

# **Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act**

Promulgated, State Gazette No. 12/11.02.2000, amended, SG No. 111/28.12.2001, amended and supplemented, SG No. 24/23.03.2004, amended, SG No. 70/10.08.2004, effective 1.01.2005, amended and supplemented, SG No. 11/1.02.2005; Judgment No. 5/10.05.2005 of the Constitutional Court of the Republic of Bulgaria - SG No. 45/31.05.2005; supplemented, SG No. 87/1.11.2005, amended, SG No. 88/4.11.2005, supplemented, SG No. 94/25.11.2005, effective 1.01.2006, amended and supplemented, SG No. 102/20.12.2005, SG No. 104/27.12.2005, effective 27.12.2005, amended, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 36/2.05.2006, effective 1.07.2006, amended and supplemented, SG No. 43/26.05.2006, amended, SG No. 65/11.08.2006, effective 11.08.2006, supplemented, SG No. 99/8.12.2006, effective 9.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 41/22.05.2007, SG No. 54/3.07.2007, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 67/29.07.2008, amended and supplemented, SG No. 71/12.08.2008, SG No. 98/14.11.2008, amended, SG No. 108/19.12.2008, supplemented, SG No. 47/23.06.2009, amended and supplemented, SG No. 81/13.10.2009, amended, SG No. 61/6.08.2010, amended and supplemented, SG No. 88/9.11.2010, effective 1.01.2011, amended, SG No. 23/22.03.2011, effective 22.03.2011, supplemented, SG No. 32/24.04.2012, effective 24.04.2012, amended, SG No. 53/13.07.2012, effective 13.07.2012, amended and supplemented, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 28/19.03.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, amended and supplemented, SG No. 109/20.12.2013; Judgment No. 3/6.03.2014 of the Constitutional Court of the Republic of Bulgaria - SG No. 24/18.03.2014; amended, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 14/20.02.2015, amended and supplemented, SG No. 52/10.07.2015, amended, SG No. 26/1.04.2016, effective 1.04.2016, amended and supplemented, SG No. 13/7.02.2017, amended, SG No. 58/18.07.2017, effective 18.07.2017, SG No. 96/1.12.2017, effective 1.01.2018, amended and supplemented, SG No. 28/29.03.2018, amended, SG No. 60/7.07.2020, effective 7.07.2020, amended and supplemented, SG No. 104/8.12.2020

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\*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 17/26.02.2021, effective 2.03.2021

Text in Bulgarian: Закон за морските пространства, вътрешните водни пътища и пристанищата на Република България

# **Chapter One**

## **GENERAL PROVISIONS**

### **Article 1**

(1) This Act establishes the legal regime of the maritime space, the inland waterways and the ports of the Republic of Bulgaria.

(2) The Republic of Bulgaria shall exercise sovereignty, jurisdiction and control over the maritime space and the inland waterways and in the ports, in conformity with the generally recognised principles and norms of international law and the international treaties to which Bulgaria is a party.

### **Article 2**

(Amended, SG No. 24/2004)

The objective of the present Act is:

1. the use of the Black Sea and the Danube River in the interest of cooperation with the Black Sea countries, the Danubian countries and other countries;
2. the facilitation of maritime and river connections;
3. the provision of safety of navigation, the protection of the marine and river environment during navigation and the maintenance of the environmental balance;
4. the provision of equal access to the market of port services and increased efficiency of their provision;
5. the improvement of the quality of services provided to port users;
6. the reduction of costs and the promotion of maritime and river transportation, including for short distance and combined transportation;
7. (new, SG No. 28/2018) the application of an ecosystem-based approach and the promotion of coexistence of different activities and uses of the maritime space of the Republic of Bulgaria with a view to achieving sustainable development and growth of the maritime economy, including of energy sectors at sea, of maritime transport, of the fisheries and aquaculture sectors, tourism, the extraction of raw materials, preservation of the underwater cultural heritage and preservation, protection and improvement of the marine environment, including resilience to climate change impacts.

### **Article 3**

Control over the compliance with the country's legal regime in the maritime space, the inland waterways and the ports shall be carried out according to the provisions of this Act.

#### **Article 4**

(1) (Supplemented, SG No. 24/2004, SG No. 28/2013) The ports and roadsteads closed for visits by foreign ships shall be specified by decision of the Council of Ministers and announced in the Notice to Sea Farers ("Izvestie do Moreplavatelite") issued by the Hydrographic Service of the Navy, respectively in the Notice to Ship Pilots issued by the Maritime Administration Executive Agency.

(2) Ports and roadsteads other than those specified in Paragraph 1 shall be open.

## **Chapter Two**

# **MARITIME SPACE OF THE REPUBLIC OF BULGARIA**

### **Section I**

### **General provisions**

#### **Article 5**

(1) The maritime space of the Republic of Bulgaria shall comprise the internal sea waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone.

(2) The internal sea waters and the territorial sea, as well as the air space over them, the seabed and the subsoil are part of the territory of the Republic of Bulgaria, over which it shall exercise its sovereignty.

(3) The Republic of Bulgaria shall exercise sovereign rights, jurisdiction and control as defined herewith over the contiguous zone, the continental shelf and the exclusive economic zone.

(4) (Supplemented, SG No. 98/2008) The navigation and the border regime for Bulgarian and foreign yachts, boats and other sport, tourism and recreation vessels and for carrying out water recreational services with them in the internal sea waters and territorial sea shall be determined by an act of the Council of Ministers.

(5) Assistance to ships and people in distress in the maritime space of the Republic of Bulgaria shall be rendered according to terms and procedures determined by the Minister of Transport, Information Technology and Communications.

(6) In case of threat for human lives or navigation hindrance the harbour-master may involve in rendering assistance any ship lying nearby.

## **Section II**

### **Internal Sea Waters**

#### **Article 6**

The internal sea waters of the Republic of Bulgaria shall comprise:

1. The waters between the coastal line and the baselines from which the breadth of the territorial sea is measured;
2. The waters of the ports, bounded on the seaward side by the line joining the outermost points in the sea of the mooring grounds, hydrotechnical installations and other permanent port facilities;
3. The waters of:
  - a) Varna Bay between the coastline and the straight line linking cape St. Konstantine to cape Ilandjik;
  - b) Bourgas Bay between the coast-line and the straight line linking cape Emine to cape Maslen Nos;
4. (Amended, SG No. 28/2018) The waters between the coastline and the straight baselines linking cape Kaliakra to cape Touzlata, cape Touzlata to cape Ekrene and cape Maslen Nos to cape Rohi.

#### **Article 7**

(Supplemented, SG No. 102/2005)

Any foreign non-military ship operated for commercial or humanitarian purposes may enter freely the internal sea waters and visit the open ports and roadsteads.

#### **Article 8**

(1) (Amended, SG No. 102/2005) Any foreign non-military submarine may enter the internal sea waters and may visit for a peaceful (non-military) purpose open ports and roadsteads with the authorisation of the Council of Ministers, unless otherwise provided in an agreement between the Republic of Bulgaria and the flag state.

(2) The authorisation must be requested at least 30 days prior to the visit in the case of ships of Black Sea coastal states and 45 days prior to the visit - in the case of ships of other states, unless otherwise provided in an agreement between the Republic of Bulgaria and the flag state.

(3) (New, SG No. 11/2005, repealed, SG No. 102/2005).

(4) (New, SG No. 11/2005, repealed, SG No. 102/2005).

(5) (New, SG No. 11/2005, repealed, SG No. 102/2005).

## **Article 9**

Any foreign government ship operated for non-commercial purposes may enter the internal sea waters and may visit open ports and roadsteads with the authorisation of the Council of Ministers requested at least 30 days prior to the visit, unless otherwise provided in an agreement between the Republic of Bulgaria and the flag state.

## **Article 10**

(1) (Supplemented, SG No. 11/2005, SG No. 102/2005) Any foreign non-military nuclear-powered ship may enter the internal sea waters and may visit open ports and roadsteads in accordance with the provisions of Article 8, Paragraphs 1 and 2.

(2) Prior to the ship's entry into the port area, the competent authorities shall conduct a safety records and dosimetric inspection and other inspections relating to environmental protection. The place for inspections shall be determined by the maritime administration under the Minister of Transport, Information Technology and Communications.

(3) Additional inspections may be performed while the ship is lying in the port or the roadstead.

(4) Should the inspection reveal that the presence of the ship may have dangerous consequences, the maritime administration under the Minister of Transport, Information Technology and Communications shall order the ship to leave the internal sea waters or the territorial sea within a specified period. The Republic of Bulgaria shall not be liable for any damages resulting from the ship's early departure.

(5) Paragraphs 2 - 4 shall also apply to ships carrying nuclear and radioactive substances.

(6) Paragraphs 2 - 4 shall also apply to ships, carrying toxic or other hazardous substances.

## **Article 11**

(1) (Supplemented, SG No. 11/2005, amended, SG No. 102/2005) A foreign warship powered by nuclear engines or carrying nuclear armament may enter the internal sea waters and may visit open ports and roadsteads under the terms and procedures set out in Article 8, Paragraphs 1 and 2. The inspection of the ship's safety records, the dosimetric control and the other inspections relating to environmental protection, performed on a foreign warship, powered by nuclear engines or carrying nuclear armament, shall be carried out by the Ministry of Defence authorities at a place determined by them.

(2) The provisions of Article 10, Paragraphs 3 and 4 shall also apply to any foreign warship powered by nuclear engines or carrying nuclear armament. In such a case the inspections shall be conducted and the order to leave shall be issued by the Ministry of Defence authorities.

## **Article 12**

(Amended, SG No. 102/2005)

The Council of Ministers shall establish the procedure for visits and stay of foreign non-military submarines, foreign non-military government ships operated for non-commercial purposes, foreign non-military nuclear-powered ships, and ships carrying radioactive substances.

## **Article 13**

Prior authorisation for entry into the internal sea waters or the ports shall not be required in the following cases:

1. an official visit, when a head of state, of a government or of a foreign affairs authority is on board the ship, as well as for the ships escorting it;
2. when the ship is damaged, for sheltering from a storm or because of other natural disasters, whereupon the master of the ship shall be obliged to report immediately and by all means available to the harbour master, whose instructions he shall follow.

## **Article 14**

(Amended, SG No. 104/2005)

Foreign warships - while visiting Bulgarian military ports, and the ships referred to in Article 13, shall be exempt from charges, save for services rendered to them.

## **Article 15**

(1) (Amended, SG No. 41/2007) Foreign ships lying in the internal sea waters in ports and roadsteads shall be prohibited from using radio navigation aids, hydro-acoustic and radio communication equipment, electronic and optical surveillance systems, except for the purpose of ensuring the safety of navigation and anchorage. They may use their ultra short-wave radio stations only for communication with the port authorities or with an authorized undertaking providing electronic communications.

(2) (Amended, SG No. 41/2007) Ships equipped with mobile earth stations of the satellite electronic communications systems may use them on the basis of the principle of reciprocity during their stay in the internal sea waters and in the territorial sea.

## **Section III**

### **Territorial Sea**

#### **Article 16**

(1) The territorial sea of the Republic of Bulgaria shall comprise the stretch of sea adjacent to the coast and the internal sea waters, having a breadth of 12 nautical miles measured from the baselines.

(2) The baselines shall be the low-water lines along the coast or the straight baselines joining the two outermost points of the bays and spaces referred to in Article 6.

#### **Article 17**

The territorial sea of the Republic of Bulgaria shall be delimited from the territorial sea of the neighbouring states by the geographic parallel of the point where the land frontier reaches the seacoast.

#### **Article 18**

The external and lateral limits of the territorial sea shall constitute the state frontier of the Republic of Bulgaria.

#### **Article 19**

(1) Ships of any state shall enjoy the right of innocent passage through the territorial sea in accordance with the requirements of this Act and of international law.

(2) The right of innocent passage shall be exercised in order to traverse the territorial sea without calling in the internal sea waters, to enter the internal sea waters or to proceed therefrom. The ship must traverse without interruption the open navigation zones at a speed not lower than the speed normal for the type of ship in question and must use established sea lanes, traffic separation schemes, fairways and recommended routes without disturbing peace, good order or the security of the country.

