



Strengthening the capacity of social partners in the road transport sector in Bulgaria to engage in effective and constructive social dialogue at international, national and enterprise level



National Tripartite Workshop, Sofia, 18-22 May 2009

	MONDAY (18.05.09)		TUESDAY (19.05.09)		WEDNESDAY (20.05.09)		THURSDAY (21.05.09)		FRIDAY (22.05.09)	
9:00	Arrival and registration of participants	9:00	The Agenda for Social Dialogue in the Road Transport Sector P. Turnbull		SWOT Analysis of Social Dialogue in the Bulgarian Road Transport Sector P. Turnbull		Planning for Social Dialogue P. Turnbull		Mobilizing the Resources Needed for Social Dialogue P. Turnbull	
9:20	Workshop Introduction Introduction of Participants M. Meletiou									
10:15	Arrival of Officials and Guests for the Opening Session									
10:30	Opening Session	10:40	Social Dialogue in Road Transport in Bulgaria National Expert		Working Time and Social Dialogue in Europe P. Turnbull		Initiating Social Dialogue P. Turnbull	10:40	Agreed Guidelines for Social Dialogue in Bulgaria P. Turnbull	
11:15	Tea/coffee-break									
11:40	Workshop Programme P. Turnbull								12:00	Review, Evaluation P. Turnbull
12:30	Lunch break	Lunch break			Lunch break		Lunch break		12:30	Closing Session
14:00	Presentations on the ILO Regarding Labour Standards, Social Dialogue and Sectoral Activities C. Mihes & M. Meletiou	14:00	Presentations by Damian Viccars , IRU Cristina Tilling , ETF	14:00	Making Social Dialogue Work P. Turnbull		Implementing Social Dialogue P. Turnbull			
		15:00	Tea/coffee-break							
15:20	Tea/coffee-break	15:20	Stakeholder Presentations, other interventions & discussion	15:40	ILO Model of Social Dialogue P. Turnbull		Monitoring and Evaluating the Process of Social Dialogue P. Turnbull			
15:40	Representation of the Social Partners and Support for Social Dialogue P. Turnbull									
17:00	End of day									End of day



PROJECT TITLE:

EC funded ILO Technical Cooperation Project: “Strengthening the capacity of social partners in the road transport sector in Bulgaria and Romania to engage in effective and constructive social dialogue at international, national and enterprise level”

National Tripartite Workshop in Bulgaria

**18 to 22 May 2009, Sofia
Arena di Serdica hotel**

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7 persons will need accommodation and DSA

**RESEARCH STUDY
ON ISSUES RELATED TO THE ROAD TRANSPORT
SECTOR IN BULGARIA WITH PARTICULAR
EMPHASIS ON SOCIAL DIALOGUE**

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Unedited English translation

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CHAPTER ONE INTRODUCTION

The main aim of this study is to review and outline the situation with regard to the existing capacity of social partners in Bulgaria in the road transport sector, as well as to identify the opportunities to improve its effectiveness and its role on the various levels.

Following a short introduction, Chapter 2 of the study outlines the legal framework in the road transport. It lists the key EU regulations and directives, as well as the international conventions and treaties, to which Bulgaria is a party. There is also a review of the legislation governing the social dialogue.

Chapter 3 presents the national transport policy of Bulgaria and outlines its priorities in the road transport sector. It also presents the activities and main functions of the Executive Agency "Road Transport Administration". It includes a description of the organisational structure of the agency. Moreover, it describes the future development trends in the sector.

Further in the study, there is an analysis of the Bulgarian transport market. The document reviews and analyses the main indicators characterizing the large transport operators, as well as the small undertakings. It also describes their structure, management, ownership, operations, and human resources. At that point the document discusses the current effect of the global financial crisis on the Bulgarian transport operators.

The last Chapter of the study is focused on the various participants in the social dialogue and their organisations. The existing collective labour agreements are described. Special attention is paid to the social partners' participation in the tripartite social dialogue in the road transport sector.

The report ends with conclusions and recommendations on the need of training and promotion of the further development of the social dialogue, which aims at its transformation into a system, meeting the needs and requirements of all participants.

The study and the contents of this report mainly count on information and data obtained from interviews with representatives of various organisations, as well as from published sources and reports.

Transport has a strategic importance for every country. Trends in transport largely reflect the economic development of the country. There is a tight bond between the transport sector and the other sectors of the economy. On the one hand, in order to develop they need effective and well-developed transport sector. On the other hand, the transport sector is strongly dependant on the development of the other economic sectors. One of the main tasks of the transport sector in Bulgaria is the provision of effective and reliable transport services, which would help improve the economic and social stability of the country.

Road transport has a key and dominating role in the Bulgarian transport system. In 2000 the share of road transport was 52.3%, and today it represents some 70% of the entire transport activity and maintains a permanent, high annual growth.

CHAPTER TWO

BULGARIAN LEGAL FRAMEWORK IN THE FIELD OF ROAD TRANSPORT

Constitution of the transport market is possible only with the legal regulations and secondary legislation, defining its organization and rules for transport operations. The road transport sector is well regulated at European level. The European legislation in this field covers extremely big number of provisions relating to technical, fiscal, social and environmental requirements.

Since January 1, 2007 Bulgaria is a full member of the European Union and as all other sectors and sub-sectors of the economy, road transport is subject to direct effect of EU regulations in this field.

Negotiations on Chapter 9 "Transport policy" started officially in June 2001 within the Intergovernmental Conference on Accession of Bulgaria to the European Union and were finalised in June 2003. In the course of negotiations regarding road transport Bulgaria fulfilled all commitments to harmonize its legislation regarding the requirements on admission to the occupation of road passenger operator or road haulage operator and the compulsory technical requirements to vehicles for road carriage of passengers and goods.

In the course of negotiations Bulgaria has agreed the following transitional periods:

- **4-year transitional period** for the entry into force of the requirement for financial standing to the road carriers that provide road transport only in Bulgaria. The complete scope of the criteria financial standing will be achieved on 01.01.2011.
- The planned transitional period for the liberalisation of cabotage transport concerning road transport **is in configuration 3+2 years**. During the three-year period, Bulgarian carriers are not allowed to perform cabotage transport in the EU and respectively the carriers registered in EU Member States are not allowed to perform cabotage transport in Bulgaria. Before the end of the third year, the Member States, including Bulgaria, should notify the European Commission whether they will extend that period with maximum two years more or will allow the cabotage transport. In the absence of such notification it will be assumed that the Member State henceforth has authorised cabotage transport. The EU directives have been fully transposed in the national legislation, prescribing competent authorities, rules, and mechanisms for the implementation of EU regulations and the international conventions and treaties to which Bulgaria is a party.

Key EU regulations related to road transport

1. **Council Regulation (EEC) No. 684/92** of 16 March 1992 on the common rules for the international carriage of passengers by coach and bus (*OB L 74, 20.3.1992, p. 1–9*).
2. **Council Regulation (EEC) No. 881/92** of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.
3. **Council Regulation (EEC) No 3118/93** of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State (*OB L 279, 12.11.1993, p. 1–16*).
4. **Council Regulation (EC) No. 12/98** of 11 December 1997 laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (*OB L 4, 8.1.1998, p. 10–14*).

5. **Commission Regulation (EC) No. 792/94** of 8 April 1994 laying down detailed rules for the application of Council Regulation (EEC) No. 3118/93 to road haulage operators on own account (*OB L 92, 9.4.1994, p. 13–13*).
6. **Regulation (EC) No. 561/2006** of the European Parliament and of the Council of 15 March 2006 on the harmonization of certain social legislation relating to road transport and amending Council Regulations (EEC) No. 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No. 3820/85 (*OB L 102, 11.4.2006, p. 1–14*).
7. **Council Regulation (EEC) No. 3821/85** of 20 December 1985 on recording equipment in road transport (*OB L 370, 31.12.1985, p. 8–21*).
8. **Regulation (EC) No. 1100/2008** of the European Parliament and of the Council of 22 October 2008 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (*OB L 304, 14.11.2008, p. 63–69*).
9. **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) No. 1191/69 and 1107/70 (*OB L 315, 3.12.2007, p. 1–13*).
10. **Commission Regulation (EC) No. 2121/98** of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No. 684/92 and (EC) No. 12/98 as regards documents for the carriage of passengers by coach and bus (*OB L 268, 3.10.1998, p. 10–26*).
11. **Council Regulation (EC) No. 2411/98** of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (*OB L 299, 10.11.1998, p. 1–3*).

Key EU directives related to road transport and transposed in Bulgarian legislation

Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (*OB L 124, 23.5.1996, p. 1–10*). The Directive establishes minimum requirements for qualification to be met to obtain access to the occupation of road haulage operator and road passenger transport operator.

Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (*OB L 226, 10.9.2003, p. 4–17*). The Directive sets the minimum age for drivers of various categories. Its implementation is a prerequisite for raising the qualifications of drivers in road transport and raising their training to the level of the modern requirements. It has been transposed into the national legislation of the country, but its full practical implementation represents a major challenge due to the need to mobilize substantial financial, material and human resources in the organization of the training.

Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organization of the working time of persons performing mobile road transport activities (*OB L 80, 23.3.2002, p. 35–39*). It introduces a restriction on weekly working time, night work, and minimum interruption of the work of the crews of trucks and buses.

Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No. 3820/85 and (EEC) No. 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (*OB L 102, 11.4.2006, p. 35–44*). It harmonizes the control at the roadside and in the premises of undertakings on the application of the rules for driving times of the vehicles, the mandatory breaks and the use of tachographs. Based on the last amendment by Commission Directive 2009/5/EC of January 30, 2009 (*OB L 29, 31.1.2009*), containing guidelines on a common range of infringements of Regulations (EC) № 561/2006 and (EEC) № 3821/85, divided into categories according to their severity, a risk rating system for carriers will be established.

Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (*OB L 33, 4.2.2006, p. 82–85*). It contains requirements for supporting documents, used for hired or leased vehicles, including those registered in another Member State.

Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway (*OB L 145, 19.6.1996, p. 10–15*).

Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (*OB L 187, 20.7.1999, p. 42–50*). In 2004 Bulgaria introduced the vignette system of payment for the use of the road infrastructure for a certain period, which was harmonized with the above Directive upon Bulgaria's accession to the EU.

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (*OB L 183, 29/06/1989, p. 0001 – 0008*).

International conventions and treaties

In accordance with Article 5, Para (4) of the Constitution of Republic of Bulgaria, "Any international instruments which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise."

Republic of Bulgaria has ratified almost all conventions and treaties of the UN ECE in the field of road transport as follows:

Conventions and Agreements concerning road transport, to which Bulgaria is a party	Ratification /Accession
1. European Agreement of Main International Arteries (AGR), 1975	17.11.1977
2. Convention on Road Traffic, 1949, Geneva	13.02.1963
3. Convention on Road Traffic, 1968 r., Vienna	28.12.1978
4. European Agreement supplementing the 08.11.1968 Convention on Road Traffic, 1971	28.12.1978
5. Convention on Road Signs and Signals, 1968	28.12.1978

6. European Agreement supplementing the Convention on Road Signs and Signals, 1971	28.12.1978
7. European Agreement on Road Markings, 1957	14.03.1963
8. Agreement on Minimum Requirements for the Issue and Validity of Driving Licences (APC), 1975	28.12.1978
9. Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment, and Parts which can be Fitted and/or be used on Wheeled Vehicles and Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, 1958	22.11.1999
10. Agreement concerning the Adoption of Uniform Conditions for Periodical technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, 1997	11.07.2003
11. Agreement concerning the Establishment of Global Technical Regulations for Wheeled Vehicles, Equipment, and Parts which can be Fitted and/or be used on Wheeled Vehicles, 1998	15.02.2000
12. European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), of 1970	12.05.1995
13. Convention on the Contract for the International Carriage of Goods by Road (CMR), 1956	20.10.1977
14. Convention concerning Customs Facilities For Touring, 1954	07.10.1959
15. Customs Convention on the International Transport of Goods under Cover of TIR, 1959	15.01.1959
16. Customs Convention on the International Transport of Goods under Cover of TIR, 1975	20.10.1977
17. Customs Convention on the Temporary Importation of Commercial Road Vehicles, 1956	07.10.1959
18. Customs Convention on Containers, 1956	18.01.1960
19. Customs Convention on Containers, 1972	22.02.1977
20. European Convention on Customs Treatment of Pallets Used in International Transport, 1960	28.02.1961
21. Convention on the Harmonization of Frontier Controls of Goods, 1982	27.02.1998
22. European Agreement concerning the International Carriage of Dangerous Goods by Road ADR, 1957	12.05.1995
23. Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), 1970	26.01.1978

In the area of bilateral cooperation, Bulgaria has concluded 48 bilateral agreements on international road transport of passengers and goods, 25 with EU Member States and 23 with non-EU countries.

