

**Cross Acceptance Unit**



**REFERENCE DOCUMENT PART 3: BULGARIA**

**NATIONAL LEGAL FRAMEWORK APPLIED IN CONJUNCTION WITH THE AUTHORISATION OF RAILWAY VEHICLES IN ACCORDANCE TO ART.27 OF DIRECTIVE 2008/57/EC IN BULGARIA**

**DOCUMENT TYPE:** TECHNICAL DOCUMENT

**VERSION:** 1.6.1

**DATE:** 09.10.2012

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<b>Position</b>	Cross Acceptance Unit Head of Authorisation Processes Sector	Exectutive Director of Railway Administrative Executive Agency (IAJA)
<b>Date &amp; Signature</b>	08.11.2012 	

### **Background information**

The 3 sheets: Back Info-General, Back Info - Roles and Resps, and Back Info - Timeframe shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.




### **Additional information**

Additional information to the flowcharts is requested where the objects are bordered with a thick black line. Reference N° of these objects have been introduced.

The 7 sheets: Stage 1, Stage 2, Stage 3, Stage 4, Stage 6, Stage 7 and Stage 8 shall be filled in with the relevant information.

The cells coloured in:  are those to be filled in.

### **Colour coding from the flowcharts**

	legal option
	non mandatory/commom practice
	legal option at the national level

Contact details for National Legal Framework		
Reporting country	Organisation Name	Office phone number
Bulgaria	<b>Railway Administration Executive Agency</b>	
Contact name	E-mail	Mobile phone no
1 Zhoro Dimitrov	<a href="mailto:jdimitrov@mtitc.government.bg">jdimitrov@mtitc.government.bg</a>	359 884 101 540
2 Silvia Shumelova	<a href="mailto:sshumelova@mtitc.government.bg">sshumelova@mtitc.government.bg</a>	359 884 101 544

	Is there (Yes/No)	Classification: (general, specific, detailed)	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in	MSs
Interoperability Directive transposed	Yes	N/A	Ordinance No 57(1)	BG and EN*	
National guideline	No	N/A	No		
Additional authorisation required	Yes	N/A	Ordinance 57: art. 54d (1); art. 54f (1)	BG and EN*	N/A
Definitions:	Vehicle type	Yes	general	Ordinance No 57: Supplementary Provisions §. 1 item 9	BG and EN*
	Time validity of a type	No	N/A		
	Upgrading	Yes	general	Ordinance No 57: Supplementary Provisions §. 1 item 7	BG and EN*
	Renewal	Yes	general	Ordinance No 57: Supplementary Provisions §. 1 item 8	BG and EN*
Specific national arrangements for on track tests	Yes	general	Ordinance No 57: art. 54b (10); art. 54d (5), (7); art. 54f (9)	BG and EN*	
Coordination with other MSs	Procedure for simultaneous application	No			

Fees	Is there (Yes/No)	Amount (Euro)	Conditions (fixed/hourly rate)	Detailed reference to the rule	Language(s) that the rule(s) are available in
To obtain the National guideline	No				
For the acknowledgement of receipt of application	No				
For issuing authorisation	Yes	1) 1500 = For issuing authorisation of structural subsystem and attached documents (3000 BGN) 2) 750 = For issuing authorisation for placing into service of rolling stock, which does not fully meet the technical specifications for interoperability and is authorized in a Member State of the European Union (1500 BGN) 3) 750 = For review of the documents and issuing authorisation for placing into service of new or substantially altered rolling stock, for which there are no requirements in the TSI (1500 BGN)	Fixed	Tariff No. 5 of Fees collected by the Ministry of Transport, Information Technology and Communications (Title amend. - State Gazette No. 101 of 2005, amend. - State Gazette No. 96 of 2011) Art. 142b (2) and (3)	BG
For refusal of authorisation	No				
For the appeal procedure to NSA	No				
For the appeal procedure to Appeal Body	Yes	25 Euro (50 BGN) 12,50 Euro (25 BGN)	Fixed	Tariff No. 1 to the law of State Fees for the taxes collected by the Prosecution investigation offices and the Ministry of Justice under the civil procedure code section A taxes collected by the courts §2.b (b)	BG
For the NSA acting as assessment body (DeBo/CSM)	No				
For NSA issuing certificates (DeBo/CSM)	No				

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(1) Ordinance No 57/2004 of 06.9.2004 for achievement of interoperability of the national railway system with the railway system within the framework of the European Union (Title. amended - State Gazette, No. 88 of 2007, No 84 of 2010, No 5 of 2012) issued by the Minister of Transport and Communications, promulgated in Official Gazette, No. 55 of 25.06.2004, in force as of 26.06.2005, amended, No 60 of 9.07.2004, amended and supplemented, No 91 of 25.06.2004, in force as of 1.01.2007, No 55 of 7.07.2006, amended, No 59 of 21.07.2006, amended and supplemented, No 88 of 2.11.2007, No 84 of 26.10.2010, No 5 of 17.01.2012, and, in particular, but not only Section IV (New - Official Gazette, No. 84 of 2010)

Authorisation for placing into service of a railway vehicle- <http://www.iaja.government.bg/IAJI/wwwFWRAEA.nsf/contents.htm?ReadForm&aa&cat=25965FD737362F16002573A8005389C5>

The following roles/actors might be involved in the authorisation procedure for the placing in service of vehicles: applicant, RU, IM, keeper, NoBo, DeBo, NSA, MS, Assessment body (CSM) and others (laboratories, etc.).

Requirement on the actor for the role	Applicant	IM	NoBo	DeBo	NSA	MS	Assessment Body	Appeal Body
							(CSM)	
Detailed reference of the rule(s)	The ordinance 57: Art. 54b (1)	Ordinance No 57: Art. 54d (7); art. 54f (9)	Ordinance No 57: Chapter VI. Section I. art. 55 (1)-(3); art. 56 (1)-(2); art. 56 (4); art. 57 Railway Transport Act: Art. 115b §1; §3; §4	Ordinance No 57: Chapter VI. Section IV Art.60 b (1)-(2) Railway Transport Act: Art. 115b §2-4	Ordinance No 57: Chapter 5 Section 4 art. 54a	Ordinance No 57: Chapter 5 Section 4 Art. 54a (1); art. 54g (1)	CSM regulation 352/2009	Administrative Procedure Code
Language(s) that the rule(s) are available in:	BG and EN*	BG and EN*	BG and EN*	BG and EN*	BG and EN*	BG and EN*	EU languages	BG
List of acceptance criteria	Ability to fulfill the responsibilities placed upon the applicant		1. Ordinance No 57: Chapter VI. Section I. art. 55 (1)-(3) 2. Railway Transport Act: Art. 115b §3; §4	Ordinance No 57: Art. 60b. (2)			CSM regulation 352/2009	
List of actors entitled to act as:	No restrictions	N/A	N/A	There is no DeBo in Bulgaria for the time being**	Railway Administration Executive Agency.	Railway Administration Executive Agency	Anybody meeting the requirements	Administrative Court

(\*) please describe the role and legal basis for the involvement of any "other" actor not mentioned in the Interoperability and Safety Directives

(\*\*) Currently NoBo can assess NRs by using accredited verification entity

Ordinance No 57/2004 of 06.9.2004 for achievement of interoperability of the national railway system with the railway system within the framework of the European Union (Title. ammended - State Gazette, No. 88 of 2007, No 84 of 2010, No 5 of 2012) issued by the Minister of Transport and Communications, promulgated in Official Gazette, No. 55 of 25.06.2004 , in force as of 26.06.2005 , ammended, No 60 of 9.07.2004 , ammended and supplemented, No 91 of 25.06.2004 , in force as of 1.01.2007, No 55 of 7.07.2006, ammended, No 59 of 21.07.2006, ammended and supplemented, No 88 of 2.11.2007, No 84 of 26.10.2010, No 5 of 17.01.2012, and, in particular, but not only Section IV (New - Official Gazette, No. 84 of 2010)

