railway Infrastructure Company shall be:

1. ensuring the use of the railway infrastructure by licensed operators under equal terms and conditions;
2. performing activities pertinent to the development, upkeep, maintenance and use of the railway infrastructure;
3. (amended, SG No. 47/2011, effective 21.06.2011) determination and collection of the infrastructural charges from the licensed railway operators in accordance with the methodology adopted by the Council of Ministers subject to a proposal by the Minister of Transport, Information Technology and Communications;
4. (amended, SG No. 19/2016) development of operational timetables, coordinated with the orderers and, for passenger services, with the respective municipalities;
5. management of train operation within the railway infrastructure, in compliance with the requirements for operational safety, reliability and security;
6. (amended, SG No. 92/2006, SG No. 19/2016) acceptance of orderers' applications for allocation of railway infrastructure capacity for performance of transportations services, subject to public announcement of such railway infrastructure capacity and to granting access under the terms and conditions as per this Act;
7. (amended, SG No. 92/2006, SG No. 19/2016) acceptance and implementation of orderers' applications for allocation of railway infrastructure capacity for performance of transportations services ensuing from public service obligations;
8. development, keeping and storage of a register containing data about the railway infrastructure facilities and the land on which they are built;
9. (new, SG No. 47/2011, effective 21.06.2011) allocation of electric traction power in the distribution networks of the railway transport;
10. (new, SG No. 47/2011, effective 21.06.2011) provision of other services.

(2) (Supplemented, SG No. 92/2006) The National Railway Infrastructure Company shall not be allowed to perform railway transportation as its subject of activity, except for technological needs.

(3) The National Railway Infrastructure Company shall not be allowed to participate in commercial companies which perform railway transportation as their subject of activity.

**Article 11.** The management bodies of the National Railway Infrastructure Company are the following:

1. the Minister of Transport, Information Technology and Communications;
2. the Management Board;

### 3. the Director General.

**Article 12.** The Ministry of Transport, Information Technology and Communications shall implement the general transport policy of the State in the sphere of construction, maintenance, development and operation of the railway infrastructure and shall exercise the powers vested in it by this Act in relation to the activities of the National Railway Infrastructure Company.

**Article 13.** (1) (Amended, SG No. 81/2009) The Management Board shall consist of three members, appointed by the Minister of Transport, Information Technology and Communications for a term of 5 years.

(2) The Minister of Transport, Information Technology and Communications shall enter into a management contract with each member of the Management Board.

(3) The members of the Management Board shall not be allowed to engage in competitive business on behalf of themselves or any other entity, or to enter into contractual relations with other companies or associations having a similar subject of activity.

(4) A person who has been convicted of a general offence, or is a spouse or relative, direct or collateral, up to four times removed, or related by marriage up to three times removed, such a relationship including another member of the managing bodies of the National Railway Infrastructure Company, shall not be allowed to be a member of the Management Board.

(5) (New, SG No. 103/2017, effective 1.01.2018) The circumstances under Paragraph 4, proposal one, shall be established ex officio by the administration of the Ministry of Transport, Information Technology and Communications.

**Article 14.** (1) The Management Board shall sit at least once every 2 months.

(2) (Amended, SG No. 47/2002, SG No. 81/2009) The Management Board may adopt decisions if at least half of the members are present in person, or represented by another member of the Management Board. Each attending member may represent only one absent member. For the purpose of representation, an explicit power of attorney is required on a case-by-case basis.

(3) Decisions shall be passed by an open vote and by a simple majority.

(4) (New, SG No. 81/2009) The Management Board may adopt decisions by non-attendance provided that all members have stated their consent, in writing, with regard to the decision.

**Article 15.** The Management Board shall:

1. elect a Chairperson and Deputy-Chairperson from among its members;

2. develop and submit for approval by the Minister of Transport, Information Technology and Communications the rules and regulations for the organisation and activity of the company;

3. (supplemented, SG No. 47/2002, amended, SG No. 92/2006, SG No. 22/2009) subject to a proposal by the Director General and after a competition held, appoint and dismiss the Deputy Directors General and the chief safety inspector;

4. approve the annual financial statement;

5. seek the permission of the Minister of Transport, Information Technology and Communications, on a case-by-case basis, for the company's participation in commercial entities, unregistered partnerships and international organisations;

6. propose to the Minister of Transport, Information Technology and Communications to take action under Article 6 of the State Property Act;

7. exercise the rights arising from interest and stocks in commercial companies owned by the Company;

8. (amended, SG No. 87/2010) make decisions regarding the sale or liquidation of fixed assets, the establishment of property rights and the lease of movable or real assets; make decisions under Article 46 (2) of the State Property Act regarding the sale or lease of residential property managed by the Company;

9. (new, SG No. 92/2006) adopt the draft for an annual program for the construction, maintenance, repair and operation of the railway infrastructure and submit it for approval by the Minister of Transport, Information Technology and Communications;
10. (new, SG No. 92/2006) adopt the business plan for the company's operation during the following year;
11. (renumbered from Item 9, SG No. 92/2006) perform other functions assigned to it by the Minister of Transport, Information Technology and Communications, pertinent to the management of the railway infrastructure in compliance with the provisions of the applicable legislation.

**Article 16.** The Chairperson of the Management Board or, in the absence of the latter, the Deputy-Chairperson, shall organise and preside over the meetings of the Management Board and shall control the implementation of its decisions.

**Article 17.** (1) A member of the Management Board may be dismissed ahead of the term of the management contract in the event of violation of the law, of failure to meet the economic indicators or other provisions contained in the said contract.

(2) A member of the Management Board may be dismissed by an act of the Minister of Transport, Information Technology and Communications.

(3) The management contract with a member of the Management Board shall be terminated ahead of term in the event that:

1. the person does not meet the requirements of Article 13 (3) and (4);
2. he/she violates or fails to implement the provisions of the law or the management contract;
3. a written request for his/her dismissal has been submitted;
4. by a one-month notice, by decision of the Minister of Transport, Information Technology and Communications.

(4) In cases as per Paragraphs (1) - (3) or in the event of death of a member of the Management Board, the Minister of Transport, Information Technology and Communications shall appoint a new member for the remaining period till the expiration of the original term and shall enter into a management contract with him/her.

**Article 18.** The members of the Management Board shall be obliged to keep the trade secret and good name of the National Railway Infrastructure Company.

**Article 19.** (1) The Minister of Transport, Information Technology and Communications shall appoint the Director General for a term of up to 5 years; the latter shall be by right a member of the Management Board.

(2) The Minister of Transport, Information Technology and Communications shall enter into a management contract with the Director General for a period of up to 5 years.

**Article 20.** (1) The Director General shall:

1. organise, manage and supervise the overall activity of the National Railway Infrastructure Company;
2. enter into contracts for performance of the services provided by and to the Company;
3. appoint and dismiss workers and employees of the National Railway Infrastructure Company;
4. represent the Company before the courts, government authorities and third persons, both in the country and abroad;
5. (new, SG No. 92/2006) prepare the draft for an annual program for the construction, maintenance, repair and operation of the railway infrastructure;
6. (new, SG No. 92/2006) approve the timetable for the operation of trains, including any operational changes therein;
7. (new, SG No. 92/2006) approve the internal regulations and procedures of the company for the performance and

management of activities;

8. (renumbered from Item 5, amended, SG No. 92/2006) be accountable for his/her activities before the Management Board and the Minister of Transport, Information Technology and Communications;

9. (new, SG No. 19/2016) grant to orderers and, at their request, also to potential orderers, access to the draft documents as per Article 15, Items 9 and 10, prior to their approval by the Management Board; these shall be entitled, within 14 days from such access being granted, to present their opinion with respect to the terms of access and use, and the development of the infrastructure.

(2) The Director General may delegate some of his/her powers under Paragraph (1), items 2-4 to other Company officers by decision of the Management Board.

**Article 21.** The Director General may be dismissed before the expiry of his/her management contract by the Minister of Transport, Information Technology and Communications in the cases as per Article 17 (3).

**Article 22.** (Supplemented, SG No. 92/2006) The National Railway Infrastructure Company shall be held liable for any material and non-material damages inflicted to railway operators or third persons in cases when the condition of the railway infrastructure facilities has been established as the cause thereof.

**Article 23.** (Amended, SG No. 92/2006) (1) (Amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) The National Railway Infrastructure Company shall prepare, on an annual basis, a reference document of the railway grid, following consultations with all interested parties. Said reference document shall contain the operational parameters of the railway infrastructure, the parameters of the facilities thereof, incl. protection facilities; information regarding the conditions of access thereto and to the service facilities; the applicable infrastructure fees and prices for services as per a price list; the principles and criteria of capacity allocation; any restrictions to the use of the infrastructure; the time limits, procedures of submission of application for capacity allocation, a.o.

(2) Where a railway infrastructure facility is operated on concession, the concessionaire shall supply the relevant information under Paragraph (1) to the National Railway Infrastructure Company.

(3) The National Railway Infrastructure Company shall provide to railway operators and to the Railway Administration Executive Agency information about the operational condition of the railway infrastructure.

**Article 24.** The National Railway Infrastructure Company may enter into agreements with the infrastructure managers of other countries regulating administrative, technical and other issues pertinent to providing access to the infrastructure for transit purposes, in compliance with the international treaties to which the Republic of Bulgaria is a signatory.

## **Section II**

### **Construction, Maintenance, Development and Operation of the Railway Infrastructure**

**Article 25.** (1) (Amended, SG No. 47/2011, effective 21.06.2011) The State shall participate in funding activities pertinent to the construction, maintenance, development and operation of the railway infrastructure, including the creation, storage and maintenance of capacities and material facilities for realisation of defence and mobilisation measures of the country. The amount of funding shall be determined on the basis of a 5-year contract between the State, represented by both the Minister of Finance



and the Minister of Transport, Information Technology and Communications, on the one hand, and NRIC, on the other.

(2) (Repealed, SG No. 36/2006).

(3) (New, SG No. 19/2016) The minimum content of the contract as per Paragraph 1 shall be determined by the ordinance as per Article 29 (3), Item 2.

(4) (New, SG No. 19/2016) The Director General of the National Railway Infrastructure Company shall grant to orderers and, at their request, to potential orderers, access to the draft contract as per Paragraph 1 hereinabove. Within 14 days from gaining access to the contract, orderers and potential orderers may present an opinion thereon. The contract is to be posted on the website of the National Railway Infrastructure Company within one month from the date of its signature. The manager of the railway infrastructure must synchronise his/her business plan with the contract.

(5) (Amended, SG No. 92/2006, renumbered from Paragraph 3, SG No. 19/2016) Where the infrastructure is managed on concession, the restrictions as per Article 10 (2) and (3) in force for the National Railway Infrastructure Company shall apply to the concessionaire.

**Article 26.** (1) (Amended, SG No. 47/2011, effective 21.06.2011) Activities pertinent to the maintenance and operation of the railway infrastructure shall be funded from:

1. (amended, SG No. 15/2013, effective 1.01.2014) the state budget;
2. (amended, SG No. 47/2002, SG No. 92/2006) the infrastructural charges as per Article 35;
3. (amended, SG No. 92/2006) proceeds from commercial activities of the infrastructure manager;
4. (amended, SG No. 47/2002, repealed, SG No. 115/2004);
5. loans;
6. (new, SG No. 47/2011, effective 21.06.2011) funds under programs of the European Union;
7. (new, SG No. 47/2011, effective 21.06.2011) revenues from price list services.

(2) (Supplemented, SG No. 47/2011, effective 21.06.2011) The funds collected as per Paragraph (1), Items 1, 3, 5 § 7 shall also be used for covering the cost of:

1. (amended, SG No. 47/2011, effective 21.06.2011) research, design, construction, development and operation of the railway infrastructure;
2. repayment of loans, including ones provided by the Bulgarian State Railways National Company prior to the entry into force of this Act, in their part designated for infrastructure funding.

**Article 27.** (Supplemented, SG No. 92/2006, amended, SG No. 35/2009, effective 12.05.2009, SG No. 47/2011, effective 21.06.2011) Subject to a proposal by the Minister of Transport, Information Technology and Communications, the Council of Ministers shall approve a 10-year program for development of the railway transport and the railway infrastructure and its safe and reliable operation, including in disasters, acts of terrorism or military conflicts.

**Article 28.** (1) The Minister of Transport, Information Technology and Communications shall approve an annual program for construction, maintenance, repair, development and operation of the railway infrastructure.

(2) (Amended, SG No. 92/2006) The annual program as per Paragraph (1) shall also provide the conditions necessary for activities pertinent to, the study, design and proper operation of the traffic control and security systems, for enforcement of the railway infrastructure operational norms, and for organising repair work for the restoration of individual elements of the railway infrastructure following natural disasters and industrial accidents, as well as for the implementation of the approved program.

(3) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) The annual program as per par. (1) shall constitute an integral part of the contract as per Article 25 (1), and shall be subject to approval after adoption of the State Budget of the Republic of Bulgaria Act for the relevant year.

**Article 29.** (1) (New, SG No. 87/2010) The rolling-motorways shall be national sites. The rolling-motorways shall be railway lines or the parts of them which coincide with the axes of the European railway corridors, defined by international treaties and agreements to which the Republic of Bulgaria is a signatory.

(2) (Renumbered from Paragraph 1, amended, SG No. 87/2010) The categorisation of the other railway lines comprised within the railway infrastructure, the closing down of certain lines or sections thereof shall be made subject to the provisions and procedure stipulated by the Council of Ministers.

(3) (Amended, SG No. 92/2006, renumbered from Paragraph 2, SG No. 87/2010) The Minister of Transport, Information Technology and Communications shall determine by force of ordinances:

1. the activities pertinent to the safety management of railway transport;
2. the terms and conditions for the use of, and access to, the infrastructure;
3. the working hours of the management and executive staff engaged in ensuring the proper conveyance of passengers and freight.

(4) (New, SG No. 92/2006, renumbered from Paragraph 3, amended, SG No. 87/2010) By force of the ordinance as per par. (3) subpar. 1, the Minister of Transport, Information Technology and Communications shall:

1. ensure harmonisation with the regulatory safety structures of the European Union;
2. determine and assign responsibilities between the stakeholders in the railway system in terms of operational safety;
3. delineate the common goals, and set forth the safety regulations, criteria, methods, indicators, procedures and assessments;
4. determine and assign functions and rights relevant to safety and investigation;
5. Define the common principles of management, regulation and control of railway transportation safety;
6. determine the scope of activities within the safety management systems;
7. (supplemented, SG No. 47/2011, effective 21.06.2011) define the requirements for granting applications for safety certificates of the railway infrastructure managers and for safety certificates of the railway operators;
8. categorise and rate accidents and incidents in railway transportation;
9. determine the procedure of investigating such accidents and incidents;
10. assign responsibilities and obligations in the course of such investigation.

**Article 30.** (1) (Amended, SG No. 68/2013, effective 2.08.2013, SG No. 47/2015) The design and construction of railway lines, railway stations and other sites and facilities of the railway infrastructure, as well as of railway crossings, shall be carried out subject to the provisions and procedure stipulated in an Ordinance issued jointly by the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and Communications.

(2) (Amended, SG No. 47/2002) The following activities shall be performed at railway stations: receipt, dispatch, in-station sojourn and processing of trains; activities pertinent to ensuring passenger and freight transportation, as well as other technical operations relevant to the operation of the railway infrastructure and transport work.

(3) (Amended, SG No. 47/2002, repealed, SG No. 92/2006).

(4) (New, SG No. 47/2002, amended, SG No. 92/2006) Control of train operation within the railway infrastructure shall be carried out by the infrastructure manager.

(5) (Renumbered from Paragraph (4), SG No. 47/2002, amended, SG No. 108/2006, SG No. 15/2013, effective 1.01.2014, SG No. 68/2013, effective 2.08.2013, SG No. 47/2015) The maintenance and exploitation of grade crossings shall be carried out under conditions and according to a procedure, determined by the Minister of Regional Development and Public Works

and the Minister of Transport, Information Technology and Communications, and shall be financed from the state budget within the subsidy for NC "RI".

**Article 30a.** (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) (1) The railway infrastructure manager shall allocate the electric traction power in the distribution networks of the railway transport.

(2) Interrelations between the railway infrastructure manager and the operators regarding the allocation of electric traction power in the distribution networks of the railway transport shall be governed by written contracts.

### **Section III**

#### **Use of the Railway Infrastructure and the service facilities (Heading amended, SG No. 19/2016)**

**Article 31.** (1) (Amended, SG No. 92/2006, effective 1.01.2007, SG No. 47/2011, effective 21.06.2011) The railway infrastructure shall be used solely by licensed railway operators possessing a safety certificate.

(2) (Amended and supplemented, SG No. 92/2006, effective 1.01.2007, amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) Railway operators shall be entitled to equal access to the railway infrastructure, the service facilities, as well as to cross-border services subject to the provisions of this Act and the international treaties to which the Republic of Bulgaria is a party. This right shall include access to the infrastructure connecting river- and seaports with other service facilities, and to infrastructure that serves or could serve more than one end user.

(3) (New, SG No. 47/2015) A railway operator that is not licensed to carry out freight services shall have right of access to the first station of the railway infrastructure necessary for the operation of companies and enterprises as per Art. 2, Item 3.

(4) (New, SG No. 47/2015) Access as per par. 2 above shall be subject to the operator holding a safety certificate a Civil Liability insurance contract and a contract with the railway infrastructure manager.

(5) (New, SG No. 92/2006, effective 1.01.2007, renumbered from Paragraph 3, SG No. 47/2015) International railway alliances shall have the right of access to the railway infrastructure, including the right of transit passage, provided that at least one of the railway operators is licensed in compliance with this Act.

(6) (New, SG No. 92/2006, effective 1.01.2007, renumbered from Paragraph 4, SG No. 47/2015) International railway alliances not comprising within themselves a Bulgarian railway operator shall have the right of transit passage using the railway infrastructure for purposes of international rail services in cases where such services are provided between such member States of the European Union in which the railway operators comprised in the alliance are licensed.

**Article 32.** (1) (Renumbered from Article 32, SG No. 47/2002, amended and supplemented, SG No. 92/2006) Relations between the infrastructure manager and the railway operator regarding access to the infrastructure, shall be regulated by a written contract on access to, and the use of, the railway infrastructure after submission of license and safety certificate.

1. transportation services performed in implementation of obligations for providing public transportation services;

2. services provided within certain components of the railway infrastructure, specifically built or developed for performance of specific activities (on specialized high-speed sections, freight lines, etc.);

3. (new, SG No. 47/2002) transit railway transports, combined transports in transit via the territory of the Republic of Bulgaria and international transports.