National legislation related to road transport

1. **Road Transport Act**, in force since 17.09.1999, prom. SG Issue 82 of September 17, 1999, last amendment SG Issue 102 of 28.11.2008.
2. **Road Traffic Act**, in force since 01.09.1999, prom. SG Issue 20 of 5 March 1999, last amended SG Issue 102 of 28.11.2008.
3. **Roads Act**, prom. SG issue 26 of March 29, 2000, last amended SG Issue 12 of 13.02.2009.

4. **Ordinance No. 2 of March 15, 2002 on the conditions and procedure for the approval of transport schemes and the provision of public transport services for passengers by buses and cars**, issued by the Ministry of Transport and Communications, in force since 29.03.2002, prom. SG Issue 32 of March 29, 2002, last amended SG Issue 45 of June 2, 2006.
5. **Ordinance No. H-8 of 27 June 2008 on the conditions and procedure for the provision of transport services for passengers and goods on own account**, issued by the Ministry of Transport, prom. SG Issue 63 of 15 July, 2008.
6. **Ordinance No. 11 of October 31, 2002 on the international carriage of passengers and goods by road**, issued by the Ministry of Transport and Communications, prom. SG Issue 108 of November 19, 2002, last. amend. SG Issue 73 of 19.08.2008.
7. **Ordinance No. 11 of July 3, 2001, about the movement of oversized and/or heavy road vehicles**, issued by the Ministry of Regional Development and Public Works, prom. SG Issue 65 of July 24, 2001, last amended SG Issue 67 of August 17, 2007.
8. **Ordinance No. 12 of January 5, 2007 on the requirements for compulsory use of control devices for registration of the movement of vehicles and work of the crews, as well as functional and technical requirements to them**, in force since 19.01.2007, issued by the Ministry of Transport and the State Agency for Metrological and Technical Surveillance, prom. SG Issue 6 of January 19, 2007.
9. **Ordinance No. 13 of April 19, 2004 on the requirements for compulsory use of speed limitation devices installed in motor vehicles**, issued by the Ministry of Transport and Communications, in force since 15.06.2004, prom. SG Issue 51 of June 15, 2004.
10. **Ordinance No. 31 of July 26, 1999 on the requirements, terms and procedure for the acquisition of driving licence for motor vehicle**, issued by the Ministry of Transport and the Ministry of Education and Science, prom. SG Issue 69 of August 3, 1999, last amend. SG Issue 57 of July 13, 2007.
11. **Ordinance No. 32 of August 5, 1999 on the periodic roadworthiness tests for road vehicles**, in force since 01.09.1999, issued by the Ministry of Transport, prom. SG Issue 74 of August 20, 1999, last amend. SG Issue 98 of November 14, 2008.
12. **Ordinance No. 33 of November 3, 1999 on public transport of passengers and goods on the territory of Republic of Bulgaria**, issued by the Ministry of Transport, prom. SG issue 101 of November 23, 1999, last amend. SG Issue 46 of June 6, 2006.
13. **Ordinance No. 34 of December 6, 1999 for taxi transport of passengers**, issued by the Ministry of Transport, prom. SG Issue 109 of December 14, 1999, last amend. SG Issue 103 of December 7, 2007.
14. **Ordinance No. 35 of November 3, 1999 on the functional and technical requirements for electronic taximeters with fiscal memory**, issued by the Ministry of Transport, Ministry of Finance and the State Agency for Standardization and Metrology, prom. SG Issue 97 of November 9, 1999, amend. SG Issue 95 of November 21, 2000.
15. **Ordinance No. 36 of May 15, 2006 on the requirements for psychological suitability and the conditions and procedures for conducting psychological tests of applicants for the acquisition of driving licence for motor vehicles, of drivers of motor vehicles and chairs of examination commissions**, issued by the Ministry of Transport, prom. SG Issue 46 of June 6, 2006, last amend. SG Issue 36 on May 4, 2007.
16. **Ordinance No. 37 of August 2, 2002 about the conditions and procedures for training of applicants for the acquisition of driving licence for motor vehicle and the conditions and procedures for authorization of their training**, in force since

- 27.08.2002, issued by the Ministry of Transport and Communications, prom. SG Issue 82 of August 27, 2002, last amend. SG Issue 97 of November 11, 2008.
17. **Ordinance No. 38 of April 16, 2004 on the conditions and procedure for conducting tests of applicants for the acquisition driving licence for motor vehicle and procedures for conducting the examinations**, in force since 21.05.2004, issued by the Ministry of Transport and Communications, prom. SG Issue 42 of May 21, 2004, last amend. SG Issue 97 of November 11, 2008.
 18. **Ordinance No. 39 of January 29, 2004 on the requirements to drivers of motor vehicles of various categories and subcategories**, issued by the Ministry of Transport and Communications, prom. SG Issue 17 of March 2, 2004.
 19. **Ordinance No. 40 of January 14, 2004 on the conditions and procedure for road transport of dangerous goods**, issued by the Ministry of Transport and Communications, Ministry of Interior and Ministry of Environment and Water, prom. SG Issue 15 of February 24, 2004, last. amend. SG Issue 67 of 17 August 2007.
 20. **Ordinance on the conditions and procedures for transportation of radioactive substances**, adopted by Decree of the Council of Ministers No. 156 of July 13, 2005, prom. SG, Issue 60 of July 22, 2005.
 21. **Ordinance No. 41 of August 4, 2008 on the conditions and procedures for training of drivers of vehicles carrying passengers and goods and the conditions and procedures for conducting examinations for the acquisition of initial qualification**, issued by the Ministry of Transport, prom. SG Issue 73 of August 19, 2008.
 22. **Ordinance No. 53 of 10.02.2003 about the combined transport of goods**, issued by the Minister of Transport and Communications, prom. SG, No. SG, Issue 18 from 25.02.2003.
 23. **Ordinances for type approval of new vehicles and their trailers, systems, components, separate technical units** No.s 60 to 117 + 95a + 131 + 132 + 133, issued by the Ministry of Transport.
 24. **Ordinance No. I-45 of March 24, 2000 about the registration, record, entry into service and suspension from movement of motor vehicles and trailers towed by them**, in force since 14.04.2000, issued by Ministry of Interior, prom. SG Issue 31 of April 14, 2000, last amend. SG Issue 53 of June 10, 2008.
 25. **Ordinance on the conditions and procedures for collecting fees for use of the road infrastructure, for travelled distance, for use of separate facilities on the national roads and for special use of the national roads or parts of them**, adopted by Decree of the Council of Ministers No. 160 of 7.07.2008, prom. SG, Issue 64 of 18.07.2008, amend. Issue 79 of 09.09.2008, effective since 09.09.2008.
 26. **Ordinance № 12 of 30.12.2005 on the provision of healthy and safe working conditions when performing loading and unloading activities**, issued by the Ministry of Labour and Social Policy, prom., SG, issue 11 of 3.02.2006, in force since 4.08.2006
 27. **Ordinance № 12 of 27.12.2004 on the provision of healthy and safe working conditions when working with vehicles**, issued by the Ministry of Labour and Social Policy and the Ministry of Transport and Communications, prom., SG, issue 6 of 18.01.2005, in force since 19.06.2005.
 28. **Ordinance on the organization of working time of persons engaged in road transport operations**, adopted by Decree of the Council of Ministers № 244 of 11.09.2006, in force since 1.01.2007, prom. SG, Issue 77 of 19.09.2006.
 29. **Tariff No. 5 on the fees collected in the system of the Ministry of Transport**, adopted by Decree of the Council of Ministers No. 81 of 10.05.2000, prom. SG Issue 41 of May 19, 2000, last amend. SG Issue 79 of September 9, 2008.

New EU proposals for regulations and directives

Based on the adopted in spring 2007 by the European Council "Conclusions on the contribution of the transport sector to the Lisbon strategy" of May 25, 2007, the European Commission has presented to the Council of the European Union and the European Parliament a package of three legislative proposals revising and simplifying the existing provisions regarding: (1) access to the international road haulage market; (2) admission to the occupation of road transport operator and (3) access to the market for coach and bus services in the European Union.

The proposal for a Regulation on access to the international road haulage market merges the existing Regulation on access to the road transport market and the First Council Directive, which excludes certain types of services. The draft introduces the following major changes:

- simple, clear and applicable definition of "cabotage",
- simplified and standardized format for a Community licence, certified copies and driver's certificate to reduce administrative barriers and delays, especially at roadside checks;
- strengthening of the existing legal provisions by obliging of a Member State to take actions when requested by another Member State where the carrier, who was issued the Community licence, made an infringement in the Member State of establishment or in another Member State.

The proposal for a Regulation establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator aims at a high level harmonization of rules applied in the EU. It will replace the existing Directive 96/26/EC and will help to simplify and improve the European legislation in this field. The new elements to be introduced with this draft are as follows:

- more stringent rules governing the relationship of the transport managers in the undertakings;
- more stringent criteria for the actual establishment of a transport undertaking in a Member State;
- comparable financial indicators to determine the financial standing of the undertakings;
- a system for issuing a notification to those carriers that no longer meet the criteria of good repute, financial standing or professional competence;
- mutual recognition between Member States of infringement of EC provisions on road transport;
- electronic registers interconnected among all Member States to reduce administrative costs for monitoring of the undertakings and to facilitate exchange of information between Member States;
- phasing out of certain exemptions.

The proposal for a Regulation on common rules for access to the market for international coach and bus services aims a revision of the existing legislation in this area, clearer rules, simplified procedures and reduced administrative burden. The main amendments to be introduced by this draft are as follows:

- clearer definition of the scope of the proposal and the inclusion of cabotage;
- simpler and faster procedure for allowing regular services for the international transport of passengers;

- standardized format of the Community licence and its certified copies to facilitate checks on the road and reduce the administrative burden.

The three proposals were considered with priority by the Working Party at the Council of EU. As a result, in June 2008 the Council on Transport, Telecommunications and Energy has achieved a political agreement on this package. Due to the essential importance for the proper functioning and development of the road transport, the Czech Presidency has announced that package as a priority and declared ambition to reach an agreement with the European Parliament on second reading by the end of the first quarter of 2009.

In the middle of last year the European Commission submitted a draft for **amendment of Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures**. The proposed Directive allows Member States to include in the fee of heavy vehicles an amount that reflect costs associated with air pollution, noise and traffic jams caused by the vehicles. The fees must be used by Member States to achieve more sustainable transport through projects such as research and development on environmental and energy efficient vehicles, reducing the impact of pollution from transport on the environment or the provision of alternative infrastructure capacity for users. This initiative aims at implementing the "polluter pays" principle.

At the end of 2009 EC submitted to the Council and the EP a **proposal for amendment of Directive 2002/15/EC of the European Parliament and the Council of March 11, 2002 on the organization of working time of persons performing mobile road transport services**. Its common rules provide minimum standards for social protection of the workers in the road transport sector and are an important step towards improving the protection of health and safety of transport workers in the sector, improving road safety and ensuring fair competition. The Directive with its provisions aimed at protection of transport workers from adverse effects caused by long working hours, insufficient rest or the partitioned work pace constitutes *lex specialis* in relation to the general Directive for organization of working time (Directive 2003/88/EC) and supplements Regulation (EC) No. 561/2006 of March 15, 2006, which sets out detailed rules for the driving times and the break and rest periods for drivers.

Legislation in the field of social dialogue

Republic of Bulgaria has ratified the main conventions of the International Labour Organisation (ILO), guaranteeing the freedom of association of workers and employers and social dialogue, as follows:

ILO Conventions ratified by Bulgaria	Ratification
1. (C87) Freedom of Association and Protection of the Right to Organise Convention	08.06.1959
2. (C98) Right to Organise and Collective Bargaining Convention, 1949	08.06.1959
3. (C144), 1976 Tripartite Consultation Convention	12.06.1998

At national level the Constitution of Republic of Bulgaria guarantees the right of workers and employees to associate in trade union organisations and alliances in defence of their interests related to work and social security, as well as the right of employers to associate in defence of their economic interests (Art. 49).

The legal framework of the social dialogue is mainly regulated in the Labour Code, but some of its important forms are regulated in the following legal acts and secondary legislation:

- **Labour Code**, (prom., SG, issue 26 of 1.04.1986 and issue 27 of 4.04.1986, last amend. and supplemented SG issue 94 of 31.10.2008, in force since 1.01.2009);
- **Social Insurance Code** (promulgated, SG, issue No. 110 of 17.12.1999, in force since 1.01.2000; last amended and supplemented, SG, issue 102 of 28.11.2008);
- **Collective Labour Disputes Settlement Act** (prom. SG, issue 21 of 13.03.1990, last amend. and supplemented SG issue 87 of 27.10.2006);
- **Health Insurance Act** (prom., SG, issue 70 of 19.06.1998, last amend. and supplemented SG issue 71 of 12.08.2008., in force since 12.08.2008);
- **Law on Health and Safety at Work** (prom. SG issue 124 of 23.12.1997, last amend. and suppl. SG issue 102 of 28.11.2008);
- **Employment Promotion Act** (prom. SG issue 112 of 29.12.2001, in force since 01.01.2002; last amended and supplemented SG issue 89 of 14.10.2008);
- **Economic and Social Council Act** (prom. SG issue 41 of 24.04.2001, last amend. and supplemented SG issue 36 of 4.04.2008);
- **Standing Orders on the Organization and Activity of the Tripartite Co-operation Councils** (issued by the president of the National Council of Tripartite Co-operation, SG issue 57 of 26.06.2001, in force since 30.05.2001);

CHAPTER THREE

NATIONAL POLICY OF BULGARIA ON ROAD TRANSPORT

The transport policy of Bulgaria aims at providing opportunities for social equality, support to the functioning of the common market, stimulating the sustainable development, removing the barriers to the development of an effective and integrated transport system through the establishment of a multimodal transport system, supporting the integration, respectively the combination of several modes of transport, improving the transport safety, implementing the necessary measures in the social field and last, but not least, the establishment and maintenance of a favourable environment for the transport system.