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Is there a National timeframe	Specify timeframe	Detailed reference of the rule(s)	Language(s) that the rule(s) are available in	
For new authorisation case after upgrading/renewal: for MS/NSA to make decision according to Art.20.1 of Directive 2008/57/EC	4 months	Ordinance 57 - Art. 45. (1)	BG + EN*	
For all authorisation cases where there is a refusal of authorisation according to Art 21.7 of Directive 2008/57/EC:	Request for review of the refusal by the applicant to the NSA	1 month	Ordinance 57 - Art. 54b .(4)	BG + EN*
	Maintain of the refusal by the NSA	2 months	Ordinance 57 - Art. 54b .(5)	BG + EN*
	Request for review of the refusal by the applicant to the appeal body – Possible opinion of the Agency if required by the appeal body	1/2 month	Art 84 of the Administrative Procedure Code	BG
For additional authorisation case of TSI conform vehicles	NSA decision to be taken as soon as possible and not later than, according to Art. 23.7 of 2008/57/EC: (a) after submission of the authorisation file	2 months	Ordinance 57 - Art. 54d.(8) - 1	BG + EN*
	(b) after provision of any additional information requested by the national safety authority, where applicable	1 month	Ordinance 57 - Art. 54d.(8) - 2	BG + EN*
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	1 month	Ordinance 57 - Art. 54d.(8) - 3	BG + EN*
For additional authorisation case of non-TSI conform vehicle	NSA decision to be taken as soon as possible and not later than, according to Art. 25.5 of 2008/57/EC : (a) after submission of the authorisation file	4 months	Ordinance 57 - Art. 54 f (10) 1	BG + EN*
	(b) after provision of any additional information requested by the national safety authority, where applicable	2 months	Ordinance 57 - Art. 54 f (10) 2	BG + EN*
	(c) after provision of the results of any tests requested by the national safety authority, where applicable	1 month	Ordinance 57 - Art. 54 f (10) 3	BG + EN*
For all additional authorisation cases: TSI and non-TSI conform vehicles	For tests/checks (including network compatibility) with the identified actors, in particular the IM, to take place not later than, according to Art. 23.6 and Art.25.4 of Directive 2008/57/EC	3 months	Ordinance 57- Art 54 d (7)	BG + EN*
	when there is a deemed authorisation according to Art.21.8 of Directive 2008/57/EC	3 months	Ordinance 57 Art 54 b (7)	BG + EN*

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Reference No in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
1.I	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	Ordinance 57 - Art. 45.(1)	BG + EN*
1.II	Examine: file of the previous authorisation(s) records on maintenance, operation and technical modifications	Requirements for the content of the file of the previous authorisation(s) Requirements for the content of the records on maintenance, operation and modifications	Ordinance 57 - Art. 54d. (4)	BG + EN*
1.III	Submit the file describing the project to the MS	Requirements for the content of the file describing the project	No	
1.IV	Is a new authorisation required for the project?	The criteria for a new authorisation	No	

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Ordinance No 57/2004 of 06.9.2004 for achievement of interoperability of the national railway system with the railway system within the framework of the European Union (Title. amended - State Gazette, No. 88 of 2007, No 84 of 2010, No 5 of 2012) issued by the Minister of Transport and

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
2.I	Request for track access to run on track test, when necessary	Procedure for establishing the conditions to run on track tests	Ordinance 57 - Art. 54 d (7)	BG + EN*
2.II	Compile pre-engagement baseline	Procedure for establishing pre-engagement baseline	No	

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Ordinance No 57/2004 of 06.9.2004 for achievement of interoperability of the national railway system with the railway system within the framework of the European Union (Title. ammended - State Gazette, No. 88 of 2007, No 84 of 2010, No 5 of 2012) issued by the Minister of Transport and Communications, promulgated in Official Gazette, No. 55 of 25.06.2004 , in force as of 26.06.2005 , ammended, No 60 of 9.07.2004 , ammended and supplemented, No 91 of 25.06.2004 , in force as of 1.01.2007, No 55 of 7.07.2006, ammended, No 59 of 21.07.2006, ammended and supplemented, No 88 of 2.11.2007, No 84 of 26.10.2010, No 5 of 17.01.2012, and, in particular, but not only Section IV (New - Official Gazette, No. 84 of 2010)

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
3.I	Perform verification (including tests and on track tests where necessary) against applicable TSIs and NRs, and establish evidences	The requirements for evidence	No	
3.II	Perform verification of conformity to type, and establish evidences	The requirements for evidence	No	
3.III	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidence	No	
3.IV	Supply evidences on the completion of the relevant assessment of conformity to type	The requirements for evidence	No	
3.V	Apply CSM Regulation for safe integration	The requirements for risk assessment	No	
3.VI	Provide certificate(s) from assessment against applicable TSIs requirements to applicant	The requirements for evidence	Ordinance 57 - Art. 50.(3)-(5)	BG + EN*
3.VII	Provide certificate(s) from assessment against applicable NRs requirements to applicant	The requirements for evidence	No	
3.VIII	Provide safety assessment report to applicant	The requirements for the content of the safety assessment report	Art 44.b(8)	BG + EN*

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Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the	Language(s) that the rule(s) are available in
4.1	Decision on the remedial action?	Possible remedial actions: Alternative method, Design modification, Change of the conditions of use/restrictions,and	No	
		The criteria for decision on the remedial action.	No	

Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
6.I	<ul style="list-style-type: none"> <li>- Make a copy of the initial technical file (previous authorisation(s))</li> <li>- Collect records on operation and technical modifications</li> </ul>	Requirements for the content of the authorisation file (including the “technical files”) : - If there is a clear check list to be adhered to when compiling the authorisation file	Art. 54 d (4) Ordinance 57 Art. 54 f (3) Ordinance 57	BG + EN*
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Art. 54 d (4) Ordinance 57 Art. 54 f (3) Ordinance 57	BG + EN*
6.II	Identify the content of the technical file for the DeBo(s) part	Requirements for the content of the authorisation file (including the “technical files”) : - If there is a clear check list to be adhered to when compiling the authorisation file	Art. 52 (1) and Art. 53 (1) Ordinance 57 Art. 54 f (3) Ordinance 57	BG + EN*
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Art. 52 (1) and Art. 53 (1) Ordinance 57 Art. 54 f (3) Ord 57 /17.01.2012 Ordinance 57	BG + EN*
6.III	Identify the content of the technical file for the Assessment body (CSM) part	Requirements for the content of the authorisation file (including the “technical files”) : - If there is a clear check list to be adhered to when compiling the authorisation file	Art. 52 (1) item 7 Ordinance 57	BG + EN*
		- The accepted documentation for authorisation granted before the implementation of Directive 2008/57/EC.	Art. 52 (1) item 7 Ordinance 57	BG + EN*
6.IV	Compile the authorisation file	The requirements for the content for the official application	Art. 54 b(1) and 54 d (3) and 54 f (2) Orinance 57	BG + EN*
6.V	Identify the format and documentation of the application for authorisation: <ul style="list-style-type: none"> <li>-Vehicle type and/or</li> <li>- Vehicle placing in servcie</li> </ul>	The requirements and the content for the official application		
6.VI	Submit the official Application for authorisation	Time frame for the submission of the official application from the pre-engagement baseline, if any		