(3) Stopping or anchoring shall not be authorised during innocent passage, save in case of navigation needs, damage, distress, force majeure or for the purpose of rendering assistance to persons, ships or aircraft.

(4) When entering, leaving or navigating through the territorial sea, ships shall be obliged

to participate in the navigation traffic control and reporting system.

## **Article 20**

(1) Passage of any foreign ship through the territorial sea shall be prejudicial to peace, good order and the security of the country, when the foreign ship commits one of the following actions:

1. threat by force or use of force against the Republic of Bulgaria's sovereignty, territorial integrity or political independence in violation of the principles of international law embodied in the United Nations Charter;

2. manoeuvres or drills with weapons of any kind;

3. activities aimed at collecting information to the prejudice of the country's defence or security;

4. acts of propaganda to the prejudice of the interests of the country's defence or security;

5. launching, landing or accepting on board of any aircraft;

6. launching, landing, accepting on board or disembarking of any military device;

7. transfer from or to the ship of any commodities, currency or persons in violation of the customs, tax, immigration or sanitary regulations;

8. pollution of the marine environment inadmissible according to international standards;

9. fishing activity;

10. scientific research or hydrographic survey activities;

11. activities which may interfere with the operation of the communication systems or of radio electronic or other devices or installations of the country;

12. any other activities not having a direct bearing on the passage of the ship.

(2) The actions under Paragraph 1, items 2, 5, 6, 9, 10 and 12 shall not be prejudicial to peace, good order or the security if they have been authorised following the established procedure.

## **Article 21**

Foreign ships shall be exempt from charges for passage through the territorial sea, save for services rendered to them.

## **Article 22**

With a view to the country's security, including for conducting military drills involving the use of weapons, the Minister of Defence, in consultation with the Minister of Transport, Information Technology and Communications and the Minister of the Interior, may temporarily suspend innocent passage in certain areas of the territorial sea and prohibit navigation in certain areas of the internal sea waters. These measures shall be published in "Notice to Sea Farers".



## **Article 23**

(1) (Amended, SG No. 70/2004) During innocent passage through the territorial sea and during their stay in the internal sea waters, ports and roadsteads, foreign ships shall be obliged to respect navigation requirements, immigration, customs, financial, health, phytosanitary, veterinary and port regulations, as well as any environmental protection regulations.

(2) During innocent passage through the territorial sea and during their stay in the internal sea waters, foreign ships shall be obliged to fly their state flag during the day while non military ships shall also fly the flag of the Republic of Bulgaria.

(3) In the territorial sea and in the internal sea waters foreign ships shall be prohibited to:

1. use their boats, save in the case of an distress - for searching and rescuing people;
2. carry out diving and underwater activities;
3. maintain their fishing gear in operation mode;
4. transmit sound or light signals, other than those established under international rules for the prevention of collision at sea;
5. beach or scuttle deliberately;
6. carry out activities which might cause damage to cables, pipelines or any kind of installations and equipment related to navigation and the exploitation of marine resources.

## **Article 24**

When passing through the territorial sea, foreign nuclear-powered ships and ships carrying nuclear, radioactive, toxic or other dangerous substances, shall carry the documents and observe the precautionary measures prescribed for such ships by the appropriate international agreements.

## **Article 25**

(1) Foreign submarines shall be required to navigate only on the surface in the territorial sea and the internal sea waters

(2) Foreign submarines navigating in a submerged position shall be forced to surface. In case of failure that prevents the surfacing, the ships shall be required to signal about that by all means available.

## **Article 26**

Foreign ships passing through the territorial sea shall be allowed to use only radio communication means which ensure radio contact with the Bulgarian coastal stations, and shall use radio navigation, hydro-acoustic, optical, electronic and other equipment solely for navigation purposes.

## **Article 27**

(Supplemented, SG No. 98/2008)

Diving and any other underwater activity in the territorial sea and in the internal sea waters shall be carried out following a procedure established by the Minister of Defence, the Minister of Interior, the Minister of Culture and the Minister of Transport, Information Technology and Communications.

## **Article 28**

Any foreign ship compelled to stop or anchor by distress or force majeure shall be required to report this immediately to the harbourmaster of the nearest port by all means available.

## **Article 29**

(1) (Amended, SG No. 88/2010, effective 1.01.2011) Surveillance of the state sea frontier shall be performed by the authorities of the Ministry of Interior.

(2) The regime governing navigation in the internal sea waters and the territorial sea shall be determined with a regulation issued by the Minister of Transport, Information Technology and Communications and shall be consistent with the requirements of the country's national security.

## **Article 30**

(1) Within the limits of their competence, the authorities of the Ministry of the Interior, the Ministry of Defence and the Ministry of Transport, Information Technology and Communications, shall have the right to, with respect to a foreign non-military ship in the internal sea waters or the territorial sea:

1. Require it to fly its state flag;
2. Request appropriate information where breach of the rules of innocent passage is suspected;
3. Propose to the ship to change its course, if it leads to a closed navigation zone;
4. Stop the ship and inspect it or arrest it if it fails to respond to the request and violates the provisions of Article 19, Paragraph 2 and Articles 23 and 24, or if such measures are provided in an international agreement to which the Republic of Bulgaria is a party;
5. (Amended, SG No. 109/2013) Stop the ship and arrest it in the cases provided for in Article 31, Paragraphs 3 and 4;
6. Disembark the perpetrators of the crimes specified in Article 32, arrest them and hand them over to the investigating authorities, while notifying the public prosecutor within 24 hours.

(2) Should any foreign non-military ship refuse to stop, resist arrest, or resort to violent action, the authorities of the Ministry of the Interior and the Ministry of Defence may take the appropriate enforcement measures, including the use of arms and weapons.

### **Article 31**

(1) Damages, caused by an act of quasi delicti occurring in the internal sea waters and the territorial sea, as well as damages resulting from violation of the rights and jurisdiction of the Republic of Bulgaria in the contiguous zone, on the continental shelf and in the exclusive economic zone, shall be subject to Bulgarian legislation and the Bulgarian courts shall be competent in matters of litigation.

(2) A foreign non-military ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction with respect to a person on board the ship.

(3) Actions for securing a claim or for enforcement may be undertaken with respect to a foreign non-military ship which is in the internal sea waters, at anchor in the territorial sea or traversing them.

(4) Actions undertaken for securing a claim or for enforcement with respect to a foreign non-military ship traversing the territorial sea shall be limited only to liabilities of the ship incurred during its passage through the territorial sea, as well as for damages referred to in Paragraph 1.

### **Article 32**

(1) The criminal jurisdiction of the Republic of Bulgaria shall not extend to crimes committed on board foreign non-military ships passing through the territorial sea, save in the case of:

1. A crime committed by a Bulgarian citizen;
2. A crime disturbing the peace of the country or the good order in the territorial sea;
3. An indictable offence which is prejudicial to the interests of the Republic of Bulgaria or of a Bulgarian citizen;
4. Illicit trafficking in narcotic, psychotropic or radioactive substances;
5. Unlawful detention;
6. A crime against peace and mankind.

(2) The criminal jurisdiction of the Republic of Bulgaria shall extend to any crime committed on board a foreign non-military ship during its stay in Bulgarian ports or in the internal sea waters. This jurisdiction shall extend to the ship even after she has left the internal sea waters and has entered the territorial sea.

### **Article 33**

The competent Bulgarian authorities may, at the request of the master of the ship, a diplomatic agent or a consular officer of the flag state, conduct a preliminary investigation and take enforcement measures in connection with crimes other than those set out in Article 32, Paragraph 1 committed on board a foreign non-military ship during its passage through the territorial sea.

#### **Article 34**

The diplomatic agent or the consular officer of the flag state shall be notified on the initiation of criminal proceedings in the cases under Article 32, Paragraph 1, as well as on the opening of an investigation under the provisions of Article 33 at the request of the master of the ship.

#### **Article 35**

A foreign non-military ship or a foreign government ship operated for non-commercial purposes which, during its stay in the internal sea waters or in the territorial sea, violates the present Act or another normative instrument and disregards the requirements posed to it, shall be warned to leave the internal sea waters and the territorial sea immediately.

#### **Article 36**

The flag state shall be liable for compensations for damages caused by a foreign warship or a foreign government ship operated for non-commercial purposes passing through the territorial sea or lying in the internal sea waters.

## **Section IV Contiguous Zone**

#### **Article 37**

The contiguous zone of the Republic of Bulgaria is the belt of sea adjacent to the territorial sea and extending to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

#### **Article 38**

(Amended, SG No. 70/2004)

In the contiguous zone the Republic of Bulgaria shall exercise the necessary control to prevent infringement of its customs, financial, immigration and health requirements within its borders, including in the territorial sea, and shall also exercise its criminal jurisdiction with a view to prosecuting offenders of such regulations.

### **Article 39**

Where there is evidence that a foreign non-military ship lying in the contiguous zone has violated or intends to violate the provisions of Article 38, the authorities of the Ministry of the Interior and the Ministry of Defence shall have the right to stop the ship, conduct an inspection and take the necessary measures to prevent the violation or arrest the ship with a view to prosecuting the offenders.

## **Section V Continental Shelf**

### **Article 40**

The continental shelf of the Republic of Bulgaria shall comprise the seabed and subsoil of the submarine area that constitute a natural prolongation of the land territory and extend beyond the territorial sea to the limits established by the continental shelf of the other adjacent and opposite-lying states.

### **Article 41**

The outer limits of the continental shelf shall be established by agreement with the neighbouring adjacent and opposite-lying Black Sea littoral states in accordance with international law with a view to achieving an equitable solution.

### **Article 42**

(1) The Republic of Bulgaria shall exercise over the continental shelf sovereign rights for prospecting, exploration, development, exploitation, protection and management of its natural resources, including the energy, mineral and other non biological resources of the seabed and the subsoil, as well as the living organisms belonging to sedentary species.

(2) The Republic of Bulgaria shall exercise exclusive rights over the continental shelf in

respect of:

1. Execution, authorisation and regulation of drilling works irrespective of their purpose;
2. Construction, authorisation of the construction and regulation of the construction and use of artificial islands, installations and facilities which are under its jurisdiction.

#### **Article 43**

(1) Cables and pipelines may be laid on the continental shelf by other states, provided that this does not impair the interests of the country pertaining to exploration, development and exploitation of the natural resources in the shelf and to preserving the marine environment.

(2) The permanent bed of the cables and pipelines shall be determined by an agreement between the Republic of Bulgaria and the state concerned.

#### **Article 44**

(1) Where there is evidence that a foreign non-military ship has violated or intends to violate the sovereign rights and jurisdiction of the Republic of Bulgaria within the limits of the continental shelf, the Minister of the Interior, the Minister of Defence and the Minister of Transport, Information Technology and Communications shall take the necessary measures to prevent or stop the violation. They may carry out inspections on board and arrest the ship with the view to prosecuting the guilty persons.

(2) When measures are taken under Paragraph 1, the diplomatic agent or the consular officer of the flag state shall be duly notified thereof.

## **Section VI**

### **Exclusive Economic Zone**

#### **Article 45**

The exclusive economic zone of the Republic of Bulgaria shall extend beyond the limits of the territorial sea to a distance of up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

#### **Article 46**

The external limits of the exclusive economic zone shall be established by an agreement with the neighbouring adjacent and opposite-lying states in accordance with international law in order to achieve an equitable solution.

## **Article 47**

In the exclusive economic zone the Republic of Bulgaria shall exercise:

1. its sovereign rights of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the seabed, its subsoil and the waters superjacent to the seabed, as well as of performing other activities relating to the exploration and exploitation of the zone;
2. its exclusive rights and its jurisdiction with regard to:
  - a) the construction and use of artificial islands, installations and facilities;
  - b) conduct of marine scientific research;
  - c) protection of the marine environment;
3. other rights deriving from the international agreements to which the Republic of Bulgaria is a party and from the generally agreed principles and rules of international law.

## **Article 48**

Within the exclusive economic zone all states shall enjoy the freedom of navigation, overflight, the laying of cables and pipelines and other ways for using the sea for these purposes admissible by international law.