(2) (New, SG No. 47/2002, amended, SG No. 35/2009, effective 12.05.2009) In conditions of disasters, priorities in the allocation of railway infrastructure capacity shall be determined by the Railway Administration Executive Agency.

(3) (New, SG No. 92/2006, amended, SG No. 19/2016) Orderers shall have no right to transfer to other parties railway

capacity already allocated to them. Should they opt to transfer to another party the capacity allocated to them, they shall have no right to participate in any further capacity allocation.

(4) (New, SG No. 19/2016) The use of capacity by a railway enterprise performing a transport service on behalf of an orderer other than said railway enterprise shall not constitute re-allocation.

**Article 33.** (1) (Amended and supplemented, SG No. 92/2006, supplemented, SG No. 47/2011, effective 21.06.2011, SG No. 47/2015, SG No. 19/2016) Relations between the manager of the railway infrastructure and the railway operator in terms of access to the infrastructure shall be governed by a written contract on access to, and use of, the railway infrastructure subject to presentation of a licence, including the appendix thereto concerning civil liability coverage pursuant to Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ, L 29/3 of 5 February 2015), and a certificate of safety. No license shall be required in cases as per Article 37a.

(2) (New, SG No. 19/2016) The provisions of the contract as per (1) hereinabove must be non-discriminatory and transparent. The provisions of the contract must be coordinated with the Railway Infrastructure Executive Agency.

(3) (Supplemented, SG No. 92/2006, amended, SG No. 22/2009, renumbered from Paragraph 2, SG No. 19/2016) The contract for access to, and use of, the railway infrastructure shall be concluded in compliance with the applicable traffic organisation, and shall be updated on an annual basis in accordance with the adopted train schedule applicable not later than the date of the latter's entry into force.

(4) (Amended, SG No. 92/2006, renumbered from Paragraph 3, SG No. 19/2016) The contract for access to, and use of, the railway infrastructure shall be entered into within 6 months from the date of issue of the operator's license.

(5) (New, SG No. 92/2006, renumbered from Paragraph 4, SG No. 19/2016) In the process of negotiation, where the railway operator feels that its right of access has been breached, the said railway operator may file a complaint with the Railway Infrastructure Executive Agency.

**Article 34.** (1) (Renumbered from Article 34, amended, SG No. 92/2006, supplemented, SG No. 47/2011, effective 21.06.2011, SG No. 47/2015) In the event of withdrawal of the railway operator's license and/or in the event of withdrawal or expiry of the safety certificate of the operator the contract as per Article 33 (1) shall be terminated.

(2) (New, SG No. 92/2006) In the event of termination of the said contract for other reasons, the railway operator shall be under obligation to suspend the operation in respect of which the said license is issued.

(3) (New, SG No. 47/2015) In the event of revocation, or upon expiry of the safety certificate, access as per Art. 31 (4) shall be terminated.

(4) (New, SG No. 92/2006, renumbered from Paragraph 3, amended and supplemented, SG No. 47/2015) In cases as per par. (2) and (3), within 6 months from the date of termination of the license, the railway operator shall have the right to enter into another contract for access to, and use of, the railway infrastructure.

**Article 35.** (1) (Amended and supplemented, SG No. 92/2006, amended, SG No. 19/2016) Charges for the use of the railway infrastructure and the service facilities are to be paid by the orderers, respectively, to the manager of the railway infrastructure and to the operator of the relevant service facility and proceeds therefrom shall be used for funding their operation.

(2) (New, SG No. 19/2016) Charges for the minimum access package and for access to infrastructure connecting service facilities shall be determined on the basis of the direct costs incurred in the performance of the train service.

(3) (Amended, SG No. 92/2006, SG No. 47/2011, effective 22.09.2011, renumbered from Paragraph 2, supplemented, SG No. 19/2016) Rate of charges shall be determined by the railway infrastructure manager in accordance with a methodology of calculation of the infrastructure charges collected by the infrastructure manager, adopted by the Council of Ministers upon proposal of the Minister of Transport, Information Technology and Communications. Charges for the use of service facilities and access thereto shall be determined by the operator of the relevant service facility in accordance with a methodology

developed by the latter.

(4) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011, renumbered from Paragraph 3, amended, SG No. 19/2016) The railway infrastructure manager shall post the infrastructure charges in the reference document of the railway network.

(5) (New, SG No. 47/2011, effective 21.06.2011, renumbered from Paragraph 4, SG No. 19/2016) Revenues from the infrastructure charges shall be expended exclusively for the railway infrastructure maintenance, covering also the costs of the infrastructure manager made for implementation of the services by the railway operators.

(6) (New, SG No. 47/2011, effective 22.09.2011, amended, SG No. 17/2015, effective 6.03.2015, renumbered from Paragraph 5, SG No. 19/2016) Operators pay the railway infrastructure manager a cost for the allocation of the electric traction power in distribution networks of the railway transport, approved by the Energy and Water Regulatory Commission.

**Article 36.** (Amended and supplemented, SG No. 92/2006, supplemented, SG No. 47/2011, effective 21.06.2011) Any obstruction or blocking by road vehicles, rolling stock, persons or in any other way whatsoever of components or facilities of the railway infrastructure designated for passenger and freight transportation, is strictly forbidden.

## **Chapter Three**

# **PASSENGER AND FREIGHT TRANSPORTATION BY RAIL. RAILWAY OPERATORS**

**(Heading amended, SG No. 92/2006)**

## **Section I**

### **Licensing**

**Article 37.** (1) (Amended, SG No. 92/2006, supplemented, SG No. 19/2016) A license to carry out passenger and/or freight transportation by rail shall be issued by the Minister of Transport, Information Technology and Communications or an official duly authorised thereby, and shall be valid for the territory of the European Union.

(2) The license as per Paragraph (1) shall be issued to the name of the licensee and shall be non-transferable.

(3) (New, SG No. 92/2006) The said license shall be issued for an indefinite term, and shall be subject to review once in 5 years, to establish compliance with the requirements as per Article 38. The said license shall also be subject to review in cases of transformation of the railway operator or changes of the ownership thereof. Until such review is completed, the said license shall remain valid.

(4) (New, SG No. 92/2006) Where in the course of review of the license it is established that the railway operator fails to satisfy the requirements for its issuance, the Minister of Transport, Information Technology and Communications or an official designated by the latter shall issue written instructions and shall set a time limit for such irregularities to be cured. Failure to cure such irregularities within the set time limit shall result in the license being revoked.

(5) (New, SG No. 92/2006) A license to carry out passenger transportation by rail authorises the operator to carry passengers, their hand luggage, as well as luggage consignments and parcels.

(6) (New, SG No. 92/2006) A license to carry out freight transportation by rail authorises the operator to carry freight.

(7) (New, SG No. 47/2015) A license to carry out freight and/or passenger transportation by rail issued in the Republic of

Bulgaria or in another European Union member State shall be valid in the territories of all European Union member States.

(8) (New, SG No. 92/2006, supplemented, SG No. 47/2011, effective 21.06.2011, renumbered from Paragraph 7, SG No. 47/2015) Applicants for a license as per par. (1), for review of the license every five years from its issuance, as well as in the cases of conversion of the railway operator or a change of its owner, shall file a written application with the Railway Administration Executive Agency, supported by all relevant documents as required by force of the ordinance as per Article 40.

(9) (New, SG No. 92/2006, renumbered from Paragraph 8, SG No. 47/2015) Where, in the event of transformation or change of ownership of a railway operator, the legal successor has applied for a new license, the said railway operator may be issued a provisional license for the performance of railway transportation, valid until the licensing authority has adopted a decision but no more than 6 months, subject to the condition that such provisional licensing does not endanger the security and safety of the railway transportation.

(10) (Renumbered from Paragraph (3), amended, SG No. 92/2006, renumbered from Paragraph 9, SG No. 47/2015) Upon submission of the application for a license, or for review thereof, a fee shall be collected; the amount of the said fee shall be determined by the Council of Ministers, subject to a proposal by the Minister of Transport, Information Technology and Communications.

**Article 37a.** (New, SG No. 47/2015) No license shall be required for the performance of operations as per Art. 2 Item 3, for transportation by rail of freight by companies and enterprises for their own needs.

**Article 38.** (1) (Renumbered from Article 38, SG No. 92/2006) A license shall be issued in cases when the applicant:

1. is of good standing;
2. is financially stable;
3. is professionally competent;
4. is financially solvent and willing to obtain civil liability insurance in respect of the passengers, luggage, freight, mail as well as third persons, in compliance the applicable legislation.

(2) (New, SG No. 92/2006) The applicant must also satisfy the following conditions:

1. (amended, SG No. 47/2011, effective 21.06.2011) the applicant must be a commercial entity having as its subject of activity the performance of transportation of passengers and/or freight by rail in domestic and/or international communication;
2. the applicant must have the material facilities necessary for the performance of such railway transportation; such material facilities may include wagons, repair shops, installations for preparing the rolling stock for train operation and others, and serve as evidence of the financial stability of the railway operator;
3. the applicant must provide locomotive traction, which may include a railway engine, or an electric multiple unit (EMU), and the necessary personnel to drive them.

(3) (New, SG No. 92/2006, repealed, SG No. 47/2011, effective 21.06.2011) .

(4) (New, SG No. 92/2006, repealed, SG No. 47/2011, effective 21.06.2011) .

(5) (New, SG No. 92/2006) Subject to licensing shall also be an entity which only provides locomotive traction.

**Article 39.** (1) (Supplemented, SG No. 77/2005, SG No. 62/2006, amended, SG No. 92/2006, SG No. 74/2009, effective 15.09.2009, SG No. 68/2013, effective 2.08.2013) The Minister of Transport, Information Technology and Communications in coordination with the Minister of Education and Science, shall determine by force of an ordinance the requirements, terms and conditions and the procedure of training applicants seeking to acquire professional competence for activities pertinent to operational safety in the railway transport system, for recognition of that professional competence acquired in a Member State of the European Union and the European Economic Space, in Switzerland and third countries, and shall determine the procedure for conducting periodic tests in respect of personnel responsible for operational safety.

(2) The Minister of Transport, Information Technology and Communications, in coordination with the Minister of Health, shall determine by force of an ordinance the requirements for personnel appointed to carry out passenger and freight transportation services and any activities pertinent thereto, including their medical and psychological fitness, as well as the terms and procedure for performing pre journey (pre-shift) medical checks.

(3) (New, SG No. 92/2006) The ordinance as per Paragraph (1) shall define the requirements regarding the scope and volume of the study material relevant to such professional competence training course, as well as the duration of the practical training. The training organisations shall adapt the training programs leading to the acquisition of professional competence to the requirements defined by the ordinance as per Paragraph (1).

(4) (New, SG No. 92/2006) A list of job positions relevant to operational safety shall be prepared by the employer and approved by the Executive Director of the Railway Administration Executive Agency in accordance with the current activities for which such professional competence is required.

**Article 40.** The Minister of Transport, Information Technology and Communications shall determine by force of an ordinance the terms, conditions and procedure of licensing railway operators.

**Article 41.** (Amended, SG No. 92/2006) (1) The railway operator shall be obligated to commence operation within 6 months from receipt of the license.

(2) Upon applying for a license, the applicant may request to be given a longer time limit than the one as per Paragraph (1), by supporting such request with the specifics of the services provided.

**Article 42.** (1) (Amended and supplemented, SG No. 92/2006) Such license and the rights arising therefrom may be revoked:

1. (amended, SG No. 92/2006) by decision of the licensing authority in the event that:

a) any violations of the legal provisions relating to traffic safety and transportation security have been established, or that the license has been issued on the basis of forged documents or documents with false content;

b) (supplemented, SG No. 92/2006) the entity has ceased to meet the provisions as per Article 38, Paragraphs (1) and (2);

c) (amended, SG No. 19/2016) there are ongoing insolvency proceedings where the licensing authority has solid proof that there are no realistic expectations of a satisfactory financial restructuring within a time limit approved thereby, or the holder of the license has been declared bankrupt;

d) no insurance contract covering the operator's liability in respect of passengers, luggage, freight, mail as well as third persons has been entered into;

e) (amended, SG No. 92/2006) within six months from issuance of the license no contract for access to, and use of, the infrastructure has been entered into;

f) (new, SG No. 92/2006) the operator has failed to commence operation within six months from issuance of the license, or within the time period as per Article 41 Paragraph (2); or has suspended operation within 6 months from commencement thereof;

g) (new, SG No. 92/2006) the irregularities in cases as per Article 37 Paragraph (4) have not been cured promptly;

h) (new, SG No. 92/2006) the irregularities in cases as per Article 118 Paragraph (2) have not been cured promptly;

2. on request of the licensee;

3. (amended, SG No. 92/2006) for reasons of termination of the licensee.

(2) (Amended, SG No. 92/2006) Termination of the contract for access to, and use of, the infrastructure ahead of its expiration for reasons of license withdrawal in the cases as per Paragraph (1), Item 1, shall be considered termination through the fault of the railway operator.

(3) The contract for access to, and use of, the infrastructure shall be terminated as of the date of license withdrawal.

(4) (Repealed, SG No. 92/2006).

(5) (New, SG No. 92/2006) In case where it is established that, having failed to meet the requirements for financial stability, the railway operator is able to prove that it has undertaken steps to restore such financial stability, the Minister of Transport, Information Technology and Communications or an official designated by the latter shall revoke the license for a period of time, but may issue a provisional license with a term of validity of up to 6 months, subject to the condition that such provisional licensing does not endanger the security and safety of the railway transportation.

**Article 43.** (Amended, SG No. 92/2006) (Effective 1.01.2007 - SG No. 92/2006, supplemented, SG No. 19/2016) Railway operators licensed to carry out transportation by rail, where such license is issued in a member State of the European Union, shall have the right to carry out transportation by rail in the territory of the Republic of Bulgaria, and shall have access to the relevant railway infrastructure, subject to the provisions of the applicable Bulgarian legislation. Said right shall also include access to the infrastructure connecting the service facilities.

(2) Railway operators licensed by foreign railway administrations, in cases other than those as per Paragraph (1), may carry out transportation by rail in the railway infrastructure, if so provided by force of international agreements to which the Republic of Bulgaria is a signatory.

(3) (Effective as from the date of accession of the Republic of Bulgaria to the European Union) In cases other than those as per Paragraphs (1) and (2), foreign railway operators may carry out transportation by rail in the railway infrastructure, if so provided by force of international agreements to which the Republic of Bulgaria is a signatory.

**Article 44.** Refusal to issue a license or a subsequent withdrawal thereof shall be subject to appeal before the Supreme Administrative Court.

## **Section II**

### **Maintenance of rolling stock**

**(Heading amended, SG No. 47/2011, effective 21.06.2011)**

**Article 45.** (1) (Amended and supplemented, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) For each vehicle before its putting into operation, an entity responsible for its maintenance shall be determined.

(2) Railway operators, railway infrastructure managers, or users of rolling stock may perform the functions of the entity under Paragraph (1).

(3) The entity under Paragraph (1) shall be entered in the vehicle register.

(4) The entity under Paragraph (1) shall provide the safe operating condition of rolling stock by the help of a maintenance system, ensuring that rolling stock is maintained in accordance with:

1. the instructions and other technical documents on the maintenance of the respective vehicle;

2. the regulations in force, including the maintenance rules, and the requirements of the technical specifications for interoperability.

(5) The entity under Paragraph (1) shall carry out the maintenance of rolling stock on its own or shall assign the implementation of the maintenance functions to another contractor.

(6) Notwithstanding the responsibility of the entity under Paragraph (1), the railway operator and the railway infrastructure manager shall be responsible for the safe operation of the rolling stock, by the help of a safety management system.



**Article 46.** (1) (Amended and supplemented, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) Entity under Article 45, Paragraph (1), shall maintain the rolling stock after obtaining a certificate of maintenance of rolling stock.

(2) Certificate under Paragraph (1) shall be issued by the Executive Director of the Railway Administration Executive Agency.

(3) Certificate under Paragraph (1) shall be personal and shall not be transferable.

(4) In submission of the application for certificate issuance, a charge shall be collected in the amount determined by the Council of Ministers upon proposal of the Minister of Transport, Information Technology and Communications

**Article 46a.** (New, SG No. 47/2011, effective 21.06.2011) (1) The entity who applies for a certificate under Article 46, Paragraph (1) shall submit a written application to the Executive Agency "Railway Administration", attaching the documents specified in the ordinance under Article 29, Paragraph (3), Item 1.

(2) The entity under Paragraph (1) must meet the following requirements:

1. must be a commercial entity

2. must have facilities necessary for carrying out maintenance of the vehicles.

(3) In cases where the entity under Paragraph (1) shall assign partially the performance of the maintenance to other contractor, the requirement under Paragraph (2), subpar. 2 shall apply for it.

(4) Executive Agency "Railway Administration" shall review the application and the attached documents and shall verify the compliance with the requirements for issuance a certificate of maintenance of rolling stock.

(5) In cases where the entity under Paragraph (1) is a railway operator or railway infrastructure manager, the verification under Paragraph 4 shall be performed simultaneously with the procedure for issuance or revision of the safety certificate of the railway operator or railway infrastructure manager. Compliance with the requirements for an entity responsible for maintenance of the rolling stock shall be noted on the safety certificate of the railway operator or railway infrastructure manager.

(6) The Executive Director of the Railway Administration Executive Agency or an official authorised by him shall, on his own initiative or in case of warning, carry out checks on the entity who received a certificate of maintenance of rolling stock.

(7) Where it shall be found that the entity obtained a certificate of maintenance of rolling stock does not meet the requirements for issuance thereof, the Executive Director of the Railway Administration Executive Agency shall give written instructions and set a deadline for removing the irregularities.

**Article 46b.** (New, SG No. 47/2011, effective 21.06.2011) Certificate of maintenance of rolling stock shall be withdrawn and the rights arising therefrom shall be terminated:

1. by a decision of the Executive Director of Executive Agency "Railway Administration", where:

a) violations have been found of the provisions of the law and by-laws related to the safe operational condition of the rolling stock, or the certificate has been issued based on inauthentic documents or documents with false content;

b) the entity no longer meets the requirements of Article 46a, Paragraphs (2) and (3);

c) in the cases of Article 46a, Paragraph (7), the irregularities are not removed in time;

2. at the request of the certificate holder;

3. with termination of the activity of the certificate holder;

**Article 47.** (Amended, SG No. 47/2011, effective 21.06.2011) Refusal to issue a certificate and withdrawal thereof shall be subject to appeal under the Code of Administrative Procedure.