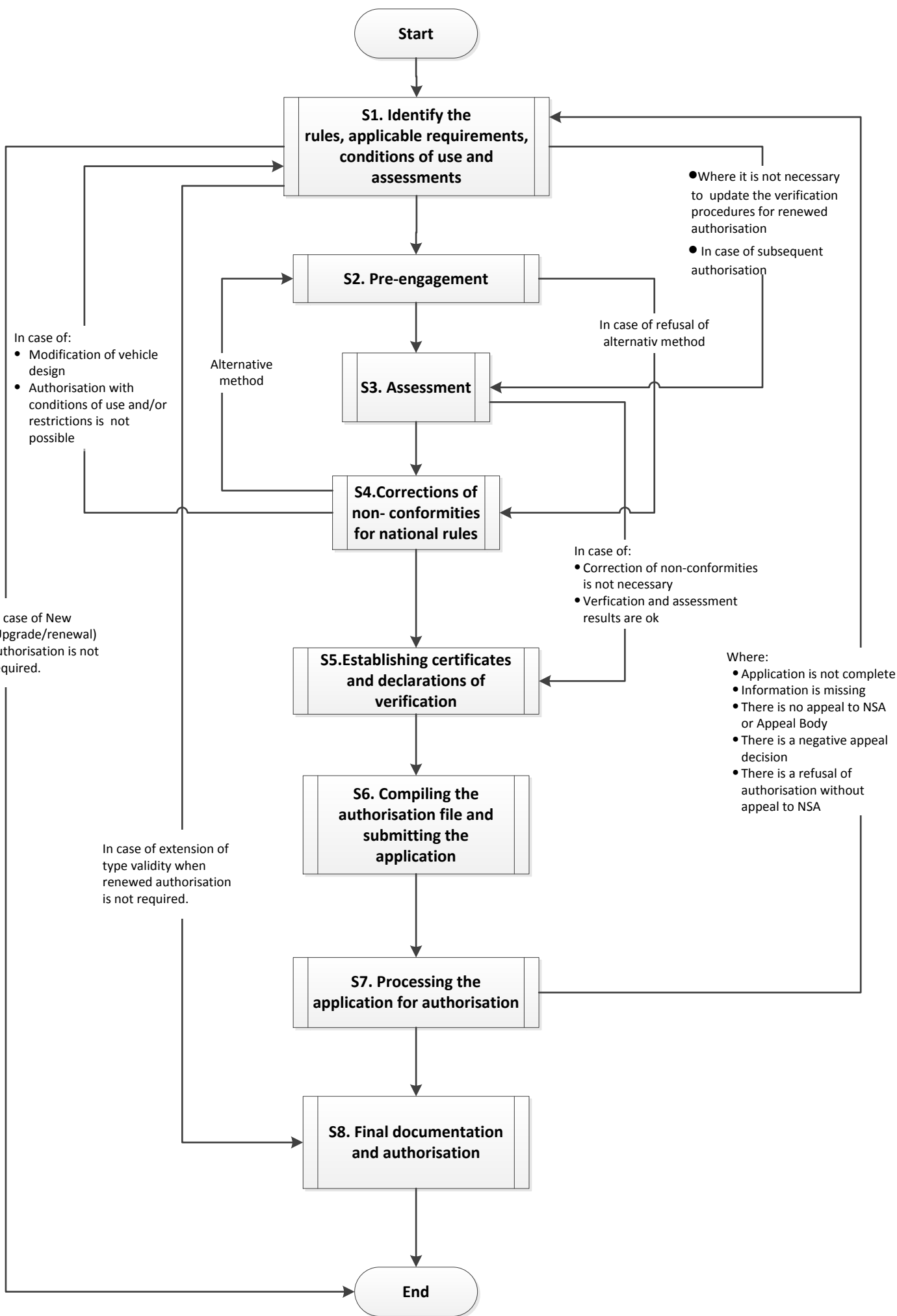
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Reference no in flowcharts	Reference to object in flowchart	Requirement that needs additional information	The detailed reference of the rule(s) that specify the requirements	Language(s) that the rule(s) are available in
8.I	Forms for: - authorisation for placing in service of vehicle(s) and - authorisation for type of vehicle	The format of issued authorisation (of vehicle type and of placing in service of vehicle)	Internal forms available on IAJA website	Bulgarian
8.II	Form for authorisation for type of vehicle	The format of issued authorisation of vehicle type	Internal forms available on IAJA website	Bulgarian
8.III	Inform ERA on deemed vehicle type authorisation	Procedure for informing the Agency on deemed vehicle type authorisation	No	

**Annex A: Master diagram**  
**Process for Authorisation for placing in service of vehicles and/or type of vehicles**

Version 1.6.1 - BG

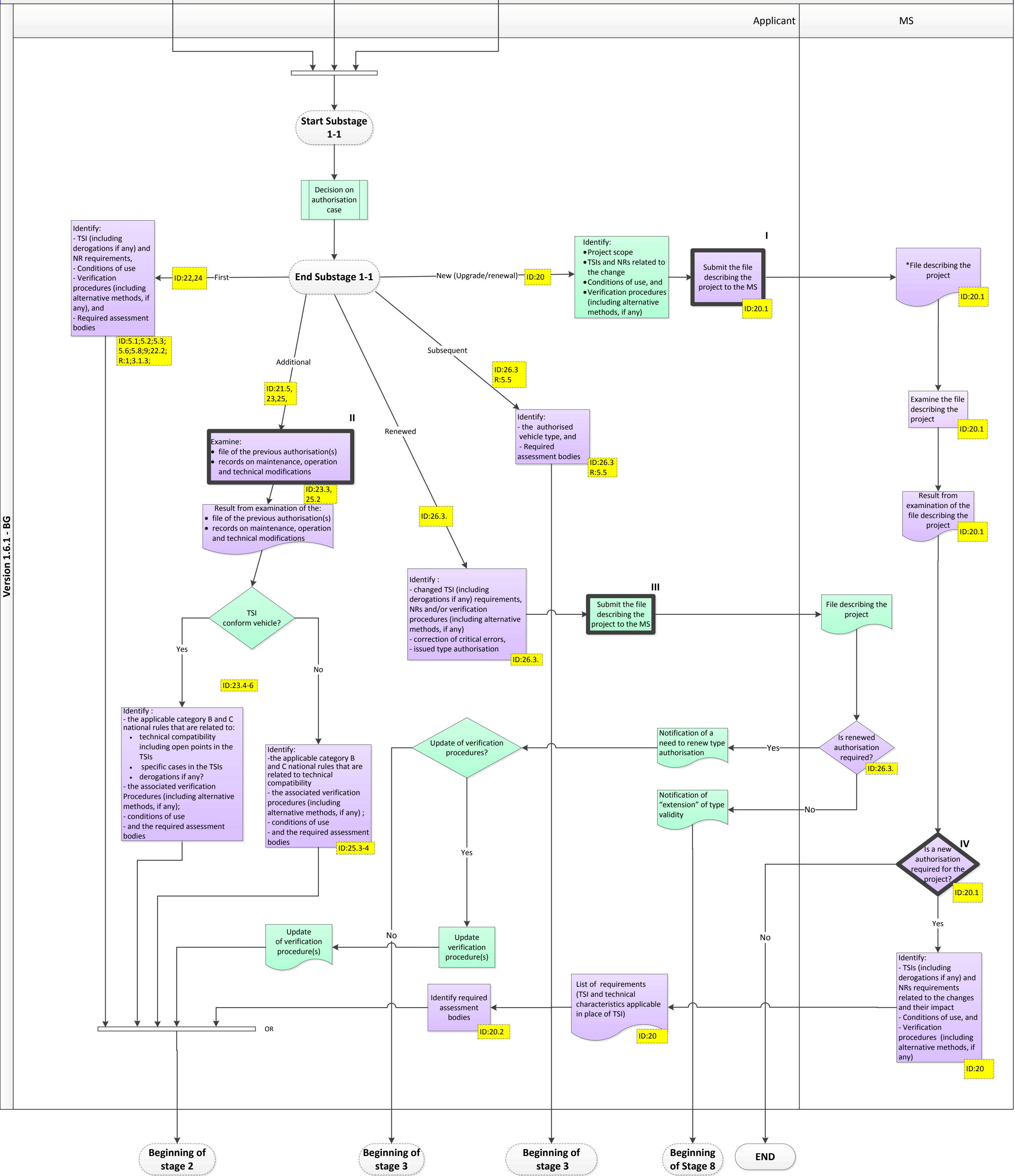


Legal option  
Non mandatory / Common practice

End of stage 7 where:  
• the application is not complete, or  
• there is a negative appeal decision, or  
• there is a refusal of authorisation without appeal

End of stage 4 Where:  
• there is a modification of vehicle design, or  
• authorisation with conditions of use and/or restrictions is not possible

Stage 1 – Identify the rules, applicable requirements, conditions of use and assessments