## **Article 49**

- (1) A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between the Republic of Bulgaria and the flag state.
- (2) While passing through the exclusive economic zone foreign fishing ships may not maintain their fishing gear in operation mode.

## **Article 50**

Where there is evidence that a foreign non-military ship has violated or intends to violate the sovereign rights and jurisdiction of the Republic of Bulgaria within the limits of the exclusive economic zone, the relevant provisions of Article 44 shall be applicable.

## **Article 51**

The control of compliance with the regime governing the exclusive economic zone shall be carried out in accordance with the conditions and the procedure established by the Council of Ministers.

## **Section VII**

# **Use of the Maritime Space and Protection of the Marine Environment**

### **Article 51a**

(New, SG No. 28/2018)

(1) The maritime space of the Republic of Bulgaria shall be used in accordance with the principle of integrated management of maritime activities.

(2) Maritime spatial planning – a tool of the Integrated Maritime Policy of the European Union is organised and implemented to promote the sustainable growth of the maritime economy, the sustainable development of the Bulgarian Black Sea region and the sustainable use of natural resources.

(3) Maritime spatial planning shall include an analysis of activities for use of marine spaces and organising these activities in a way which allows their coexistence to achieve the ecological, economic and social objectives referred to in Paragraph 2.

### **Article 51b**

(New, SG No. 28/2018)

(1) The Minister of Regional Development and Public Works shall be in charge of the overall management and coordination of the activities for maritime spatial planning and shall also be responsible for the development and updating of the Maritime Spatial Plan of the Republic of Bulgaria.

(2) An advisory council on maritime spatial planning shall be set up with the Minister of Regional Development and Public Works as an auxiliary body for cooperation and coordination in the process of maritime spatial planning.

(3) The functions, tasks and composition of the advisory council referred to in Paragraph 2 above shall be laid down with rules issued by the Minister of Regional Development and Public Works.

(4) The Minister of Regional Development and Public Works shall issue an order to determine the nominal composition of the advisory council referred to in Paragraph 2 above.

(5) The advisory council referred to in Paragraph 2 shall be chaired by the Minister of Regional Development and Public Works or a deputy minister authorised thereby.

### **Article 51c**

(New, SG No. 28/2018)

(1) The Maritime Spatial Plan of the Republic of Bulgaria shall cover the maritime space of the Republic of Bulgaria as per Article 5, Paragraph 1, including the coastal waters within the meaning of § 1, item 54 of the supplementary provisions to the Water Act.

(2) The plan referred to in paragraph 1 shall not be used for sea boundary determination and delimitation as per the United Nations Convention on the Law of the Sea done at Montego Bay, Jamaica on 10 December 1982 (ratified by law – SG No. 38/1996) (promulgated, SG No. 73 and No. 74/1996).

(3) The plan referred to in paragraph 1 shall determine the spatial and temporal distribution



of the current and future activities related to the use of marine spaces, with the exception of activities the purpose of which is the defence or national security of the Republic of Bulgaria.

(4) The plan referred to in paragraph 1 shall contain:

1. the system for movement in the maritime space of the Republic of Bulgaria;
2. the military training areas and sites;
3. the areas for exploration, extraction and use of natural resources;
4. the fishing areas;
5. the aquaculture farming areas;
6. the areas for tourism and recreation;
7. the areas for scientific research;
8. the protected areas and the protected territories from the National Environmental Network;
9. the protected areas for cultural heritage conservation;
10. the routes of underwater linear facilities from the technical infrastructure;
11. the installations and facilities related to navigation;
12. the installations and facilities for exploration and extraction of minerals and energy resources;
13. underwater cultural heritage.

#### **Article 51d**

(New, SG No. 28/2018)

(1) The Maritime Spatial Plan of the Republic of Bulgaria shall be drafted on the basis of an analysis of the available environmental, geological, geomorphological and physical information on the maritime space of the Republic of Bulgaria, the information accessible through the National Spatial Data Portal, as well as the social and economic data relevant to the activities referred to in Article 51c, Paragraph 4. The following shall be taken into account in establishing the plan:

1. the specific features of the Black Sea region;
2. the current status of the biological, mineral and energy resources;
3. the existing and future activities for use of the marine space and their impact on the environment and the submarine cultural heritage;
4. the land-sea interactions;
5. the cross-border cooperation in the Black Sea Region.

(2) For the activities related to maritime spatial planning the Republic of Bulgaria shall cooperate with the countries in the Black Sea region, including within the Black Sea Economic Cooperation and the Commission on the Protection of the Black Sea Against Pollution. Cooperation with Romania shall be aimed at achieving coherence and coordination of the national maritime spatial plans on issues of a transnational nature.

(3) The Maritime Spatial Plan of the Republic of Bulgaria may be developed also as part of a cross-border maritime spatial plan for the Black Sea.

#### **Article 51e**

(New, SG No. 28/2018)

(1) The draft Maritime Spatial Plan shall be published for public consultation on the

website of the Ministry of Regional Development and Public Works.

(2) The public consultation shall take place parallel to the procedure for holding consultations during the environmental assessment and/or the compatibility assessment which the entity commissioning the draft shall organise and hold pursuant to the Environmental Protection Act, respectively pursuant to the Biological Diversity Act.

#### **Article 51f**

(New, SG No. 28/2018)

(1) The Maritime Spatial Plan of the Republic of Bulgaria which includes both text and graphic illustrations, shall be adopted by the National Expert Council on Spatial Development and Regional Policy and shall be approved by Council of Ministers' resolution.

(2) The Maritime Spatial Plan of the Republic of Bulgaria shall be subject to review every 10 years.

(3) The Maritime Spatial Plan of the Republic of Bulgaria may be reviewed more frequently than as specified in Paragraph 2 above in case of significant changes to the socio-economic conditions in which the plan was approved.

(4) The provisions of Paragraph 1 and Article 51e shall apply to the draft amendments to the Maritime Spatial Plan of the Republic of Bulgaria.

#### **Article 51g**

(New, SG No. 28/2018)

(1) The Council of Ministers resolutions to approve the Maritime Spatial Plan of the Republic of Bulgaria and amendments thereto shall be promulgated in the State Gazette.

(2) The texts and the graphic illustrations of the approved Maritime Spatial Plan of the Republic of Bulgaria and the amendments thereto shall be published on the website of the Ministry of Regional Development and Public Works.

(3) The Minister of Regional Development and Public Works shall send a copy of the approved plan and of its amendments to the European Commission and to the countries from the Black Sea region within three months of the promulgation of the resolution referred to in Paragraph 1.

#### **Article 52**

(1) (Amended, SG No. 96/2017, effective 1.01.2018) The award of a use concession for the continental shelf and in the exclusive economic zone for exploring, developing, exploiting, protecting and managing the living, mineral and energy resources, shall be carried out following the procedure of the Concessions Act or of the Subsurface Resources Act.

(2) Scientific research in the continental shelf and in the exclusive economic zone shall be carried out with an authorisation issued by the Council of Ministers pursuant to the terms and procedures of the United Nations Convention on the Law of the Sea. Such authorisation shall be

given, provided the research is intended exclusively for peaceful purposes and for increasing the knowledge about the marine environment, is carried out by safe methods and means and does not interfere with the country's exercise of its sovereign rights and jurisdiction.

(3) The applicants for authorisation for scientific research shall submit through official channels exhaustive information about the nature, the purposes and the location of the proposed research, the methods and means to be used and other relevant data.

(4) The Council of Ministers may deny authorisation where:

1. the scientific research is of direct significance for the exploration and exploitation of the natural resources in the continental shelf and the exclusive economic zone;

2. the scientific research involves drilling into the seabed or the use of explosives or of substances harmful to the marine environment;

3. the scientific research involves the construction and use of artificial islands, installations and facilities;

5. the information submitted is inaccurate or if outstanding obligations arising from a previously authorised project have not been met.

### **Article 52a**

(New, SG No. 28/2013)

(1) Upon motion by the Minister of Transport, Information Technology and Communications and the respective minister in charge, based on an approved detailed spatial development plan, a building right for construction or extension of underwater linear facilities from the technical infrastructure on the seabed and its subsoil within the internal sea waters and the territorial sea may be established by decision of the Council of Ministers.

(2) The building right referred to in Paragraph 1 shall be established where necessary for the construction or extension of a national project within the meaning of the State Property Act or for long-term solutions to public needs, as follows:

1. for underwater linear energy facilities - pursuant to the terms and procedure of the Energy Act;

2. for other underwater linear facilities from the technical infrastructure, other than those referred to in item 1 - without tender or auction, in favour of a municipality or investor.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The building right shall be established at a charge, except where it is established in favour of a municipality. The Minister of Regional Development and Public Works or an official authorised thereby shall commission an independent valuer to make an assessment of the building right within one month of the entry into force of the order approving the detailed spatial development plan referred to in Article 52b and shall notify interested parties of the result of the assessment

(4) The construction or extension of underwater linear facilities from the technical infrastructure carried out by the government via its agencies shall be based on a decision of the Council of Ministers designating the agency charged with the construction of the facility.

### **Article 52b**

(New, SG No. 28/2013)

(1) The detailed spatial development plan referred to in Article 52a, Paragraph 1 shall be drawn up as a parcelling plan which lays down:

1. the route of the underwater linear facility from the technical infrastructure;
2. the point or points where the underwater linear facility connects to facilities situated on land;
3. the location and limits of the safety zone around the underwater linear facility.

(2) (New, SG No. 28/2018) The detailed spatial development plans referred to in Paragraph 1 shall be consistent with the projections of the Maritime Spatial Plan of the Republic of Bulgaria.

(3) (Amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, renumbered from Paragraph 2, SG No. 28/2018) The drafting of the detailed spatial development plans referred to in Paragraph 1, as well as amendments thereto shall be permitted by the Minister of Regional Development and Public Works or officials authorised thereby in coordination with the Minister of Transport, Information Technology and Communications, the Minister of Environment and Waters, the Minister of Defence, the Minister of Interior, the Minister of Economy, the Minister of Energy, the Minister of Tourism and the Minister of Culture.

(4) (Renumbered from Paragraph 3, SG No. 28/2018) The draft detailed spatial development plans referred to in Paragraph 1, as well as amendments thereto, shall be coordinated with the persons referred to in Article 8 of the Commercial Navigation Code prior to submission for adoption and approval.

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 13/2017, renumbered from Paragraph 4, SG No. 28/2018) The draft detailed spatial development plan shall be adopted by the National Expert Council on Spatial Development and Regional Policy and shall be approved by order of the Minister of Regional Development and Public Works or officials authorised which shall be subject to promulgation in the State Gazette.

### **Article 52c**

(New, SG No. 28/2013)

(1) The facilities referred to in Article 52a, Paragraph 1 shall be constructed based on approved investment projects, without alternations to the assigned use of the property in which construction is taking place.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Investment projects for construction or extension of underwater linear facilities from the technical infrastructure shall be approved by the Minister of Regional Development and Public Works or an official authorised thereby after coordination with the persons referred to in Article 8 of the Commercial Navigation Code.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The construction permit shall be issued by the Minister of Regional Development and Public Works or an official authorised thereby.

(4) The special rules of this Act, of the Commercial Navigation Code and of the secondary legislation for their implementation shall apply to the construction and maintenance of the facilities referred to in Article 52a, Paragraph 1 as regards the equipment used, the clearance of

works schedules, diving and all other underwater works and navigation safety in the area of hydro-technical works.

#### **Article 52d**

(New, SG No. 28/2013)

(1) The assigned use of the facilities referred to in Article 52a, Paragraph 1 may not be altered.

(2) Where the building right referred to in Article 52a, Paragraph 1 was established in favour of a municipality, the completed underwater linear facility from the technical infrastructure shall constitute public municipal property which may not be altered into private property.

#### **Article 53**

(1) The discharge, disposal and dumping of solid or liquid wastes and of other substances harmful to man's health or to the living resources of the sea, as well as any other pollution of the marine environment in the internal sea waters and in the territorial sea by ships, aircraft, platforms and other man-made facilities and from land-based sources of any kind shall be forbidden except in compliance with the norms provided for in international conventions ratified by the Republic of Bulgaria and in national law.