In the past several years there is an increased demand of transport services - both for haulage and passenger transport. This is accompanied by the increased requirements towards their quality. To that sense, the aim of the state administration, particularly the Ministry of Transport, is to establish legal and economic conditions for the provision of public transport services and the relevant infrastructure, meeting the user expectations.

The state, respectively the Ministry of Transport, is facing the important and responsible task to implement successful measures for development and modernisation of the transport systems. For the achievement of this aim, the following national strategies, programmes, and documents have been developed:

- Strategic document for the development of the national transport system for the period 2006-2015
- National Development Plan;
- Development of a sustainable transport system in Bulgaria by 2020;
- Mid-term programme "Road infrastructure safety management";

- Strategy for the development of the road infrastructure of Republic of Bulgaria by 2015;
- Programme of the Government of European integration, economic growth and social responsibility;
- National Strategic Reference Framework for the programming period 2007-2013;
- Transport and environment in Republic of Bulgaria.

The Ministry of Transport implements a targeted transport policy, compliant with the European principles.

The Strategic document for the development of the national transport system for the period 2006-2015 is a long-term programme to be specified in mid-term (5 years) and short-term (1-2 years) plans for the different types of transport. The document aims at outlining a common framework for the development and implementation of sub-sector concepts/programmes for the development of the various transport modes by 2015. The strategic document has been elaborated with the efforts of a broad circle of stakeholder institutions, representatives of the users and the academic circles. It is based on an analysis of the present situation and the development trends, as well as on the internal and external factors for the sector. The strategic document also aims at outlining the main tasks of the Bulgarian transport system with view to its successful integration in the European transport system.

The key aim of the EU with regard to transport is set out in the White Paper, 2001. “European transport policy for 2010: time to decide” “*mobility for all citizens, sustainable in economic, social and environmental respect*”.

As a Member State, Bulgaria has adopted the EU priorities and makes the necessary efforts to achieve compliance with them.

Main priorities

The Ministry of Transport of Bulgaria has outlined the following main priorities with regard to road transport:

- Road infrastructure development;
- Safety and security;
- Modernisation of the vehicle fleet;
- Improved quality of transport services;
- Improving the dialogue with branch organisations in the road transport sector.

The development and modernisation of the road infrastructure is mandatory prerequisite for the successful integration into the European transport system. The construction of a modern transport infrastructure takes time, forward approach, and provision of stable financial flows, as well as determination and commitment by all institutions and organisations that are related to this process. It is of utmost importance to fully absorb the significant European funds. In 2007 in Brussels was signed Operational programme "Transport" with a budget of € 2,003 million. This significant amount is evidence about the priority place of the development of the transport infrastructure. For Bulgaria it is an important step towards establishing of a balanced and sustainable transport system through modernisation of the key transport infrastructure of national, trans-border and European importance.

The road traffic safety is one of the most important conditions of the public for the sustainable development of transport. The safe transport of goods and passengers is a main task of the transport process. Aiming at improving the transport safety, greening and security the Ministry of Transport initiated the campaign "I save lives". Bulgaria joined the European Road Safety Charter. A web site for road safety was created - <http://www.bezopasnost.bg/>. The site contains useful information related to various advises and measures for road safety improvement. It includes a map with the dangerous road sections in Bulgaria, as well as information on the European Road Safety Charter. The Ministry of Transport has developed a programme, containing specific measures for the improvement of road infrastructure safety. These measures focus on various aspects of the construction, maintenance and operation of roads.

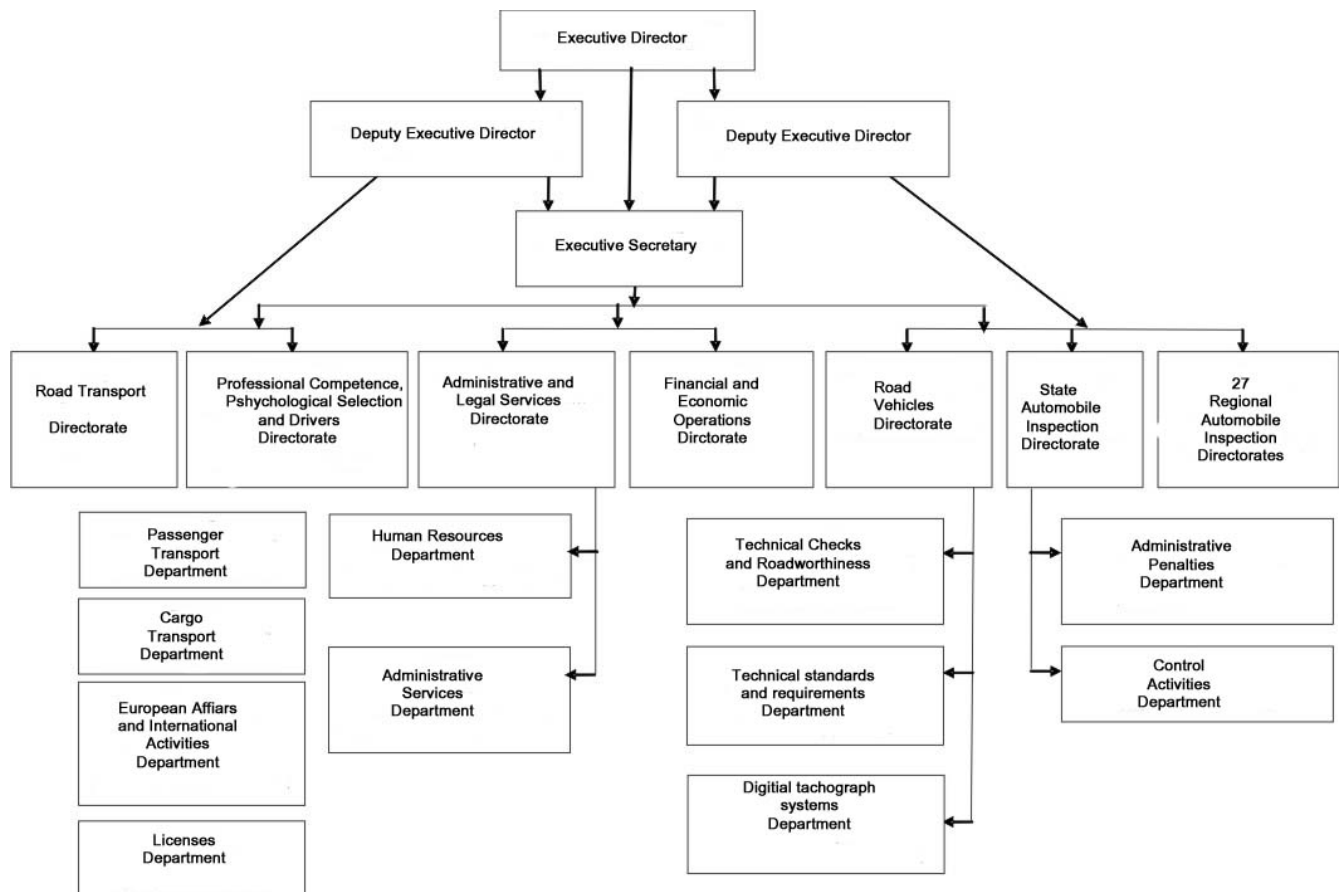
In 2007 a digital tachograph system was introduced, thus complying with the requirements for the implementation of the European legislation in road transport. The introduction of the system allows a better control on the working conditions of drivers (driving times, breaks and rests), thus improving the traffic safety.

The quality of transport services offered depends largely on the transport operators. To that sense, the complete integration of Bulgarian carriers into the European transport system guarantees their competitiveness on the common transport services market. For that purpose, the efforts for modernisation of the vehicle fleet and improvement of the marketing and commercial orientation of transport entities and more efficient management of the transport undertakings shall continue. In order to achieve a higher level of competitiveness of the transport sector, the state encourages the scientific research and studies, as well as the provision of professional and administrative capacity, corresponding to the modern conditions and requirements.

In order to improve and strengthen the relations with transport sector branch organisations, the Ministry of Transport holds regular meetings and discussions with the participation of branch organisations, partnerships and associations on the hot topics in the sector. In the legislation development, a favourable environment has been established and constructive dialogue has been achieved. During the past several years the practice is to develop the regulations with the participation of the branch organisations.

Institutional framework of the road transport sector

The Ministry of Transport implements the Government policy and elaborates the strategy for the transport sector development by modes of transport. According to the Road Transport Act in 2001 was established an Executive Agency "Road Transport Administration" at the Ministry of Transport. The activities of the Agency are performed by a general and specialised administration, organised in Directorates, which support the Executive Director in the performance of his powers, assure the technical activities and administrative services to natural and legal persons. The Agency performs the administrative services and control on domestic and international road haulage and passenger transport services, performed by Bulgarian and foreign carriers on the territory of Republic of Bulgaria. The Agency's structure is presented below:



After the accession to the EU, the Road Transport Administration has improved and strengthened its capacity by increasing the staffing numbers of inspectors and experts. This contributed to the improved efficiency of control activities at the roadside and in the undertakings. In the end of 2006, under a PHARE Twinning project “Efficient functioning of the control system for roadside inspections and checks of the driving time, breaks and rest periods on the road and in the undertakings” were deployed 17 mobile laboratories fitted with gas analysers, smoke meter, weighing unit, automatic scanner for tachograph charts, global positioning systems (GPS) and other technical control tools. Thus a practically new control system was established, improving the safety on the road and helping reduce the negative impact on the environment. In 2007 a new project "Improvement of the efficiency of the road transport control system" was launched. The project provides for the implementation of a web based information system with centralized database at the Road Transport Administration.

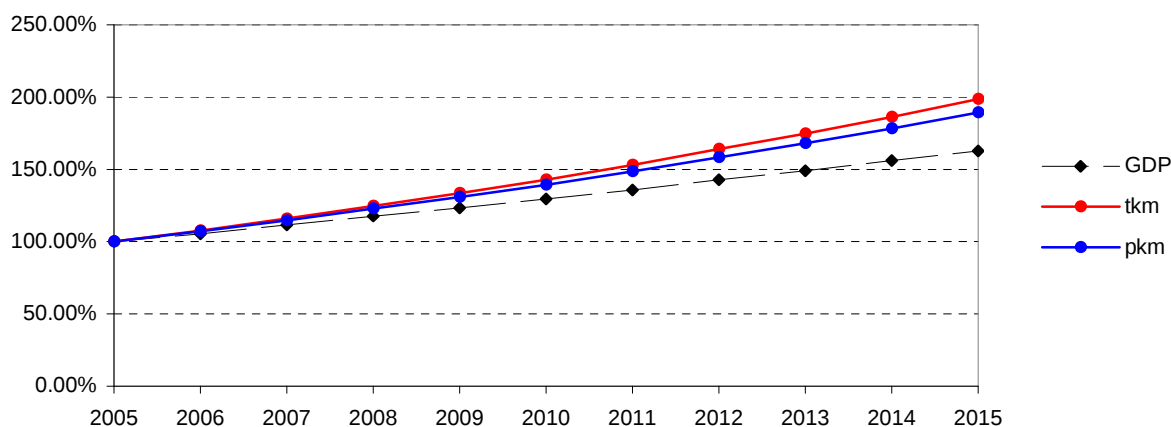
Future development prospects

During the past several years the demand for road haulage services at national level is about 200 million tons per year and for passenger transport services, about 1.2 billion trips/year, half of them urban. Because of the economic restructuring and the foreign trade orientation of the country, there is a trend of increased demand for international road haulage, which is expected to last. The demand for domestic haulage is relatively stable, app. 160 million tons/year, which is more than 80% of the total haulage demand. This demand is mainly satisfied by the road transport and to a lesser extent by the railway transport, which is preferred for the transport of bulk raw and other materials at long distances.

The airplane and bus transport operators dominate the international passenger transport market. The competition in the international bus transport is very strong. On a long run and with the increased income of the population, the demand of long distance trips is expected to decrease, whereas the bus operators will retain their positions mainly in regional transport - to and from neighbouring Balkan countries.