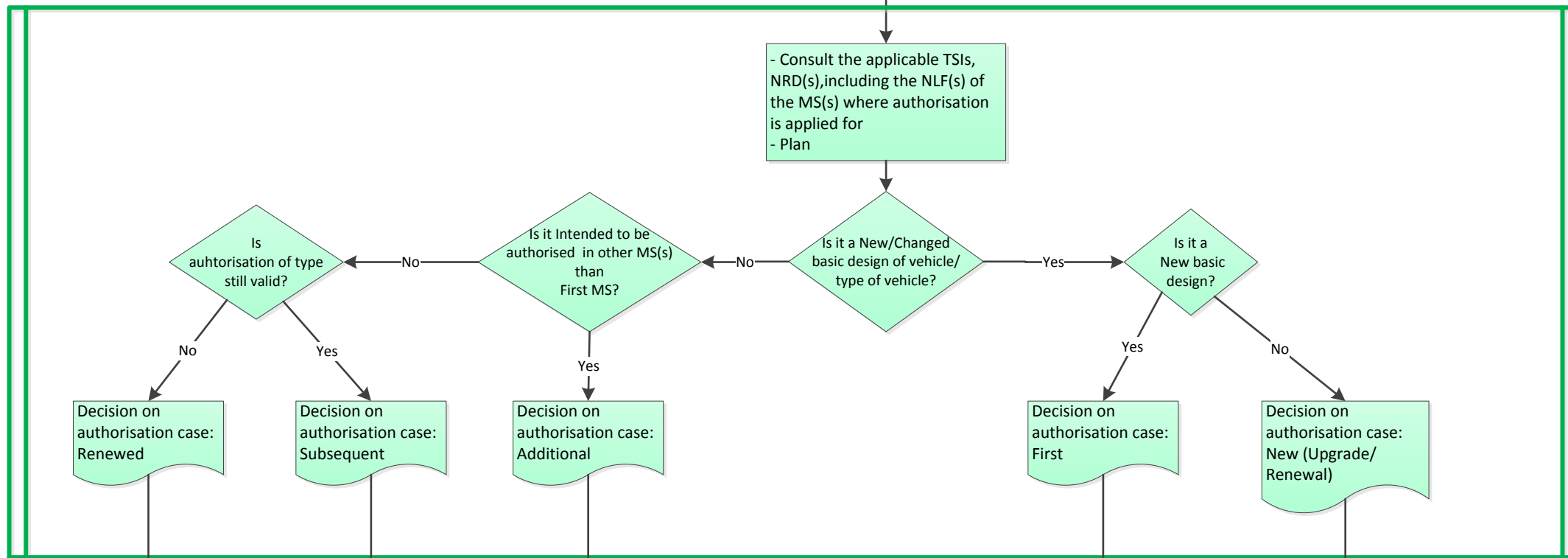


Version 1.6.1 - BG

Non mandatory/  
Common practice

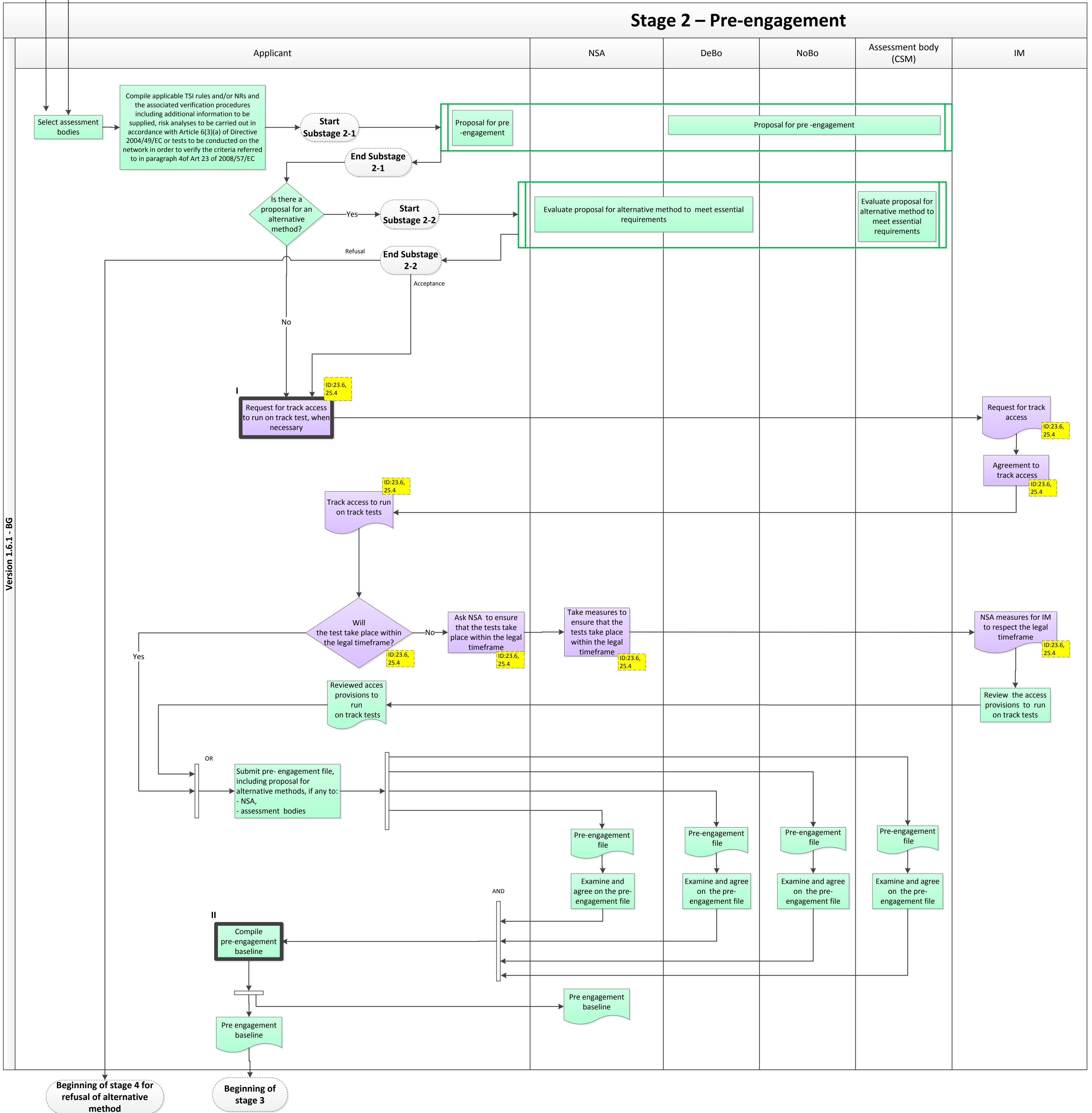
## Stage 1 - Identify the rules, applicable requirements, conditions of use and assessments – Substage 1: Decide on authorisation case

Applicant



Version 1.6.1 - BG

### Stage 2 – Pre-engagement



End of stage 1

End of stage 4 for alternative method

Applicant

NSA

DeBo

NoBo

Assessment body (CSM)

IM

Compile applicable TSI rules and/or NRs and the associated verification procedures including additional information to be supplied, risk analyses to be carried out in accordance with Article 6(3)(a) of Directive 2004/49/EC or tests to be conducted on the network in order to verify the criteria referred to in paragraph 4 of Art 23 of 2008/57/EC

Start Substage 2-1

Proposal for pre-engagement

Proposal for pre-engagement

End Substage 2-1

Is there a proposal for an alternative method?

Yes

Refusal

No

ID:23.6, 25.4

Request for track access to run on track test, when necessary

Request for track access

Agreement to track access

ID:23.6, 25.4

Track access to run on track tests

Will the test take place within the legal timeframe?

Yes

Ask NSA to ensure that the tests take place within the legal timeframe

ID:23.6, 25.4

Take measures to ensure that the tests take place within the legal timeframe

ID:23.6, 25.4

NSA measures for IM to respect the legal timeframe

ID:23.6, 25.4

Review the access provisions to run on track tests

Reviewed access provisions to run on track tests

Submit pre-engagement file, including proposal for alternative methods, if any to: - NSA, - assessment bodies