(2) Any pollution of the marine environment in the exclusive economic zone which may infringe the interests of the country, as well as the disposal and the discharge of the wastes and substances referred to in Paragraph 1 in amounts exceeding the admissible international limits and standards recognized by the Republic of Bulgaria shall be forbidden.

(3) (Amended, SG No. 65/2006) The discharge of waste waters from coastal sources shall be regulated by the Water Act.

(4) (New, SG No. 99/2006, amended, SG No. 28/2018) The air pollution caused by ships, including the combustion in ship combustion installations of ship fuel not compliant with the requirements laid down with the regulation referred to in Article 8(1) of the Clean Ambient Air Act, shall be forbidden in the maritime space of the Republic of Bulgaria, along with any other pollution caused by ships, except in cases where the rules stipulated in international conventions ratified by the Republic of Bulgaria and in the national legislation are observed.

#### **Article 54**

(1) (Supplemented, SG No. 54/2007) If there are grounds to believe that a non-military ship, while being in, or passing through, the internal sea waters, the territorial sea or the exclusive economic zone, has violated the provisions of this Act, of another statutory instrument or the provisions of an international agreement concerning the prevention of pollution to the marine environment, the marine administration under the Minister of Transport, Information Technology and Communications and the regional units of the Ministry of Environment and

Waters may take the appropriate actions, including:

1. request the master of the ship to provide the necessary information in order to establish whether a violation has been committed;

2. (supplemented, SG No. 54/2007) pursuant to the requirements of the International Maritime Organization, inspect the ship, if they consider the information insufficient;

3. take samples from the ship or the cargo;

4. seize the ship for prosecuting the guilty persons.

(2) The authorities referred to in Paragraph 1 may request the collaboration of the authorities of the Ministry of the Interior, the Ministry of Defence, or another competent state body where necessary.

(3) (New, SG No. 54/2007) Where a violation is established in the sense as per Paragraph 1, the competent authority which performed the inspection shall notify without delay the country of the ship's flag, as well as other affected countries, and where said violation constitutes a crime under law, also the prosecution service.

(4) (New, SG No. 54/2007) Where there are grounds to believe that a non-military ship which was being in, or passing through, the maritime spaces of the Republic of Bulgaria, has violated the provisions of this Act, of another statutory Act or international treaty, concerning the prevention of pollution of the marine environment, the Republic of Bulgaria shall send to the competent authorities at the port of destination a request for legal assistance, including questioning of persons, inspection of documents, or taking of samples of the ship or cargo.

## **Article 55**

(1) In the event of pollution of the marine environment in the internal sea waters, the territorial sea or the exclusive economic zone of another state, the Republic of Bulgaria shall provide legal assistance at the request of such other state by undertaking interrogations of persons, inspecting the documents or the technical condition of the ship, taking samples of the ship or the cargo responsible for the pollution, when it is lying in a port or in the internal sea waters of the country. Such assistance shall also be provided at the request of the flag state.

(2) (Amended, SG No. 54/2007) The Republic of Bulgaria shall be under obligation to itself provide such legal assistance as referred to in Paragraph 1 where a request to that effect has been received from another EU member State.

(3) (New, SG No. 54/2007) The legal assistance under Paragraph 1 shall be provided under conditions of reciprocity, except in the cases as per Paragraph 2.

## **Article 56**

(Supplemented, SG No. 28/2018)

In the event of failure, breakdown or other maritime incident in the maritime space of the country posing a threat of pollution of the marine environment or the coastline, and of harm to related interests, the Ministry of Transport, Information Technology and Communications shall, in collaboration with the interested authorities and organisations, undertake the necessary measures to prevent, reduce and eliminate the threat in accordance with the National Disaster

Protection Plan.

**Article 57**

(Amended, SG No. 109/2013)

The Maritime Administration shall detain a ship lying in the internal sea waters, in a port or a roadstead, if the technical condition of the ship or the actions of the crew do not ensure the observation of the marine environment pollution prevention and reduction rules and standards adopted by the Republic of Bulgaria, or if the technical condition or the documents of the ship do not comply with the requirements.

**Article 58**

(1) Where exploratory work, drilling and other activities relating to the development and exploitation of the natural resources in the maritime space of the Republic of Bulgaria are carried out, the Ministry of Transport, Information Technology and Communications jointly with the Ministry of the Environment and Water shall control the compliance with the measures envisaged for preventing accidents, discharge of oil and other pollutants, as well as for the timely elimination of their consequences.

(2) The Ministry of the Environment and Water, through its specialised regional units, shall exercise control over the coastal sources of pollution.

**Article 59**

Where there is a real danger that pollution in the maritime space of the country might spread to the waters of another Black Sea coastal state, the latter shall be notified thereof through diplomatic channels.

**Article 59a**

(New, SG No. 54/2007)

The provisions of this chapter shall be applied without discrimination with respect to foreign non-military ships and government ships used for non-commercial purposes.

**Article 59b**

(New, SG No. 54/2007)

The Minister of Transport, Information Technology and Communications shall send a report on the implementation of this Section to the European Commission once every three years; said report shall also sum up information supplied by other competent agencies and

institutions.

## **Section VIII**

### **Safety and Security of Navigation**

#### **(Title supplemented, SG No. 28/2013)**

#### **Article 60**

With a view to ensuring the safety of navigation in accordance with the requirements of national security and with the generally recognised international rules, traffic separation schemes, sea lanes, fairways and recommended routes, and a navigation control and reporting system in the territorial sea shall be established, altered or cancelled following a procedure established by the Council of Ministers - for transit passage and for calling at open ports, which shall be mandatory for ships and published in "Notice to Mariners".

#### **Article 60a**

(New, SG No. 24/2004)

(1) Ships and ports shall be subject to control with relation to the security and safety of navigation.

(2) (Amended and supplemented, SG No. 109/2007, amended, SG No. 28/2013, SG No. 104/2020) The Council of Ministers shall, on a proposal from the Minister of Transport, Information Technology and Communications, issue an ordinance laying down the terms and procedure to ensure the security of ships and the ports referred to in Article 106a.

(3) (Amended, SG No. 28/2013, SG No. 104/2020) The Minister of Transport, Information Technology and Communications or an official authorised by him/her shall issue an international certificate of ship security, an interim international certificate of ship security, pursuant to the terms and the procedure determined with the ordinance referred to in Paragraph 2.

(4) (New, SG No. 98/2008, amended, SG No. 28/2013, SG No. 104/2020) The ordinance referred to in Paragraph 2 shall also determine the terms and procedure for protection from unauthorised access and for handling the information contained in the security assessments and in the security plans for ships, as well as in the security assessments, in the reports on the method of conducting these security assessments, and in the security plans of ports and port facilities.

#### **Article 60b**



(New, SG No. 41/2007, amended, SG No. 28/2013)

The Minister of Transport, Information Technology and Communications of an official authorised thereby:

1. shall issue certificates of licensed capacity to the radio operators of the Global Maritime Distress and Safety System of the maritime mobile radio service and the maritime mobile-satellite radio service, to operators of ship radio stations navigating inland waterways, shall issue authorizations for use of radio stations and radar stations on board floating structures, and shall keep public registers of the certificates and authorizations as issued;

2. shall carry out international coordination of radio frequencies and radio frequency bands, as well as of the technical characteristics of the radio equipment which uses the said frequencies and bands for the following radio services: maritime mobile, maritime mobile-satellite, maritime radio navigation, and maritime radio navigation-satellite;

3. shall assign for use the allocated radio call signs for identification of radio stations on board floating structures and water-borne radio stations and shall keep a register of the said call signs under terms and according to a procedure established in an ordinance of the Minister of Transport, Information Technology and Communications on the allocation of radio call signs in the Republic of Bulgaria according to the requirements of the International Telecommunication Union.

#### **Article 60c**

(New, SG No. 28/2018)

The automatic identification system (AIS) fitted on board of a ship in accordance with the requirements of EU law, an international treaty to which the Republic of Bulgaria is a party, or provisions of national legislation, should be turned on at all times and transmitting up-to-date information on the ship's navigational status while it is in the maritime space of the Republic of Bulgaria or traversing it.

#### **Article 61**

(1) (Amended, SG No. 24/2004, repealed, SG No. 28/2013).

(2) (New, SG No. 24/2004, amended, SG No. 104/2005, amended and supplemented, SG No. 28/2013) Navigation safety in the territorial sea, the internal sea waters, the canals and the aquatory of the ports shall be ensured by the State Enterprise the Port Infrastructure, except where this has been assigned to the Ministry of Defence.

(3) (Renumbered from Paragraph 2, SG No. 24/2004) Depth measurements for cartographic purposes in the territorial sea and the internal sea waters shall be carried out only by the Hydrographic Service of the Navy.

(4) (Renumbered from Paragraph 3, SG No. 24/2004, supplemented, SG No. 28/2018) Hydrotechnical and navigation facilities may be built by other agencies with the permission of the Ministry of Defence and the Ministry of Transport, Information Technology and Communications. Articles 112e and 112n shall apply to the spatial planning and the investment

planning of hydrotechnical facilities which will function also as a specialised port facility pursuant to Article 111a, Paragraph 1 or Article 111b, Paragraph 1.

## **Article 62**

(Amended, SG No. 61/2010)

The disposal of loads of earth and of sediments in the maritime space of the country shall be authorised solely in places designated by the Director of Basin Directorate in co-ordination with the Minister of Transport, Information Technology and Communications.

## **Article 63**

(1) Artificial islands, installations and facilities on the continental shelf and in the exclusive economic zone may be built outside the established sea lanes of essential importance to international navigation. The sea lanes shall be marked by light and other signals.

(2) Safety zones shall be established around artificial islands, installations and facilities at a distance of up to 500 meters from their outer edge. They shall also include the water column from the sea surface to the bottom of the sea. The zones may extend further, if their dimensions are admissible by the generally accepted international standards.

(3) (New, SG No. 28/2013) Underwater linear facilities from the technical infrastructure referred to in Article 52a, Paragraph 1 shall be built outside port aquatories and may traverse acknowledged roads of significant importance to navigation and areas ensuring the recreational function of the coastline or aquaculture, taking into account their location, purpose and functions.

(4) (New, SG No. 28/2013) Safety zones shall be established around the underwater linear facilities from the technical infrastructure referred to in Article 52a, Paragraph 1. The limits of such safety zones shall be determined pursuant to Paragraph 2. The routes of the facilities and the safety zones shall be designated by navigation signs and shall be indicated on navigation maps.

(5) (New, SG No. 28/2013) The following shall be prohibited in the safety zones referred to in Paragraphs 2 and 4:

1. anchorage, except for ships used for the purposes of operation, maintenance and monitoring of the facilities referred to in Paragraphs 1 and 3 and for the construction of new facilities;

2. fishing;

3. diving and all other underwater activities, except for the purposes of operation, maintenance and monitoring of the facilities referred to in Paragraphs 1 and 3 and for the construction of new facilities.

(6) (Amended, SG No. 104/2005, renumbered from Paragraph 3, amended, SG No. 28/2013) Installations no longer in use shall be dismantled and removed from the region to a degree ensuring the safety of navigation by the natural or legal persons operating them within a time period determined by the Maritime Administration Executive Agency.

(7) (Amended, SG No. 104/2005, renumbered from Paragraph 4, amended, SG No.

28/2013) If the installations referred to in the preceding paragraph are not eliminated within the specified period, they shall be dismantled and removed by the Maritime Administration Executive Agency at the expense of the persons referred to in Paragraph 6.

#### **Article 64**

Any changes in the navigation conditions in the internal sea waters and the territorial sea, as well as in the exclusive economic zone in the cases referred to in Article 63, shall be announced in "Notice to Mariners".

#### **Article 65**

(1) (Amended, SG No. 28/2018) The Ministry of Transport, Information Technology and Communications shall maintain forces and resources for rendering assistance to individuals, ships or aircraft in need or in distress in the search and rescue zone for which the Republic of Bulgaria is responsible.

(2) The zone referred to in Paragraph 1 shall be defined in accordance with the agreements reached with the adjacent and opposite-lying states.