### **Section III**

# Railway Operators

**Article 48.** (New, SG No. 47/2015) A railway operator is a commercial entity holding a license for conveyance by rail valid in the territories of the European Union member states and having as its subject of activity the conveyance of passengers and/or freight by rail, whereby the operator provides the relevant locomotive traction. A railway operator may also be a commercial entity providing solely the relevant locomotive traction.

**Article 48a.** (Previous Article 48, SG No. 47/2015) (1) (Amended, SG No. 92/2006, SG No. 47/2015) A rail carrier is a railway operator licensed for conveyance by rail of freight and/or passengers.

(2) (Amended, SG No. 19/2016) Railway operators are entitled to determine each for themselves their internal organisation, to make decisions regarding their own personnel and assets, business plan, investment and financial programmes, as well as the manner of their fulfilment; to expand their market share in accordance with the relevant market conditions, to develop new technologies and introduce innovative management techniques.

(3) (New, SG No. 92/2006) Personnel of the railway operators, while performing their duties at railway stations, shall be obligated to comply with the instructions of a station official designated by the infrastructure manager, who will be responsible for overseeing the correct use of the rolling stock and the technical equipment for ensuring traffic safety, while monitoring system malfunctions.

(4) (New, SG No. 92/2006, effective 1.01.2007) Railway operators shall have the right to participate in international railway alliances.

**Article 49.** (1) Operators providing transport services for passenger and freight transportation shall carry out the said services, provided that:

1. conveyance is possible by means of railway rolling stock;
2. conveyance is not rendered impossible for reasons which the operators cannot avoid or eliminate.

(2) The operators shall display prominently and in an appropriate manner their licenses and schedules, including restrictions, if any, on the use of certain trains or classes of passenger cars, as well as the prices and tariffs for railway services provided.

(3) In case that a transport service is carried out successively by several railway operators, they shall ensure seamless conveyance of passengers and freight and may offer common terms and prices for the service.

(4) Railway operators may coordinate their activities, including those pertinent to the development of internal regulations for transport operation in conjunction with national and international trade associations and partnerships in rail transport.

(5) (New, SG No. 92/2006) For ensuring the quality of service in the conveyance of passengers and cargo in terms of the essential requirements for technical compatibility of telematic applications, the railway operators shall provide for:

1. maximum exchange of data between themselves, with the exception of confidential commercial information;
2. easy access for consumers, consumer organisations and other stakeholders to data as per Item 1.

**Article 49a.** (New, SG No. 19/2016) Publicly owned or state-controlled railway undertakings shall have in place appropriate mechanisms for debt reduction and good financial management.

**Article 50.** (1) The following documents must be present at all time during service in the locomotive cab:

1. (amended, SG No. 47/2015) for the rail carrier: a certified copy of the safety certificate and license; for the railway carrying out conveyance of freight as per Art. 31 (3): a certified copy of the safety certificate;

2. (amended, SG No. 47/2011, effective 21.06.2011) a document of professional competence of the locomotive crew;
3. (amended, SG No. 47/2011, effective 21.06.2011) an authorisation to put the locomotive in operation;
4. the locomotive waybill;
5. the train braking mass certificate;
6. the locomotive log;
7. the train schedule.

(2) The Minister of Transport, Information Technology and Communications may, by force of an ordinance, specify other documents that are required to be present aboard.

**Article 51.** In cases where legal action is undertaken as provided in Chapter Three of the Settlement of Collective Labour Disputes Act, the workers and their employers, the railway operators, shall be obliged to provide adequate transport services to the population to the extent of no less than 50 per cent of the volume of transportation prior such action being undertaken.

## **Section IV**

### **Obligation to Perform Public Transport Services**

**Article 52.** (Amended, SG No. 17/2018) The amount of funds for compensation of decreased revenue (as a result of free or cut-price travel of students, senior citizens, mothers of large families, disabled persons, war veterans or other persons as specified by an administrative act of the Council of Ministers) to be provided to operators that have entered into a public transportation service contract and apply passenger tariffs for the benefit of one or several social categories of persons, shall be determined by the State Budget Act for the respective year.

**Article 53.** An obligation for performing a public transportation service shall be fulfilled on the basis of a contract for undertaking such a public transportation service obligation, designed for attaining a certain level in transport services while retaining certain prices for a given type of transport services.

**Article 54.** (1) Obligations for performing public transportation services shall include the following elements:

1. obligation for operation;
2. obligation for transportation;
3. tariff obligation.

(2) (Amended, SG No. 22/2009) Obligations for performing public transportation services shall be assigned by force of a long-term contract entered into between the Minister of Transport, Information Technology and Communications and the respective railway operator on the basis of a decision of the Council of Ministers on procurement of a public transportation service. The contract shall be entered into for a term of maximum 15 years, provided the operator will hold up a valid licence, and shall be updated annually.

(3) (Amended, SG No. 37/2006) The contract as per Paragraph (2) shall be awarded in accordance with the procedure as per the Public Procurement Act; it shall define the types of services and the method of accountability thereof, the intervals, quality and volume of transport services, the prices and special reductions and the relevant compensation mechanisms.

(4) (New, SG No. 22/2009, effective 3.12.2009, supplemented, SG No. 19/2016) Awarding of public transportation services shall be performed in compliance with the requirements of Regulation (EC) No. 1370/2007 of the European Parliament and of

the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ, L 315/1 of 3 December 2007), hereinafter referred to as "Regulation (EC) No. 1370/2007".

(5) (Amended, SG No. 37/2006, renumbered from Paragraph 4, SG No. 22/2009) The terms and conditions for performing public transportation services shall be provided by an ordinance issued by the Council of Ministers subject to a joint proposal by the Minister of Transport, Information Technology and Communications, the Minister of Finance and the Minister of Labour and Social Policy.

**Article 55.** (1) By decision of the respective municipal council, funds may be provided and contracts may be entered into with railway operators for undertaking obligations to perform public transportation services.

(2) Other legal entities may likewise provide funds and enter into contracts with railway operators whereby the latter shall undertake obligations for the provision of public transport services.

## **Chapter Four**

### **COMBINED TRANSPORT**

**Article 56.** (Amended, SG No. 92/2006) Combined transport is freight transport in which at least two types of transport are used in the transport chain, as follows:

1. a truck, trailer or semi-trailer, with or without traction units, replaceable truck beds or 20-foot and larger containers, performs road transportation in the initial or final stretch of the trip while the remaining part is carried out by rail, sea or river transport, the latter section being greater than 100 km in a straight line;
2. between the points where the cargo is loaded and the closest convenient loading railway station for the initial section, and between the closest convenient unloading railway station and the final unloading point of the final section;
3. within a radius of 150 km or less in a straight line from the internal river or sea cargo handling port.

**Article 57.** (Supplemented, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) The Council of Ministers may undertake measures to stimulate combined transport.

**Article 58.** The Minister of Transport, Information Technology and Communications shall stipulate by an ordinance the requirements for combined freight transport.

## **Chapter Five**

### **SPECIAL REGULATIONS IN RESPECT OF TRANSPORTATION CONTRACTS**

#### **Section I**

##### **General Provisions**

**Article 59.** By force of the railway transportation contract the railway operator undertakes to convey passengers and their luggage, as well as unattended luggage and other consignments or freight to a given destination, against compensation.

**Article 60.** (1) For the purpose of performing a passenger transportation service, a transportation contract shall be entered into between the operator and the passenger, which shall include:

1. the station of departure and of destination, the type of transportation, and the route;
2. the quantity and type of the transportation service;
3. any special requirements made by the passenger;
4. the prices, the terms and conditions for carrying out the transportation service;
5. the number and date;
6. any other terms and conditions as provided in an applicable bylaw or an international treaty to which the Republic of Bulgaria is a signatory.

(2) For the purpose of performing a freight transportation service, a freight transportation contract shall be entered into between the railway operator and the consignor (the cargo owner), which shall include:

1. the station of departure and of destination, the type of transportation, and the route;
2. the quantity and type of the transportation service;
3. the name of the consignor and consignee;
4. any special requirements made by the consignor;
5. the prices, the terms and conditions for carrying out the transportation service;
6. the signature and seal of the railway operator and the consignor, or a person duly authorised thereby;
7. any other terms and conditions as provided in an applicable bylaw or an international treaty to which the Republic of Bulgaria is a signatory.

**Article 61.** (Amended, SG No. 19/2016) The consignor shall be entitled to request from the railway operator cancellation of the transportation service, change of the destination or delivery to another consignee, not later than the moment of signature of the bill of lading or receipt of the freight by the consignee. In this case, the consignor shall cover all expenses related to the changes thus made.

**Article 62.** (1) The terms and procedure for transportation of passengers and luggage, as well as any requirements to the relevant transport documents and the procedure of issuance thereof, shall be determined by an ordinance on passenger and luggage transportation issued by the Minister of Transport, Information Technology and Communications.

(2) The terms and procedure for transportation of freight and parcels, as well as any requirements to the relevant transport documents and the procedure of issuance thereof, shall be determined by an ordinance on freight and parcel transportation issued by the Minister of Transport, Information Technology and Communications.

(3) (Amended, SG No. 47/2011, effective 21.06.2011) The terms and procedure for transportation of dangerous goods and for the appointment and professional competence of safety consultants in respect of conveyance of dangerous goods, as well as any requirements to the relevant transport documents and the procedure of issuance thereof, shall be determined by an ordinance issued by the Minister of Transport, Information Technology and Communications.

(4) The terms and procedure for transportation of military cargo, equipment and troops, shall be determined by an ordinance jointly issued by the Minister of Defence and the Minister of Transport, Information Technology and Communications.

(5) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) Certificates for a safety consultant shall be issued by the Executive Director of the Railway Administration Executive Agency, for a term of validity of 5 years, following completion of a training course and the successful passing of an examination.

(6) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) Training courses for safety consultants shall be organised by entities duly registered with the Railway Administration Executive Agency.

(7) (New, SG No. 92/2006) The Executive Director of the Railway Administration Executive Agency shall register an entity as per par. (6) which satisfies the following conditions:

1. possession of the material facilities for delivery of training;
2. employment of training staff who possess qualifications and knowledge proven with the relevant documents;
3. possession of training methodologies and curricula;
4. the capacity to offer examination options;
5. declared independence of the entities hiring safety consultants.

(8) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011, SG No. 47/2015) Upon registration of the entities as per par. (6) above, the curriculum and training documentation relevant to the training of candidates for a certificate for a completed course for safety consultants shall be subject to approval by the Executive Director of the Railway Administration Executive Agency.

(9) (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) Safety consultants shall complete their training by taking an examination in front of a commission appointed by an administrative order of the Executive Director of the Railway Administration Executive Agency.

**Article 63.** In international transportation services, the transport documents shall conform to the requirements of the international treaties to which the Republic of Bulgaria is a signatory.

**Article 64.** In cases where transportation services are performed by several operators, as well as in cases of combined transport, the individual participants shall be held jointly responsible and liable for damages for which blame cannot be established or properly assigned.

**Article 65.** The railway operator shall be obliged to insure its liability to passengers and luggage, freight as well as third persons.

## **Section II**

### **The Passenger Transportation Contract**

**Article 66.** By virtue of the passenger transportation contract, the railway operator shall be obliged to transport by rail to a certain destination the passengers and their luggage, while the passenger shall be obliged to pay the set transportation price.

**Article 67.** (1) When transporting passengers, the railway operator shall be obliged to issue an individual or a group ticket.  
(2) The validity of the passenger transportation contract shall not be dependent on the issuance, the validity or loss of the ticket.

**Article 68.** (1) When transporting luggage, the railway operator shall obligatorily issue a luggage check.

(2) The luggage check shall specify the amount, type and destination of the luggage assigned to the operator for conveyance.

**Article 69.** (Supplemented, SG No. 47/2011, effective 21.06.2011) When transporting road vehicles, the operator shall issue a vehicle transportation receipt and present it to the passenger. The vehicle transportation receipt may be an integral part of the passenger's transport document (ticket).

**Article 70.** Unless proven otherwise, the transport documents as per Arts. 67, 68 and 69 shall serve as a proof of the fact of entry into, and of the contents of the transportation contract.

**Article 71.** The name and address of the railway operator shall be stated on the ticket. When the luggage check is not issued in combination with a ticket, it shall also contain the name and address of the operator.

**Article 72.** (1) The passenger transportation contract shall be considered duly entered into as of the moment of receipt of a ticket or another transport document.

(2) In cases when the ticket is not issued to the bearer's name, it may be transferred up to the moment of commencement of the journey.

**Article 73.** (1) The operator shall hand over the luggage to the bearer of the luggage check. In the event that a luggage check can be produced, the operator shall not be obliged to surrender the luggage covered by that document unless there is sufficient evidence of its ownership.

(2) Unclaimed luggage shall be deposited for safekeeping and stored with due diligence by the railway operator or a third person at the passenger's expense for a period of 30 days.

### **Section III**

#### **Liability of the Operator and the Passenger as per the Passenger Transportation Contract**

**Article 74.** The railway operator shall be held liable for the passenger's life and limb or for any mental damage sustained by the latter during transportation, while the passenger was aboard the vehicle, or in the process of ascending thereupon or descending therefrom, as well as during the loading and unloading of the luggage.

**Article 75.** The railway operator shall be exempted from liability for damages inflicted, if such damage as per Article 74 was the result of:

1. an unexpected or unavoidable accident having occurred following entry into the contract, which the operator, despite all due and proper care taken with respect to the peculiarities of the case, could not have avoided, and the consequences of which the operator could not have averted;
2. an error or an act of the passenger which does not conform to normal passenger conduct;
3. (supplemented, SG No. 47/2011, effective 21.06.2011) a third person's conduct, which the operator, despite all due and proper care taken with respect to the peculiarities of the case, could not have avoided, and the consequences of which the operator could not have averted; no other company using the railway infrastructure as well as the manager of the railway infrastructure on which the transportation is made, shall be considered to constitute such a third person. In this case the right to a counterclaim (recourse claim) shall not be derogated.

**Article 76.** The railway operator shall not be exempted from liability for damages inflicted due to physical or mental deficiencies of persons, performing specific functions pertinent to transportation, or due to defects in, or the technical condition or operation of the vehicle.

**Article 77.** When the transportation service is subject to one transportation contract only, but is carried out by several successive operators, in the event of death or bodily injury of a passenger, the liability shall lie with the operator who, according to the transportation contract, performed the service during the occurrence of death or bodily injury. In the event that the said service was performed by a substitute operator, both operators shall be held jointly liable.

**Article 78.** (1) A passenger who fails to present a valid ticket for inspection shall pay to the operator the full price of the ticket increased by an additional penalty charge.

(2) A passenger who refuses to pay on the spot the ticket price plus the additional penalty charge as per Paragraph 1 may be removed from the train. The passenger thus removed has no right to demand that his/her checked luggage be given back at any station other than the specified destination.

## **Section IV**

### **Freight Transportation Contract**

**Article 79.** By virtue of the railway freight transportation contract, the railway operator shall be obliged to transport by rail, against compensation, the freight to a certain destination, and to deliver it to its consignee.

**Article 80.** (Amended, SG No. 19/2016) (1) The freight transportation contract shall be considered duly entered into as of the moment when the railway operator at the departure station, having received the freight for transportation, signs and stamps with the dated stamp the transport document, and hands a copy of it to the consignor.

(2) Where an electronic bill of lading is used as a transport document, the freight transportation contract shall be considered duly entered into as from the moment when the railway operator, having accepted the freight to be transported, confirms by placing its signature on said bill of lading acceptance of the freight.

**Article 81.** (1) The railway freight transportation contract shall be proven by a bill of lading.

(2) The validity of the transportation contract shall not be dependent on the issuance, the validity or loss of the bill of lading.

**Article 82.** (Amended, SG No. 19/2016) The freight shall be considered duly accepted for conveyance as of the moment of acceptance thereof by the railway operator at the departure station, along with the bill of lading. The date of acceptance of the freight for conveyance shall be ascertained by placement of the date stamp of the railway operator on the bill of lading, and where an electronic bill of lading is used, by the electronic signature of the railway operator placed on said bill of lading ascertaining the date and time of signature thereof.

**Article 83.** (1) The bill of lading shall be executed and signed by the consignor, or by a person duly authorised thereby. Only one consignee, whether a natural person or a legal entity, may be entered into the bill of lading.

(2) A bill of lading shall be executed for each consignment.



(3) The same bill of lading may apply only to the loading of one wagon, unless otherwise agreed between the consignor and the railway operator.

(4) (Amended, SG No. 70/2004) Along with the bill of lading, the consignor shall submit to the railway operator all relevant documents as required by the state health control authorities, the customs and other authorities, in respect of the specific transport.

(5) (New, SG No. 19/2016) The parties to the transportation contract may agree between themselves to use an electronic bill of lading to which they must attach the documents as per (4) hereinabove, by means of electronic registration of the data as per Article 84.

(6) (New, SG No. 19/2016) The methods used for registration and processing of the data as per (5) hereinabove must be equal to those used for registration and processing of data submitted in hard copy, specifically with respect to the evidentiary power of the bill of lading where such data are presented.

(7) (New, SG No. 19/2016) In the event of a change in the data in the electronic bill of lading in cases provided for hereunder, the original data shall be retained.

(8) (New, SG No. 19/2016) The railway operator is obligated to retain the electronic bill of lading while guaranteeing the authenticity of the origin, integrity and reliability of its content by providing adequate protection for the file and for the duration of time prescribed by law.

(9) (New, SG No. 19/2016) An electronic bill of lading and the supporting documents thereto may also be printed out in hard copy. To have evidentiary power, the printout of the electronic bill of lading must be marked with the date and time when it was printed by the automated system used; it must be signed, stamped and certified as "Faithful to the original" by the railway operator.

**Article 84.** (1) The bill of lading must include the following data:

1. place and date of execution;
2. consignor's name and address;
3. name and address of the railway operator party to the contract;
4. name and address of the person to whom the cargo has been delivered, if other than the person as per Item 3;
5. place and date of receipt of the freight;
6. place of delivery;
7. consignee's name and address;
8. gross weight of the cargo;
9. nature of the cargo and manner of packing and, for dangerous goods, also the name, as per RID, the Regulations Concerning the International Carriage of Dangerous Goods by Rail (COTIF - Convention concerning International Carriage by Rail) or the Rules and Regulations for Dangerous Goods Transportation, Appendix 2 to the Agreement on International Freight Transport on Rail of 1951;
10. number of parcels and special markings, and an identification number for small shipments;
11. number of wagon, in case of transportation of a wagon shipment;

12. (amended, SG No. 47/2011, effective 21.06.2011) number of the vehicle running on its own wheels;
  13. category, number or other requisite characteristics for cargo identification, in cases of conveyance of intermodal transportation units;
  14. detailed list of the documents as per Article 83 (4);
  15. transportation costs (transportation prices, additional charges, customs dues and other costs) arising from the moment of entry into the contract till the moment of delivery of the consignment, payable by the consignee;
  16. consignment note to the effect that an international transport complies with the provisions of CIM, the Uniform Rules Concerning the Contract for International Carriage of Goods by Rail (Annex B to COTIF, the Convention on International Transportation on Rail) or of AIFTR.
- (2) The parties may also enter into the bill of lading data regarding the route, the agreed deadline, the declared freight value, consignment notes and other data.