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

Pre-engagement file

Examine and agree on the pre-engagement file

Compile pre-engagement baseline

Pre engagement baseline

Pre engagement baseline

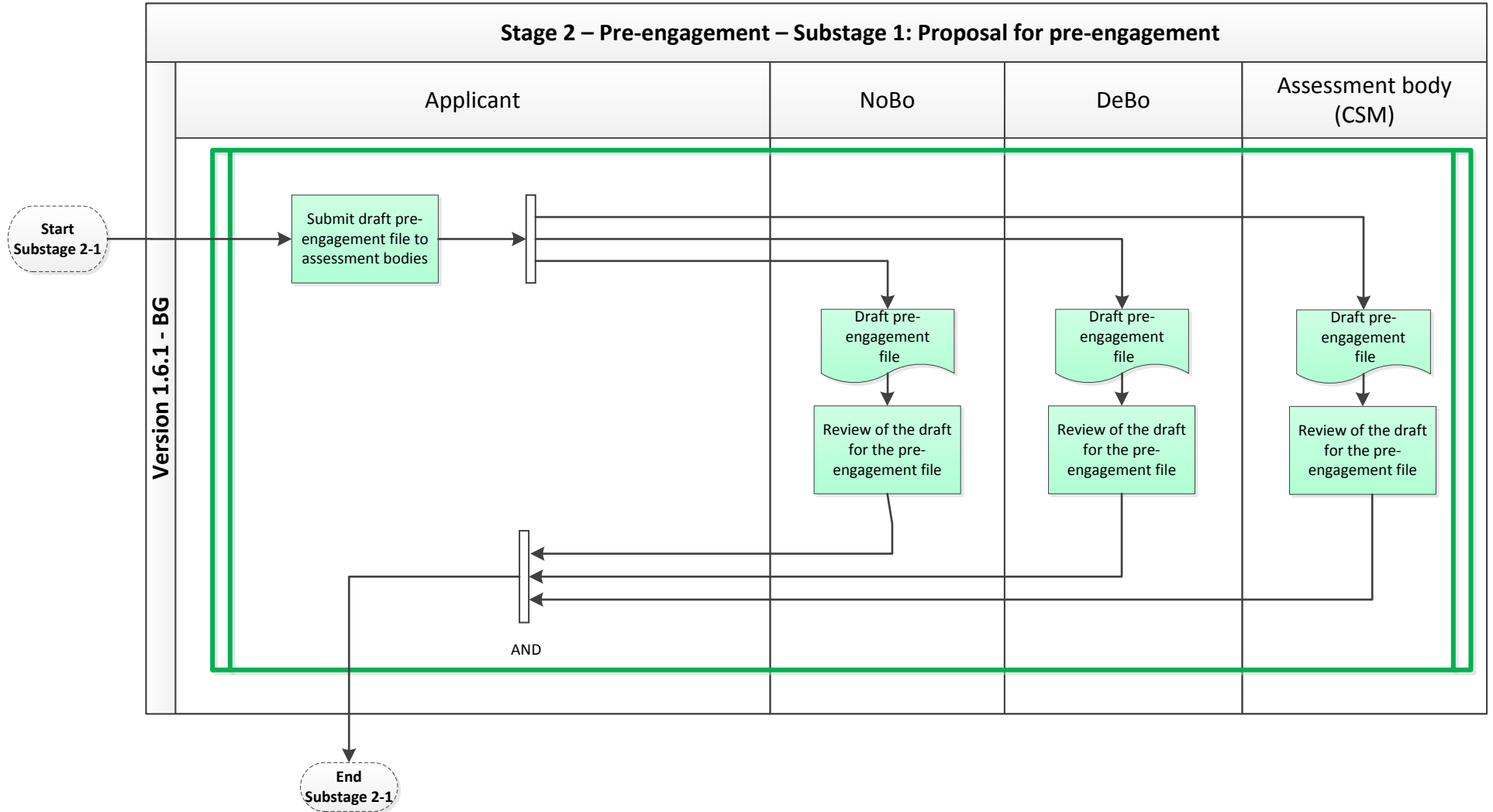
Beginning of stage 4 for refusal of alternative method