(3) (New, SG No. 28/2018) On a proposal from the Minister of Transport, Information Technology and Communications, the Minister of Defence and the Minister of Interior the Council of Ministers shall adopt the National Search and Rescue Plan in the search and rescue zone for which the Republic of Bulgaria is responsible.

(4) (Renumbered from Paragraph (3), amended and supplemented, SG No. 28/2018) In accordance with the plan referred to in Paragraph (3) the Maritime Administration Executive Agency shall organise the search and rescue activities, the interaction with the forces and resources of neighbouring countries and shall carry out the search and rescue jointly with the Ministry of Defence and the Ministry of Interior.

## **Section IX**

### **Right of Pursuit**

#### **Article 66**

A foreign non-military ship may be pursued and arrested for bringing charges against it, where there is sufficient grounds to believe that the ship:

1. has violated Bulgarian laws while lying in the internal sea waters or territorial sea;
2. (amended, SG No. 70/2004) has committed or intends to commit a violation of the financial, customs, immigration and health requirements in the contiguous zone.
3. has violated the regulations regarding the protection of the marine environment from

pollution and the regime governing the continental shelf and the exclusive economic zone, including the safety zones around the artificial islands and other facilities.

#### **Article 67**

(1) (Amended, SG No. 104/2020) Pursuit may begin, when a foreign ship or one of its boats is: within the internal sea waters or the territorial sea - for a violation referred to in Article 66, item 1; within the contiguous zone - for a violation referred to in Article 66, item 2; within the exclusive economic zone or the continental shelf - for a violation referred to in Article 66, item 3.

(2) Pursuit shall begin when the foreign ship does not obey the signal to stop given to it.

(3) The right of pursuit shall be exercised by ships or aircraft of the Ministry of the Interior and of the Ministry of Defence or by other government ships and aircraft, bearing the appropriate insignia and authorised for this purpose. The pursuit shall continue until the ship pursued has entered its own territorial sea of or that of another state.

#### **Article 68**

In accordance with the provisions of this Section, the ship arrested may be escorted to the nearest Bulgarian port that is safe for it in order to conduct investigation and to bring charges against it.

#### **Article 69**

Where a foreign non-military ship has been arrested without justification outside the territorial sea, compensation shall be due for the damages sustained by the ship.

## **Chapter Three INLAND WATERWAYS (Title amended, SG No. 24/2004)**

### **Section I General Provisions**

#### **Article 70**

(Amended, SG No. 24/2004)

"Inland waterways" shall be the section of the Danube River from kilometre 845,650 to kilometre 374,100 stretching between the right bank of the river and the demarcation line of the border between the Republic of Bulgaria and Romania determined in accordance with the 1908 Convention determining the river border between Bulgaria and Romania.

## **Article 71**

(Amended, SG No. 88/2010, effective 1.01.2011)

Surveillance of the state river frontier shall be carried out by the authorities of the Ministry of Interior.

## **Article 72**

(1) (Supplemented, SG No. 102/2005) A foreign non-military ship, operated for commercial or humanitarian purposes may freely pass through the inland waterways and call at the open ports and roadsteads.

(2) The passage of foreign warships of non-Danubian countries through the inland waterways shall not be allowed.

(3) (Repealed, SG No. 102/2005).

(4) (Repealed, SG No. 102/2005).

(5) (Supplemented, SG No. 102/2005) A foreign non-military government ship operated for non-commercial purposes, may pass through the inland waterways and may visit open ports and roadsteads along the Danube River with the authorisation of the Council of Ministers requested at least 30 days prior to the visit, unless otherwise provided in an agreement between the Republic of Bulgaria and the flag state.

(6) The commitment of actions referred to in Article 20 shall be deemed a violation of innocent passage through the inland waterways.

(7) (New, SG No. 11/2005, repealed, SG No. 102/2005).

(8) (New, SG No. 11/2005, repealed, SG No. 102/2005).

(9) (New, SG No. 11/2005, repealed, SG No. 102/2005).

## **Article 73**

(1) (Amended, SG No. 28/2018) Foreign ships passing through the inland waterways of the Republic of Bulgaria or lying in ports and at berths shall be prohibited from using radio-navigation aids, hydro-acoustic and radio communication equipment, electronic and optical surveillance systems, except for the purpose of ensuring navigation safety.

(2) The use of ultra short-wave radio stations shall be allowed only for ensuring the safety of navigation and for communicating with the authorities supervising the navigation and with

the port authorities.

(3) Ships equipped with earth stations of the satellite telecommunication systems may use them on the basis of the principle of reciprocity.

(4) The ships passing through the inland waterways of the Republic of Bulgaria shall be exempt from charges for passage.

#### **Article 74**

(1) Rivers, lakes, dams and canals shall not be inland waterways.

(2) (Amended, SG No. 28/2013) The carriage by ships of passengers and cargoes along the rivers, lakes, dams and canals for industrial, commercial, tourist, sports, scientific, fishing, recreational and other purposes, shall be performed under terms and procedures set out in a regulation issued by the Council of Ministers.

## **Section II**

### **Rights of the Republic of Bulgaria in the Inland Waterways**

#### **Article 75**

(1) (Previous text of Article 75, SG No. 28/2013) In the inland waterways zone the Republic of Bulgaria shall exercise:

1. its sovereign rights of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the river-bed, its subsoil and the waters superjacent to the river-bed, as well as of performing other activities relating to the exploration and exploitation of the zone;

2. its exclusive rights and its jurisdiction with regard to:

a) the construction and use of artificial islands, installations and facilities;

b) conduct of scientific research;

c) laying of cables and pipelines;

c) protection of the river environment;

d) other rights deriving from the international agreements, to which the Republic of Bulgaria is a party and from the generally agreed principles and rules of international law.

(2) (New, SG No. 28/2013) Upon motion by the Minister of Transport, Information Technology and Communications and the respective minister in charge, based on an approved detailed spatial development plan, by decision of the Council of Ministers a building right for construction or extension, as well for operation of underwater linear facilities from the technical infrastructure may be established on the bed of the Bulgarian section and the coastal inundated areas of the Danube river.

(3) (New, SG No. 28/2013) The building right referred to in Paragraph 2 shall be established where necessary for the construction or extension of a national project within the

meaning of the State Property Act or for long-term solutions to public needs, as follows:

1. for underwater linear energy facilities - pursuant to the terms and procedure of the Energy Act;

2. for other underwater linear facilities from the technical infrastructure other than those referred to in item 1 - without tender or auction, in favour of a municipality or investor.

(4) (New, SG No. 28/2013) The building right referred to in Paragraph 2 shall be established at a charge, except where it is established in favour of a municipality. The assessment of the building right shall be prepared and communicated following the procedure and deadlines laid down in Article 52a, Paragraph 3, second sentence.

(5) (New, SG No. 28/2013) The construction or extension of underwater linear facilities from the technical infrastructure carried out by the government via its agencies shall be based on a decision of the Council of Ministers designating the agency charged with the construction of the facility.

(6) (New, SG No. 28/2013) The detailed spatial development plans referred to in Paragraph 2 shall be drawn up as parcelling plans with the content laid down in Article 52b, Paragraph 1. Permission for their elaboration, as well as coordination, adoption, approval and amendment shall be made pursuant to Article 52b, Paragraphs 2 through 4.

(7) (New, SG No. 28/2013) The drafting, coordination and approval of investment projects for the facilities referred to in Paragraph 2, the issue of construction permits, the construction and maintenance shall be carried out in accordance with the provisions of Article 52c.

(8) (New, SG No. 28/2013) The assigned use of the facilities referred to in Paragraph 2 may not be altered. Where the building right was established in favour of a municipality, the completed underwater linear facility from the technical infrastructure shall constitute public municipal property which may not be altered into private property.

(9) (New, SG No. 28/2018) Articles 112e and 112n shall apply to the spatial planning and the investment planning of hydrotechnical facilities which will function also as a specialised port facility pursuant to Article 111a, Paragraph 1 or Article 111b, Paragraph 1.

## **Article 75a**

(New, SG No. 99/2006, amended and supplemented, SG No. 28/2018)

The discharge, disposal and dumping of solid or liquid waste and of other substances harmful to human health or to the living resources in the inland waterways, the air pollution caused by ships, including the combustion in ship combustion installations of ship fuel not compliant with the requirements laid down with the regulation referred to in Article 8(1) of the Clean Ambient Air Act, shall be forbidden in the inland waterways, along with any other pollution, except in cases where the rules stipulated in international conventions ratified by the Republic of Bulgaria and in the national legislation are observed.

## **Article 76**

(Repealed, SG No. 28/2013).

## **Article 76a**

(New, SG No. 98/2008)

The navigation and the border regime in the inland waterways of Bulgarian and foreign yachts, boats and other vessels for sports, tourism and recreation and the carrying out of water recreational services with them shall be determined with the act of the Council of Ministers under Article 5, paragraph 4.

## **Article 76b**

(New, SG No. 28/2013)

Where there is evidence that a ship lying in the inland waterways of the Republic of Bulgaria has committed, is committing or is preparing to commit actions infringing the sovereignty or exclusive rights and jurisdiction pursuant to Article 75, Paragraph 1, the agencies of the Ministry of Interior and the Maritime Administration Executive Agency shall have the right to stop the ship, conduct an inspection and take the necessary measures to prevent the violation or arrest the ship with a view to prosecuting the offenders.

# **Section III**

## **Conditions for the Safety of Navigation**

## **Article 77**

(Amended, SG No. 24/2004)

(1) The Minister of Transport, Information Technology and Communications, through the Study and Maintenance of the Danube River Executive Agency, shall organise, manage and control the study and maintenance of the navigation conditions in the inland waterways of the Republic of Bulgaria in accordance with national and international law.

(2) (Supplemented, SG No. 15/2013, effective 1.01.2014) The Study and Maintenance of the Danube River Executive Agency, hereinafter referred to as "the Agency", shall be a legal person subsisting on budget support under the Minister of Transport, Information Technology and Communications seated in Rousse having as its regional units the stations in Novo selo, Lom, Oryahovo, Svishtov, Rousse and Silistra.

(3) (Amended, SG No. 81/2009, repealed, SG No. 15/2013, effective 1.01.2014).

(4) (Amended, SG No. 15/2013, effective 1.01.2014) The budget of the Agency shall also include revenues generated by its own activities.

(5) The activity, structure and organisation of work of the Agency shall be determined by rules of organisation adopted by the Council of Ministers.



## **Article 77a**

(New, SG No. 28/2018)

The automatic identification system for inland waterways (AIS for inland waterways navigation), fitted on board of a ship in accordance with the requirements of EU law, an international treaty to which the Republic of Bulgaria is a party, or provisions of national legislation, should be turned on at all times and transmitting up-to-date information on the ship's navigational status while it is in the inland waterways of the Republic of Bulgaria or traversing them.

## **Article 78**

(1) (Amended, SG No. 28/2018) Ships traversing the inland waterways of the Republic of Bulgaria and carrying dangerous goods shall be obliged to comply with the rules set out in the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) done at Geneva, Swiss Confederation, on 26 May 2000 (ratified by law – SG No. 9/2006) (SG No. 43/2008).

(2) When entering the inland waterways of the Republic of Bulgaria, the ships carrying dangerous cargoes shall inform the master of the nearest harbour about the quantity, the location, the type of the dangerous cargoes and about the unloading port.

(3) (Amended, SG No. 28/2018) The prohibition under Article 53 shall not apply to the discharge or disposal of wastes, where the content of harmful substances is consistent with the national standards for coastal sources and the standards for ships provided for in the Rules for Navigation in the Danube River adopted by the Council of Ministers.

## **Article 79**

(Supplemented, SG No. 98/2008)

Diving and any other underwater activity in the territorial sea and in the inland waterways shall be carried out following a procedure established by the Minister of Defence, the Minister of Interior, the Minister of Culture and the Minister of Transport, Information Technology and Communications.

## **Article 80**

(1) The laying of underwater and aerial cables and pipelines between the Republic of Bulgaria and Romania shall be carried out pursuant to an agreement between the governments of the two countries.

(2) Hydrotechnical facilities connecting the two banks of the river shall be constructed on the basis of an agreement between the Government of the Republic of Bulgaria and the

Government of Romania.