The *Strategic document for the development of the national transport system for the period 2006-2015* has made the following forecast: "due to the uneven economic development in Bulgaria during the past 15 years and based on the development trends of external factors influencing the Bulgarian transport sector on the one hand and the relatively low present demand on the other, the transport sector will develop at a pace outstripping the economic pace".

Expected growth of haulage and passenger transport for the period 2005 – 2015



The transport services demand in the international dimension is determined by the foreign trade exchange of the country and the transit flows, as well as by the competitiveness of the Bulgarian transport undertakings. The growth and the changing regional structure of export and import are also the main external factors, influencing the transport sector development trends. The European Union countries gradually became main trade partner of Bulgaria, which lead to the relevant reorientation of transport flows.

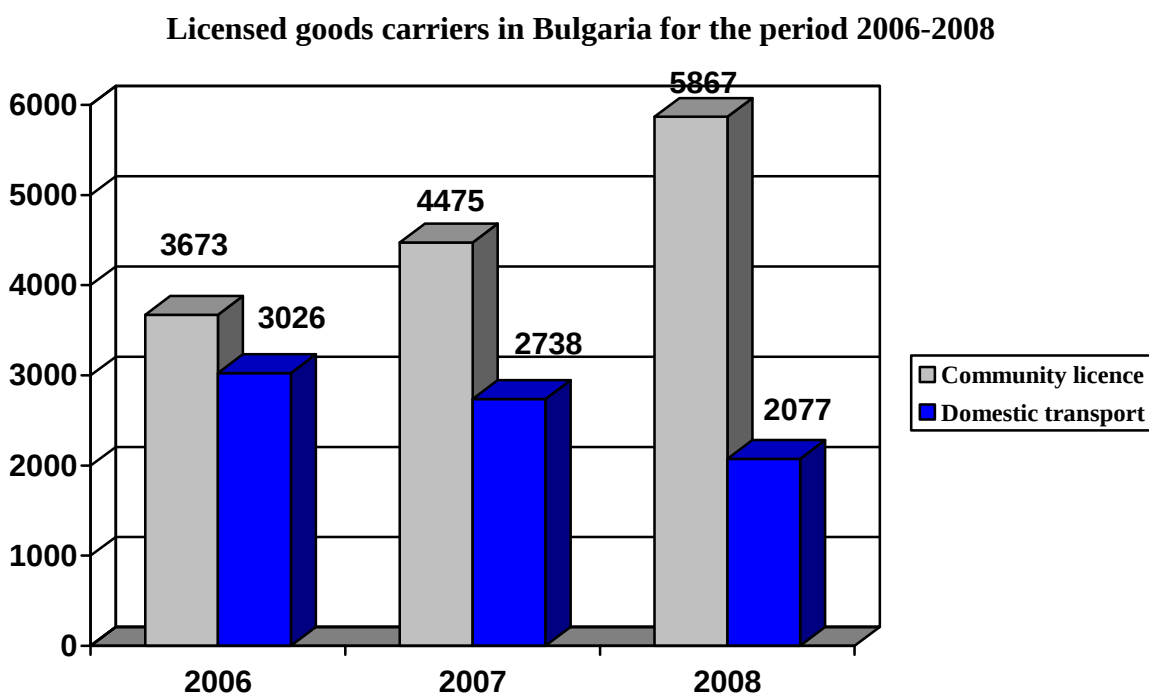
Based on the socio-economic data concerning the country's development, it should be noted that along with the market economy development and resulting from the country's accession to the European Union, a notable increase of the road transport demand is expected in the next 10-20 years.

With regard to the international bus transport, during the coming years the passengers using buses to distant destinations abroad will decrease significantly due to the emerging low-cost air carriers. Despite the inconvenience of the long trips, the bus transport has good transport services market position offering competitive prices and good service quality, as well as direct connections with all Balkan capitals and with many countries to the west of Bulgaria.

CHAPTER FOUR

TRANSPORT UNDERTAKINGS, PERFORMING DOMESTIC AND INTERNATIONAL HAULAGE AND PASSENGER TRANSPORT

After Bulgaria's accession to the EU, the Road Transport Administration issues to the Bulgarian carriers a Community licence for international road transport of passengers or goods and/or a licence for public transport of passengers or goods on the territory of Bulgaria. The validity of the licences is 5 years.



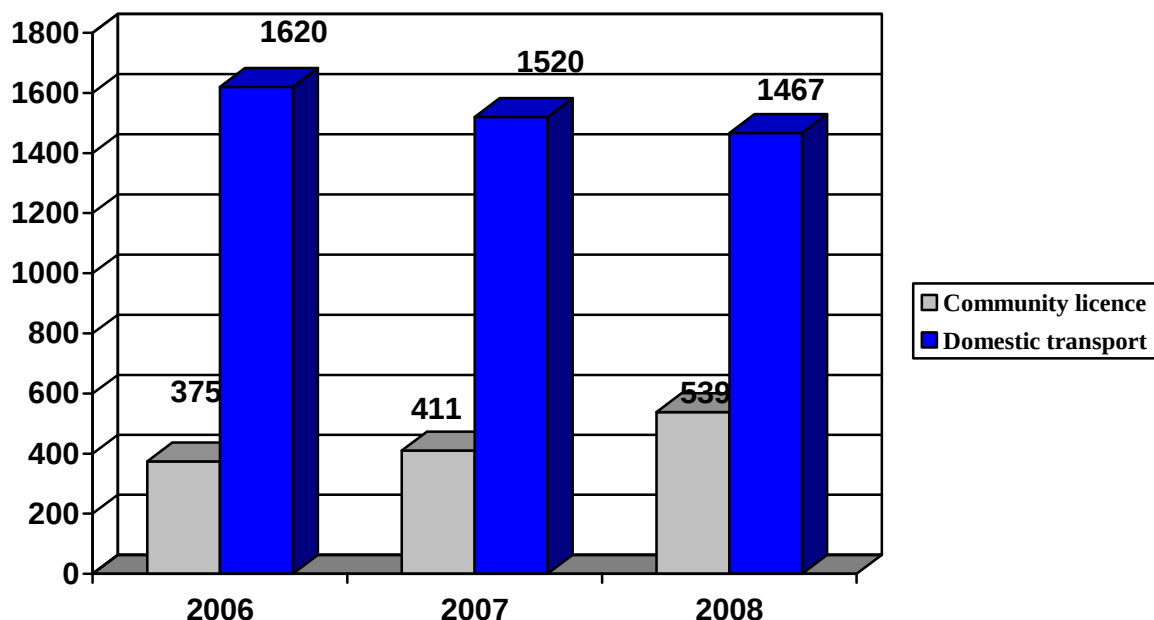
The chart shows that as of 31.12.2006 the licensed carriers for international transport of goods were 3,673 and as of 31.12.2008 – 5,867. There is a strong trend of increase of the number of carriers having a Community licence. Their number has increased over a two-year period with about 60%. The main reason for this trend is that since 01.01.2007 the international road transport carriers work in real market environment without restrictions on the territory of the European Union and within the European Economic Area. At the same time, the issued licences for public transport of goods on the territory of Bulgaria has dropped with about 30%. The main reason for this significant decrease is the fact that the agreed transitional period with regard to the lower financial standing of domestic carriers will expire in the end of 2010 and most of the companies prefer to apply for Community licence, which entitles them to perform both types of transport. Due to the restructuring, the actual growth of the road haulage operators compared to 2006 is about 20%.

Based on National Statistical Institute (NSI) data, the volume of goods transported has increased more than twofold for the period 2000 – 2007. The data shows a trend of gradual increase of volume of goods transported – from 36,758 thousand tons in 2000 to 82,251 thousand tons in 2007.

A significant growth is observed also in terms of volume of work performed by the road haulage transport, whereas it has increased threefold for the same period. There is growth also in the road haulage transport compared to the total transported goods by the land transport. In

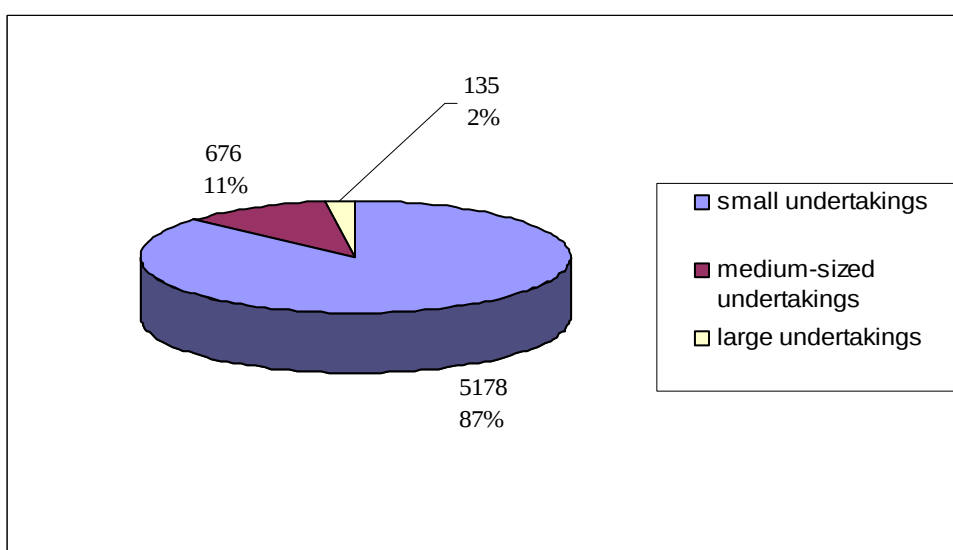
2000 the goods transported by road compared to the total goods transported by land were 49% and in 2007 – 64%. There is a 24% growth of the share of road transport also in terms of performed work in km.

Licensed passenger transport carriers in Bulgaria for the period 2006-2008



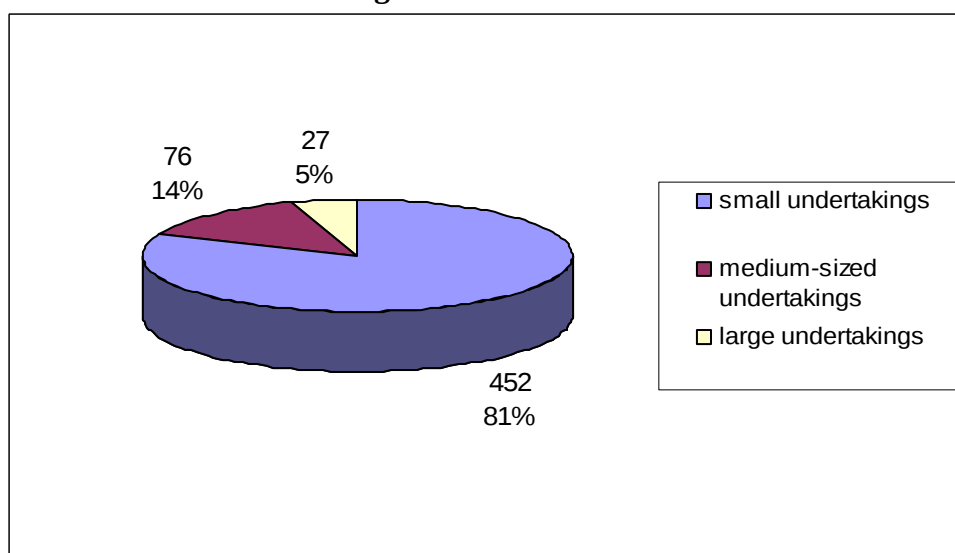
The data above shows that as of the end of 2006 the licensed carriers for international passenger transport were 375 and as of 31.12.2008 – 539. The upward trend is lower than the one of the haulage carriers. In the period after 2006 until the end of 2008 the number of bus carriers has increased with approximately 44%. With regard to the licences for domestic passenger transport there is a trend of ongoing decrease due to similar reasons as with the haulage carriers. It should be noted that the total number of licensed passenger transport carriers in 2008 has remained almost the same as in 2006. The growth is insignificant - under 1%.

Structure of international goods transport undertakings according to the number of vehicles



The structure of transport undertakings for goods transport is specific with an extremely large number of small carriers, owning from 1 to 10 vehicles – 5,178 that is 87% of the total number. The share of medium transport undertakings owning between 11 and 30 vehicles is 11% (676). The large carriers are merely 2% of the total, whereas 119 of them own between 31 and 100 vehicles and only 16 carriers own more than 100 vehicles.

Structure of international passenger transport undertakings according to the number of buses and coaches

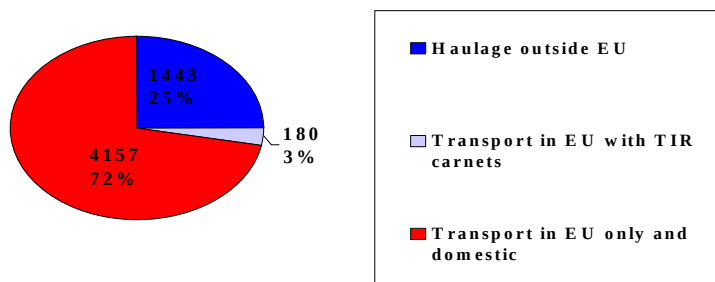


The diagram shows that the situation is similar with the structure of haulage transport undertakings. The largest share belongs to small transport undertakings with 1 to 10 buses – 452, which is 81%. The medium transport undertakings owning from 11 to 30 buses are 76, which is 13% of the total number. The large carriers are some 5% of the total, whereas 20 of them own between 31 and 100 buses and only 7 transport undertakings own more than 100 buses.