Beginning of stage 3

Non mandatory/  
Common practice

# Annex C

## Stage 2 – Pre-engagement – Substage 1: Proposal for pre-engagement

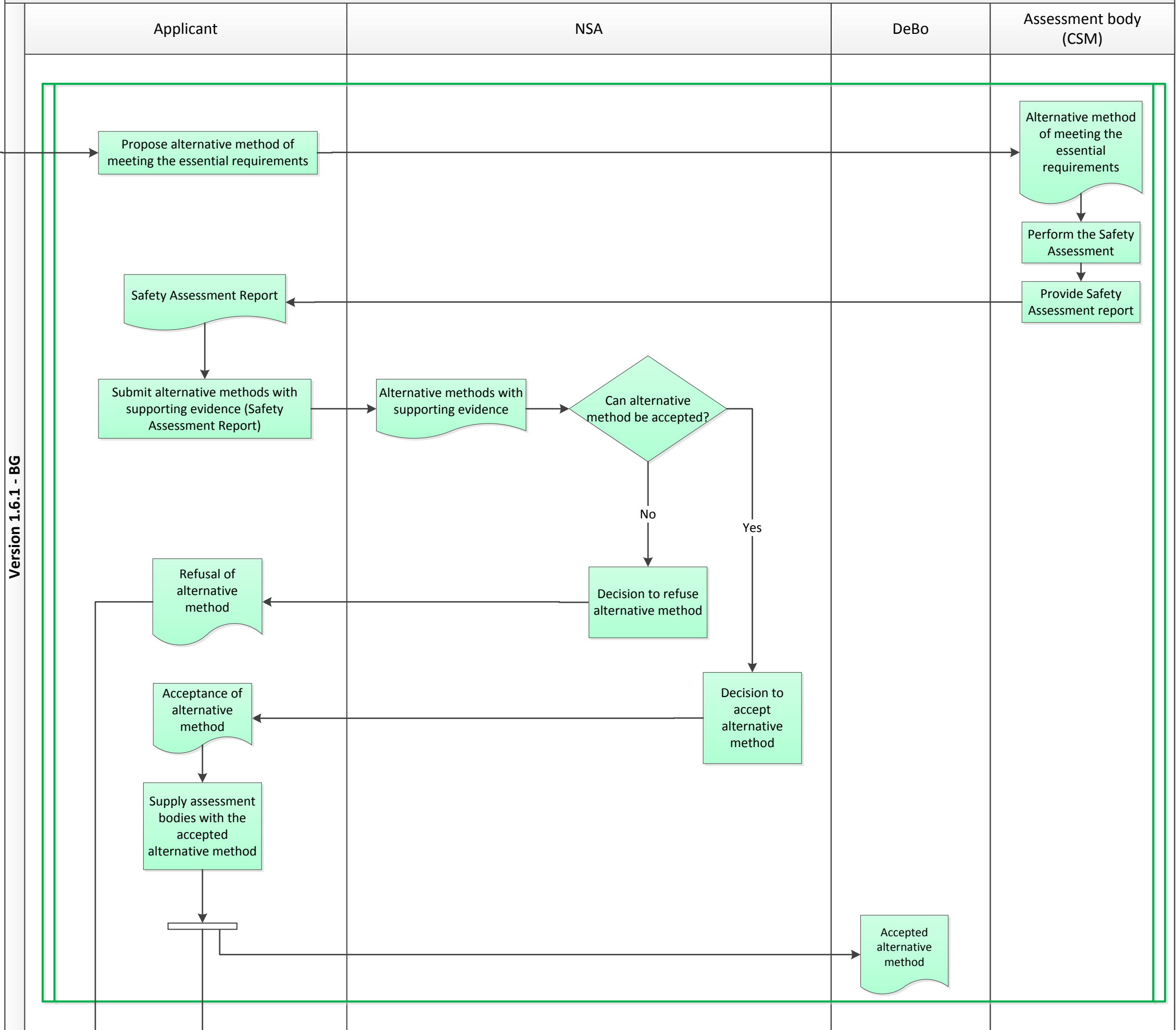




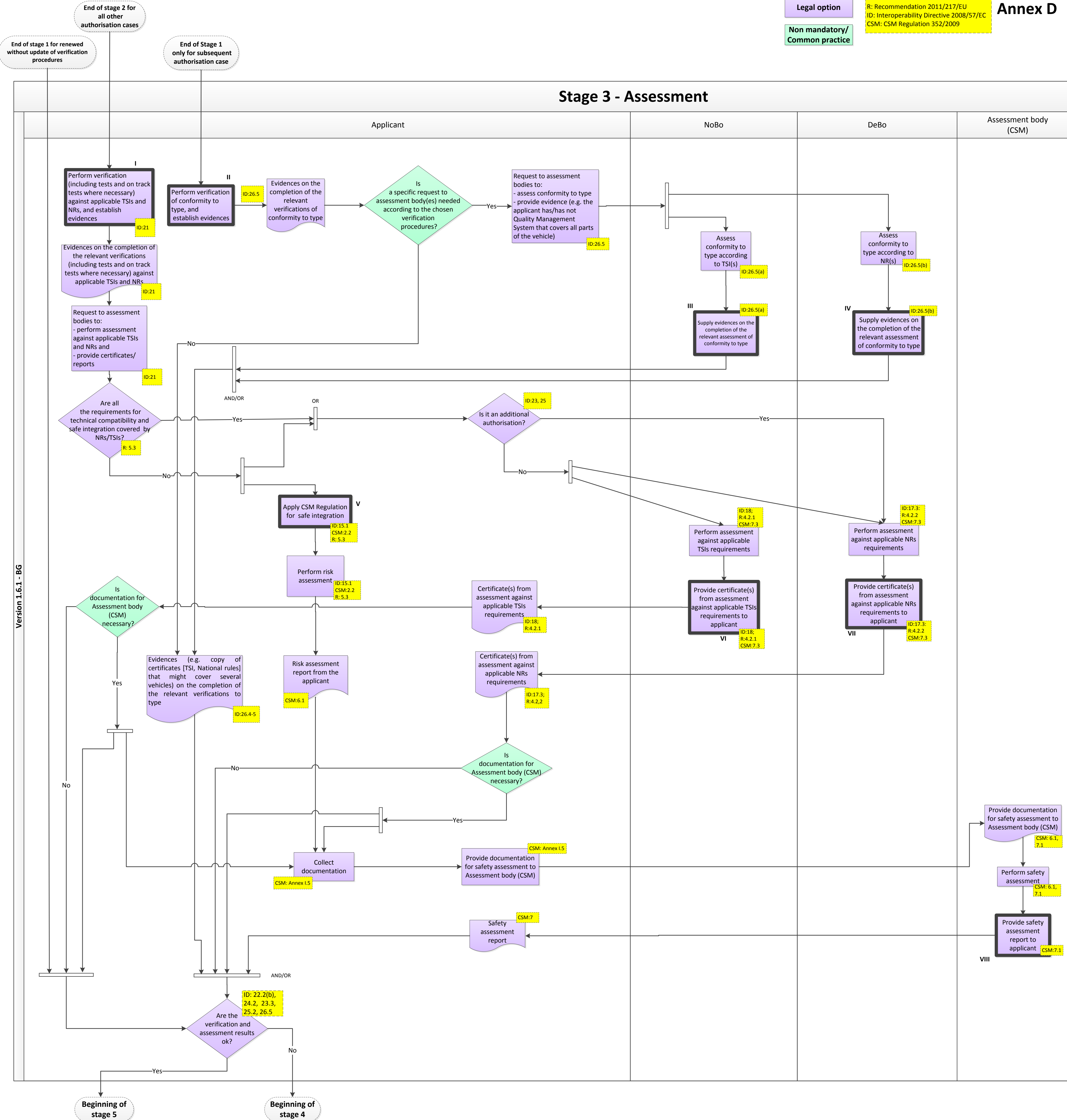
Stage 2 – Pre-engagement – Substage 2: Evaluate proposal for alternative method to meet essential requirements

Start  
Substage 2-2

Version 1.6.1 - BG



End substage 2-2



Version 1.6.1 - BG

Beginning of stage 5

Beginning of stage 4

End of stage 3

Stage 2 for refusal of alternative method

Non mandatory/  
Common practice

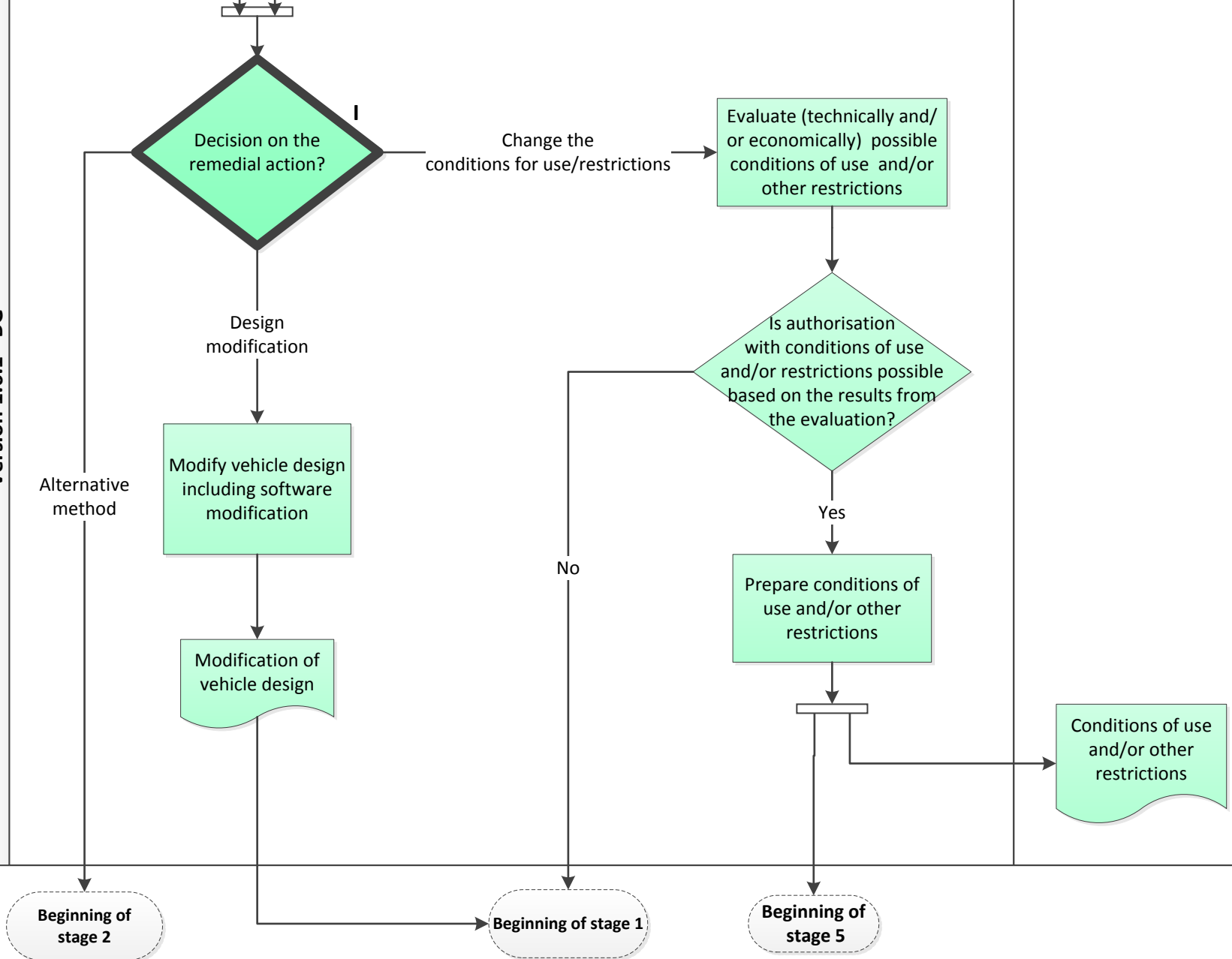
# Annex E

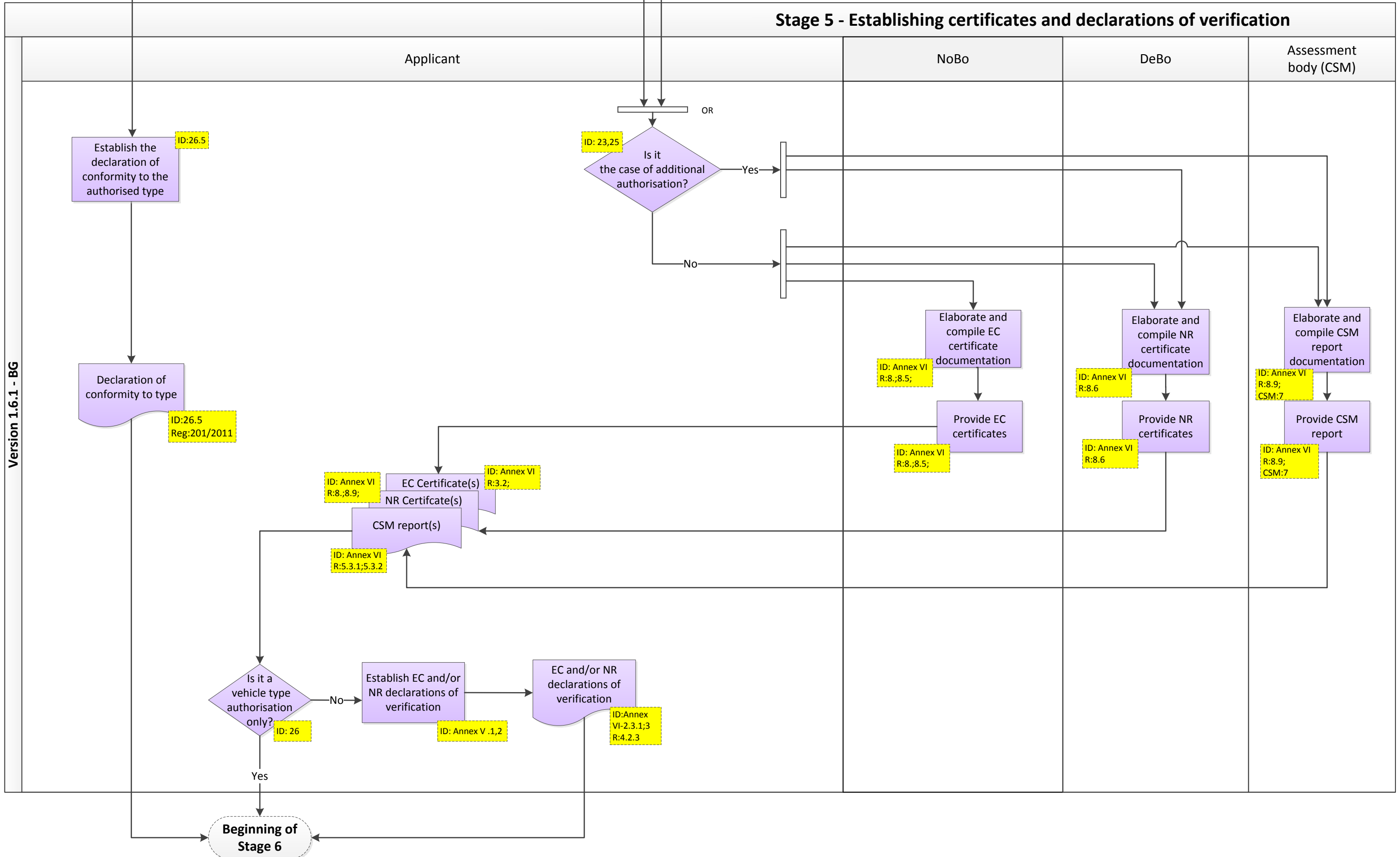
## Stage 4 - Correction of non-conformities