### **Article 81**

(1) (Amended, SG No. 28/2018) The provision of assistance to ships and people in distress in the inland waterways of the Republic of Bulgaria shall be organised by the Maritime Administration Executive Agency in accordance with the plan referred to in Article 65, Paragraph 3.

(2) In case of threat for human lives or navigation hindrance in the inland waterways, the harbour-master may involve in rendering assistance any ship lying nearby.

## **Section IV**

### **Navigation Safety of Ships**

#### **(Title amended, SG No. 28/2013)**

### **Article 82**

(Amended, SG No. 24/2004, SG No. 28/2013)

The navigation route in the section of the Danube river between kilometre 845,650 and kilometre 374,100 shall be maintained by the competent Bulgarian and Romanian authorities in accordance with the provisions of an agreement between the two governments.

### **Article 83**

(Amended, SG No. 28/2013)

(1) The navigation safety of ships in the inland waterways of the Republic of Bulgaria, with the exception of the navigation route, shall be carried out by the Port Infrastructure State Enterprise.

(2) The navigation safety of ships in the Bulgarian section of the navigation route shall be carried out by the Study and Maintenance of the Danube River Executive Agency.

### **Article 84**

(Amended, SG No. 24/2004, SG No. 28/2013)

(1) Underwater linear facilities from the technical infrastructure referred to in Article 75, Paragraph 2 shall be built outside port aquatories and may traverse the areas ensuring the recreational function of the coastline or aquaculture, taking into account their location, purpose and functions.

(2) Safety zones shall be established around underwater linear facilities from the technical infrastructure under Article 75, Paragraph 2, at a distance of up to 200 m from their outer edge.

They shall also include the water column from the water surface to the bottom. The zones may extend further, if their dimensions are admissible by the generally accepted international standards. The routes of the facilities and the safety zones shall be designated by on-shore navigation signs and shall also be indicated on pilot maps.

(3) The following shall be prohibited in the safety zones referred to in Paragraph 2:

1. anchorage, except for ships used for the purposes of operation, maintenance and monitoring of facilities referred to in Paragraph 1 and for the construction of new facilities;
2. fishing;
3. diving and all other underwater activities, except for the purposes of operation, maintenance and monitoring of the facilities referred to in Paragraph 1 and for the construction of new facilities.

### **Article 85**

(Amended, SG No. 24/2004, SG No. 28/2013)

(1) Changes in the conditions for navigation and the special temporary prescriptions to ensure the safety of navigation in the inland waterways shall be announced in the Notices to Ship Pilots issued by the Maritime Administration Executive Agency.

(2) Ship pilots and crews shall be obliged to observe the dimensions of the waterway announced in the Notices to Ship Pilots and not to traverse critical areas with a greater draught than the announced draught.

(3) The Notices to Ship Pilots shall be published on the internet page of the Bulgarian system for river information services.

## **Section V Supervision of Navigation**

### **Article 86**

(1) (Supplemented, SG No. 24/2004) Navigation shall be supervised for the purpose of compliance with the Danube River Navigation Rules, protection of the hydrotechnical and port facilities, the navigation signs and prevention of the pollution of the Danube River caused by the ships navigating along the inland waterways of the Republic of Bulgaria.

(2) Supervision shall be carried out without any prejudice to the flag the ship is flying.

### **Article 87**

(1) Navigation supervision along the inland waterways shall be carried out by the marine administration under the Minister of Transport, Information Technology and Communications.

(2) (Amended, SG No. 28/2018, supplemented, SG No. 104/2020) In its activity the

marine administration staff shall be governed by the Danube River Supervision Rules adopted by the Council of Ministers.

### **Article 87a**

(New, SG No. 87/2005, amended, SG No. 71/2008)

(1) The Port Infrastructure State Enterprise shall provide river information services to ship traffic under conditions and terms and of types determined by the Council of Ministers.

(2) The Executive Agency "Marine Administration" shall oversee activities as per (1) above.

### **Article 88**

(Supplemented, SG No. 28/2018)

In the event of a failure, breakdown or another incident in the country's inland waterways posing a threat of pollution of the environment or the coastline or of harm to related interests, the Ministry of Transport, Information Technology and Communications, shall, in collaboration with the interested authorities and organisations and in accordance with the National Disaster Protection Plan, take the necessary measures to prevent, reduce and eliminate the threat.

### **Article 89**

(Amended, SG No. 28/2013)

(1) (Amended, SG No. 109/2013) The Maritime Administration Executive Agency may stop, conduct an inspection and detain a ship, including a transiting ship, where such ship is causing a threat to the safety of navigation in the inland waterways of the Republic of Bulgaria..

(2) (Amended, SG No. 109/2013) The Maritime Administration Executive Agency shall detain a ship in a Danubian port or roadstead, where its technical condition does not ensure compliance with the limits and standards adopted for the Republic of Bulgaria with a view to preventing and limiting the pollution of the river environment, as well as in the cases referred to in Article 363, Paragraph 2 of the Commercial Navigation Code.

(3) (Amended, SG No. 109/2013) The detention on departure shall remain in force until the reasons for imposing it have been removed.

### **Article 90**

(1) Where exploratory work, drilling and other activities relating to the development and exploitation of the natural resources are carried out, the Ministry of Transport, Information Technology and Communications jointly with the Ministry of the Environment and Water shall control the compliance with the measures envisaged for preventing accidents, discharge of oil

and other pollutants, as well as for the timely elimination of their consequences.

(2) The Ministry of the Environment and Water shall exercise control over the coastal sources of pollution.

## **Article 91**

(1) (Amended, SG No. 28/2013) Where there is a real danger that pollution in the inland waterways of the country might spread to the waters of another Danubian state, the latter shall be notified thereof through diplomatic channels.

(2) Any shipmaster sailing in the area of the inland waterways of the Republic of Bulgaria shall notify immediately by all possible means the harbour master of the nearest harbour, of any pollution caused by the ship, of deliberate discharge with the aim of protecting human lives on board or of a pollution discovered by him/her.

(3) (New, SG No. 24/2004) Any shipmaster sailing in the Bulgarian section of the Danube River shall be obliged to safeguard the hydrotechnical and port facilities and the navigation signs and, upon establishing failures or breakdowns in them, to notify the nearest office of the river supervision authority.

# **Chapter Four PORTS**

## **Section I General Provisions**

### **Article 92**

(Amended, SG No. 24/2004)

(1) The port is a section which includes aquatory, territory and infrastructure on the coast of the Black Sea, the Danube River, the islands and the canals; it is situated on the territory of one or more municipalities and unites natural, artificially created and organisational conditions for safe lying, stay, and servicing of ships.

(2) Ports connect the water spaces of the Republic of Bulgaria with the land road and/or the railroad transport network.

(3) The Minister of Transport, Information Technology and Communications shall exercise control over all ports, excluding military ports.

(4) For all ports, with the exception of military ports, a register shall be kept following the terms and procedure determined with an order issued by the Minister of Transport, Information Technology and Communications.

(5) (Amended, SG No. 104/2005, effective 1.01.2007, SG No. 98/2008, SG No. 28/2013)

The register referred to in paragraph 4 shall also contain:

1. register code, name, and type of the port;
2. (supplemented, SG No. 104/2020) the owner of the port's territory and of its infrastructure;
3. identifiers of lots of land within the port as given in the cadastral map;
4. the coordinates of the limit points and the area of the operating aquatory, the manoeuvring zone and the approach zone;
5. (amended, SG No. 104/2020) the port activities and the services provided at the port;
6. the operator or operators who or which have been granted access to the market of port activities and services referred to in item 5;
7. number and date of issue of the certificate of operational suitability;
8. (amended, SG No. 28/2018) key parameters - total length of the wharf front, including of floating hydrotechnical facilities serving to connect the ship and the coast; design depths in the operating aquatory; total area of the open-air and covered storage facilities and total volume of the specialised storage facilities for solid and liquid bulk goods;
9. (amended, SG No. 104/2020) register code, name, purpose, as well as data referred to in items 2 through 8 above for each of the port terminals, including the areas within the public transport port which in their intended purpose correspond to the characteristics of the ports referred to in Articles 107 through 109;
10. (amended, SG No. 28/2018, SG No. 104/2020) the cadastral map identifiers of the plots of land forming the territory of areas for storage of cargo which are not located in immediate proximity to the shore; total area of the open-air and covered storage facilities and total volume of the specialised storage facilities for solid and liquid bulk goods within them;
11. the document ordering the temporary suspension or restriction of the port operation;
12. (repealed, SG No. 104/2020);
13. (amended, SG No. 104/2020) changes in the particulars referred to in items 1 through 11 above;
14. the date of erasure of the record and reasons thereof.

(6) (Amended, SG No. 28/2013) Ports shall be recorded in the register of ports after the issue of a certificate for fitness for operation.

(7) Port activities and services under this Act may not be performed in a port which is not included in the register referred to in Paragraph 4.

(8) (New, SG No. 28/2013) It shall not be permissible to carry out port activities and services other than those listed in the registration of the port or terminal.

(9) (Renumbered from Paragraph 8, SG No. 28/2013) The register referred to in Paragraph 4 shall be public.

## **Article 92a**

(New, SG No. 24/2004)

(1) The aquatory of the ports shall be exclusive state property.

(2) The territory and infrastructure of the ports may be owned by the state, by the

municipalities, by natural and legal persons.

### **Article 93**

Ports shall be:

1. for public transport - regardless of whether they take internal or international traffic;
2. fishing
3. yachting;
4. special;
5. military, including border police.

### **Article 94**

(Amended, SG No. 24/2004)

(1) Port operators and the owners of ports or port facilities shall provide to the Ministry of Transport, Information Technology and Communications statistical data related to their activities under terms and procedures determined by the Minister of Transport, Information Technology and Communications in co-ordination with the President of the National Statistical Institute.

(2) (Amended, SG No. 28/2013) The information referred to in Paragraph 1 shall be subject to statistical confidentiality within the meaning of Article 25 of the Statistics Act.

### **Article 95**

(Amended, SG No. 24/2004)

(1) (Amended, SG No. 28/2013) The Minister of Transport, Information Technology and Communications shall issue a regulation to determine the requirements for fitness for operation of ports, with the exception of military ports, for qualification of staff and for issue of certificates of fitness for operation.

(2) (Amended, SG No. 28/2013) The fitness for operation of the ports shall be demonstrated with a certificate of fitness for operation issued by the Minister of Transport, Information Technology and Communications or by an official authorised thereby.

### **Article 96**

(Amended, SG No. 24/2004)

(1) The information on the compliance with the requirements for fitness for operation of ports shall be submitted to the Minister of Transport, Information Technology and Communications.

(2) (Amended, SG No. 28/2013) The Minister of Transport, Information Technology and

Communications or an official authorised thereby shall issue an order to suspend the operation of a port, where:

1. technically or logistically the port does not meet the requirements for safe acceptance, servicing and processing of ships, passengers, cargo and mail laid down with the regulation referred to in Article 95, Paragraph 1;

2. port activities and services are carried out in the port in violation of the provisions of Article 92, Paragraph 8;

3. the operator's or operators' right of access to the market of port services pursuant to Article 92, Paragraph 5, item 6 has been terminated;

4. the registered port services and activities are not carried out in the port for a period of 12 months;

5. (amended, SG No. 104/2020) the validity of the certificate of operational suitability of the port has expired and within one month the owner of its territory and of the port infrastructure did not take steps necessary for the issue of a new certificate.

(3) (New, SG No. 28/2013) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall issue an order to limit temporarily the operation of a port, where:

1. technically or logistically the port does not meet the requirements for safe provision of a specific type of registered port services and activities laid down with the regulation referred to in Article 95, Paragraph 1;

2. technically or logistically a port terminal does not meet the requirements for safe acceptance, servicing and processing of ships, passengers, cargo and mail laid down with the regulation referred to in Article 95, Paragraph 1;

3. port activities and services are carried out in a port terminal in violation of the provisions of Article 92, Paragraph 8;

4. (amended, SG No. 104/2020) the validity of the certificate of operational suitability of a port terminal has expired and within one month the owner of its territory and of the port infrastructure did not take steps necessary for the issue of a new certificate;

5. technically, certain port facilities do not meet the requirements for fitness of operation of the port laid down with the regulation referred to in Article 95, Paragraph 1.