The international bus transport in Bulgaria is very well developed. Presently there are 242 regular international bus lines, of which 142 are to EU Member States and the other 100 to non-EU countries. The domestic passenger transport is also well developed, including destinations not covered by the railway transport. Despite the large number of undertakings licensed for domestic bus transport there are some transport leaders on the market with significant vehicle fleets. As a whole, the product provided by the bus undertakings for domestic and international transport satisfies largely the requirements of the users.

Based on information of the Bulgarian Enterprises for International Transport and the Roads (AEBTRI) so far less than 2,000 undertakings are admitted to the TIR procedure, of which 1,623 have used actively the TIR procedure in 2008, of which 180 used only TIR carnets with sending and receiving point on the territory of the European Union and 1,443 undertakings perform transport outside the European Union or between the European Union and third countries. After the Bulgaria's accession to the EU the use of TIR carnets decreased with some 60%, showing that almost 2/3 of the international carriers perform transport services exclusively on the territory of the European Union.

Distribution of haulage transport undertakings by destination of transport



Road transport has a significant role with regard to employment. Based on National Statistical Institute data for 2007, the road transport in Bulgaria provided employment to 73,496 persons. The transport undertakings for goods transport employed 37,552 persons. The passenger transport undertakings employed 35,944 persons.

The two representative trade union organisations presently have 5,367 members, of which 5,287 are employed in 22 undertakings, mainly for passenger transport on the territory of the country, mostly urban transport services, and 80 working in international road transport undertakings. Most of the members of the professional organisations of workers and employees – 4,661 (86.8%) are employed by municipal and the rest by private undertakings.

Trade union organisations of FTW PODKREPA and UTTUB in the road transport undertakings

№	Undertaking	Trade union organisations	Members	Ownership
1	AUTOBEL	AUTOBEL	9	Private
2	BUS TRANSPORT PLEVEN	BUS TRANSPORT PLEVEN	52	Municipal
3	AUTOTRANSPORT LEVSKI	AUTOTRANSPORT LEVSKI	25	Municipal
4	AUTOSITOMIR	AUTOSITOMIR	7	Private
5	AYTOS AUTOTRANSPORT	AYTOS AUTOTRANSPORT	12	Municipal
6	BURGAS BUS	BURGAS BUS	902	Municipal
7	METROPOLITAN AUTOTRANSPORT	TUO METROPOLITAN AUTOTRANSPORT	2069	Municipal
8	CITY TRANSPORT VARNA	CITY TRANSPORT VARNA	449	Municipal
9	CITY TRANSPORT RUSE	CITY TRANSPORT RUSE	108	Municipal
10	HEBROS BUS PLOVDIV	HEBROS BUS PLOVDIV	246	Private

11	URBAN MOBILITY CENTRE - SOFIA	TUO AT UMC	659	Municipal
12	PASSENGER TRANSPORT SERVICES SLIVEN	PASSENGER TRANSPORT SERVICES SLIVEN	341	Municipal
13	PIRIN AUTOTRANSPORT - RAZLOG	PIRIN AUTOTRANSPORT - RAZLOG	32	Private
14	PASS. TRANSPORT - VIDIN	TUS OF FTW PODKREPA AT PT - VIDIN	22	Private
15	PASS. TRANSPORT - GABROVO	TUS OF FTW PODKREPA AT PT - GABROVO	44	Municipal
16	PASS. TRANSPORT - DOBRICH	TUS OF FTW PODKREPA AT PT - DOBRICH	83	Private
17	TAXI - 1 - PLOVDIV	TUS OF FTW PODKREPA AT TAXI - 1	51	Private
18	CITY TRANSPORT - PLOVDIV	TUS OF FTW PODKREPA AT CITY TRANSPORT - PLOVDIV	40	Private
19	BUS TRANSPORT - VRATSA	TUS OF FTW PODKREPA AT BT - VRATSA	85	Private
20	BUS TRANSPORT - STARA ZAGORA	TUS OF FTW PODKREPA AT BT - ST. ZAGORA	38	Private
21	BUS TRANSPORT - PERNIK	TUS OF FTW PODKREPA AT BT - PERNIK	13	Private
22	PRIVATE CARRIERS - INTERNATIONAL TRANSPORT SERVICES	TUS OF FTW PODKREPA - PRIVATE CARRIERS	80	Private
Total for road transport			5367	

In the period after 1997, with regard to the decentralisation of the road transport, privatisation of the state-owned road transport undertakings took place. At present 100 % of the undertakings for international haulage and passenger transport services are privately owned. A negligible part of the undertakings licensed for domestic passenger transport, performing mainly urban transport services, are municipal property.

Effect of the financial crisis on the Bulgarian carriers

The world financial crisis has an adverse effect on the Bulgarian carriers, since the transport is directly related to the other economic sectors. The transport undertakings inform that there is a rapid decline in the haulage orders. One of the most active markets registers demand/supply ratio for haulage of 85/15, while until less than four months ago this ratio was 45/55. The carriers' opinion is that road transport haulage has decreased with some 50%. At the same time the costs have increased and the revenues decreased. Based on carriers' data, regardless of the decrease of the petrol price, the costs of which represent a third of the total cost of the service, the other costs have increased with some 70%. The labour costs have also increased significantly, mainly due to shortage of drivers all over Europe. A large number of Bulgarian drivers work in other European countries. This has resulted in a notable increase of drivers' wages in our country as well.

Due to the slow-down of the economic growth, there is a real danger of bankruptcies of Bulgarian carriers. So far the transport companies have performed transport services mainly within Europe and delivered goods from Turkey to third parties. However, this region also suffers the consequences of the crisis. The volume of Turkish export to European countries has dropped rapidly, as well as the Bulgarian trade turnover. Many of the goods vehicles are without work, their owners cannot find other markets and begin to experience heavy financial difficulties. Bankruptcy endangers mainly those who purchased their vehicles under leasing agreements.

At this stage it is hard to make an exact forecast on the crisis development and its impact on the transport undertakings. Still, it is logical that only those carriers remain on the market, which are more flexible and conservative investment-wise.

CHAPTER FIVE

SOCIAL DIALOGUE IN THE ROAD TRANSPORT

At European Community level there has been social dialogue in the road transport sector since 1965, when the Joint Committee on Road Transport was established with the participation of the International Road Transport Union (IRU) and the European Transport Workers Federation (ETF).

Particularly important for the road transport is the Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level (notified under document number C(1998) 2334) (98/500/EC), based on which in 1999 was established the Road Sector Social Dialogue Committee.

The Association of the Bulgarian Enterprises for International Transport and the Roads (AEBTRI), as a member of the International Road Transport Union (IRU) since 1962, participates actively in the work of its managing bodies and its Commission on Social Affairs. Thus it contributes to the formulation of IRU's social policy and opinions on drafts of legislation and on all matters subject to social dialogue in the EU's road transport sector.

The Union of Transport Trade Unions in Bulgaria (UTTUB) and the Federation of Transport Workers Podkrepa are represented in the social dialogue of the EU road transport sector, through their participation in the work of the European Transport Workers Federation (ETF).

In Bulgaria since the beginning of the 1990s of the past century tripartite co-operation has enlarged its scope, has grown and developed into a social dialogue policy, i.e. of constant and permanent inclusion of the social partners (workers' and employers' organizations) in the discussion and defining the main tendencies in the development of the employment relations, as well as in the economic and social policy at national level. Gradually the social dialogue is turning into expression of the general national consensus in defining the direction of the economic development, the increase in its efficiency and specifically on this basis – of the fair regulation of the employment and other social relations. According to modern concepts social dialogue is a broad term, which comprises classical tripartism, as well as other forms of social co-operation – collective bargaining at different levels (national, sectoral and at enterprise), participation of the workers and the employees in councils and committees at enterprises, amicable settling industrial conflicts through negotiations, mediation, arbitration, etc. Based on this broad understanding of the social dialogue scope, the policy of the state is formed so as to attract all stakeholders – bodies, organizations and persons aiming at discussing and settling all hot problems facing the economy and the society through strengthening the social protection and the protection of the legitimate interests of the citizens.

Since 2001, the Labour Code (LC), among the basic and most important objectives of the labour relations regulations, provides for the conducting of social dialogue (Art. 1, Para 3). The social dialogue is a mechanism for conducting joint discussions and deliberations in order to achieve more thorough and balanced account of the interests of the participants when working out the legal framework of labour relations, its implementation and regular functioning of the labour relations. Setting up legal rules for social relations is and remains a state function. However, the

Labour code includes the social dialogue in the process of setting up the legal rules - thus the setting up of rules is performed after "consultations and dialogue... , in the spirit of cooperation, mutual compromise and respect for the interests of each of the parties."

Participants in the social dialogue are: the state (through its bodies), workers and employees (through the general assembly of workers and employees or through their representatives and organizations – trade unions); employers – directly or through their representatives (employers' organizations).

The **Social and Economic Council Act** adopted in 2001 established an Economic and Social Council as "a consultative body expressing the will and the structures of the civil society for the economic and social development", which has the objective to serve as a permanent institutional form of social and civil dialogue and consultations on the economic and social policy between the President of the Republic, the National Assembly and the Council of Ministers and the structures of the organised civil society. The Council develops and adopts opinions on draft laws, national programmes and plans regarding the economic and social development; opinion on acts of the National Assembly regarding the economic and social development; opinions on strategic problems of the economic and social policy; resolutions on hot topics of the economic and social policy and of the civil society; analyses of the problems of the economic and social policy. The Council organizes discussions and consultations with representatives of the legislative and executive bodies and the civil society structures over highly relevant to the economic and social development issues. The Council may develop acts on its own initiative as well. Established at the Council shall be standing and temporary commissions, drafting its documents and plenary sessions.

The scope of the social dialogue is "the regulation of labour relations and as well as other relationships immediately related to them" – there is coincidence between the provisions of the LC and the social dialogue, but it is not limited only to the labour relations, since it covers also the social insurance relations and the issues of standard of living, i.e. these are employment relations, the duties of the workers and employees, respectively of the employers, remunerations, working time, rests, leaves, safety and health, retraining, association of both parties, social insurance, including health insurance, issues of standard of living – ratio between prices and incomes (wages, pensions and social assistance), periodic updates of the minimum wage, pensions and minimum income for social assistance, wage increases, etc.

The forms of exercising social dialogue are differentiated into important groups regulated by the Labour Code and other acts: tripartite cooperation; collective bargaining and collective labour agreements; the general assembly and the participation of workers and employees in the decision making; voluntary settlement of collective labour disputes.

The General Assembly of employees and workers has as a main objective decision-making, aiming to protect the general interests of workers and employees before the employer, as well as before the public authorities; to elect representatives for implementing the information and consultation activities when there is change in the activities, the economic situation of the enterprise and its work organization. The General Assembly may confer these functions to representatives nominated by the leadership of the trade unions or to workers' representatives that plead for their joint interests in terms of labour and social insurance relations, before the employer or before public authorities.

Collective labour disputes are settled by immediate negotiations between the workers and the employers or between their representatives following freely defined by them procedures. In case no agreement is reached or some of the parties refuse to negotiate, each party may seek cooperation for settling the industrial dispute through mediation and/or voluntary arbitration by trade unions or employers' organizations and/or by the National Institute for Conciliation and Arbitration, which acts in compliance with the Settlement of Collective Labour Disputes Act /SCLDA/.

One of the fundamental and most dynamic forms of social dialogue is **the tripartite co-operation**, where parties are the state, the representative organizations of the workers and employees, and representative organizations of the employers. Each party nominates its representatives for the body, through which the tripartite co-operation is realized - **the National Council for Tripartite Cooperation** (Art. 3a of LC), comprising two representatives from each of the following: the Council of Ministers, the representative organizations of the workers and employees and the representative organizations of the employers. The Council of Ministers shall assign its representatives, and the representatives of the representative organizations of the employees and the employers shall be assigned by their managing bodies, in compliance with their charters. The National Council for Tripartite Cooperation shall be headed by Deputy Prime Minister. The National Council for Tripartite Cooperation discusses and offers opinions on bills, drafts of secondary legislation and decisions of the Council of Ministers. The co-operation and the consultations are performed before adopting the legal acts on labour and immediately related issues and social insurance issues, as well as on issues of standards of living.