Applicant

DeBo

Version 1.6.1 - BG





End of stage 5

### Stage 6 - Compiling the authorisation file and submitting the application

Applicant

NSA

Is it the case of additional authorisation?  
ID:23,25

No

Yes

**I**  
- Make a copy of the initial technical file ( previous authorisation(s))  
- Collect records on maintenance, operation and technical modifications

ID:23.3, 25.2

• File of the previous authorisation(s)  
• Records on maintenance, operation and technical modifications  
ID:23.3, 25.2

**II**  
Identify the content of the technical file for the DeBo(s) part

R:8.6;4.2.2; ID Annex VI- 3.3

Technical file related to NRs  
R:8.6;4.2.2; ID Annex VI- 3.3

**III**  
Identify the content of the technical file for the Assessment body (CSM) part

R:5.3.2; ID:Annex VI- 2.4

Assessment body (CSM) report on CSM  
R:5.3.2; ID:Annex VI- 2.4

AND/OR

**IV**  
Compile the authorisation file  
ID: 23.3, 25.2

Authorisation file  
ID: 23.3, 25.2

Archive authorisation file  
ID: Annex VI-2.6

Archived authorisation file  
ID: Annex VI-2.6

**V**  
Identify the format and documentation of the application for authorisation:  
•Vehicle type and/or  
•Vehicle placing in servcie  
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

**VI**  
Submit the official Application for authorisation  
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

Application for authorisation  
ID:21.6;23.7;25.5 Annex VI:2.6 R:8.1;

Beginning of stage 7

(\*)The timeline starts from the moment the application has been acknowledged

End of stage 6

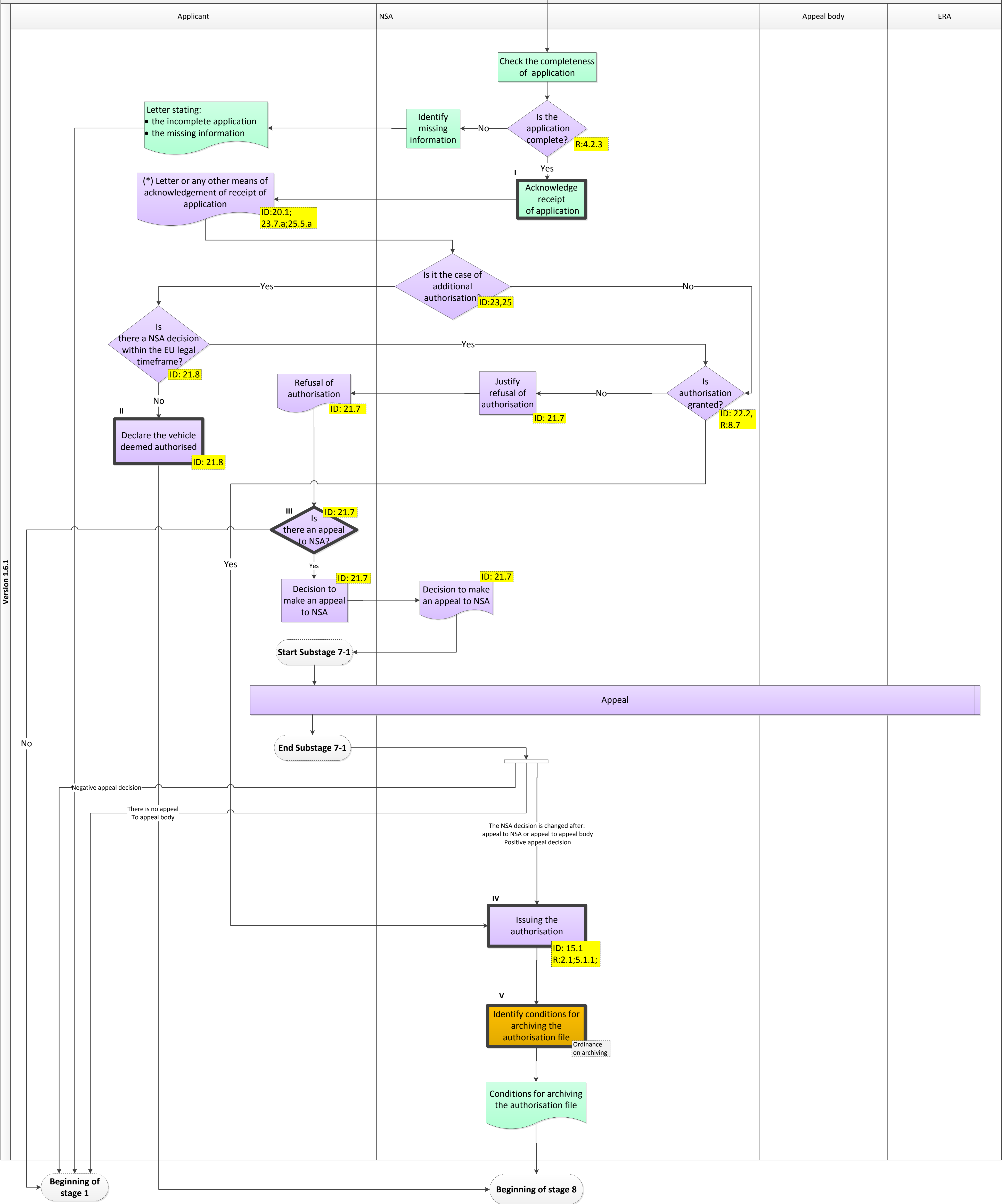
Legal option  
Non mandatory/  
Common practice

Legal option at  
national level

R: Recommendation 2011/217/EU  
ID: Interoperability Directive 2008/57/EC

Ordinance on the procedure for organizing, processing, expertise, storage and use of the documents in the institutional archives of state and municipal institutions