**Article 85.** The consignor shall be liable to provide compensation for any damages sustained by the railway operator, or by third parties, due to false, inaccurate or incomplete data entered in the bill of lading, or due to failure on the consignor's part to issue the consignment notes as prescribed by RID or Appendix 2 to AIFTR.

**Article 86.** (1) All costs (transportation prices, additional charges, customs dues and other costs), arising from the moment of entry into the contract till the moment of delivery of the consignment, shall be covered to the consignor unless otherwise agreed between the consignor and the railway operator.

(2) When, by virtue of an express prior agreement between the consignor and the railway operator, the above costs are to be covered by the consignee, and the consignee has failed to release the cargo, the consignor shall be liable to pay the said costs.

**Article 87.** (1) The bill of lading constitutes proof, until proven otherwise, of entry into, and of the terms of the transportation contract, as well as of receipt of the freight by the railway operator.

(2) When loading has been carried out by the railway operator, the bill of lading constitutes proof, until proven otherwise, of the proper condition and package of the freight, or in the absence of a consignment note, of the good visible condition of the freight at the moment of receipt thereof, and of the correctness of the data entered in the bill of lading.

(3) When loading has been carried out by the consignor, the bill of lading constitutes proof, until proven otherwise, of the proper condition and package of the freight, or in the absence of a consignment note, of the good visible condition of the freight, only in case that the railway operator has inspected the freight and has entered the results of the said inspection into the bill of lading.

(4) In the cases as per Paragraph (3), the bill of lading may contain valid objections to the effect that the railway operator does not have the necessary means to verify that the shipment corresponds to the data in the bill of lading.

**Article 88.** (1) The railway operator and the consignor shall agree as to whose responsibility the loading and unloading of goods shall be. In the absence of such an agreement, the loading and unloading shall be carried out as follows:

1. for luggage and parcels, by the carrier;
2. for wagon shipments: the loading, by the consignor; the unloading, by the consignee after delivery.

(2) Conveyance of special equipment aboard the wagons for purposes of securing cargo with special requirements due to the nature, type, size and weight of the cargo, shall be at the expense of the consignor.

(3) The consignor shall be liable for any consequences arising from improper loading, when carried out by the consignor, from losses or defects in the package, unless the defect was obvious or known to the railway operator.

**Article 89.** The terms and conditions of transportation of specific freights, of unpacked freights, or freights requiring special packaging, shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

**Article 90.** Conveyance of dangerous goods in combined transports shall be performed in compliance with the Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID) and the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).

**Article 91.** (1) The carrier shall be obliged to deliver the freight to its destination by the delivery date set as per the contract.

(2) The delivery period shall commence as of 00 hours on the day following the date of acceptance of the shipment for conveyance at the departure station.

(3) The delivery date shall be considered duly and properly met if the wagon has been delivered to the consignee for unloading, or has been unloaded by the railway operator at the receiving station, not later than that date.

(4) The delivery period shall be suspended for the duration of time necessary for eliminating the consequences of natural disasters. The delivery period shall be extended by the duration of the delay, provided that it was not caused through the fault of the railway operator.

(5) The delivery period shall be suspended during weekends and official holidays.

(6) The maximum duration of the delivery period in respect of wagon shipments shall be 12 hours, and for small shipments, 24 hours.

(7) Unless the parties have agreed otherwise, the period for delivery of wagon shipments shall be 24 hours for each 400-km section of the journey or portion thereof, and for small shipments, 24 hours for each started 200-km section of the journey or portion thereof.

**Article 92.** (1) (Previous text of Article 92, amended, SG No. 19/2016) The freight transportation contract shall be considered duly and properly executed as of the moment when the consignee, or a person duly authorised thereby, having taken delivery of the freight, has received against signature the transport document (bill of lading), stamped with the date stamp of the railway operator.

(2) (New, SG No. 19/2016) Where an electronic bill of lading is used as a transport document, the transportation contract shall be considered to have been duly and properly executed as from the moment when the consignee, or a person duly authorised thereby, having taken delivery of the freight, certifies receipt thereof by signing the bill of lading.

## **Section V**

### **Liability of the Railway Operator in Freight Transportation**

**Article 93.** (1) The railway operator shall be responsible for the protection of the freight from the moment of its acceptance for conveyance till the moment of its delivery to the consignee, or for storage at the destination.

(2) The railway operator shall be held liable for any damages, caused by the total or partial loss of, or damage to the freight, as well as for failure to meet its delivery date.

**Article 94.** (1) The railway operator shall not be held liable when the loss of, or damage to, the freight is due to a fault of the consignor or consignee, or to their explicit instructions, or to inherent defects of the freight, or to improper packaging, provided that the consignor or consignee has given its agreement as per Article 370, (3) of the Commerce Act; or to unforeseeable or unavoidable circumstances as may have arisen following entry into the contract, which could not have been avoided, or the consequences of which could not have been averted by the railway operator.

(2) No action or inaction on behalf of the National Railway Infrastructure Company shall be considered a circumstance which could not have been averted by the railway operator.

(3) In order to be exempted from liability as per Paragraph (1), the railway operator shall not justify itself with defects of the rolling stock used in the transportation, or with faults of the persons engaged in the transportation.

**Article 95.** (1) The operator shall not be held liable when the loss or damage is due to specific risks related to:

1. conveyance in open wagons, when this circumstance has been expressly entered in the bill of lading, subject to a provision in respect of damages as may be sustained due to the impact of the elements;

2. lack of, or defects in, packaging;

3. loading by the consignor and unloading by the consignee;

4. the nature of some cargos, at risk of whole or partial loss or damage, such as breach, corrosion, spontaneous internal damage, expiration, inactivation, etc.;

5. incorrect, inaccurate, or incomplete labelling or numbering of parcels;

6. transportation of live animals;

7. transportation which, pursuant to the applicable regulations or by force of an express prior agreement between the consignor and the carrier, as entered in the bill of lading, should be carried out with an escort, if the said loss or damage is due to a risk which the escort should have prevented.

(2) Transportation of freight covered in tarpaulin used by the consignor, shall be considered to constitute transportation in open wagons in the sense of Paragraph (1), Item 1. The transportation of freight in intermodal transport units, or in closed motor vehicles, shall not be considered conveyance in open wagons.

**Article 96.** The burden of proof under Arts. 94 and 95 shall lie with the railway operator.

**Article 97.** When international transportation subject to a single transportation contract is carried out by many successive railway operators, each operator that takes over the freight together with the bill of lading, shall be a party to the transport contract and shall assume all responsibilities ensuing from it; each operator shall be jointly responsible with all the others for the performance of the transportation service along the entire route to the point of delivery.

**Article 98.** (Amended, SG No. 58/2016) The railway operator shall not be obliged to provide guarantees for customs duties in the course of transportation, import and transit of freights subject to customs control in the territory of the Republic of Bulgaria.

**Article 99.** (1) The consignor and consignee could, without presenting any other evidence, claim that the freight was lost, if it has not been delivered within 30 days from the agreed delivery date.

(2) The party entitled to compensation for lost freight may require to be notified in writing if the freight is found within one year from the date of payment of the said compensation. In this case the client shall be liable to return the compensation received, but shall reserve its right to compensation for delayed delivery.

**Article 100.** The railway operator shall be liable to provide compensation for total or partial damage of the freight, in accordance with the value of depreciation, but not greater than the amount that would be due for total loss of the freight.

## **Section VI**

### **Written Statements of Fact, Claims and Statues of Limitation**

**Article 101.** A written statement of fact shall be drawn up in the following cases:

1. when there are circumstances that ensue liability on behalf of the carrier;
2. in case of non-conformity of the luggage or freight in terms of its name, description or weight, with the quantity or numbers as specified in the transport document;
3. in case of loss or damage of the luggage or freight;
4. for freight or luggage without a transport document, or for a transport document without corresponding freight or luggage.

**Article 102.** When the consignee has not required the drawing up of a statement of fact, the luggage or freight shall be assumed to have been delivered in perfect order until proven otherwise.

**Article 103.** A statement of fact shall be drawn up at the moment of establishing the irregularity, but not after the freight or luggage has been accepted by the consignee. A loss of freight shall be established by virtue of a statement of fact drawn up after the expiration of the agreed delivery date.

**Article 104.** The statement of fact shall be drawn up by the railway operator, or by a person duly authorised by the latter, and shall be signed by a legitimate consignee of the freight or luggage.

**Article 105.** Only persons who have the right of legal action against the railway operator shall be entitled to file claims under the transport contract.

**Article 106.** (1) The time limit for filing a claim for domestic transportation is six months, and for international transportation, within the time limits determined in international treaties to which the Republic Bulgaria is a signatory.

(2) Claims on behalf of the railway operator for uncollected transportation fees and additional charges may also be filed within the time limit as per Paragraph (1) against consignors, consignees and passengers.

(3) The periods for filing a claim as per Paragraphs (1) and (2) shall start from the date on which the freight was delivered to the consignee, and in case of loss of the freight, from the moment of establishing such loss by means of a written statement of fact.

**Article 107.** (1) Such claims shall be filed in writing, by specifying the subject of the claim and the amount demanded in compensation. The claim shall be supported with documents attesting to its veracity.

(2) The claim shall be filed with the railway operator or a person duly authorised thereby.

(3) Unless otherwise agreed between the parties, the operator shall be obliged to respond to the claim within one month.

**Article 108.** In case of transportation carried out by two or more railway operators, claims shall be filed with the operator that caused the damage, and in all other cases, with the forwarding or receiving operator. All operators shall be held jointly and severally liable.

**Article 109.** (1) (Amended, SG No. 19/2016) The consignor shall have the right of filing a claim against the railway operator until the moment when the consignee has signed the bill of lading or accepted the freight, and the consignee, from the moment in which it has signed the bill of lading or accepted the freight, once the claim filed as per Arts. 105 - 108, has been rejected.

(2) The right of filing a claim against the railway operator shall be redeemed within one year from the day of delivery of the freight to the consignee, and in the event of loss of freight, for domestic services, from the moment of establishing such a loss by virtue of a written statement of fact; and for international services, within a time limit pursuant to the international treaties to which the Republic of Bulgaria is a signatory.

(3) In cases of bodily injury or death of a passenger, the claim shall be filed within three years from the date of the injury or death, or their becoming known to the claimant.

(4) Within the time limits as per Paragraph (2), claims may be filed against railway operators, consignees and passengers for uncollected transportation fees and additional charges.

**Article 110.** The statutes of limitation as per Article 109 shall be suspended with the commencement of the claim proceedings and shall resume from the day of receipt of a response from the railway operator, or after expiration of the time limit for such a response.

## **Chapter Six**

### **BASIC RULES OF TRAIN OPERATION**

**Article 111.** (1) Trains shall operate according to Eastern European time; train schedules shall be calculated in a 24-hour format.

(2) Trains shall operate according to schedule within those components of the railway infrastructure specifically designated for train traffic.

(3) Trains shall operate at inter-station distances or at block sections. Exceptions shall be allowed only subject to the provisions of Article 115.

(4) Train schedules shall be developed by the National Railway Infrastructure Company (NRIC) in coordination with the railway operators.

**Article 112.** In the development of train schedules, the locomotive turnover chart of railway operators shall also be taken into consideration.

**Article 113.** (1) From the point of departure to its destination, each train shall operate under an individual number, assigned to it by virtue of the traffic schedule and the marshalling plan, in conformity with its braking mass providing for traffic safety within the components of the railway infrastructure.

(2) The numbering regulations for international and domestic passenger and freight trains shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

(3) The marshalling plan for trains shall be drawn up by the railway operator and shall determine the wagons of which a train is to be formed, the grouping sequence and the processing stations.

**Article 114.** (1) Train operation shall be managed by the duty dispatcher and the duty traffic controllers at the respective stations. The instructions of the duty dispatcher shall be binding for all employees directly involved in train operation within the respective railway section.

(2) The duty dispatcher and the duty traffic controllers shall be obliged to record train traffic in the relevant documents.

(3) (Amended and supplemented, SG No. 19/2016) The passage of trains through border crossing points shall be ensured by

technical means and in accordance with the provisions of the relevant cross-border agreements between the parties, provided that no such provisions can restrict the freedom of railway undertakings to operate cross-border services.

**Article 115.** (Amended, SG No. 92/2006) The Minister of Transport, Information Technology and Communications shall determine by an ordinance the rules for the technical operation, train traffic and the signalling system in railway transport.

## **Chapter Six "a"**

**(New, SG No. 92/2006)**

### **CONFORMITY ASSESSMENT AND INSPECTION IN THE RAILWAY SYSTEM**

**Article 115a.** (New, SG No. 92/2006) (1) To ensure interoperability, the national railway system (both the railway infrastructure and the rolling stock), shall be divided into subsystems. Specific essential requirements shall be set for each of those.

(2) (Amended, SG No. 47/2011, effective 21.06.2011) The subsystems of the railway system shall be structural and functional and shall be determined by the ordinance under Article 5, Item 2.

(3) The requirements for such subsystems and their constituent elements and the characteristics thereof shall be set by means of technical specifications for interoperability set forth by force of the ordinance as per Article 5, Item 2.

(4) The ordinance as per Article 5, Item 2 shall also set forth:

1. (amended, SG No. 47/2011, effective 21.06.2011) the conditions for attaining interoperability of the national railway system and the railway system within the European Union;

2. the essential requirements for the constituent elements of interoperability and for the subsystems of the railway system;

3. the procedures for assessment of the conformity and/or the serviceability of the constituent elements in terms of the essential requirements for them;

4. the procedures for inspection of the conformity of the said subsystems with the essential requirements for these and their interoperability;

5. the terms, conditions and procedure of performing such assessment of conformity and/or serviceability of the constituent elements of interoperability and of inspection of the subsystems;

6. the relevant documents for certifying conformity with the essential requirements;

7. the procedure for obtaining a permit for conformity assessment, as well as additional specific criteria for persons performing such conformity assessment, and their duties pertinent to the assessment procedures;

8. other requirements relevant to the attainment of interoperability.

(5) (Amended, SG No. 47/2011, effective 21.06.2011) Any and all activities pertinent to the assessment and inspection of conformity of the constituent elements and subsystems, or parts of the subsystems with the essential requirements for interoperability shall be performed by assessors which have been authorised under Article 115b, Paragraph 1.

(6) (New, SG No. 47/2011, effective 21.06.2011) Any and all activities pertinent to the assessment and inspection of conformity of the constituent elements and subsystems, or parts of the subsystems with the requirements of the national safety rules or the technical rules shall be performed by assessors which have been authorised under Article 115b, Paragraph 2.

(7) (Renumbered from Paragraph 6, amended, SG No. 47/2011, effective 21.06.2011) The Railway Administration Executive Agency shall keep a register of the vehicles in operation within the railway infrastructure, as well as a register of the railway infrastructure, in terms of its interoperability with the railway system within the European Union; in these, the data required by

force of the ordinance as per Article 5 subpar. 2 shall be recorded.

**Article 115b.** (New, SG No. 92/2006) (1) (Amended, SG No. 47/2011, effective 21.06.2011) A permit for performance of the activities pertinent to the assessment and inspection of the conformity with the essential requirement for interoperability of the constituent elements and subsystems shall be issued by the Minister of Transport, Information Technology and Communications, or by an official designated by the latter; such a permit shall explicitly state the activities and subsystems for the assessment of which it is issued.

(2) (New, SG No. 47/2011, effective 21.06.2011) A permit for performance of the activities pertinent to the assessment and inspection of the conformity of a subsystem or part of a subsystem with the requirements of the national safety rules or technical rules, which are used for implementing the essential requirements laid down in the list for each subsystem, shall be issued by the Minister of Transport, Information Technology and Communications, or by an official designated by the latter; such a permit shall explicitly state the activities and subsystems for the assessment of which it is issued.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 47/2011, effective 21.06.2011) The permit as per Paragraphs (1) and (2) shall be issued to an entity which:

1. is a commercial entity;
2. is in possession of the technical means for performing the procedures pertinent to a conformity assessment;
3. has not participated, including through its hired personnel, in the design, manufacture, delivery or assembly of the constituent elements and subsystems which it is to assess;
4. has hired personnel that:

a) (supplemented, SG No. 47/2011, effective 21.06.2011) is trained for applying the requirements of interoperability, the national safety rules and/or technical rules respectively, and the procedures for conformity assessment and inspection, as well as for applying the relevant standards for railway transport; has professional experience and technical competence for conformity assessment, incl. the skills to draw up protocols and reports, and issue certificates attesting to the results of the activities thus performed;

b) is bound by the requirement of confidentiality regarding the information that such personnel may receive in performing its activities;

5. can guarantee the impartiality and independence of its personnel;
6. has insurance for damages as may occur as a result of a non-performance of its duties relevant to the conformity assessment activities;
7. has no financial obligations to the State or to a municipality in the meaning as per the Tax and Social Insurance Procedure Code, established by a valid act of a competent authority, or debts to social security funds, unless the said competent authority has allowed for such debts or obligations to be deferred or rescheduled;
8. is not declared bankrupt or subject to bankruptcy or liquidation proceedings;
9. is in possession of the relevant techniques and tools for implementation of the procedures of assessment and inspection.

(3) The entity as per Paragraph (1) may certify its compliance with the requirements under Paragraph (2) Item 3, Item 4 litterae "b", and Item 5, also on the strength of an accreditation document in the sense as per Article 45, Paragraph (5), Item 6.

(4) (Renumbered from Paragraph 3, amended, SG No. 47/2011, effective 21.06.2011) The entity as per Paragraphs (1) and (2) shall certify the compliance with the requirements under Paragraph 3, Item 3, Item 4, letter "b" and Item 5 by an accreditation document issued by the Executive Agency "Bulgarian Accreditation Service" or by a foreign accreditation body that is a signatory of an agreement on mutual recognition in organisation of which the Executive Agency "Bulgarian accreditation Service" is a member.

(5) (Renumbered from Paragraph 4, SG No. 47/2011, effective 21.06.2011) Such a permit is issued for an indefinite term, and is non-transferable.