The essence of the tripartite co-operation is in participating in setting up regulations – discussing bills of secondary legislation or laws. Since the final and conclusive decision is taken by the relevant competent state bodies, one cannot speak of tripartite regulation, but of cooperation in the process of legal regulation. Thus it contributes to finding more just social decisions and averts social tension. Abiding by the procedure is mandatory (art. 3, Para 2 LC). The law does not differentiate the prepared bills by rank. The non-compliance with the procedure is considered a significant breach and constitutes grounds for reversing the acts of the Council of Ministers and of individual ministers.

Implementation of the social dialogue is ensured by the right of workers and employees, and the employers, without previous authorisation, freely to establish organisations of their own choosing, which would represent and protect their interest, as well as freely to join and leave these organisations subject only to the articles of association of the organisations concerned. The mechanism through which the trade union organisations and the employers' organisations participate in the social dialogue is provided in the Labour Code:

- „"Trade union organizations shall represent and protect employees' interests before government agencies and employers as regards the issues of labour and social security relations and living standards through collective bargaining, participation in the tripartite cooperation, organization of strikes and other actions, pursuant to the law." (Art. 4, Para 2 LC);
- "The employers' organizations shall represent and protect their interests through collective bargaining, participation in the tripartite cooperation, and through other actions, pursuant to the law" (Art. 5, Para 2 LC).

The state bodies and employers have the obligation to create conditions for and cooperate with the trade union organisations in the performance of their activities. They should provide to the

trade unions free movable and immovable property, buildings, premises, and other conditions necessary for their activities. The employer is obliged to assist the representatives of workers and employees in their performance of the functions and to create conditions for their activities.

The organisations of workers and employees shall be recognised, upon their request, as nationally representative organisations by the Council of Ministers for a period of 4 years. Once in 4 years the Council of Ministers shall perform a procedure for recognition of organisations of workers and employees as nationally representative organisations. The Council of Ministers shall set forth the procedure establishing the existence of the representativeness criteria, abiding by the following principles:

1. equality in the assessment of the existence of representativeness criteria and social mandate;
2. transparency of the procedure establishing the existence of representativeness criteria;
3. ensuring the authenticity of the primary information;
4. mutual control in establishing the existence of representativeness criteria.

A nationally representative organisation of workers and employees is an organisation meeting the following requirements:

1. having at least 50 thousand members;
2. having at least 50 organisations, each with at least 5 members, in more than a third of the sectors, defined by the Council of Ministers in compliance with National Classification of Economic Activities;
3. having local bodies in at least half of the municipalities in the country and a national governing body;
4. having the capacity of a legal entity, acquired at least two years before the filing of the application for recognition of representativeness.

A nationally representative organisation of employers is an organisation meeting the following requirements:

1. having at least 750 members, each of which with not less than 10 workers and employees hired with an employment contract, and in total not less than 15,000 workers and employees in all members of the employer's organisation; or 30,000 workers and employees hired with employment contracts, in all members of the employer's organisation;
2. having employer's organisations in more than a fifth of the sectors, defined by the Council of Ministers in compliance with National Classification of Economic Activities, each with at least 10 members;
3. having local bodies in more than a fifth of the municipalities in the country and a national governing body;
4. having the capacity of a legal entity, acquired as per Art. 49, Para 1, at least two years before the filing of the application for recognition of representativeness.

Presently, recognised as nationally representative are:

- **two trade union organisations:**
 - **Confederation of Labour Podkrepa and**
 - **Confederation of Independent Trade Unions in Bulgaria (CITUB), and**
- **six employers' organisations:**

- **Bulgarian Industrial Association (BIA),**
- **Bulgarian Chamber of Commerce and Industry (BCCI),**
- **Confederation of the Employers and Industrialists in Bulgaria (CEIBG)**
- **Bulgarian Industrial Capital Association (BICA)**
- **Economic Initiative Union (EIU) and**
- **Union of Private Bulgarian Entrepreneurs “Vuzrazdane”.**

The employers' organisations are joined in an Association of Bulgarian Employers' Organisations (ABEO).

All nationally representative employers' organisations are members of the National Council for Tripartite Cooperation and participate in national level consultations with the Government, the NSSI, NHIF, Working Conditions Fund, and the National Council on Working Conditions.

CL Podkrepa and CITUB are members of the International Confederation of Free Trade Unions and the European Trade Union Confederation. ABEO is a member and represents the Bulgarian employers before the International Organisation of Employers, through which it participates in the work of the International Labour Organisation.

A Branch Council for Tripartite Co-operation (BCTC) has been established within the system of the Ministry of Transport in compliance with the National Branch Classification, respectively sub-branch councils for tripartite co-operation (SBCTC) have been established, including such for road transport, as well as Councils for Social Co-operation (CSC) at enterprises, companies and organisations within the Ministry's system.

Participants in the BCTC are the Ministry of Transport, trade unions, and nationally representative employers' organisations that have members in the transport sector, namely:

- trade union organisations:
 - **Union of Transport Trade Unions in Bulgaria (UTTUB)** at CITUB
 - **Federation of Transport Workers (FTW)** at CL Podkrepa
- employers' organisations:
 - **Chamber of National Transport** - member of BIA
 - **National Chamber of Employers in Transportation** member of CEIBG
 - **Union of Private Bulgarian Entrepreneurs “Vuzrazdane”.**

Social tripartite co-operation covers issues related to workforce, labour relations, employment, training and retraining, wages, incomes and social security, collective labour disputes, collective bargaining, working conditions, restructuring and privatization, having impact on the social status of the transport workers, as well as elaboration of legal acts, related to the labour and transport legislation.

A Deputy Minister of Transport represents the Government at the BCTC (authorized by an order of the Minister). BCTC holds regular meetings once in three months and discusses problems of general interest for the branch and issues, on which no agreement has been achieved by the sub-branch councils. BCTC does not discuss and review individual petitions, complaints, and proposals. Experts related to the different parties may take part in the meetings of BCTC. BCTC makes decisions in case of consensus of all participants in the meeting on the discussed issues, and if decision has been made every participant in the BCTC is obliged to undertake the necessary actions for the strict implementation of the reached agreements. In case

of failure to reach an agreement, the chairperson shall put forward the disputed issues to NCTC, in case these issues fall within its competence. If needed temporary working groups of experts could be established, as well as extraordinary sittings may be convened.

A **Branch Council for Working Conditions (BCWC)** was established in 2003, chaired by a Deputy Minister of Transport. The nationally representative worker and employee organisations and employers' organisations also take part in it.

The Council holds regular meetings to discuss and analyze the actions related to healthy and safe working conditions, regardless of the difficulties in obtaining statistical data from the enterprises; it also supports the efforts of working conditions committees and groups for finding solutions for specific problems at the individual transport undertakings and their units; it makes proposals for amendments and supplements to legal acts related to working conditions and presents them to the National Working Conditions Council; it supports the employers in the elaboration of business projects for working environment recovery and application for funding before the Working Conditions Fund; it discusses the reports on implementation of investment programmes for setting the working conditions in compliance with the norms and standards for microclimate, noise, vibrations, electromagnetic fields, ionising and laser radiation, lighting, use of energy, including limitation of the manual, heavy and unattractive labour and working posture, toxic substances, dust, production risk.

The Branch Council for Working Conditions is the national body participating in the annual campaigns of the European Agency for Safety and Health at Work, supported by the European Commission, the European Parliament, the International Labour Organisation, and the World Health Organisation, related to various aspects of the health and safety at work. The participants also receive and distribute materials on prevention of risks at work, provided by the Working Conditions Fund and the focal point of the European Agency for Safety and Health at Work in Bilbao, Spain, situated at the Ministry of Labour and Social Policy.

In the **Sectoral Council for Tripartite Cooperation in road transport (SCTC)** the state is represented by the head of the respective sub branch (authorized by an order of the Minister) – this is the Executive Director of the Road Transport Administration.

- The trade union organisations are represented by:
 - **Trade Union of Transport Workers in Bulgaria (TUTWB)** at CITUB
 - **The Union of Transport Trade Unions in Bulgaria (UTTUB)** at CITUB
 - **The Federation of Transport Workers (FTW)** at CL Podkrepa
- The employers' organisations are represented by:
 - **The Chamber of National Transport** member of BIA
 - **UPBE “Vuzrazdane”**
 - **Corporation of Road Transport Carriers in Bulgaria (CRTCB)** member of BIA
 - **Branch Chamber of Taxi Drivers and Carriers** member of EIU
 - **Bulgarian Economic Initiative Union in Transport** member of EIU
 - **National Branch Chamber of Employers in Transportation** member of CEIBG.

The chair of the National Chamber of Transportation is a member since three mandates of the Bulgarian Enterprises for International Transport and the Roads (AEBTRI) and a manager of the largest association of branch organisations in road transport in Bulgaria (URTO).

Since 2008 member of SCTC is also the chair of the National Chamber of Employers in Transportation, who is also a member of the MB of AEBTRI and a chair of another large association of branch organisations in road transport in Bulgaria (BABORTB).

During the past ten years the road transport in Bulgaria saw the establishment of new associations, representing the interests of various road transport segments, which are not directly involved in the SCTC. In 2006 the main portion of them united into two large associations - the Union of Road Transport Organisations (URTO) and the Bulgarian Association of Branch Organisations in Road Transport in Bulgaria (BABORTB), which participate in consultations with the Ministry of Transport and the Road Transport Administration on all important issues concerning the development of the road transport in Bulgaria.

SCTC hold regular meetings once a month. The sittings are legitimate, if representatives of all participants are present or if the absent members have been duly notified. Decisions are taken again with consensus of all participants, and if a decision has been made, every participant in the SCTC is obliged to undertake the necessary actions for the strict implementation of the reached agreements. In case of failure to reach agreement on the issues discussed, the chairperson shall put forward these issues to BCTC for discussion and resolution, whereas the meeting of the BCTC shall be attended by the stakeholders in the SCTC. In case of need temporary working groups of experts could be established with specific tasks, independent experts could also be involved, as well as representatives of organizations and institutions, for which the agreement of all participants in the SCTC is needed. SCTC functions since 1991.

The main topic of consultations in the beginning of the 90s was the organisation and implementation of the privatisation of state-owned companies in the road transport. It was implemented in the conditions of simultaneously emerging thousands of transport undertakings, which started immediately after the market liberalisation. An important role for the retention of jobs at privatised companies had the checks performed by SCTC for the compliance with the privatisation contracts.

The Bulgarian organisations of employers and workers in the road transport have experience in working together on different training programmes. The social dialogue was strongly supported ten years ago by a project under the MATRA programme of the Dutch government, implemented by the Dutch transport institute NEA, the National Chamber of Transport and FTW Podkrepa. Under the project, in five modules, 100 representatives of the employers organisations and 100 representatives of the trade unions were trained in mastering of social dialogue and were acquainted with the best European practices in the field of economy and organisation of road transport undertakings. The implementation of this project has significantly contributed to the preservation of the sub-sector in the post-privatisation period and its further development, avoiding any serious disruptions.

In the period of preparation for accession to the European Union, SCTC discussed Bulgaria's positions in the negotiation process on issues concerning road transport and regularly presented information helping the transport companies prepare for the changes related to the EU membership.

The Sectoral Council for Tripartite Cooperation in road transport regularly discussed the amendments in the legislation and the secondary legislation. These amendments were imposed

by the need of transposition in the Bulgarian legislation of the European directives in the field of road transport, as well by the need to improve the effective regulations. It also discussed topical social issues, e.g. the practical application of the Ordinance on Health and Safety at Work, the pre-travel medical examinations, the provision of free cards for disabled, veterans, etc. Apart of the problems directly related to social dialogue, SCTC discussed strategic programmes and topical issues on the development of the domestic and international road transport.

SCTC makes consultations on the application of the legislation and a number of practical issues of interest to the social partners, the most topical in the last years being the approval of transport schemes for passenger transport, the privatisation and organisation of work of bus stations, the tenders for regular bus lines, the improvement of the work at the border crossing points to shorten the idle time at crossing, problems with the shortage of permits for goods transport, the size of the excise duty on fuels, the lack of statistical data about the road transport market.

A Working Conditions Council in Road Transport will be established, based on a decision of the Branch Council for Working Conditions, and will be situated at the Executive Agency "Road Transport Administration".

The **collective labour agreements** regulate issues of the labour and social security relations of workers and employees, which are not regulated by imperative provisions of the law. The collective labour agreement should not contain clauses, which are more unfavourable to the employees than the provisions of the law or of collective labour agreement, which is binding upon the employer.

Collective labour agreements between representatives of employer's organisation in transport **the National Chamber of Transport** and the representative trade union organisations **Union of Transport Trade Unions in Bulgaria - CITUB, the Trade Union of Transport Workers in Bulgaria - CITUB, the Trade Union of the Rail workers in Bulgaria - CITUB, the Federation of Transport Workers CL Podkrepa** have been concluded, as follows:

1. Collective agreement of 15.12.1998;
2. Collective agreement of 28. 03. 2002;
3. Collective agreement of 31.03.2004;
4. Collective agreement of 15.02.2006;
5. Collective agreement of 27.03.2008.

These branch collective agreements (BCA) define the framework of the relations between the bargaining parties and constitute grounds for collective labour agreements between the structural units of transport and the trade unions.