Stage 7 - Processing the application for authorisation

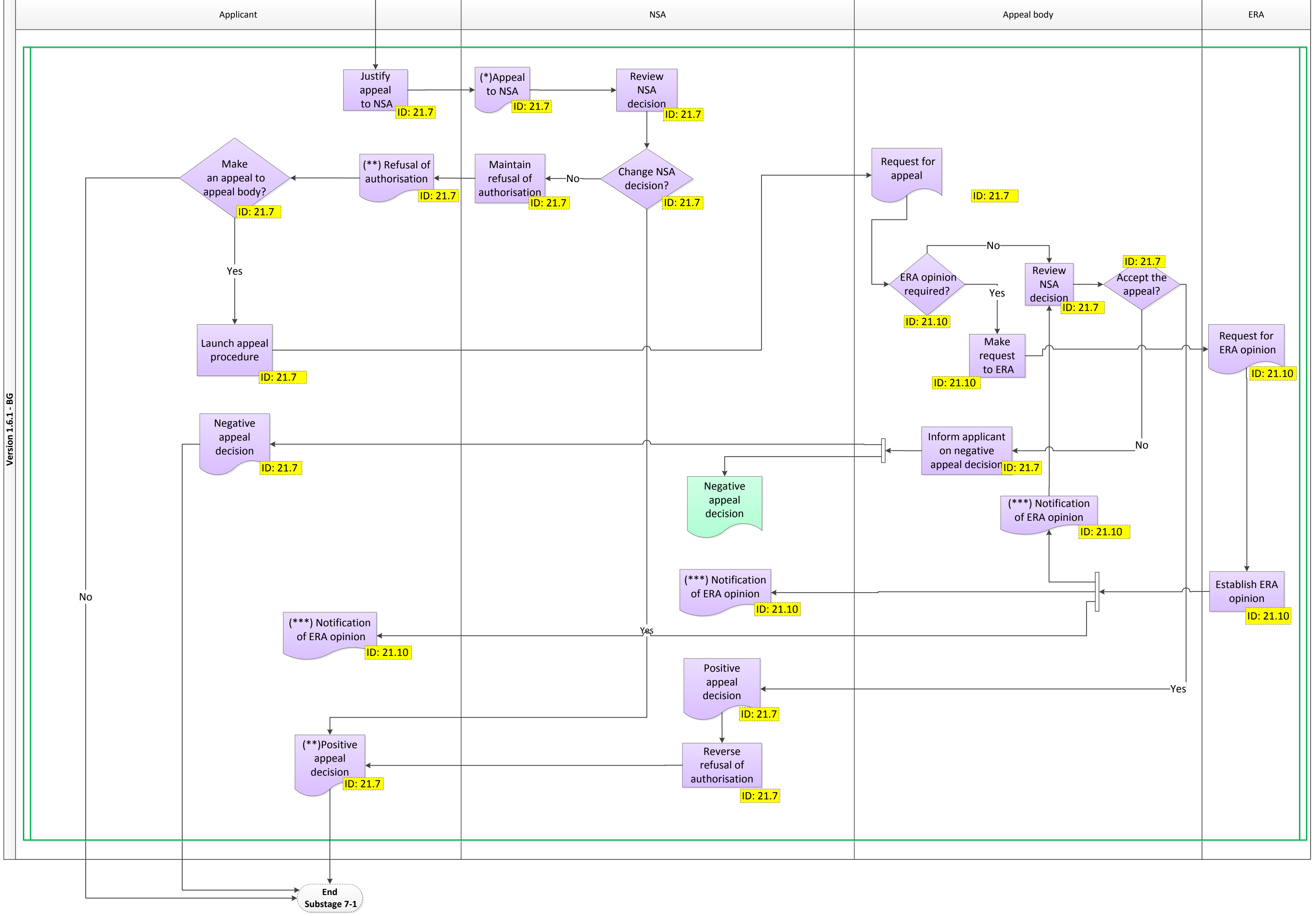


Version 1.6.1

Legal option  
Non mandatory/  
Common practice

(\*) Timeline starts from the moment the NSA has refused the autorisation  
(\*\*) Timeline starts from the receipt of the appeal from the applicant  
(\*\*\*) Timeline starts from the request of the appeal body to ERA for an opinion

Stage 7 - Processing the application for authorisation – Substage 1: Appeal



Legal option

ID: Interoperability Directive 2008/57/EC

Non mandatory/  
Common practice

End of stage 7  
Deemed  
Authorisation

End of stage 7 Issued  
Authorisation

End of stage 1 for  
extension of type  
validity

### Stage 8- Final documentation and authorisation

Applicant

NSA

ERA

Establish the forms for:  
• authorisation for placing in service of vehicle(s) and  
• authorisation for type of vehicle

Is it a vehicle type authorisation only?  
ID:26,1-2

Establish the form for authorisation for type of vehicle

I  
Forms for:  
• authorisation for placing in service of vehicle(s) and  
• authorisation for type of vehicle

II  
Form for authorisation for type of vehicle

Inform ERA on issued authorisation for type of vehicle  
ID:26,7

OR

III  
Inform ERA on deemed vehicle type authorisation  
ID:26,7

Information on vehicle type authorisation  
ID:26,7

Inform the concerned NSA of the deemed vehicle type authorisation

Document on deemed vehicle type authorisation

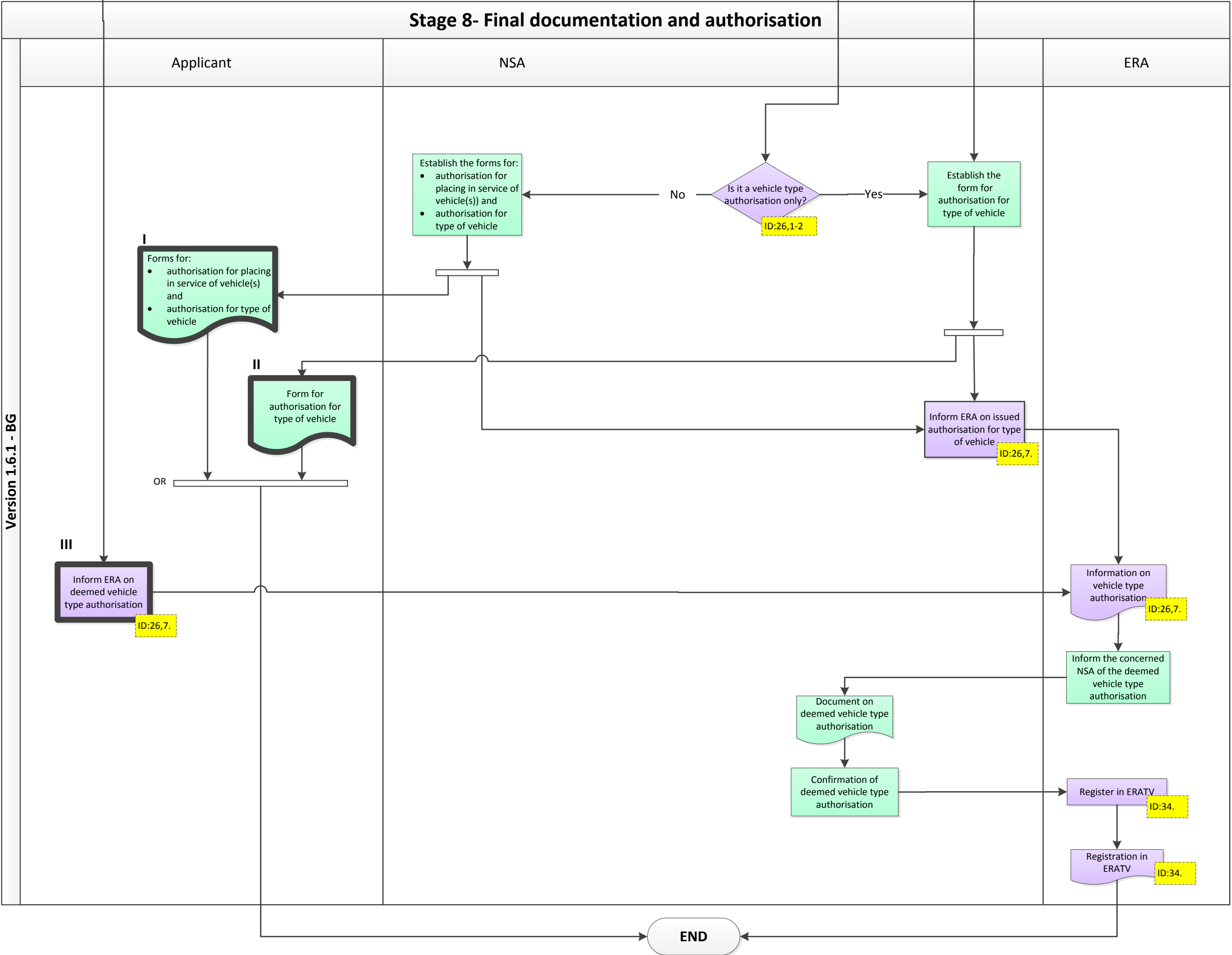
Confirmation of deemed vehicle type authorisation

Register in ERATV  
ID:34

Registration in ERATV  
ID:34

END

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ID: Interoperability Directive 2008/57/EC  
NVR: Commission Decision 2011/107/EU  
amending Decision 2007/756/EC adopting  
a common specification of the national  
vehicle register

Legal option

Non mandatory/  
common practice

### Stage 9 – Registration of the vehicle authorisation in the NVR

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