(6) (Renumbered from Paragraph 5, supplemented, SG No. 47/2011, effective 21.06.2011) For the issuance of the permit as per Paragraphs (1) and (2), a fee shall be charged, at a rate to be determined by the Council of Ministers, subject to a proposal by the Minister of Transport, Information Technology and Communications.

(7) (Renumbered from Paragraph 6, SG No. 47/2011, effective 21.06.2011) The Railway Administration Executive Agency shall forward information to the European Commission with a request that an identification number be assigned to the assessors in whose name a permit as per par. (1) has been issued.

(8) (Renumbered from Paragraph 7, supplemented, SG No. 47/2011, effective 21.06.2011) The said permit shall be revoked and the rights arising therefrom shall be declared null and void:

1. by decision of the issuing authority, in cases where:

a) (amended, SG No. 47/2011, effective 21.06.2011) the said entity ceases to satisfy any of the requirements as per par. (3);

b) the said entity has failed to comply with the established assessment AND inspection procedures;

c) the said entity has issued a certificate of conformity of a constituent element and/or subsystem with the essential requirements thereto, whereas these fail to conform to said essential requirements;

d) the said entity has had its accreditation document revoked;

2. upon the request of the entity in whose name the said permit was issued;

3. following termination of the entity in whose name the said permit was issued.

(9) (Renumbered from Paragraph 8, SG No. 47/2011, effective 21.06.2011) A refusal to issue a permit for performance of the activities pertinent to assessment and inspection, or a revocation thereof, can be appealed against before the Supreme Administrative Court.

**Article 115c.** (New, SG No. 92/2006, repealed, SG No. 22/2009).

**Article 115d.** (New, SG No. 92/2006) (1) The Railway Administration Executive Agency shall authorise the commissioning of the structural subsystems of the railway system for conventional and high-speed train operation.

(2) The terms, conditions and procedure for issuing authorisations as per Paragraph (1) shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

## **Chapter Six "b"**

**(New, SG No. 92/2006)**

### **SAFETY AND INVESTIGATION**

#### **Section I**

##### **Safety**

**Article 115e.** (New, SG No. 92/2006) (1) Rail transport safety is assured through the application of safety regulations and universally applicable requirements for the participants in rail transport operation, including through the rules adopted by the railway infrastructure manager.

- (2) Domestic rail transport safety shall be assured through the application of internal regulations, adopted by the head of the authority, company or enterprise, which shall comply with universally applicable rail transport safety requirements.
- (3) (Amended, SG No. 19/2016) The infrastructure manager and the railway undertakings shall be responsible for the safe operation of the railway system and for control of the relevant risks, each in accordance with the scope of their duties.
- (4) (Effective 1.01.2007 - SG No. 92/2006, amended, SG No. 19/2016) Railway undertakings and the infrastructure manager shall maintain properly functioning safety management systems.
- (5) Each safety management system shall comprise mainly:
1. an organisational structure of the safety management system;
  2. internal regulations of the services and units responsible for the safety management system;
  3. a strategy for the development of the safety management system;
  4. an analysis and risk assessment of the safety management system;
  5. procedures for investigation of railway accidents;
  6. control of the proper functioning of the safety management system;
  7. technology and control relevant to the maintenance and operation of the structural subsystems;
  8. curricula and programs for the training, qualifications and competences of the personnel;
  9. control of compliance with the regulatory framework;
  10. a system of common goals, regulations, criteria, methods, indicators, procedures and safety assessments;
  11. (amended, SG No. 35/2009, effective 12.05.2009, SG No. 87/2010) action in emergencies, accidents and other elements identified in the ordinance as per Article 29, Paragraph (3), Item 1.
- (6) (Effective 1.01.2007 - SG No. 92/2006, amended, SG No. 19/2016) Railway undertakings and the infrastructure manager shall supply information on a monthly basis to the Railway Administration Executive Agency, regarding the state of safety and the implementation of the safety management system.

**Article 115f.** (New, SG No. 92/2006, effective 1.01.2007) (1) (Amended and supplemented, SG No. 47/2011, effective 21.06.2011, amended, SG No. 19/2016) The Executive Director of the Railway Administration Executive Agency shall issue safety certificates to railway undertakings and the infrastructure manager, subject to terms and conditions and in accordance with a procedure defined by force of an ordinance of the Minister of Transport, Information Technology and Communications.

(2) (Amended and supplemented, SG No. 47/2011, effective 21.06.2011) The Executive Director shall issue the certificates as per par. (1) subject to the existence of a permit for commissioning of the relevant vehicles, and of functioning and tested safety management systems and rules for management of the activity.

(3) (Amended and supplemented, SG No. 47/2011, effective 21.06.2011) The certificate as per par. (1) shall be issued for a term of 5 years.

(4) (Supplemented, SG No. 47/2011, effective 21.06.2011) During the term of validity of the certificate, the Railway Administration Executive Agency shall perform interim inspections of compliance with the requirements as per par. (2).

(5) (Amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) The issuance of a new safety certificate to a railway undertaking or a new safety certificate to an infrastructure manager, as well as inspections of already issued ones, shall be carried out in accordance with the conditions and procedure defined by the ordinance as per Paragraph 1.

(6) (Amended and supplemented, SG No. 47/2011, effective 21.06.2011, amended, SG No. 19/2016) The railway undertaking or the infrastructure manager shall apply for a new safety certificate not later than 6 months prior to the expiry date of the current one.

**Article 115g.** (New, SG No. 92/2006, effective 1.01.2007) (1) (Amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) The Executive Director of the Railway Administration Executive Agency shall have the right to revoke the certificate as per Article 115f(1), in cases where the railway undertaking has not carried out any transportation by rail for one year or over from the date of issuance of the said certificate, i.e. has failed to use the certificate for its intended purpose.

(2) (Amended, SG No. 47/2011, effective 21.06.2011) The certificate as per Article 115f, par. (1), shall be revoked in case where its holder has ceased to satisfy the conditions of its issuance.

(3) In cases where a certificate as per Article 115f(1), issued to an infrastructure manager who is a concessionaire, has been revoked, the management and use of the railway infrastructure operated on concession shall be taken over by the National Railway Infrastructure Company.

(4) In cases where a certificate as per Article 115f(1), issued to the National Railway Infrastructure Company, has been revoked, the management and use of the railway infrastructure managed by the said Company shall be taken over by the Railway Administration Executive Agency.

**Article 115h.** (New, SG No. 92/2006) (1) The Executive Director of the Railway Administration Executive Agency shall issue a permit for the operation of rolling stock that does not fully meet the technical specifications of interoperability and has been commissioned in a member State of the European Union, provided that this does not come in conflict with the national safety regulations.

(2) The conditions and procedure for the issuance of a permit as per Paragraph (1) shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

(3) The Executive Director of the Railway Administration Executive Agency shall issue permits for the commissioning of new or significantly modified rolling stock in respect of which there are no specific requirements in the technical specifications for interoperability.

## **Section II**

### **Investigation of railway accidents and incidents**

**Article 115i.** (New, SG No. 92/2006) (1) (Amended, SG No. 17/2018, effective 24.05.2018) A technical investigation as to the causes of serious railway accidents, accidents and incidents shall be carried out in accordance with a procedure established under this Act.

(2) The investigation as per Paragraph (1) shall be independent and shall amount to identifying the causes of the accident or incident on the basis of information collected and analyzed, without assigning blame.

(3) (Amended, SG No. 17/2018, effective 24.05.2018) The investigation as per Paragraph (1) of serious railway accidents shall be carried out by a specialised unit for the investigation of railway accidents and incidents under the Ministry of Transport, Information Technology and Communications.

(4) (New, SG No. 47/2015, amended, SG No. 19/2016) In its organisation and decision-making process the specialised unit as per (3) above shall be independent of the Railway Administration Executive Agency, of the railway infrastructure manager, of railway undertakings as well as of any other entity whose interests may come in conflict with the functions of said unit.

**Article 115k.** (New, SG No. 92/2006) (1) The specialized unit as per Article 115i, Paragraph (3), shall investigate:

1. serious railway accidents;

2. (amended, SG No. 47/2015) accidents and incidents at its own discretion , which in different circumstances could have

caused the effects of serious railway accidents, including technical faults of the structural subsystems or elements of the railway system;

3. (amended, SG No. 47/2011, effective 21.06.2011, SG No. 47/2015) accidents and incidents, other than those as per subparas. 1 and 2.

(2) (Amended, SG No. 47/2015, SG No. 19/2016) Railway undertakings and infrastructure managers shall notify without delay the specialised unit of any accidents or incidents as may have occurred as per Paragraph 1, items 1 and 2.

(3) (Amended, SG No. 47/2015, SG No. 19/2016) The head of the specialised unit shall prepare a draft report, which shall also be presented to the railway infrastructure manager, the railway undertakings, the Railway Infrastructure Executive Agency, the emergency services involved, to members of the staff as well as to any an all other stakeholders, for their comments and opinions.

(4) (Supplemented, SG No. 47/2015) Within 12 months following the date of the accident or incident, the head of the said unit shall prepare a final report, which shall be posted on the website of the Ministry of Transport, Information Technology and Communications and circulated among all other parties affected by the accident or incident, as well as among the competent bodies of other EU member States.

(5) (Amended, SG No. 47/2015) The investigating inspectors of the said specialized unit shall have the right of access to the scene of the accident or incident, as well as to any related information, equipment or rolling stock, to any and all evidence relevant to the investigation, for which they shall be entitled to the full cooperation of the government authorities whose functions and competences bear any relevance to such emergencies.

(6) (Amended, SG No. 47/2015) The investigating inspectors of the said specialised unit shall have the right to question eyewitnesses, as well as any other persons having any relation to the accident or incident.

(7) (Amended, SG No. 47/2015, SG No. 17/2018, effective 23.02.2018) The railway infrastructure manager, the railway undertakings, persons under Article 45, Paragraph (1), responsible for the maintenance of vehicles, and the Railway Infrastructure Executive Agency provide the specialised unit access to any information or records relating to the investigation.

(8) (Amended, SG No. 17/2018, effective 23.02.2018) The funding of the specialised unit for investigations shall be provided from the budget of the Ministry of Transport, Information Technology and Communications.

**Article 115l.** (New, SG No. 92/2006) (1) (Amended, SG No. 17/2018, effective 24.05.2018) Investigation of accidents and incidents except for those under Article 115k, Paragraph (1), shall be carried out by the Railway Infrastructure Manager and/or the railway undertakings under investigation procedures included in their safety management systems in accordance with Article 115e, Paragraph (5), item 5.

(2) (Supplemented, SG No. 47/2015, amended, SG No. 19/2016) Railway undertakings and infrastructure managers shall notify without delay the specialised unit and the Railway Administration Executive Agency of any accidents or incidents as may have occurred.

(3) (Repealed, SG No. 17/2018, effective 24.05.2018).

(4) (Amended, SG No. 17/2018, effective 24.05.2018) Railway Administration Executive Agency shall draw up an annual safety report that contains statistical information on the common safety indicators, related to railway accidents, incidents and prerequisites for accidents or incidents.

**Article 115m.** (New, SG No. 92/2006) (1) Following completion of the investigation, the investigating body shall make recommendations and prescribe corrective measures for safety improvement and the aversion of any further accidents or incidents.

(2) Such recommendations and corrective measures can also be proposed in the course of the investigations.

(3) (Amended, SG No. 17/2018, effective 23.02.2018) The investigation by the specialised unit shall be carried out separate from, and independent of, the investigation carried out by the competent investigative authorities, or the parties involved in the accident or incident.

(4) The terms, conditions and procedure of the investigation shall be determined by an ordinance of the Minister of Transport, Information Technology and Communications.

**Article 115n.** (New, SG No. 92/2006) (1) (Amended, SG No. 47/2015) The specialized unit shall coordinate its activities and shall exchange information with the competent investigative authorities in investigating railway accidents in accordance with an ordinance of the Minister of Transport, Information Technology and Communications and the Minister of the Interior.

(2) (Effective as of the date when the Treaty of Accession of Bulgaria to the European Union enters into force) Where a railway accident has occurred on, or close to, the border with a member State of the European Union, or where it is impossible to establish within the territory of which member State it has occurred, the investigation as per Article 115i shall be carried out jointly or by arrangement with the relevant investigative authority of such member State.

## **Chapter Seven**

### **CONTROL**

**Article 116.** (1) (Renumbered from Article 116, SG No. 92/2006) The Railway Administration Executive Agency shall exercise control over the construction, repairs, maintenance and operation of the railway infrastructure, traffic and transportation safety and the technical condition and serviceability of the rolling stock.

(2) (New, SG No. 92/2006, amended, SG No. 19/2016, supplemented, SG No. 17/2018, effective 23.02.2018) The Railway Administration Executive Agency shall exercise control over the functioning of the safety management systems set up and maintained by the infrastructure manager and the railway undertakings, including over the activity on investigation of accidents, incidents and near misses.

(3) (New, SG No. 92/2006) The Railway Administration Executive Agency shall exercise control over compliance with the general requirements and conditions for safety and technical operation in respect of domestic transportation by rail.

(4) (New, SG No. 92/2006) The Railway Administration Executive Agency shall exercise control over compliance with the essential requirements to the railway system for the attainment of interoperability.

(5) (New, SG No. 92/2006, amended, SG No. 19/2016) The Railway Administration Executive Agency shall exercise control at its own initiative or in response to complaints by orderers who believe they have been treated unfairly, discriminated against or otherwise harmed, as well as to appeals against a decision of an infrastructure manager, a railway undertaking or an operator of a service facility with respect to:

1. the draft or final version of a reference document about the railway grid;
2. the criteria set in said reference document;
3. the capacity allocation process and the results thereof;
4. the charge collection system;
5. the level or structure of charges for the use of the infrastructure that they owe or which may be imposed upon them;

6. the rules of access to the railway infrastructure, including for the performance of international passenger transport services, to service facilities and to additional services;

7. access to, and the collection of charges for, services at the service facilities, for additional and ancillary services.

(6) (New, SG No. 19/2016) The Executive Director of the Railway Administration Executive Agency shall order an inquiry with respect to every complaint filed as per (5) hereinabove within one month from receipt thereof.

(7) (New, SG No. 19/2016) Within the time limit as per (6) hereinabove, the Executive Director of the Railway Administration Executive Agency may require additional information and/or start consultations with all interested parties. The time limit for submission of the information and/or for conducting the consultations cannot exceed one month and may only be extended in exceptional circumstances by no more than two weeks.

(8) (New, SG No. 19/2016) The Executive Director of the Railway Administration Executive Agency shall issue a reasoned ruling on each complaint as per (5) hereinabove within 6 weeks from receipt of the entire necessary information or from the filing of the complaint in case where no additional information is required in accordance with (7) hereinabove.

(9) (New, SG No. 19/2016) By the ruling as per (8) hereinabove, the Executive Director of the Railway Administration Executive Agency may:

1. disregard the complaint; or

2. annul the act being appealed against and/or cancel its execution and direct alternative actions to be undertaken.

(10) (New, SG No. 19/2016) The ruling as per (8) hereinabove may be appealed against in accordance with the Administrative Procedure Code.

(11) (New, SG No. 92/2006, renumbered from Paragraph 6, SG No. 19/2016) The Railway Administration Executive Agency shall ensure the enforcement of the provisions of any and all ordinances issued on the authority of this Act, and of any other relevant statutory regulations.

**Article 117.** (1) (Amended, SG No. 92/2006, SG No. 19/2016) The Railway Administration Executive Agency shall supervise the work of the of the infrastructure manager's personnel and of the railway undertakings, as well as the work of all construction and repair crews and of the internal railway transport of ministries, government agencies, companies and enterprises, related to traffic safety.

(2) The officials of the Railway Administration Executive Agency shall be entitled to:

1. (amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) access, for purposes of control, all facilities of the railway infrastructure, railway undertakings, entities that have obtained certificates under Article 46, para. 1, and entities authorised under Article 115b, as well as the railway systems of other Ministries, government agencies, companies and enterprises, including the cabs of self-propelling rolling stock;

2. (amended, SG No. 47/2011, effective 21.06.2011, SG No. 17/2018, effective 23.02.2018) to require to verify and if necessary to retain all documents related to the maintenance and operation of infrastructure, transportation of passengers and goods and the investigations of accidents, incidents and near misses, carried out by railway infrastructure managers and railway undertakings;
  3. (amended, SG No. 19/2016) control the procedure of filing orders and granting to railway undertakings access to the railway infrastructure;
  4. (amended, SG No. 92/2006, SG No. 19/2016) demand and inspect the certificates of professional competence of natural persons in the employment of the infrastructure manager, and of the railway undertakings;
  5. (supplemented, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) suspend the operation of, or repair works on, facilities of the railway infrastructure and vehicles that do not meet the requirements for traffic security and safety, or those for interoperability;
  6. (amended, SG No. 92/2006, SG No. 19/2016) suspend employees of the infrastructure manager or the railway undertakings found under the influence of alcohol or other intoxicating substances, for being asleep at their workplace, for working in excess of the established working hours or without taking the mandatory break between shifts, or for failing to produce upon demand their certificates of professional competence;
  7. (new, SG No. 92/2006) verify the accuracy of data contained in the report on the actual condition of the railway infrastructure;
  8. (new, SG No. 92/2006) verify, or cause the verification of, conformity of the already commissioned constituent elements and subsystems with the essential requirements of interoperability.
  9. (new, SG No. 92/2006, amended, SG No. 19/2016) inspect the safety management systems of the infrastructure manager and the railway undertakings with a view to their proper maintenance and effective operation;
  10. (new, SG No. 92/2006) to verify compliance with the general requirements and conditions of safety and technical operation of the domestic transportation by rail, and conformity of the regulations governing domestic transportation by rail with the general requirements and conditions of safety and technical operation;
  11. (new, SG No. 47/2011, effective 21.06.2011) to verify compliance with the provisions of Regulation (EC) No. 1371/2007;
  12. (new, SG No. 92/2006, renumbered from subpar. 11, SG No. 47/2011, effective 21.06.2011) to demand presentation of an I.D. document from the persons subject to inspection;
  13. (new, SG No. 92/2006, renumbered from subpar. 12, SG No. 47/2011, effective 21.06.2011) to receive every cooperation from the law enforcement authorities;
  14. (renumbered from subpar. 7, SG No. 92/2006, renumbered from subpar. 13, SG No. 47/2011, effective 21.06.2011) issue instructions with binding force within the framework of the competence conferred to them by law.
- (3) (New, SG No. 92/2006) In performing their duties, the officials of the Railway Administration Executive Agency shall establish their identity by producing official credentials as a control body, issued by the Minister of Transport, Information Technology and Communications or his/her designated official in accordance with a specimen approved by the Minister of Transport, Information Technology and Communications.