The latest branch collective agreement in force regulates issues of the labour and social security relations of employees - union members, which are not regulated by mandatory provisions of the law – incomes, employment, social services, working time, social insurance, social partnership and working conditions, trade union membership. The collective agreement contains minimum clauses and binding for all structural units in the industry, where there are organised representatives of the parties, regardless of the ownership. The structural units and trade unions execute their own collective labour agreements, containing clauses that are integral part of the individual employment contracts of workers and employees - union members, parties

of the agreement and those that have joined the collective agreement individually. The BCA regulates:

- the minimum wage for the branch – the national minimum wage, multiplied by a coefficient of at least 1.3;
- the procedure for determination of basic wages, based on assessments of the job, the working place and the business and professional skills;
- basic wages for jobs, requiring a certain type of education (the progress here is in the higher coefficient of starting wages for university education – 1.35 in 1998 – 1.40 in 2008);
- employers' commitments to increase in their business plans the incomes of workers and employees, to reflect the forecasted inflation and productivity growth;
- it is an obligation of the parties in the CLA to agree on mechanisms and actions in case of shortage of funds for wages, including increasing of incomes, reducing the costs, using other available funds, establishing strict control on all costs, reducing the wages of officials violating the financial discipline to cover the shortage, optimising the number of staff, etc.;
- the amount of additional remuneration, overtime pay (the amount of excess for overtime pay in the case of regular time work schedule is different: 110% in the 1998 CLA, 120% in the 2008 CLA for work during official holidays);
- cases and procedure for receiving free food and/or food supplements;
- an option for the parties of the CLA to determine the specific amount and the conditions for receiving the indemnities, provided in Chapter 10, Section III of the LC, concerning the agreement on other types of indemnities permitted by law;
- an option to regulate in the CLA the specific issues on working time at the individual structural units, if such have not been provided in a law, as well as an obligation of the employer to develop and approve Internal Rules and Regulations, after discussions and hearing the opinion of trade unions, not allowing overtime above the permitted hours and beyond the permitted occasions, not violating the health and safety standards, etc.;
- the mandatory shift, daily and weekly breaks, and rest are defined in the CLA;
- the amount of the main and additional paid annual leave, whereas the leave schedules developed by the employers shall be agree with the trade unions (according to the BCA clauses of 1998, an employee having at least 8 months of service, is entitled to a paid annual leave of at least: 18 working days for 10 years of service; 20 working days for 10 to 15 years of service, and 22 working days for more than 15 years of service, whereas the BCA 2008 provides that every worker or employee with at least 8 months of service is entitled to a paid annual leave of not less than 22 working days);
- obligation of the employers to provide a paid official leave for non-payroll members of the central, sector and branch trade union management, of non-payroll chairpersons and members of trade union management in every structural unit, including when attending seminars, conferences or conventions, collective bargaining (the BCA of 1998 provides that upon termination of employment relations with a payroll trade unionist (voluntary), if impossible to reinstate him/her on the previous job, the employer shall offer another suitable job "except in cases when the person has been dismissed before expiry of the term, due to failure to justify the rendered trust" – the 2008 BCA does not include such a text);
- an obligation of employers to reserve funds for social and cultural services for workers, amounting to at least 5% of the payroll funds, to be spent on the basis of specifically developed social programmes for the following main types: organised catering, commercial and public services; transport services; payment of transport costs of workers; facilities for rest, sports, tourism and cultural events; health prevention and medical services, payment of drugs and medical services, reduction of meal prices, monetary aid for long-term sickness etc.; provision of free working outfits and uniforms, whereas the CLA shall define the jobs entitled to these clothes;

- an obligation of the employers to provide conditions and accept, allocate funds and implement programmes (approved after discussions with trade unions) for training and retraining of workers and employees, comprising initial, short-term and long-term training, off or on-the-job training, retraining upgrading and regular test of the knowledge;
- an obligation of employers to open new jobs through expanding their line of business;
- an obligation, within 30 days from the execution of the CLA, to establish committees having equal membership between the employer and the CLA parties, which shall develop and adopt an employment, training and retraining programme;
- an obligation of the employer for early warning of the trade unions about lay-offs or decrease in the work volumes, closing part of the structural unit or intentions for collective redundancy, and the respective obligation to jointly determine the selection criteria for the structural unit;
- an obligation of employers to discuss with trade unions and seek consensus on the estimations of needed staff with view to work volumes and guaranteeing the safety at work standards;
- a prohibition for workers and employees in transport sector to participate in both managing or control bodies of competitive structural units, as well as to do business for their own or somebody else's benefit, without the prior consent of the employer, when that business is in the line of business of the employer;
- an obligation of employers to provide free movable or immovable property and conditions for trade union activities;
- standards for protection of workers and employees – for trade union members - from dismissal due to cuts or reduced work volumes, without the consent of the relevant trade union organisation, and for members of the trade union management bodies - without the consent of the relevant central trade union management that is party of the BCA;
- an obligation of employers to provide technical means, raw materials, materials and energy, sufficient for the performance of duties by the workers and employees, so as they can earn the remuneration in the BCA within the legally established working hours;
- an obligation of employers to provide to the trade unions written information on the economic and financial state of the structural unit and its prospects;
- a joint obligation of employers and trade unions to develop and adopt an investment programme to eliminate or reduce the dangerous and heavy work; to ensure a permanent representation of trade unions in cases of investigation of work accidents; to insure workers and employees when the risk factor is big.

Provisions and agreements executed at structural units that contradict the BCA shall be invalid. If the employer fails to fulfil the BCA provisions and the structural unit has more than 50 % state share, the parties shall propose to the minister of transport to terminate the management contract. The transport sector BCA of 27.03.2008 is effective until 27.03.2010.

The effective branch collective agreement provides that disputes between the employers and trade unions of structural units regarding the "meaning and contents or the application of any contract provision" shall be settled either by the parties thereof or through mediation of the National Institute for Conciliation and Arbitration (in compliance with the Settlement of Collective Labour Disputes Act).

For satisfying their demands, each party can exert influence upon the other, without interrupting their work, through organizing public meetings, demonstrations after office hours, and information to the public through the mass media or another legal way.

We should note the good cooperation with the National Chamber of Transport, which actively participated in the drafting and signing of the BCA. Representatives of the trade unions have discussed many times and invited other employers' organisations to take part in the drafting and signing of BCA, yet they found there is no understanding and willingness for social cooperation on their part.

According to FTW Podkrepa it is of utmost importance to obtain the support of the ministers of transport and labour and social policy to facilitate the dialogue between the trade union and employers' organisations, in order to apply Art. 51b, Para 4 of the Labour Code, regulating the extension of the BCA.

With regard to the drafting and signing of CA in the different undertakings, the above two trends can also be observed.

Most of the large trade union structures of the federations possess long-term good practices in collective bargaining, allowing the easy agreement of texts of the draft CAs, which could be approved and signed by the parties in time.

At organisation level collective labour agreements have been signed with the following undertakings: City Transport Varna EAD, Bus Transport Pleven EAD, UMC-Sofia EOOD, Burgas Bus EOOD, Passenger Transport EAD. Thanks to these collective labour agreements, more favourable conditions have been achieved than those in the BCA for road transport workers. These are:

- longer basic annual leave depending on the length of service of the worker of the particular undertaking/organisation;
- length of the working hours and breaks;
- additional days-off depending on specific cases (blood donations, marriage, death of a family member, etc.);
- increase in percentage of the agreed individual wage in case of overtime work;
- payment for scheduled work during official holidays - percentage of the wage;
- additional remuneration for each year of service;
- payment of a certain number of wages on retirement, depending on the person's service at the undertaking/organisation;
- forming a Social Fund higher than the one in the BCA, from the Payroll fund;
- reduced prices of meals;
- providing free city transport cards for workers and employees;
- payment of social benefits;
- payment of monetary aid in case of temporary disability of the employee, e.g. in case of death of a family members;
- payment of Christmas and Easter benefits, as well as for the celebration of the Transport holiday.

All these agreements differ as percentages or as duration depending on the individual collective agreements and the agreements in the course of the bargaining.

The reasons for the bad functioning of the social dialogue in some of the undertakings that are not members of the representative employers' organisations are mainly due to the lack of understanding by the employers, and concern the following:

- lack of sufficient expert potential and employers' unwillingness to know more thoroughly the problems of workers and employees;
- employers' fear from the disclosure of the so-called "company secrets" in the course of information delivery to social partners;
- mutual lack of trust among the social partners;
- lack of will and desire and some times hidden prejudice of some of the parties that the specific problems cannot be solved.

CHAPTER SIX CONCLUSION

The analysis leads to the conclusion that the social dialogue in the road transport sector in Bulgaria has developed positively in the following aspects, which is a prerequisite for its further strengthening and improvement of its efficiency:

- the legal and institutional framework of the social dialogue at national level has been established and the roles of the participants, structures and activities are well defined;
- the dialogue and consultations are based on economic and social relations and no political intervention has been encountered;
- the social dialogue is conducted with no significant problems and conflicts among the social partners, with some exceptions at individual transport undertakings;
- apart of the legally established conditions, there is good cooperation among the partners at sector and branch level. We should emphasize on the willingness of the parties to exercise a proper and efficient partnership between the sector and branch professional organisations on the one hand and on the other the employers' organisations;
- both the trade union organisations and the employers' organisations cooperate actively with the international road transport social partner organisations, thus exchanging experience and improving the quality of the dialogue;
- efforts are being made to improve the professionalism of social partner activities through various training programmes.

However, we should note that there are factors that have a negative impact on the social dialogue efficiency in the road transport sector:

- lack of comprehensive legal regulation for the workers' and employers' organisations at branch and sectoral level;
- lack of comprehensive and transparent information on the share of members in trade union organisations from the total employed workers and employees;
- the tripartite cooperation councils pay more attention on informative rather than to consultative functions;
- collective labour agreements have been signed with only one employers' organisation in transport at branch level, and only in some of the largest transport undertakings, mainly involved with city transport;
- the professional organisations of workers and employees are not strong enough, due to legal, institutional, or inherent factors, which lowers the efficiency of the social dialogue in road transport. The share of persons covered by trade union organisations in the road transport is low, which gives grounds to the employers' associations to demonstrate less interest in the social dialogue. To a large extent this is due to the structure of undertakings – in average 90% of the undertakings licensed for domestic and international passenger transport and haulage own up to 5 vehicles, i.e. they have one or

few employees, large portion of which are not members of professional organisations. According to the Bulgarian legislation, the participation in professional organisation and the signing of collective labour agreements is a right, but not an obligation;

- the big fragmentation of employers' organisations in road transport is a reason for disagreements among themselves, which leads to their weakened positions.

Because of its specific nature the road transport is a heavy sector, where motor vehicle drivers work under harsh conditions, with high degree of occupational risk and therefore it is necessary to perform the sectoral social dialogue in the sector in a responsible manner, without omissions, negotiating optimum terms concerning pay, health and safety at work, breaks and rests, etc.

It is imperative that all sector employers' organisations take part in the social dialogue, focusing on problems in smaller undertakings, in order to avoid the situations specific for such undertakings, as described above.

The social dialogue in road transport will benefit not only the workers and employees, but employers as well. It is very important to understand that trade unions are a social partner, who can understand the problems of the workers and employees they represent but also of the employers, thus assisting in solving specific managerial problems and improving the quality of activities of the entire undertaking. The opinion that trade unions as a rule act in the detriment of the employer is obsolete. In the new European reality the benefit of the social dialogue and partnership is mutual. The problems of workers and employees are also a problem of the undertaking and of the employer. In the future it will be imperative to attend joint training sessions of trade unionists and employers, as a step ahead towards the enhancement and extension of the social dialogue.



PROJECT TITLE:

EU funded ILO Technical Cooperation Project: “Strengthening the capacity of social partners in the road transport sector in Bulgaria and Romania to engage in effective and constructive social dialogue at international, national and enterprise level”

**LIST OF MEMBERS OF THE
NATIONAL TRIPARTITE PROJECT STEERING COMMITTEE (NTPSC)**

BULGARIA

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ACTION PLAN

FOR STRENGTHENING THE

SOCIAL DIALOGUE IN THE ROAD

TRANSPORT SECTOR IN

BULGARIA FOR THE PERIOD 2010-

2011

Introduction

Transport is of strategic importance for each country. Transport trends largely reflect the economic development of the state. There is a close connection between the transport sector and other sectors of the economy. On the one hand, to be successfully developed, they need an effective and well-developed transport sector. On the other hand, the transport sector is highly dependent on the development of other economic sectors. One of the main tasks of the transport sector in Bulgaria is the provision of efficient and reliable transport services to help improve the economic and social stability.

In Bulgaria, road transport has a dominant role in the transport system. In 2000 the share of road transport represented 52.3% and it currently represents about 70% of all transport activities by 2008 - before the onset of the global economic crisis - maintains constant, high annual growth.