(4) (New, SG No. 28/2013) The orders referred to in Paragraphs 2 and 3 shall be subject to

(5) (Amended, SG No. 30/2006, renumbered from Paragraph 3, amended, SG No. 28/2013) The orders referred to in Paragraphs 2 and 3 shall be subject to appeal pursuant to the Code of Administrative Procedure.

(6) (New, SG No. 28/2013) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall issue an order to revoke the suspension or temporary limitation of port operation pursuant to Paragraphs 2 or 3 where the reasons for imposing it have been removed.

## **Article 97**

(Amended, SG No. 24/2004)

The boundaries of the territory of military ports shall be co ordinated with the Minister of Defence.



## **Article 98**

(Amended, SG No. 24/2004)

The co-ordinates and the navigation maps of the aquatory shall be publicly announced.

## **Article 99**

(Amended, SG No. 24/2004)

(1) Open ports, with the exception of military ports, shall be generally accessible and, in conformity with their purpose, shall provide equal conditions for all ships.

(2) (Amended, SG No. 104/2005, effective 1.01.2007) The port reception facilities for waste - result from navigation, shall be generally accessible and shall be used by their owners only in conformity with their purpose.

## **Article 100**

(Amended, SG No. 24/2004)

(1) Bulgarian non-military ships shall fly the national flag of the Republic of Bulgaria in the internal sea waters and in the inland waterways. The national flag of the Republic of Bulgaria shall also be flown by the ships of the Navy. Apart from their State flag, foreign non-military ships shall fly the national flag of the Republic of Bulgaria.

(2) All non-military ships must have their name or the number of the ship and of the port in which they are registered permanently written on the board, for warships - just the name or number.

(3) (Amended, SG No. 28/2018) Navigation and manoeuvring in the waters referred to in Paragraph 1 shall be performed in compliance with the provisions of the International Regulations for Preventing Collisions at Sea and of the rules referred to in Article 78, Paragraph 3.

## **Article 101**

(Amended, SG No. 24/2004)

(1) (Amended, SG No. 88/2010, effective 1.01.2011) Border checks, customs, medico-sanitary, veterinary and phytosanitary control, as well as vehicle control in accordance with current legislation shall be carried out in the ports servicing ships from international routes.

(2) (Amended, SG No. 88/2010, effective 1.01.2011) The organisation for implementing the checks and control referred to in Paragraph 1 shall be determined with a regulation adopted by the Council of Ministers upon a proposal of the Minister of Transport, Information Technology and Communications in consultation with the respective ministers exercising the

checks and control referred to in Paragraph 1.

### **Article 102**

(Amended, SG No. 24/2004)

The procedure for visiting, manoeuvring and stay, including the winter stay, of ships in ports, for embarking and disembarking of the crew or other persons, as well as for communications between the ship and the shore, shall be determined with a regulation issued by the Minister of Transport, Information Technology and Communications.

## **Section II**

### **Public transport ports**

### **Article 103**

(Amended, SG No. 24/2004)

(1) A public transport port shall be any port in which port services and other accompanying activities are rendered for payment from/to ships and means of land transportation, which shall be accessible without limitation to all ships and cargoes.

(2) Public transport ports must have at least the following natural, artificially created and organisational conditions:

1. aquatory;
2. (amended, SG No. 104/2020) safe roadsteads, wharfs or other lying facilities allowing the anchorage or sheet-anchorage of ships, so that they can perform their operations under the necessary safety conditions;
3. an operative zone intended for performing the cargo handling services;
4. (amended, SG No. 104/2020) access infrastructure;
5. organisation allowing the effective servicing of the ships and their crews;
6. (amended, SG No. 104/2005, SG No. 98/2008, SG No. 104/2020) a waste reception and processing plan, appropriate port reception facilities.

(3) The territory of public transport ports shall include one or more terminals and may include zones for performing the activities referred to in Article 116a, as well as property for expansion and development of the port.

(4) (Supplemented, SG No. 88/2010, effective 1.01.2011) The territory of public transport ports servicing ships from international routes shall mandatorily include a zone for performing the checks and control referred to in Article 101, Paragraph 1.

(5) Port terminals shall include an operative zone which shall be equipped in accordance with the intended use of the terminal and the technology for processing the respective type of cargo. Depending on the technology for processing the respective type of cargo and the intended

use of the terminal, it may include a zone for cargo storage and parts of the general technical infrastructure of the port.

(6) A part of public transport port which is technologically related to cargo processing and storage may be located on a territory which is not situated immediately on the coast.

### **Article 103a**

(New, SG No. 24/2004, amended and supplemented, SG No. 28/2013, repealed, SG No. 104/2020).

### **Article 103b**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) Access to public transport ports of national importance shall be paid at prices which are determined and announced by the Ports National Company.

(2) The charges for access to public transport ports of national importance shall be paid by the visiting ships, shall include canal, ship tonnage, linear wharf and light charges and shall be used for covering the expenses for constructing and maintaining marine canals, external protection dikes, docks, basins, wharfs, buoys, lighthouses, port infrastructure, for dredging and increasing the maximum water depth.

(3) The prices referred to in Paragraph 2 shall be paid to the Ports National Company and shall be spent for ensuring conditions for access to the public transport ports of national importance. The Ports National Company shall transfer to the Ministry of Defence a part of the light charges which is proportional to the lights it maintains.

(4) Where the Ports National Company provides access to public transport ports of regional importance and to the ports referred to in Articles 107 - 109, it shall be paid access charges which shall include canal, ship tonnage and light charges, while the linear wharf charges shall be paid to the owners of the respective ports.

(5) The owners of public transport ports of regional importance and of the ports referred to in Article 107 - 109 shall pay for the right to use the aquatory a charge determined by the Council of Ministers.

(6) Charges for the services provided in public transport ports shall be collected by the persons performing those services.

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### **Article 103c**

(New, SG No. 104/2005, supplemented, SG No. 54/2007, amended, SG No. 98/2008,

amended and supplemented, SG No. 28/2013, amended, SG No. 26/2016, effective 1.04.2016, SG No. 104/2020)

(1) Ships, with the exception of military ships, calling at a public transport port and ships operating in such a port shall pay charges for:

1. use of the port infrastructure;
2. reception and processing of ship-generated waste.

(2) The amount of the charges referred to in Paragraph 1 shall be set and said charges shall be levied by:

1. the Port Infrastructure State Enterprise – for public transport ports referred to in Article 106a and public transport ports that are state property;

2. the owners of the territory and port infrastructure of public transport ports, other than those referred to in item 1.

(3) The port charges referred to in Paragraph 1 shall be payable:

1. before the ship leaves the port – for ships calling at public transport ports;
2. on a regular basis – for ships operating in public transport ports.

(4) The Port Infrastructure State Enterprise shall transfer to the Ministry of Defence a portion of the charges referred to in Paragraph 1, item 1 which corresponds to the navigation safety tools maintained by the Ministry.

(5) The port charges shall be published on the website of the persons referred to in Paragraph 2 and displayed in a suitable place within the port.

### **Article 103d**

(New, SG No. 104/2005, effective 1.01.2007, amended, SG No. 98/2008, SG No. 104/2020)

(1) The following principles shall be observed when determining the structure and amount of the charges under Article 103c, Paragraph 1, item 1:

1. transparency;
2. objectivity;
3. non-discrimination;
4. compliance with competition rules;

5. alignment with the commercial strategy and investment plans implemented in the respective port.

(2) The charges under Article 103c, Paragraph 1, item 1 may vary for the different types of ships calling at the port in accordance with the economic strategy and policy for spatial planning implemented in the port, as well as in order to encourage the more efficient use of the port infrastructure, to promote short sea shipping, protection of the marine and river environment, the energy efficiency or carbon efficiency of water transport operations.

(3) The charges under Article 103c, Paragraph 1, item 1 shall be spent to ensure access to the respective port, including to cover the expenses for construction and maintenance of the port's access infrastructure and other common technical infrastructure, as well as for maintenance of design depths within the port's aquatory.

### **Article 103e**

(New, SG No. 98/2008, amended, SG No. 28/2018, SG No. 104/2020)

(1) The following principles shall be observed in determining the amount of the charges under Article 103c, Paragraph 1, item 2:

1. the amount of charges should not encourage the dumping of waste in the sea, in the river Danube respectively;

2. the charges levied should correspond to the type and size of ships and should cover at least 30 percent of the costs for providing port reception facilities and for reception and handling of ship-generated waste;

3. the part of the costs which is not covered by the charges, if any, shall be covered on the basis of the types and quantities of waste actually delivered by the ship;

4. the amount of charges may be reduced in case from an environmental perspective the ship's management, design, equipment and operation demonstrate that the ship produces reduced quantities of waste from its operation;

5. items 2, 3 and 4 shall not apply when determining the amount of charges due by fishing vessels and yachts.

(2) The charges under Article 103c, Paragraph 1, item 2 shall be paid for all ships calling at or operating in the respective port, irrespective of their actual use of a port reception facility.

(3) It shall be possible to exempt from the charge under Article 103c, Paragraph 1, item 2 the owner of a ship which, pursuant to the procedure referred to in Article 371 of the Merchant Shipping Code, has been exempt from the obligation to deliver the ship-generated waste because both of the following conditions are met:

1. the ship operates a regular shipping service;

2. the ship owner has concluded a contract with a port operator for delivery of ship-generated waste at one of the ports along the shipping service route and pays charges at this port or to the service operator.

(4) The exemption referred to in Paragraph 3 shall be granted by the person levying the charges under Article 103c, Paragraph 1, item 2 in the respective port. At the beginning of each quarter the persons referred to in the preceding sentence shall submit to the Maritime Administration Executive Agency information on the cases of exemption during the previous quarter.

(5) The charges under Article 103c, Paragraph 1, item 2 shall be used to cover the expenses for reception and processing of ship-generated waste.

### **Article 103f**

(New, SG No. 104/2020)

(1) The prices of port services under Article 116, Paragraph 2 provided at a public transport port shall be determined, made public and levied by the port operators providing the services.

(2) When the port operator is also a person under Article 103c, Paragraph 2, item 2, as well as in the cases referred to in Article 115m, Paragraph 2, the prices referred to in Paragraph 1 may be included in the port charges for use of the port infrastructure. In such cases, port users shall be informed what part of the total amount corresponds to the prices referred to in

Paragraph 1 and what – to the port charges for use of the port infrastructure.

(3) The port operator providing port services under Article 116, Paragraph 2, items 2 or 3 may also include in the price for a specific service an amount proportionate to the time spent by the ship in a hydro-technical installation for connection between the ship and the shore. The users of port services shall be informed what part of the price for the service this amount is.

(4) The prices for port services referred to in Paragraph 1 shall be published on the website of the port operator, or, where no such website exists – on the website of the Port Infrastructure State Enterprise, respectively of the owner of the port's or terminal's territory and port infrastructure. Information on the prices for port services shall also be made available to port users by displaying it in a suitable place within the port that is accessible by users.

## **Article 104**

(Amended, SG No. 24/2004)

(1) (Repealed, SG No. 28/2013).

(2) (Amended, SG No. 28/2013) The Minister of Defence and the Minister of Interior shall issue regulations laying down the organisation of work, respectively in military and border police ports.

(3) (Amended, SG No. 104/2005) The Port Infrastructure State Enterprise and the port operators shall make proposals and participate in the activities for introducing the international and the European standards for safety and quality management, for environmental protection and for the requirements to port personnel as the Bulgarian standards pursuant to the terms and the procedure of the National Standardization Act.

## **Article 105**

(Amended, SG No. 24/2004, supplemented, SG No. 28/2018)

Performing reloading activities in the water at a distance from the coast shall only be permitted in the roadsteads, respectively berths, of a public transport port after co-ordination with the master of the respective harbour.

## **Article 106**

(Amended, SG No. 24/2004)

(1) (Amended, SG No. 104/2020) The territory and port infrastructure of public transport ports, with the exception of the access infrastructure, may be owned by the state, by municipalities, by natural and legal persons.