**Article 118.** (1) (Amended, SG No. 92/2006) In discharging their duties, officials of the Railway Administration Executive Agency shall perform inspections and draw up statements of fact upon establishing violations.

(2) (Supplemented, SG No. 92/2006) In the cases when violations may have an impact on traffic safety and the security of transports, officials of the Railway Administration Executive Agency shall issue instructions and shall set a deadline for such violations to be rectified. In case of failure to rectify the violations in compliance with the instructions, a well-grounded proposal shall be made to the Minister of Transport, Information Technology and Communications for withdrawal of the license or permit.

(3) (Supplemented, SG No. 92/2006) The Minister of Transport, Information Technology and Communications shall make a decision within 14 days from receipt of such a proposal for withdrawal of the license or permit.

**Article 118a.** (New, SG No. 92/2006) (1) The right to issue citations in respect of established violations as per Article 130 - 132 shall be vested in officials designated by the infrastructure manager/concessionaire, where such violations have been committed within the territory of the railway infrastructure facilities assigned to them for use.

(2) An official designated by the manager of the railway operator may issue citations in respect of established violations as per Article 131 where these are committed on board the rolling stock.

**Article 118b.** (New, SG No. 47/2011, effective 21.06.2011) The right to issue citations in respect of established violations as per Article 130-132 shall be vested in officials designated by the Minister of Interior.

**Article 119.** (Amended, SG No. 22/2009) Penal orders in respect of the violations established by force of the said statements of fact shall be issued by the Executive Director of the Railway Administration Executive Agency.

**Article 120.** The drawing up of statements of fact, the issuance, appeal and execution of penal orders shall be performed as provided under the Administrative Violations and Sanctions Act.

## **Chapter Eight**

### **ADMINISTRATIVE PENALTY PROVISIONS**

**Article 121.** (1) (Amended, SG No. 47/2002, renumbered from Article 121, SG No. 92/2006) A fine of BGN 100 to BGN 500, unless the offence is subject to a heavier sanction, shall be imposed on:

1. a locomotive driver who crosses a stop signal, fails to keep a safe distance, cuts a switch, collides with stationary rolling stock or causes derailment at a "gravel bank";
2. an official who authorises the operation of a train or shunting formation lacking the necessary braking mass;
3. an official who fails to perform a density test of the locomotive or the train, or a short check from the rear of the train, or wrongly fills the braking documents;
4. (amended, SG No. 47/2011, effective 21.06.2011) an official who guiltily causes a collision with a road vehicle at a level crossing or derailment of a railway vehicle;
5. a manager who, within the powers vested therein, issues an order in contravention of the established technical operation and safety rules.

(2) (New, SG No. 92/2006) An official who fails to present the required document as per Article 117, Paragraph (2), Item 2, while being responsible for its safekeeping, shall be liable to a fine of BGN 200 to BGN 500.

(3) (New, SG No. 92/2006, amended, SG No. 19/2016) In cases as per Article 117, Paragraph (2), Item 2, where a railway undertaking or an infrastructure manager fails to present the required document, such railway undertaking or infrastructure manager shall be liable to a fine of BGN 300 to 1,000.

(4) (New, SG No. 92/2006) An official who denies access to an employee of the Railway Administration Executive Agency in cases as per Article 117, Paragraph (1), Item 1, shall be liable to a fine of BGN 200 to 600.

**Article 122.** (1) (Previous text of Article 122, amended, SG No. 47/2002) A fine of BGN 150 to BGN 500, unless the



offence is subject to a heavier sanction, shall be imposed on:

1. an official who hands over the operation of a traction unit(s) or signalling, or power supply systems to a person without the requisite professional competence.
2. (amended, SG No. 47/2011, effective 21.06.2011) a locomotive driver who exceeds the speed limit for train operation or shunting activity, or authorises the operation of a train or shunting formation, a solitary locomotive or another self-propelled vehicle without a proper signal.

(2) (New, SG No. 47/2002) For a repeated violation, the amount of the fine as per Paragraph (1) shall be BGN 200 to 750.

**Article 123.** (1) (Previous text of Article 123, amended, SG No. 47/2002, amended and supplemented, SG No. 92/2006) A fine of BGN 100 to BGN 200, unless the offence is subject to a heavier sanction, shall be imposed on an official who operates equipment with broken or invalid seals; fails to perform or performs badly the test of conformity of the switch position with the indication of the traffic control desk following repairs; issues a signal authorizing progress of a shunting formation before the route is cleared; or fails to execute an instruction given by an official of the Railway Administration Executive Agency within the set time limit.

(2) (New, SG No. 47/2002) For repeated violation of Paragraph (1) the fine shall be from BGN 200 to BGN 400.

**Article 124.** (1) (Previous text of Article 124, amended, SG No. 47/2002) A fine of BGN 100 to BGN 400, unless the offence is subject to a heavier sanction, shall be imposed on:

1. an official who operates or authorises the operation of rolling stock with faulty brake systems, running gear, alert device or speedometer/traffic recorder;
2. an official who runs over a hump (semi-hump) wagons loaded with dangerous goods; wagons stencilled with signs prohibiting passage over a hump, or other rolling stock subject to restrictions in the train operation or shunting regulations;
3. an official who transmits a signal incorrectly or at the wrong time, thereby causing cutting of a switch, a collision with stationary rolling stock, or derailment at a gravel bank;
4. an official who operates a cut switch without any technical inspection having been performed thereupon by the appointed officials, or who falls asleep at the workplace;
5. a manager who appoints a person without the necessary competence for the job;
6. (new, SG No. 92/2006) a manager who orders or allows the use of decommissioned facilities or rolling stock, or the resumption of suspended repair works.

(2) (New, SG No. 47/2002) For repeated violation of Paragraph (1) the fine shall be from BGN 200 to BGN 800.

(3) (New, SG No. 92/2006) A fine of BGN 200 to 800 shall be imposed on an official who has allowed the construction or reconstruction of facilities or the performance of activities within the no-building zone defined by the border line, or within the alienation zone of the railway infrastructure, without compliance with the established procedure or requirements.

(4) (New, SG No. 92/2006) For a repeated violation, the amount of the fine as per Paragraph (3) shall be BGN 400 to 1,200.

**Article 125.** (1) (Amended, SG No. 47/2002, SG No. 92/2006, SG No. 19/2016) A fine of BGN 150 to BGN 250, with temporary suspension from duty for a term of six months to one year, shall be imposed on a member of the staff of the infrastructure manager or of the railway undertaking who consumes alcohol during working hours or shows up for work with concentration of alcohol or another powerful intoxicating substance in the bloodstream of more than 0.3 per 1,000.

(2) Following expiry of the term as per Paragraph (1) the person shall be liable to re-take a professional competence examination on the regulations of technical operation and transportation safety before the Railway Administration Executive Agency.

(3) (New, SG No. 92/2006, amended, SG No. 19/2016) A fine of BGN 200 to 400 shall be imposed on an official of the

staff of the infrastructure manager or the railway undertaking who performs a function relevant to rail transport safety which requires professional competence or the taking of periodic tests, whereas the said official has no professional competence, neither has he/she taken the required tests.

**Article 126.** (1) (Redesignated from Article 126, amended, SG No. 47/2002, SG No. 92/2006, SG No. 19/2016) A fine of BGN 100 to BGN 200, unless the offence is subject to a heavier sanction, shall be imposed on an official of the staff of the infrastructure manager or of the railway undertaking, who:

1. (amended, SG No. 47/2011, effective 21.06.2011) violates the procedure of acceptance and dispatching of trains, of performing shunting activities on mainline and other arrival and departure tracks, beyond the station perimeter, or fails to stop a shunting activity before the arrival of a vehicle in compliance with the established standards as per the Rules and Regulations on Railway Traffic and Shunting Activities;
2. operates or tampers with the signalling and safety equipment devices without the written agreement of the person responsible for operating the equipment;
3. fails to remove in due course any faults or defects as may have arisen in elements of the railway infrastructure after receiving proper notification thereof;
4. fails to secure rolling stock against rolling out of control or leaves a traction unit(s) in working condition without attendance;
5. performs shunting activities involving wagons loaded with dangerous goods without the necessary precautions;
6. violates the regulations on movement of a solitary locomotive within the station perimeter;
7. includes in a train formation a wagon with incorrectly placed or unsecured cargo, as well as wagons loaded over capacity;
8. (amended, SG No. 47/2011, effective 21.06.2011) fails to record or records incorrectly the movement of a vehicle, a traffic controller's order or other instructions as defined in the rules and regulations on railway traffic and shunting activity (the service documentation);
9. violates the procedure as defined in the Rules and Regulations on technical operation, by performing work on station tracks or switches endangering traffic safety.
10. performs a shunting activity without issuing manual and sound signals;
11. operates signalling and safety systems at stations under the jurisdiction of the central traffic control administration that are not provided in advance with "Stand-by Local Control", without the permission of the duty traffic controller and/or the technical shift foreman of the central dispatcher's post;
12. issues the wrong manual or sound signal;
13. authorises departure or passage of rolling stock with excess loading gauge;
14. authorises the operation of, or operates him/herself elements of the railway infrastructure and the rolling stock whose parameters do not meet the statutory technical requirements;
15. fails to take steps for notifying in due course the officials concerned of changes in the terms and conditions of train operation or shunting activities;
16. violates the procedure of inclusion or marshalling of wagons into a train formation;
17. wrongly signals or marks a railroad track, rolling stock, or equipment;
18. allows violation of the required visibility of signals or uses permanent signals that are non-standard in form, colour, and size;
19. uses a faulty brake shoe for securing wagons during shunting activities, or uses it improperly;
20. fails to perform his/her duties for guarding a level crossing;
21. fails to perform or performs an incomplete periodic inspection of the railway track, the equipment or the rolling stock;

22. performs shunting activities by repulsion of rolling stock in contravention of the provisions of the Rules and Regulations on Railway traffic and Shunting Activities; performs a shunting activity by pushing wagons without posting a shunting attendant at the head of the formation;

23. (new, SG No. 92/2006) violates other regulations of train operation, regarding shunting work, the signals used in railway transport, or the requirements for technical operation of the railway infrastructure.

(2) (New, SG No. 47/2002) For repeated violation of Paragraph (1) the fine shall be from BGN 200 to BGN 400.

**Article 127.** (Amended, SG No. 47/2002, SG No. 92/2006, SG No. 19/2016) A fine of BGN 50 to BGN 100, unless the offence is subject to a heavier sanction, shall be imposed on an official of the staff of the infrastructure manager or of the railway undertaking, who:

1. does not carry a service identification card on his/her person at work;
2. leaves the workplace without permission, or incorrectly takes over or hands over duty service;
3. works without or with faulty manual signalling devices, technical or fire-control equipment;
4. hands over the operation of rolling stock or signalling systems to a person who is competent but is off duty at present;
5. admits on duty employees without a properly ensured break between shifts, or a person, who shows up for duty without having taken such a break;
6. admits unauthorised personnel into the cabs of locomotives, or multiple-unit motorcars, the relay rooms or the offices of the duty traffic controllers;
7. fails to stop at a station or a stop a passenger train scheduled to stop there;
8. performs shunting activities at a by-station, stop or siding between stations without a shunting plan;
9. fails to provide furnishings and equipment for the rail crossing guardhouses;
10. fails to inform the competent authorities in the event of technical faults at a level crossing.

**Article 128.** (1) (Renumbered from Article 128, supplemented, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011, supplemented, SG No. 19/2016) A material sanction of BGN 50,000 to BGN 100,000 shall be imposed on a railway operator who orders or performs conveyance of passengers and/or freights without a license and/or a safety certificate, or transfers to another party the capacity allocated to it. The sanction as per the preceding sentence shall be imposed first upon the railway undertaking which conveys or causes to be conveyed freight without a safety certificate.

(2) (New, SG No. 47/2011, effective 21.06.2011, amended, SG No. 19/2016) A railway infrastructure manager who grants access to the railway infrastructure to a railway operator without a license and/or a safety certificate, or a railway undertaking which operates without a safety certificate, shall be liable to a pecuniary sanction of BGN 50,000 to BGN 100,000.

(3) (New, SG No. 92/2006, renumbered from Paragraph 2, SG No. 47/2011, effective 21.06.2011) A person who violates or is in breach of any provision of any ordinance or other statutory regulation issued on the authority of this Act shall be liable to a fine or a pecuniary sanction in the amount of BGN 100 to 1,000.

(4) (New, SG No. 92/2006, renumbered from Paragraph 3, SG No. 47/2011, effective 21.06.2011) A person who fails to perform in due course his/her obligation to notify, in accordance with this Act, shall be liable to a fine in the amount of BGN 100 to 500.

(5) (New, SG No. 47/2015, amended, SG No. 19/2016, supplemented, SG No. 17/2018, effective 23.02.2018) In the event of non-performance of an obligation related to conducting investigations of accidents, incidents and near misses, or related to the maintenance of the safety management system, including observance of the technical standards for materials and spare parts used and conformity to requirements in negotiating services to be provided to users, customers, personnel and third parties, thereby reducing the safety level, the railway undertaking or the railway infrastructure manager shall be liable to a pecuniary sanction in the amount of BGN 1,000 to BGN 50,000.

**Article 129.** (1) (Amended, SG No. 92/2006) A pecuniary sanction of BGN 25,000 to BGN 50,000 shall be imposed upon an entity which, through the actions of its personnel, obstructs traffic, blocks or renders unusable elements or facilities of the railway infrastructure, unless such action constitutes a crime punishable by criminal prosecution.

(2) (New, SG No. 92/2006) A person who, through his/her actions, damages or has damaged elements or facilities of the railway infrastructure, or performs actions without due permission on or in the immediate vicinity of railway lines or other railway installations, shall be liable to a fine or a pecuniary sanction of BGN 5,000 to 30,000, and to damages equal to the value of the damaged property, unless the said action constitutes a crime punishable by criminal prosecution.

(3) (New, SG No. 92/2006) A natural person who, through his/her actions, obstructs traffic, blocks or renders unusable elements or facilities of the railway infrastructure, or performs actions without due permission on or in the immediate vicinity of railway lines or other railway installations, shall be liable to a fine of BGN 500 to 5,000, unless the said action constitutes a crime punishable by criminal prosecution.

(4) (Renumbered from Paragraph (2), amended, SG No. 92/2006, SG No. 19/2016) A fine of BGN 100 to BGN 500 shall be imposed on an official of the staff of the infrastructure manager or of a railway undertaking that refuses to cooperate with, or thwarts the performance of an inspection by officials of the Railway Administration Executive Agency.

**Article 130.** (Amended, SG No. 47/2002, SG No. 92/2006) A fine of BGN 10 to BGN 50 shall be imposed on a person who litters the waiting rooms and station platforms, or crosses the tracks and switches outside the designated passenger service zone without a special permission for that.

**Article 131.** (1) (Renumbered from Article 131, SG No. 92/2006) A fine of BGN 50 to BGN 150 and damages for the value of damaged property shall be imposed on a person who damages or destroys rolling stock, signals, indicator signs or railway equipment, unless the offence is subject to a heavier penalty.

(2) (New, SG No. 92/2006) A fine of BGN 10 to 50 shall be imposed on a person who litters rolling stock.

**Article 132.** (1) A fine of BGN 200 to BGN 500 shall be imposed on a driver of a motor vehicle who crosses a railway track outside the designated level crossings.

(2) (Amended, SG No. 47/2002) A fine of BGN 10 to BGN 200 shall be imposed on a pedestrian, a driver of road vehicle hauled by draft animals, or a shepherd, who crosses the railway tracks outside the designated level crossings.

**Article 133.** (New, SG No. 92/2006) (1) An entity which has commissioned a structural subsystem without compliance with the established terms, conditions and procedure shall be liable to a fine or a pecuniary sanction of BGN 1,000 to 10,000.

(2) (Supplemented, SG No. 47/2011, effective 21.06.2011) An entity which holds a permit as per Article 115b, par. (1) and (2) but fails to perform the procedures of assessment and inspection in accordance with the provisions of the ordinance as per Article 5 (2), shall be liable to a pecuniary sanction of BGN 1,000 to 5,000.

(3) An entity which renders onerous or impossible the exercise of ongoing control powers of an assessor shall be liable to a fine or a pecuniary sanction of BGN 100 to 500.

(4) An assessor who fails to submit to the Railway Administration Executive Agency information regarding performed procedures of assessment and inspection, or regarding documents issued or the refusal to issue such documents, shall be liable to a pecuniary sanction of BGN 100 to 500.

**Article 134.** (New, SG No. 92/2006) (1) A person who issues a document certifying conformity of a constituent element or subsystem with the essential requirements of interoperability whereby the content of such document does not conform to the statutory regulations, shall be liable to a pecuniary sanction of BGN 300 to 800, unless the said action constitutes a crime punishable by criminal prosecution.

(2) A person who, without being authorised to do so, issues a document certifying conformity of a constituent element or subsystem with the essential requirements of interoperability, shall be liable to a pecuniary sanction of BGN 1,000 to 5,000, unless the said action constitutes a crime punishable by criminal prosecution.

(3) A person who issues a document certifying conformity of a constituent element or subsystem with the essential requirements of interoperability, whereas such element or subsystem fail to conform therewith, shall be liable to a pecuniary sanction of BGN 2,000 to 10,000.

(4) A person who is in breach of his/her obligation pertinent to the safekeeping of copies of documents certifying conformity shall be liable to a fine or pecuniary sanction in the amount of BGN 500 to 3,000.

**Article 135.** (New, SG No. 92/2006) (1) An infrastructure manager that has had its safety certificate revoked shall be liable to a pecuniary sanction in the amount of BGN 100,000.

(2) (Amended, SG No. 19/2016) An infrastructure manager that, through action or inaction, has violated the principle of equal treatment of a railway undertaking in terms of access to the railway infrastructure shall be liable to a pecuniary sanction of BGN 10,000 to 100,000.

(3) For a repeated violation as per Paragraph (2), the amount of the pecuniary sanction shall be between BGN 30,000 and 120,000.

(4) An infrastructure manager that breaches the time limit as per Article 115f, Paragraph (6), shall be liable to a pecuniary sanction of BGN 1000.

(5) (Amended, SG No. 19/2016) A railway undertaking that uses rolling stock on the railway infrastructure without the required permits as per Article 115h, Paragraphs (1) and (3), shall be liable to a pecuniary sanction of BGN 1,000 to 10,000.