Licensed public transport companies of goods are over 7800, while carrying passengers beyond 2000. Key importance is the international bus service in Bulgaria. Currently there are 242 regular international bus lines, 142 of them are parties to the EU, while the remaining 100 to non-EU countries. Developed and circulated to Bulgaria is the internal transport of passengers to cover destinations which are not served by rail. Despite the significant number of companies licensed to internal bus, the market for coach transport observed several leaders who have a considerable fleet. Overall, the products provided by bus companies for domestic and international shipments, largely satisfies the user requirements.

Road transport plays a significant role in terms of employment. Data from the National Statistical Institute's 2007 shows that road transport in Bulgaria provides employment to 73 496 people. In the transport enterprises engaged in freight transport, the number of employees was 37 552. In the transport companies whose business is transporting passengers are employed 35 944.

In terms of union density in the road transport sector the two representative trade union organizations now have a total of 5367 members, of which 5287 are employed in 22 enterprises, mainly engaged in transportation of passengers within the country, mainly in urban transport, and 80 working in enterprises for international road transport. The majority of the membership of professional associations of employees - 4661 (86.8%) are employed in municipal companies and the others - in private enterprises.

During the project of the International Labor Organization (ILO) "Strengthening the capacity of social partners in the road transport sector in Bulgaria and Romania to engage in

effective and constructive social dialogue at international, national and enterprise level" was conducted a 5-day training in Sofia with the assistance and financial support of the European Commission, which covered more than 20 representatives of the social partners. The main objective of the training was to build and strengthen the capacity of social partners and other institutions involved in the road transport sector aiming to build a constructive social dialogue. As a result, participants received knowledge in terms of the ILO social dialogue and ILO activities in the industry, history and the new agenda of social dialogue in the road transport of the European countries and the EU social policy. Particularly useful for the participants was their inclusion in work groups where it was felt the spirit of social dialogue. In the assessment of the training, the audience indicated their satisfaction with the high quality training and materials, the professionalism and rich experience of the lecturers in the sector and have identified the need for training to engage a larger audience and to focus on more specific topics of the Bulgarian reality such as working hours and rest periods for drivers, the vision of the European Commission to reduce the subjectivism and unification of the control criteria for the different administrations of the EU members states, the vision of decent work, better quality of labor and welfare at work, the policy for healthy and safe working conditions in road transport sector.

Draft proposal

Action Plan for strengthening the social dialogue in the Road transport sector in Bulgaria

The ILO project sets the base of a recognized need to improve the knowledge and skills of social partners in conducting social dialogue in the road transport sector. In this regard, the representatives of the government, employers and unions have reached mutual agreement to continue what was made by ILO as proposing the creation of a draft proposal of an Action Plan for strengthening the social dialogue in the Road transport sector in Bulgaria.

Main objectives

- Strengthening the social cooperation between the social partners on bilateral and trilateral level;
- Informing the social partners of the social dialogue and preparing them to conduct constructive negotiations and to defend their positions;
- Involvement of the stakeholders to the mechanism of social dialogue, through which the social partners to promote the harmonization of working conditions and living standards of the EU and at the same time to work efficiently and competitively in the business environment;
- Understanding the process of social dialogue in Romania and Spain and sharing experiences and best practices;
- Inclusion of more social partners - experts in the field of social dialogue;

Partners

Leading role in Bulgaria with its collaboration will play the Ministry of Transport, Communications and Information Technology with the support of the Ministry of Labor and Social Policy. By employers will be engaged all employers' organizations in the sector. By representatives of the employees will contribute two nationally represented trade union organizations FTTUB - CITUB and FTW Podkrepa – CL Podkrepa.

It is envisaged between the social partners to be circulated and signed an agreement which aims to lay down the duties and responsibilities of the parties in order to achieve transparency and greater efficiency of the National Plan.

At international level are expected to be attracted the social partners of Romania and Spain. Romania - as a country of strategic importance for Bulgaria - north "neighbor", which passes through huge cargo. And Spain - as a country relatively old member of the European Union, which has extensive experience in the conducting of social dialogue and also has strong positions in the road transport market

Structure

It is envisaged to set up a *National Tripartite Steering Committee* (NTSC), which will be responsible for the implementation, monitoring and coordination of the draft proposal of the National Plan. NTSC is expected to consist of 6 members - two representative of each social partner, which will meet four times a year. At its meetings NTSC will:

- organize and coordinate the training;
- organize and coordinate the international meetings;
- organize and coordinate the national conference;
- examine the reports from the training and the meetings;

In the National Plan has been included the conducting of one *training* of the social partners in the social dialogue in the sector. This training will be organized by the ILO model, but adapted to the specifics of the Bulgarian road transport. Training will be conducted on materials provided by the ILO, which will be processed in accordance with Bulgarian legislation and problems in the sector. It is planned to have one three-day training with participants selected on a territorial basis. Bulgaria is divided into 6 main areas. The purpose of NTSC is to have three representatives of the social dialogue trained of each region (one government representative, one trade union and employer representative). During the training will also attend a representative of NTSC who has to monitor the learning process. There will be two speakers, who will be the certified by the ILO training representatives of social partners. The overall objective of the training is to strengthen the capacity of the social partners and the other institutions, the representatives of the road transport sector in Bulgaria in order to engage them in constructive social dialogue on economic, labor, social and other issues of common interest. Participants after the seminar should be able to:

- fully understand the process of social dialogue at national and company level;

- explain to others the content and the benefits of the social dialogue in the road sector and to advise organizations on their social dialogue;
- participate in constructive social dialogue on economic, labor, social and other issues of common interest to the social partners.

The topics of the trainings are planned to be:

- Historical overview of the social dialogue and the role of ILO to strengthen the tripartism and the social dialogue;
- Legal framework of social dialogue, according to the Labor Code: nature and scope; collective bargaining - at national, regional or at enterprise level;
- How can we encourage the social dialogue to work;
- Construction and improvement of the skills in planning, implementation and monitoring of the social dialogue; mobilizing the necessary resources;
- Building the skills of communication between the social partners - exchange of information, consultation, negotiation
- Building the skills and creation of the conditions for feedback among the participants in the social dialogue.

After passing successfully the training the social partners will receive certificates which they will use after that to continue this training in their regions.

We plan to be held two two-day international meetings.

- in Romania - a country bordering Bulgaria. The aim is to share experiences and best practices in the conduction of social negotiations and in the active participation in the social dialogue. In addition to create a network which aims to help the work and cooperation between the two countries as cargo between them is significant. At this meeting will attend the 18 participants in the training, the 6 representatives of NTSC and the social partners in Romania - two of each social partner;
- in Spain – an old EU member state that successfully conducts social dialogue in the road sector and which is defined as a country with substantial cargo. The aim is the Bulgarian delegation to inform themselves with the successful mechanisms in Spain for conducting social dialogue, to exchange experiences and best practices in the negotiations between the social partners. At this meeting will attend the 18 participants and the 6 representatives of NTSC of the social partners in Spain - two of each social partner.

The Plan provides the conducting of two-day national conference in Bulgaria where are supposed to attend the 18 trained regional representatives of the social partners, the 6

members of the NTSC, more representatives of the social partners and the delegates from Spain and Romania. It is envisaged the conference to be attended by 60 delegates. The purpose of this conference is to summarize the achievements during the training, to discuss the exchange experience with our international partners and to strengthen the partner relationships with the two member countries of the European Union.

Draft Budget of the Plan for 2010 in EUR

Heading 1 - NTSC

1.1. Costs per member per meeting

Travel costs	25.00
Materials.	50.00
Accommodation.	50.00
Food.	50.00
Total expenses.	175.00

1.2. Costs of 6 members for a meeting

Total expenses.	1 050.00
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1.3. Costs of 6 members for four meetings

Total expenses.	4 200.00
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Total costs of NTSC. 4 200.00

Heading 2 - Training

2.1. Costs per member per meeting

Travel costs	50.00
Materials.	50.00.
Accommodation.	150.00
Food.	80.00
Total expenses.	330.00
Total expenses for 19 members.	6 270.00

2.2. Costs for lecturer

Honorarium for lecturer.	800.00
Costs.	330.00
Total cost for 2 lecturers.	2 260.00

2.3 Cost of Facilities

Room + equipment.	800.00
Total cost of facilities for 1 training	800.00
Total cost of training	9 330.00

Heading 3 – International meeting in Romania

3.1. Costs for Bulgarian delegation

Travel costs.	400.00
Materials.	80.00
Accommodation.	300.00
Food	150.00
Per diam.	150.00
Total costs	1 080.00

3.2 Costs for 24 members of the Bulgarian delegation

Total costs	25 920.00
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3.3. Costs for Romanian delegation

Travel costs.	200.00
Materials.	80.00
Accommodation.	300.00
Food	150.00
Per diam	150.00
Total costs	880.00

3.4 Costs for 6 members of the Romanian delegation

Total costs	5 280.00
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3.5. Costs for interpreters

Travel costs.	400.00
Accommodation.	300.00
Food	150.00
Honorarium	500.00
Total costs	1 340.00
Total costs for 2 interpreters.	2 680.00

3.6. Other costs

Total.	11 000.00
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Total costs for the International meeting in Romania.	44 890.00
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Heading 4 – International meeting in Spain

4.1. Costs for Bulgarian delegates

Travel costs.	400.00
Materials.	80.00
Accommodation.	400.00
Food.	200.00
Per diam.	150.00
Total costs	1 230.00

4.2 Costs for 24 members of the Bulgarian delegation

Total costs	29 520.00
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4.3. Costs of Spanish delegates

Travel costs.	250.00
Materials.	80.00
Accommodation	400.00
Food.	200.00
Per diam.	150.00
Total costs	1 080.00

4.4 Costs for 6 members for the Spanish delegation

Total costs.	6 480.00
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4.5. Costs for interpreters

Travel costs.	400.00
Accommodation.	400.00
Food	200.00
Honorarium	1 000.00
Total costs	2 000.00
Total costs for 2 interpreters.	4 000.00

4.6. Other costs

Total costs.	10 000.00
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Total costs for the International meeting in Spain. 50 000.00

Heading 5 – National conference

5.1. Costs for Bulgarian delegates

Travel costs.	50.00
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Materials.	50.00
Accommodation.	100.00
Food.	80.00
Total costs	280.00

Costs for 45 delegates

Total costs	12 600.00
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5.3. Costs for Romanian delegates

Total costs.	400.00
Materials.	80.00
Accommodation	230.00
Food.	80.00
Per diam	200.00
Total costs	990.00

5.4. Costs for 6 members of the Romanian delegation

Total costs	5 940.00
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5.5. Costs for the Spanish delegates

Travel costs.	400.00
Materials	80.00
Accommodation.	230.00
Food.	80.00
Per diam	200.00
Total costs	990.00

5.6. Costs for 6 members of the Spanish delegation

Total costs	5 940.00
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5.7. Costs for interpreters

Travel costs.	50.00
Accommodation.	200.00
Food	150.00
Honorarium	500.00
Total costs	900.00
Total costs for 6 interpreters.	5 400.00

5.8. Other costs

Total costs.	3 000.00
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Total costs for the National conference34 680.00

Total	.	143 100.00
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Promotion and publicity of the project

NTSC aims to achieve sustainability of the Action plan for strengthening the social dialogue in the road transport sector for a period longer than two years. The results of the Action plan will be disseminated through:

- web pages of the social partners;
- press release;
- brochures and posters;
- other materials.

Time frame

The action plan is expected to extend over a period of one calendar year - 2010.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Noe	Dec
NTSC Program												
Meeting 1												
Meeting 2												
Meeting 3												
Meeting 4												
Training Program												
Training												
Program for international meetings												
Meeting in Romania												
Meeting in Spain												
Program for the National conference												
Meeting												

Sustainability

In regards to the sustainability of the plan to strengthen social dialogue in the Road Transport Sector in Bulgaria for the years after 2010 it is planned the social partners from the 6 areas in Bulgaria to continue the training on issues of social dialogue in the road transport sector. This training will be organized on a regional basis, because in each region in Bulgaria there will be 3 representatives of the social partners who have successfully undergone the ILO training. On

the basis of the experience gained from the Romanian and Spanish delegates and after the events held in 2010 it is provided for the social partners to maintain a constructive social dialogue and to continue and to strengthen their relations in the future.

Conclusion

It is necessary to promote the social dialogue. This should be done in close cooperation with social partners. Good and safe working conditions and continuous improvement of initial and continuing training of road transport workers are key factors for positive and sustainable further development of the regions in which they are located. The EU promotes high standards of reliability and safety during working hours, by providing adequate (financial) support of programs for training and education and through enforcement of existing legislation on safety. It is therefore essential to develop a national good social policy in the road transport sector, in close cooperation with social partners.

With this draft proposal for an Action plan the social partners express their greater willingness to cooperate in the field of social dialogue in the road transport sector. The aims are strengthening the capacity of participating in the sector, raising awareness of the social partners and building trust between them that will help their work together, conducting training, creation of prerequisites for the sustainability of social dialogue.