**Article 136.** (New, SG No. 22/2009) (1) (Amended, SG No. 19/2016) A railway undertaking or an infrastructure manager that has not fulfilled any of its obligations or by any other way has unjustly treated, discriminated or offended another undertaking, shall be liable to a pecuniary sanction of BGN 5,000 to 50,000.

(2) (Amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) Penalty under Paragraph 1 shall be imposed when the non-fulfilment or offence to the railway undertaking is related to any of the following documents or circumstances:

1. the reference document of the railway grid, including the process of its approval and issue;
2. the criteria set in said reference document;
3. the capacity allocation process and the results thereof;
4. the charge collection system;
5. the level or structure of charges for the use of the infrastructure that they owe or which may be imposed upon them;
6. the access contract and the process of its drafting, approval, and signature;
7. the rules of access to the railway infrastructure, including for the performance of international passenger transport services, to

service facilities and to additional services;

8. access to, and the collection of charges for, services at the service facilities, for additional and ancillary services.

(3) (Amended, SG No. 19/2016) Penalty under Paragraph 1 shall be imposed after an inspection, made by the Railway Administration Executive Agency at its initiative, or after filed complaint for unjustly treating, discriminating or offending in any other way an railway undertaking.

**Article 137.** (New, SG No. 22/2009, amended, SG No. 19/2016) An entity that fails to submit information, as required by the Executive Director of the Railway Administration Executive Agency, regarding the capacity of the railway infrastructure, the manner of its allocation and the results thereof, the reference document, access, the provision of services and the collection of infrastructure charges for the services provided at service facilities, the infrastructure costs and any other data and facts pertinent to the performance by the Railway Administration Executive Agency of its control and regulatory functions, shall be liable to a fine from BGN 500 to BGN 5,000, or with a pecuniary sanction from BGN 1,000 to 10,000.

**Article 138.** (New, SG No. 22/2009, amended, SG No. 19/2016) A person that fails to obey binding instructions issued by the officials under Article 117 (2), or an order, direction or effective decision issued by the Executive Director of the Railway Administration Executive Agency, shall be liable to a fine of BGN 1,000 to 10,000, or to a pecuniary sanction of BGN 5,000 to BGN 30,000.

**Article 139.** (New, SG No. 47/2011, effective 21.06.2011) Pecuniary sanctions shall be imposed on a railway operator which violates the provisions of Regulation (EC) No. 1371/2007, as follows:

1. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for a failure to provide an information by appropriate means on discontinuation of services provided under the public service railway contract, before implementation of the decision to discontinue services in accordance with Article 7 of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 10,000;

2. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for providing incomplete information or for refusal to provide the passenger, upon request, with information in relation to the journeys for which a transport contract is offered, as well as information during the journey, set out in Annex II, Parts I and II of Regulation (EC) No. 1371/2007 in accordance with Article 8, paragraphs 1 and 2 of the same regulation - ranging from BGN 2,000 to 5,000;

3. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to provide by appropriate means to a passenger with auditory and/or visual impairment, upon request, with information in relation to the journeys for which a transport contract is offered, as well as information during the journey, set out in Annex II, Parts I and II of Regulation (EC) No. 1371/2007 in accordance with Article 8, paragraph 3 of the same regulation - ranging from BGN 3,000 to 6,000;

4. (amended, SG No. 47/2015) for a failure to provide the passenger with a ticket or other proof of payment or failure to supply information in accordance with Art. 9 of Regulation (EC) No. 1371/2007 - in the amount of BGN 2,000 to BGN 5,000;

5. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to make an advance payment for compensation, in accordance with Article 13 of Regulation (EC) No. 1371/2007, within fifteen days after the establishment of the identity of the natural person suffered physical and/or mental harm caused by an accident while travelling by railway vehicle, or during boarding or disembarking - ranging from BGN 10,000 to 20,000;

6. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to make an advance payment for compensation, in accordance with Article 13 of Regulation (EC) No. 1371/2007, within fifteen days after the establishment of the identity of the natural person entitled to compensation for death of passenger, resulted from an accident while travelling by railway vehicle, or during boarding or disembarking - amounting to BGN 40,000;

7. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal for reimbursement of the full cost of

the ticket or for continuation or re-routing, under comparable transport conditions, to the final destination according to Article 16 of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 3,000;

8. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to pay a compensation for a delay under the provisions of Article 17 of Regulation (EC) No. 1371/2007, for which the ticket has not been reimbursed in accordance with Article 16 of the same regulation - ranging from BGN 2,000 to 5,000;

9. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to provide an information on the situation, the estimated departure time and/or arrival time in case of delay, in accordance with Article 18, paragraph 1 of Regulation (EC) No. 1371/2007 - ranging from BGN 500 to 3,000;

10. (effective 4.12.2019 - amended, SG No. 47/2015) for a failure to provide passengers with the services under Article 18, paragraph 2, letter "a" to "c" of Regulation (EC) No. 1371/2007 in accordance with Article 18, paragraph 2 of the same regulation - ranging from BGN 5,000 to 10,000;

11. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to provide alternative transport services in the cases of Article 18, paragraph 3 of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 3,000;

12. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal to certify on the ticket that the rail service has suffered a delay, has been cancelled or led to a missed connection in accordance with Article 18, paragraph 4 of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 2,000;

13. for a violation of Article 19, paragraph 1 of Regulation (EC) No. 1371/2007 and establishment and maintenance of discriminatory rules for access to railway transport services to disabled persons and persons with reduced mobility - ranging from BGN 5,000 to 8,000;

14. for a violation of Article 20, paragraph 1 of Regulation (EC) No. 1371/2007 and a refusal to provide persons with reduced mobility, upon request, with information on the accessibility of railway services and on the access conditions of the vehicles as well as to the different facilities on board - ranging from BGN 1,000 to 2,000;

15. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 21, paragraph 1 of Regulation (EC) No. 1371/2007 and a failure to comply with the technical specifications for interoperability for persons with disabilities and persons with reduced mobility and for a failure to provide access to vehicles and other equipment - ranging from BGN 5,000 to 10,000;

16. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 21, paragraph 2 of Regulation (EC) No. 1371/2007 and a refusal to provide disabled persons or persons with reduced mobility with access to travel by rail in the absence of accompanying staff on board a train - ranging from BGN 2,000 to 5,000;

17. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 22, paragraph 3 of Regulation (EC) No. 1371/2007 and a failure to provide with easily accessible information in accordance with the access rules referred to in Article 19, paragraph 1 of the same regulation - ranging from BGN 2,000 to 5,000;

18. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal to provide disabled persons and persons with reduced mobility assistance free of charge on board a train and during boarding and disembarking from a train, laid down in Article 23 of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 5,000;

19. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal to provide cooperation in accordance with Article 24 of Regulation (EC) No. 1371/2007 for providing disabled persons and persons with reduced mobility assistance free of charge on board a train and during boarding and disembarking from a train - ranging from BGN 1,000 to 2,000;

20. (effective 4.12.2014 - SG No. 47/2011, supplemented, SG No. 47/2015) for not defining service quality standards and not implementing a quality management system in accordance with Article 28 of Regulation (EC) No. 1371/2007 - ranging from BGN 5,000 to 10,000;

21. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for a failure to provide with information when selling tickets for journeys by rail, regarding passengers' rights and obligations under Article 29 of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 5,000;

22. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal to carry a passenger and/or luggage or a vehicle to the place of destination in the presence of the contract of carriage referred to in Article 6 of Annex I of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 2,000;
23. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for causing damage to a passenger resulting from the fact that, by reason of cancellation, the late running of a train or a missed connection, his journey cannot be continued the same day, or that a continuation of the journey the same day could not reasonably be required because of given circumstances, as defined in Article 32, paragraph 1 of Annex I of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 3,000;
24. for a failure to undertake the necessary measures to ensure the personal security of passengers on board of trains and for management of the risks referred to in Article 26 of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 5,000;
25. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for non-implementation of Article 14 of Regulation (EC) No. 1371/2007 and for a refusal to assist a passenger whom it has been conveyed and who has suffered a physical injury, for the passenger claiming compensation for damage from third parties - ranging from BGN 1,000 to 3,000;
26. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for other violations of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 2,000;
27. (new, SG No. 47/2015) for failure or refusal to assume responsibility with respect to passengers or their luggage in accordance with Art. 11 of Regulation (EC) No. 1371/2007, ranging from BGN 2,000 to BGN 5,000;
28. (new, SG No. 47/2015) for non-performance of obligations under Art. 12 (1) of Regulation (EC) No. 1371/2007, ranging from BGN 25,000 to BGN 50,000;
29. (new, SG No. 47/2015) for non-compliance with Art. 27 of Regulation (EC) No. 1371/2007, ranging from BGN 1,000 to BGN 3,000.

**Article 140.** (New, SG No. 47/2011, effective 21.06.2011) Pecuniary sanctions shall be imposed on a railway infrastructure manager who violates provisions of Regulation (EC) No. 1371/2007, as follows:

1. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a failure to provide an information on the situation, the estimated departure time and/or arrival time in case of delay, in accordance with Article 18, paragraph 1 of Regulation (EC) No. 1371/2007 - ranging from BGN 500 to 3,000;
2. for a violation of Article 19, paragraph 1 of Regulation (EC) No. 1371/2007 and establishment and maintenance of discriminatory rules for access to railway transport services to disabled persons and persons with reduced mobility - ranging from BGN 5,000 to 8,000;
3. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 21, paragraph 1 of Regulation (EC) No. 1371/2007 and a failure to comply with the technical specifications for interoperability for persons with disabilities and persons with reduced mobility and to provide access to stations, platforms and other equipment - ranging from BGN 5,000 to 10,000;
4. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 21, paragraph 2 of Regulation (EC) No. 1371/2007 and a refusal to provide disabled persons or persons with reduced mobility with access to travel by rail in the absence of accompanying staff in the stations - ranging from BGN 2,000 to 5,000;
5. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 22, paragraph 1 of Regulation (EC) No. 1371/2007 and a refusal to provide disabled persons and persons with reduced mobility assistance free of charge on departure from, transit through or arrival at, a staffed railway station, in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket - ranging from BGN 2,000 to 5,000;
6. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a refusal to provide cooperation in accordance with Article 24 of Regulation (EC) No. 1371/2007 for providing disabled persons and persons with reduced mobility assistance free of charge at the station and during boarding and disembarking from a train - ranging from BGN 1,000 to 2,000;
7. for a failure to undertake the necessary measures to ensure the personal security of passengers at stations and for



management of the risks referred to in Article 26 of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 5,000;

8. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for a failure to provide with information when selling tickets for journeys by rail, regarding passengers' rights and obligations under Article 29 of Regulation (EC) No. 1371/2007 - ranging from BGN 2,000 to 5,000;

9. (effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) for a violation of Article 22, paragraph 3 of the regulation, and a failure to provide with easily accessible information in accordance with the access rules referred to in Article 19, paragraph 1 of the same regulation - ranging from BGN 2,000 to 5,000;

10. (effective 4.12.2014 - SG No. 47/2011, SG No. 47/2015, effective 3.12.2014) for other violations of Regulation (EC) No. 1371/2007 - ranging from BGN 1,000 to 2,000.

**Article 141.** (New, SG No. 47/2011, effective 4.12.2019 - amended, SG No. 47/2015, effective 3.12.2014) (1) Ticket vendor offering a contract of carriage on behalf of a railway operator which provides incomplete information or refuses to provide the passenger, upon request, with the information set out in Annex II, Part I of Regulation (EC) No. 1371/2007 in relation to the journeys for which a transport contract is offered, in accordance with Article 8, Paragraphs 1 and 2 of the same regulation, shall be liable to a fine ranging from BGN 100 to 300.

(2) Pecuniary sanction ranging from BGN 500 to 2,000 shall be imposed to a tour operator or travel agent who fails to fulfill its obligation under Article 8, Paragraph 1 of Regulation (EC) No. 1371/2007.

**Article 142.** (New, SG No. 47/2011, effective 21.06.2011) Ticket vendor which fails to fulfill its obligation under Article 20, Paragraph 1 of Regulation (EC) No. 1371/2007, shall be liable to a fine of BGN 200 to 500.

(2) Pecuniary sanction ranging from BGN 1,000 to 3,000 shall be imposed to a tour operator or travel agent who fails to fulfill its obligation under Article 20, Paragraph 1 of Regulation (EC) No. 1371/2007.

**Article 143.** (New, SG No. 47/2011, effective 4.12.2014, SG No. 47/2015, effective 3.12.2014) Pecuniary sanction ranging from BGN 1,000 to 3,000 shall be imposed to a tour operator or travel agent who fails to fulfill its obligation under Article 29 of Regulation (EC) No. 1371/2007.

## **ADDITIONAL PROVISIONS**

**§ 1.** For the purposes of this Act:

1. (Amended, SG No. 47/2002, amended and supplemented, SG No. 92/2006, supplemented, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) The term "railway infrastructure facilities" shall be used to denote all railways and stationary equipment, except those as per Article 2, necessary for the operation of railway rolling stock and for transport safety, including railway tracks and the adjacent adjoining strips of land and fire protection belts; man-made structures equipment: bridges, tunnels, overpasses and underpasses, and avalanche and landslide barriers, as well as other protection facilities; the railway superstructure: tracks, sleepers, rail fasteners, switches and gravel banks; railway level crossings and the relevant equipment; the track layout of the by-stations, sectional stations, marshalling and freight yards and passenger stations, platforms and the corresponding loading AND unloading ramps; the signalling and communications equipment and installations, and equipment for the generation, transformation and transfer of electric power used solely for electric traction purposes; lighting equipment and installations for providing traffic safety within the station perimeters; equipment for the transformation and transfer of electric power for traction purposes, including traction sub-stations, power lines and the catenary and trolley wire, the posts and any other equipment of the power supply system for traction purposes; the plots and the buildings thereupon used for control of the railway infrastructure maintenance; rail-an-ferry roll-on-roll-off terminals; public areas at railway stations, the plots and buildings thereupon at railway stations where traffic control and other technical operations are implemented pertinent to the operation of the railway infrastructure and traffic safety; the plots on which the technical facilities for ensuring traffic safety are located, as well as the access route for passengers and freight, including access by road as well as access for passengers arriving or leaving

the perimeter on foot.

2. (Amended and supplemented, SG No. 92/2006, amended, SG No. 19/2016) The term "railway infrastructure manager" shall be used to denote the legal entity responsible for the construction, maintenance, development and operation of sites of the railway infrastructure and the management of traffic control and traffic safety systems, authorised to use the railway infrastructure by force of this Act and to grant access thereto to railway undertakings according to the procedure as per this Act.

2a. (New, SG No. 92/2006) The term "element" shall be used to denote a functionally distinct part of a railway infrastructure facility.

3. The term "obligation for operation", as an element of the obligation for public service, is the obligation of the transport enterprise, when the latter subsumes within itself the infrastructure, to take all the necessary measures in respect of the railroads and relevant installations, including the provision of additional services for ensuring the proper level of transport service.

4. The term "obligation for transportation" as an element of the obligation for public service, is the obligation of the transport enterprise to accept and perform all manner of conveyance of passengers and freight at set transportation prices and under definite terms of transportation.

5. The term "tariff obligation" as an element of the obligation for public service, is the obligation of the transport enterprise to apply prices that are against its commercial interests but are determined or duly and properly set by the competent authorities in compliance with the applicable legislation.

6. "Maintenance of railway infrastructure" is a combination of all activities pertinent to current repairs of railroads, stations, technical, signalling and safety equipment, electric power supply systems, railway telecommunications systems, etc.

7. (Amended, SG No. 47/2002, SG No. 19/2016) The term "operation of railway infrastructure" includes all activities pertinent to the access of railway undertakings to the railway infrastructure, railway traffic control and the management of technical operations at railway stations pertinent to the train operation and traffic safety.

8. (Amended, SG No. 92/2006, SG No. 19/2016) A "railway operator's license" is a document issued to a railway undertaking by the licensing authority whereby said undertaking is recognised for its capacity to provide transport services by rail as a railway operator. Such capacity may be restricted to the provision of specific types of services only.

8a. (New, SG No. 92/2006, repealed, SG No. 47/2011, effective 21.06.2011).

9. "Inter-modal transportation" is the conveyance of freight in one and the same freight-carrying unit or vehicle by using various types of transport without additional cargo handling.

10. "Substitute operator" is the operator to whom the principal operator as per the transportation contract has entrusted, wholly or in part, the provision of the transportation service.

11. (Amended, SG No. 92/2006) The term "serious railway accident" shall be used to denote any collision or derailment of a train causing the death of at least one person, or serious injuries of at least five persons, or grave damages to the rolling stock, the infrastructure or the environment, or any other such accident with a marked impact on the regulation of railway transport safety, or safety management. Grave damages shall be damages which, in the estimate of the investigating authority, amount to at least BGN 4 million.

12. (Amended, SG No. 92/2006, SG No. 47/2011, effective 21.06.2011) "Vehicle (rolling stock)" shall be a vehicle that runs on its own wheels on railway tracks with or without traction. The vehicle consists of one or more structural and functional subsystems or parts of such subsystems.

13. "International transport services" denotes the conveyance of passengers and freight:

- a) from a point within the Republic of Bulgaria to a point outside it;
- b) from a point outside of the Republic of Bulgaria to a point within it;
- c) between two points outside the Republic of Bulgaria;

14. "Wagon shipment" is cargo assigned for transportation by a single bill of lading, for which the railway operator has allocated

a separate wagon.

15. "Small shipment" is cargo assigned for transportation by a single bill of lading, with separate parcels not exceeding in weight 3,000 kg for an open wagon or 1,000 kg for an enclosed wagon, for which no separate wagon has been allocated.

16. "Luggage (luggage shipment)" is cargo assigned for transportation by a passenger holding a valid ticket, whereby luggage and passenger travel on the same train but the luggage shipment is transported in the luggage van.

17. "Parcel" is cargo assigned for transportation in the luggage van, or in the luggage compartment of a multiple-unit electric trainset.

18. "Train" is marshalled and coupled formation of wagons with one or more operating locomotives, supplied with signals and train documents. Locomotives, multiple units, motorcars, self propelled railway inspection trolleys and other motor vehicles, non-removable from the track, travelling between stations, are likewise considered to constitute trains.

19. "Block sections" are sections of open track between two stations, limited by special signalling equipment to ensure traffic safety.

20. "Railways" are the railway lines and the relevant equipment and facilities of the railway infrastructure, excluding those as per Article 2, available for use by all traffic subject to the same terms and conditions.

21. (Amended, SG No. 47/2002) "Railway station" is the aggregate layout of railway tracks and technical buildings and facilities relevant to traffic control, traffic safety and the conveyance of freight and passengers.

22. (Amended and supplemented, SG No. 92/2006) A candidate/applicant of "good standing" is one whose executives and other employees appointed in charge of railway traffic have not been convicted of premeditated offences of a general nature; neither have they been disqualified from performing transportation of passengers and freight; neither have they been executive or controlling officials or general partners in a company at the moment when the said company was liquidated due to bankruptcy, if any unsatisfied creditors had remained therefrom; neither have they been convicted of bankruptcy, or subject to multiple penalties for violations of the employment, social or customs legislation, or been imposed a pecuniary sanction as per Article 128 Paragraph (1).

23. "Financially stable" is a candidate/applicant with a proven ability to fulfil its actual or potential liabilities for a period of 12 months.

24. (Amended, SG No. 92/2006) "Professionally competent" is a candidate/applicant who: has in place or has pledged to have in place internal rules and regulations for the management of transportation activities, whereas the persons assigned to manage such activities have the experience and/or expertise necessary for the performance of duties within the scope of the license.

25. An "obligation for public transportation service" is the aggregate sum of contractual obligations by virtue of which the operator undertakes to attain a certain pre-determined level of service and prices for a certain type of transportation services.

26. "Immediate proximity" is the kind of closeness which creates a threat of accidents through physical impact or changes in the parameters of the rail tracks.

27. (Amended, SG No. 47/2011, effective 21.06.2011, SG No. 19/2016) "Safety Certificate" shall mean a document, proving that the railway undertaking has established a safety management system and can meet the requirements laid down in the Technical specifications for interoperability (TSIs) and national safety rules, to control the risks and operate the railway network in a safe manner.

28. (Amended, SG No. 47/2011, effective 21.06.2011) "Safety Certificate of Railway Infrastructure Manager" shall mean a document confirming the adoption of a safety management system of the infrastructure manager and the provisions to comply with the specific requirements necessary for the safe design, maintenance and operation of the railway infrastructure, as well as the maintenance and control of the traffic and signaling system."

29. (New, SG No. 47/2002, repealed, SG No. 47/2011, effective 21.06.2011).

30. (New, SG No. 92/2006) The term "interoperability" shall be used to denote the capability of the railway system to allow the safe and continuous operation of trains attaining the requisite levels of operation along these lines. Such capability is based on any regulatory, technical and operational conditions which must be complied with in order for the essential requirements to

be satisfied.

31. (New, SG No. 92/2006, amended, SG No. 47/2011, effective 21.06.2011) The term "accident" shall be used to denote an unwanted or unintended sudden event or series of such events having harmful consequences to the railway system. Accidents shall be: collisions, derailments, level-crossing accidents, accidents to persons caused by rolling stock in motion, fires, etc.

32. (New, SG No. 92/2006) The term "incident" shall be used to denote a phenomenon/event related to train operation which has an impact on operational safety, other than an accident or a grave accident.

33. (New, SG No. 92/2006) The term "international railway alliance" shall be used to denote any arrangement involving at least two railway operators established in different EU member States, where such an arrangement has as its purpose the provision of international transportation services between such member States.

34. (New, SG No. 92/2006) The term "telematic applications" shall be used to denote IT and communication systems and/or services used for rail traffic control and customer service.

35. (New, SG No. 92/2006) The term "railway system" shall be used to denote the sum total of all subsystems in rail transport and the relationships between them, as well as the management of human resources and the operation of the system as a whole in the performance of railway transportation.

36. (New, SG No. 92/2006) The term "railway infrastructure capacity" shall denote the capability of the railway infrastructure, having certain characteristics and subject to certain conditions, to enable the performance of railway transportation maximum axle load of the rail tracks, loading gauge, speed limit, length of tracks in stations, maximum length and tonnage of trains for certain stretches of line, etc.).

37. (New, SG No. 92/2006) The term "train operation" shall denote any activities pertinent to rail traffic control involving trains completed in accordance with set rules and regulations, and the processes implemented with them in terms of their preparation, completion and along their journey.

38. (New, SG No. 92/2006) The term "subject to multiple penalties for violations of the employment, social or customs legislation" shall be used in respect of a candidate/applicant sanctioned for two or more violations, in respect of which there are effective writs of penalty.

39. (New, SG No. 22/2009, amended, SG No. 47/2011, effective 21.06.2011) "Conformity assessment person (notified body)" shall be a body that is responsible for the conformity assessment or the serviceability of the interoperability constituent elements, or for an assessment under EC procedure for inspection of the subsystems.

40. (New, SG No. 47/2011, effective 21.06.2011) "User" shall mean a natural or legal person who, being an owner or having the right to use the vehicle, operates it as a means of transport and is registered in the register under Article 115a, para. 7.

41. (New, SG No. 47/2011, effective 21.06.2011) "Disabled person" or "person with reduced mobility" shall mean a person under Article 3, paragraph 15 of Regulation (EC) No. 1371/2007.

42. (New, SG No. 19/2016) A "cross-border agreement" is an agreement between two or more European Union member states, or between EU member and non-member states, intended to facilitate the provision of cross-border railway services.

43. (New, SG No. 19/2016) An "orderer" is a railway undertaking or an international group of railway undertakings or other entities, such as the competent authorities pursuant to Regulation (EC) No. 1370/2007 or freight consignors, freight forwarders or combined transport operators, which obtain infrastructure capacity for the purposes of providing a public service or for gainful purposes.

44. (New, SG No. 19/2016) "Parking sidings" are rail sidings intended for temporary parking or rail vehicles between journeys.

45. (New, SG No. 19/2016) "Heavy maintenance services" are activities that are not performed routinely as part of the daily operation of a transport vehicle as they require said vehicle to be suspended from operation.

46. (New, SG No. 19/2016) "Licensing authority" is the body responsible for the issuance of licenses; in the case of the Republic of Bulgaria that is the Minister of Transport, Information Technology and Communications or an official duly authorised thereby.

47. (New, SG No. 19/2016) A "grid" is the railway infrastructure managed by the relevant railway infrastructure manager.

48. (New, SG No. 19/2016) A "service facility" is an installation comprised of a land plot, the building on it and the equipment therein, built in whole or in part to facilitate the provision of one or more of the following services:

a) provision of access, including by rail, to the following service facilities, where available, and to the services provided by such facilities:

aa) passenger railway stations, the buildings and other facilities thereof, including the public display of travel information and a designated ticketing area;

bb) cargo terminals;

cc) marshalling yards and marshalling facilities, incl. car shunting facilities;

dd) sidings for temporary parking of rolling stock;

ee) maintenance facilities, except heavy maintenance facilities, intended for high-speed trains and other types of rolling stock requiring special maintenance facilities;

ff) (supplemented, SG No. 17/2018, effective 23.02.2018) other technical facilities including facilities for disinfection, washing and cleaning;

gg) marine and inland port facilities pertinent to railway operation;

hh) technical assistance facilities;

ii) refuelling installations and supply of fuel thereto, where the charge for such fuel supply is shown as a separate item on the invoice;

b) additional services as may include:

aa) traction current, where the charge therefor is shown as a separate item on the invoice, different from the charge for the use of the power supply equipment, without prejudice to the application of Directive 2009/72/EC of the European Parliament And of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ, L 211/55 of 14 August 2009);

bb) pre-heating of passenger trains;

cc) special contracts for control of the transportation of dangerous goods;

dd) special contracts on assistance in the operation of special purpose trains;

c) ancillary services as may include:

aa) access to telecommunications networks;

bb) provision of additional information;

cc) technical inspection of the rolling stock;

dd) ticketing services at passenger stations;

ee) heavy maintenance services provided at maintenance facilities intended for high-speed trains and other types of rolling stock requiring special facilities.

49. (New, SG No. 19/2016) A "ticket" is the transport document of a passenger in hard copy, or a paperless, including electronic, equivalent thereof, ascertaining the existence of a contract for the conveyance of a passenger, issued or allowed by a railway operator, a tour operator, or a travel agent.

50. (New, SG No. 19/2016) "Framework provisions in the railway sector" are the terms and conditions for the collection of charges for the use of the infrastructure, for capacity allocation, investment in railway infrastructure, for trends in the pricing and quality of transport services by rail, for rail transport services included in public services contracts; for the licensing and the extent of the opening up of the market and of harmonisation between member states, for trends in employment and the relevant social conditions in the railway sector.

51. (New, SG No. 19/2016) A "service facility operator" is an entity or a structure thereof that is responsible for the management of one or more service facilities or for the provision to railway undertakings of one or more of the services described in Item 48.

§ 2. (Repealed, SG No. 108/2006).

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 3. (1) The Bulgarian State Railways National Company shall be terminated without liquidation as of 1st January, 2002.

(2) (Effective 28.11.2000) The Minister of Transport, Information Technology and Communications and the Minister of Finance, within six months from the date of promulgation of this Act, shall appoint a committee for allocation of the assets and liabilities of the Bulgarian State Railways National Company between the National Railway Infrastructure Company and the railway operator as per § 5, Bulgarian State Railways Single Shareholder Joint Stock Company.

§ 4. The National Railway Infrastructure Company is the legal successor of Bulgarian State Railways National Company and shall take over the respective share of its assets and liabilities according to the balance sheet as of 30th November, 2001, related to the railway infrastructure.

§ 5. Not later than 1st January, 2002, the Council of Ministers shall establish a single-member commercial company: BDZ EAD (Bulgarian State Railways Single-Shareholder Joint Stock Company), with state-owned assets, that shall be the legal successor of the Bulgarian State Railways National Company in respect of that share of its assets and liabilities according to the balance sheet as of 30th November, 2001, which relates to railway freight and passenger transportation.

§ 5a. (New, SG No. 47/2002) (1) The liabilities of BDZ EAD to the state, assumed in pursuance of § 3 (2) and § 5, in the amount of BGN 127.9 million in total, the said amount constituting uncollected receivables of the state for liabilities under the Value Added Tax Act, for liabilities as per Arts. 35 and 36 of the Corporate Income Tax Act, for interest on overdue liabilities and temporary financial aid, shall be written off.

(2) The Minister of Finance shall determine the amount of individual receivables subsumed in the total amount as per Paragraph (1).

(3) The additional capital of BDZ EAD shall be increased by the amount of liabilities written off as per Paragraph (1).

§ 5b. (New, SG No. 47/2002) The railway operator BDZ EAD, as the legal successor of Bulgarian State Railways National Company, shall perform transportation by rail of passengers and freight and shall be exempted from the provisions of Article 38 for the period January 1st, 2002, till December 31st, 2003.

§ 6. (Effective 28.11.2000) (1) Within six months from the promulgation of this Act, the Council of Ministers shall adopt the bylaw as per Article 8 (2).

(2) Within the time limit as per Paragraph (1) the Minister of Transport, Information Technology and Communications subject to coordination with the Prime Minister, shall appoint an Executive Director of the Railway Administration Executive Agency.

§ 6a. (New, SG No. 47/2002) Resources for financing activities pertinent to the railway infrastructure shall be deducted from the funds accumulated from levies on liquid fuels for 2002; the amounts allocated shall not exceed the sum of such levies for 2002 remitted to the budget of the Roads Executive Agency from liquid fuels purchased by railway operators.

§ 7. The following instruments are hereby repealed:

1. Decree No. 9 on the Functions of the Managerial and Executive Staff in Railway Transport (promulgated, SG No. 3/1981,

amended, SG No. 100/1992; Judgment No. 5 of the Constitutional Court of 1997, SG No. 20/1997).

2. Decree No. 229 on Sanctions Imposed for Violation of Regulations on Railroads (Transactions, No. 43/1952)

3. The Bulgarian State Railways Act (promulgated, SG No. 53/1995; supplemented, SG No. 85/1998; amended, SG No. 124/1998).

§ 8. In Article 4, Item 3 of the Public Procurement Act (promulgated, SG No. 56/1999) a comma shall be placed after the word "companies" and the following phrase shall be added: "and state enterprises as per Article 62, Paragraph 2 of the Commerce Act".

§ 9. In the Concessions Act (promulgated, SG No. 92/1995; Judgment No. 2 of the Constitutional Court of 1996, SG No. 16/1996; amended, SG No. 44/1996; SG No. 61 and, 123/1997, SG No. 93/1998, SG No. 23, 56, 64 and 67/1999, SG No. 12 and 64/2000) the following amendments and supplements shall be made:

1. In Article 4, Item 6, after the words "national roads", the following phrase shall be added: "railway infrastructure facilities, including the land on which they are built, or which is intended for construction thereof".

2. In Article 5, Item 4 shall be repealed.

§ 10. In § 2 of the Transitional Provisions of the Stamp Duty Act (promulgated Transactions, No. 104/1951; amended and supplemented No. 89/1959; 21/1960; State Gazette SG No. 53/1973, 87/1974, 21/1975, 21/1990, 55/1991, 100/1992, 69, 87/1995, 37, 100, 104/1996, 82, 86/1997, 133/1998, 81/1999) after the words "the Environment Protection Act" the following shall be added: "the Rail Transport Act".

§ 11. (Repealed, SG No. 96/2002).

§ 12. This Act shall enter into force as of 1st January, 2002, with the exception of Article 6, Article 7, item 6, § 3 (2) and § 6 of the Transitional and Final Provisions, which shall enter into force as of the day of promulgation thereof in State Gazette.



TRANSITIONAL AND FINAL PROVISIONS  
to the Amendment and Supplement Act to the Telecommunications Act  
(SG No. 88/2005)

.....

§ 47. The Rail Transport Act (promulgated, State Gazette No. 97/2000, amended, SG No. 47/2002, SG No. 96/2002, SG No. 70/2004, SG No. 115/2004, SG No. 77/2005) shall be amended as follows:

.....

2. Everywhere the words "Minister of Transport and Communications" and "the Minister of Transport and Communications" shall be replaced by the words "Minister of Transport" and "the Minister of Transport".

.....

TRANSITIONAL AND FINAL PROVISIONS



to the Act on Amendment and Supplement of the Rail Transport Act

(SG No. 92/2006, effective 14.11.2006)

§ 57. (1) A license for conveyance by rail of passengers and freight issued prior to the entry into force of this Act shall be reissued ex officio within 2 months from the effective date of this Act.

(2) A license as per Article 45 issued prior to the entry into force of this Act shall remain valid until the expiry of its term of validity.

.....

§ 59. This Act shall enter into force as of the day of its promulgation in State Gazette, with the exception of the provisions of § 18, § 30 with respect to Article 43, Paragraph (1) and (3), § 33 with respect to Article 48, Paragraph (4), and § 40 with respect to Article 115e, Paragraph (4) and (6), Article 115f, Article 115g and Article 115n, Paragraph (2), which shall become effective as of the date when the Treaty of Accession of the Republic of Bulgaria to the European Union enters into force.

FINAL PROVISION

to the Act to Amend and Supplement the Rail Transport Act

(SG No. 22/2009)

§ 10. Provisions of § 5, Item 2, regarding Article 54, Paragraph 4, shall be entered into force on 3 December 2009.

ADDITIONAL PROVISION

to the Act on Amendment and Supplement of the Rail Transport Act

(SG No. 81/2009)

§ 3. Throughout the text of the Act, the phrases "Minister of Transport" and "Ministry of Transport" shall be replaced by "Minister of Transport, Information Technology and Communications" and "Ministry of Transport, Information Technology and Communications", respectively.

ACT to Amend and Supplement the Rail Transport Act

(SG No. 47/2011, effective 21.06.2011, amended, SG No. 47/2015, effective 3.12.2014)

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Additional Provision

§ 48. This Act shall introduce the requirements of Directive 2008/110/EC of the European Parliament and of the Council of 16 December 2008 amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive) (OJ L 345/62 of 23 December 2008).

Final Provisions

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§ 51. Council of Ministers shall adopt the methodology of Article 35, para. 2 within three months of the promulgation of this Act in the State Gazette.

§ 52. This Act shall enter into force as of the day of its promulgation in State Gazette, with the exception of:

1. Paragraph 17, regarding Article 35, paragraphs 2 and 5, and § 50, regarding Article 30 para. 1, subpar. 11, which shall enter into force three months after the promulgation of this Act in the State Gazette.

2. (Amended, SG No. 47/2015, effective 3.12.2014) Paragraph 46, regarding:

a) Article 139, Items 1, 20, 21, 25 and 26, Article 140, Items 8 and 10 and Article 143, which shall enter into force as from December 4th, 2014;

b) Article 139, Items 2, 3, 5 - 12, 15 - 19, 22 and 23, Article 140, Items 1, 3 - 6 and 9 and Article 141, which shall enter into force as from December 4th, 2019.

FINAL PROVISIONS

to the Act on Amending and Supplementing the Rail Transport Act

(SG No. 47/2015)

.....  
§ 19. Paragraph 17 shall enter into force as from December 3rd, 2014.

ADDITIONAL PROVISIONS

to the Amendment and Supplement Act

of the Rail Transport Act

(SG No. 19/2016)

§ 46. (1) The State may provide state aid for the repayment of debts or interest on debts accrued by publicly owned or controlled railway undertakings, subject to compliance with the applicable state aid regulations.

(2) For the provision of Paragraph 1 hereinabove to apply, the interest on debts in question must have been accrued prior to January 1, 2007.

§ 47. This Act transposes the provisions of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ, L 343/32 of 14 December 2012).

ACT

to the Amendment and Supplement of the Rail Transport Act

(SG No. 17/2018, effective 23.02.2018)

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Additional Provision

§ 10. This Act introduces the requirements of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings, and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive).

Transitional and Final Provisions

.....

§ 12. Investigations of railway accidents and incidents that have not been completed before the entry into force of this Act shall be completed according to the procedure so far.

§ 13. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, except for § 2 and 4 herein, which shall enter into force three months after the promulgation of this Act.

FINAL PROVISIONS

to the Act to Amend the Stamp Duty Act

(SG No. 17/2018)

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§ 4. In the Railway Transport Act (promulgated, State Gazette No. 97/2000; amended, SG No. 47/2002, SG No. 96/2002, SG No. 70/2004, SG No.115/2004, SG Nos. 77/2005, SG No. 88/2005, SG No. 36/2006, SG No. 37/2006, SG No. 62/2006, SG No. 92/2006, SG No. 108/2006, SG No. 22/2009, SG No. 35/2009, SG No. 74/2009, SG No. 81/2009, SG No. 87/2010, SG No. 47/2011, SG No. 15/2013, SG No. 68/2013, SG No. 17/2015, SG No. 47/2015, SG No. 19/2016, SG No. 58/2016), SG No. 96/2017, and SG No. 103/2017), in Article 52 the word "invalids" shall be replaced by "disabled persons".

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