(2) (Amended, SG No. 104/2020) The territory and port infrastructure of public transport ports or of terminals of such ports, including the areas which because of their intended purpose have the features of ports referred to in Article 107 – 109 that are state property, shall be public state property.

(3) (New, SG No. 54/2007, amended, SG No. 104/2020) The territory and port infrastructure of public transport ports or of terminals of such ports that are municipal property, shall be public municipal property.

(4) (New, SG No. 104/2020) The infrastructure for access to public transport ports shall be public state property. Where the land access to a public transport port is via the existing road network, the road access to the port shall be public municipal property.

(5) (New, SG No. 104/2020) The common technical infrastructure of a public transport port where at least one terminal is state property shall also be public state property. Common infrastructure is the infrastructure servicing more than one terminal.

## **Section IIa**

**(New, SG No. 104/2020)**

### **Special rules for public transport ports in relation to which Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports is applied**

#### **Article 106a**

(New, SG No. 104/2020)

The provisions of this Section shall apply to the maritime ports of Bourgas and Varna as per item 2 of Annex II to Regulation (EU) No. 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348/1, 20.12.2013). 106d. Port operators providing in a port referred to in Article 106a any of the technical marine port services referred to in Article 1, Paragraph 2, points (a), (c), (e) and (g) of Regulation (EU) 2017/352 may not be imposed requirements for provision of access to the market of a port service, other than those specified in Article 117b, Paragraphs 1 and 2.

#### **Article 106b**

(New, SG No. 104/2020)

(1) The Port Infrastructure State Enterprise shall be the managing body of the port within the meaning of Article 2, item 5 of Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57/1, 3.3.2017), hereinafter referred to as "Regulation (EU) 2017/352", for the ports referred to in Article 106a.

(2) The Port Infrastructure State Enterprise shall carry out public consultations with port

users and other interested parties on essential matters within its competence in accordance with Article 15, Paragraphs 1 and 2 of Regulation (EU) 2017/352.

(3) The procedure referred to in Paragraph 2 shall start with the publication of a notice on the website of The Port Infrastructure State Enterprise stating:

1. the matter which is subject of the consultation;
2. the position or draft resolution on the matter which is subject of the consultation;
3. the deadline for submission of written opinions which may not be less than one month.

(4) After examination of all opinions and of the information made available pursuant to Article 15, Paragraph 3 of Regulation (EU) 2017/352, the Port Infrastructure State Enterprise shall publish on its website the results from the consultations, the decision made, and the statement of reasons.

### **Article 106c**

(New, SG No. 104/2020)

(1) The Executive Director of the Maritime Administration Executive Agency shall be the competent authority within the meaning of Article 2, item 3 and Article 12, Paragraph 3 of Regulation (EU) 2017/352 and shall have the following powers under:

1. Article 5, Paragraph 2 of Regulation (EU) 2017/352 – to grant or refuse the right to access to the market of port services under Article 116, Para. 2, item 1;
2. Article 6, Paragraph 1 of Regulation (EU) 2017/352 – to limit the number of port operators providing a specific port service in a port referred to in Article 106a;
3. Article 7, Paragraph 1 of Regulation (EU) 2017/352 – to decide to impose public service obligations related to one or more port services in a port referred to in Article 106a;
4. Article 9, Paragraph 2 of Regulation (EU) 2017/352 – with regard to the control for compliance with the requirements for occupational safety and health and safe provision of port activities and services;
5. Article 14 of Regulation (EU) 2017/352 – with regard to the control for compliance with the obligation for training of staff.

(2) (Effective 1.01.2021 - SG No. 104/2020) The activities of the Maritime Administration Executive Agency referred to in Paragraph 1 shall be financed by a portion of the port charges under Article 103c, Para. 1, item 1 levied in ports referred to in Article 106a. The size of the portion of port charges which the Port Infrastructure State Enterprise provides to the Maritime Administration Executive Agency shall be determined every year by the Council of Ministers on a proposal from the Minister of Transport, Information Technology and Communications.

### **Article 106d**

(New, SG No. 104/2020)

Port operators providing in a port referred to in Article 106a any of the technical marine port services referred to in Article 1, Paragraph 2, points (a), (c), (e) and (g) of Regulation (EU) 2017/352 may not be imposed requirements for provision of access to the market of a port



service, other than those specified in Article 117b, Paragraphs 1 and 2.

### **Article 106e**

(New, SG No. 104/2020)

(1) The Executive Director of the Maritime Administration Executive Agency shall, on a proposal by the Port Infrastructure State Enterprise, decide to limit the number of port operators providing a technical marine port service pursuant to Article 1, Paragraph 2, points (a), (c), (e) and (g) of Regulation (EU) 2017/352, in a port referred to in Article 106a, where any of the reasons referred to in Article 6, Paragraph 1 of said Regulation is present.

(2) In proceedings under Paragraph 1, the requirements of Article 6, Paragraphs 2 and 3 of Regulation (EU) 2017/352 shall apply.

(3) The Maritime Administration Executive Agency shall publish on its website any received proposal to limit the number of port operators in accordance with Paragraph 1, together with the grounds justifying it.

(4) In case of a decision pursuant to Paragraph 1, the Maritime Administration Executive Agency shall follow a selection procedure in accordance with Article 6, Paragraph 4 of Regulation (EU) 2017/352 under the terms and procedure laid down with the ordinance referred to in Article 117, Paragraph 5.

### **Article 106f**

(New, SG No. 104/2020)

(1) When the Maritime Administration Executive Agency has decided to impose a public service obligation related to one or more technical marine port services referred to in Article 1, Paragraph 2, points (a), (c), (e) and (g) of Regulation (EU) 2017/352, provided in a port referred to in Article 106a, the decision shall be justified in accordance with Article 7, Paragraphs 1 and 2 of said Regulation.

(2) Based on the decision of the Maritime Administration Executive Agency referred to in Paragraph 1, as well as in the cases referred to in Article 7, Paragraph 4 of Regulation (EU) 2017/352, the Port Infrastructure State Enterprise shall sign a contract with a port operator for provision of the service.

### **Article 106g**

(New, SG No. 104/2020)

The control referred to in Article 11, Paragraph 5 of Regulation (EU) 2017/352 shall be carried out by the Public Financial Inspection Agency under the terms and following the procedure laid down with the Public Financial Inspection Act.

## **Article 106h**

(New, SG No. 104/2020)

(1) Decisions determining the structure and amount of prices for port services referred to in Article 12, Paragraph 1 of Regulation (EU) 2017/352 may be appealed before the Executive Director of the Maritime Administration Executive Agency.

(2) The provisions of Chapter Six "Administrative Contestation of Administrative Acts" of the Administrative Procedure Code shall apply accordingly to the proceedings for review of complaints referred to in Paragraph 1, and:

1. complaints shall be filed with the authority referred to in Paragraph 1 and a copy shall be sent to the port operator whose decision is appealed;

2. the complaint lodged shall not suspend the enforcement of the decision which is subject to the appeal;

3. the information under Article 12, Paragraph 3 of Regulation (EU) 2017/352 requested by the authority referred to in Paragraph 1 shall be made available within 14 days of the date of receipt of the notification;

4. the authority referred to in Paragraph 1 shall issue its decision on the complaint within one month of the date of receipt of said complaint;

5. a certified copy of the decision made by the authority referred to in Paragraph 1 shall be sent to the complainant and to the entity whose decision is subject to the appeal, and shall be published on the website of the Maritime Administration Executive Agency.

(3) The decision of the Executive Director of the Maritime Administration Executive Agency may be appealed pursuant to the Administrative Procedure Code before the administrative court in the region where the administrative authority has its seat.

## **Article 106i**

(New, SG No. 104/2020)

(1) The decisions of the Management Board of the Port Infrastructure State Enterprise under Regulation (EU) 2017/352 shall be subject to appeal by interested parties pursuant to the procedure for appeal of individual administrative acts contained in the Administrative Procedure Code before the administrative court in the region where the regional unit of the enterprise referred to in Article 1151, Paragraph 1, items 1 or 2 is located.

(2) The acts issued by the Executive Director of the Maritime Administration Executive Agency pursuant to Regulation (EU) 2017/352, including those pursuant to Article 106e, Paragraphs 1 and 4 and Article 106f, Paragraph 1, shall be subject to appeal by the interested parties before the administrative court in the region where the Executive Director has his/her seat.

(3) The complaint lodged pursuant to Paragraphs 1 and 2 shall not suspend the enforcement of the act which is subject to the appeal.

## **Article 106j**

(New, SG No. 104/2020)

Upon request, the information referred to in Article 13, Paragraph 6 of Regulation (EU) 2017/352 shall be made available to the European Commission by the relevant competent court as per Article 106i, Paragraph 1.

### **Section III**

## **Other ports and specialised port facilities**

**(New title, SG No. 24/2004, amended, SG No. 71/2008, SG No. 28/1013)**

#### **Article 107**

(Amended, SG No. 24/2004, SG No. 28/2013)

A fishing port shall be any port intended for staying or lying of fishing ships with a view to unloading fresh fish which does not provide processing of other cargoes and mail and servicing of passengers within the meaning of Article 116.

#### **Article 108**

(Amended, SG No. 24/2004, amended and supplemented, SG No. 28/2013)

A yachting port shall be any port intended for staying or lying of yachts and other vessels for sporting, tourist and recreational purposes. The servicing of yachts and other vessels for sporting, tourist and recreational purposes shall not be a passenger service within the meaning of Article 116, Paragraph 2, item 3.

#### **Article 109**

(Amended, SG No. 24/2004)

A special purpose port shall be any port which is technologically connected with the production process of ship-building and ship repair companies, as well as of specialised coastal enterprises for hydrotechnical and hydrological research, construction, towing and rescuing, and for environmental protection, and which does not provide cargo, passenger and mail handling.

#### **Article 109a**

(New, SG No. 104/2005, effective 1.01.2007)

(1) (Amended, SG No. 98/2008, SG No. 104/2020) The charges under Article 103c,

Paragraph 1 shall be paid for the ships staying at or operating in the ports referred to in Articles 107 – 109, with the exception of warships. The charges for reception and processing of ship-generated waste shall be paid, irrespective of the actual use of a port reception facility.

(2) (Amended, SG No. 98/2008, SG No. 104/2020) The owner of the port's territory and port infrastructure shall determine the amount and shall levy the charges referred to in Paragraph 1.

(3) (New, SG No. 104/2020) Where the maritime access to a port referred to in Articles 107 – 109 is via the access infrastructure of a port referred to in Article 106a, the port charges for use of the port infrastructure shall be determined and levied by the Port Infrastructure State Enterprise.

(4) (New, SG No. 98/2008, renumbered from Paragraph 3, amended, SG No. 104/2020) When determining the amount of charges, the principles specified in Article 103d, Paragraphs 1 and 2, or in Article 103e, Paragraph 1, shall be observed.

(5) (New, SG No. 104/2020) The charges referred to in Paragraphs 1 and 3 shall be paid before the ship leaves the port, or on a regular basis – by ships operating in the respective port or ships to which it is their home port.

(6) (New, SG No. 104/2020) The provisions of Article 103c, Paragraph 5, Article 103d, Paragraph 3, and Article 103e, Paragraph 5, respectively, shall apply to the public notification and spending of port charges.

### **Article 109b**

(New, SG No. 104/2020)

Article 103f shall apply respectively to the determination of the amount, the publication, and the payment of prices for activities and services provided in the ports referred to in Articles 107 – 109.

### **Article 109c**

(New, SG No. 104/2020, effective 1.01.2021)

The owners of the territory and port infrastructure of ports referred to in Articles 107 – 109 shall pay an annual aquatory charge for the floating hydrotechnical installations which connect ships to the coast, or serve against the impact of wind and waves; the amount of this charge shall be determined by the Council of Ministers. The charge shall be levied by the Maritime Administration Executive Agency.

### **Article 110**

(Amended, SG No. 24/2004)

(1) (Amended, SG No. 104/2020) Part or all of the necessary servicing for stopover, lying, provisioning, repair and maintenance of ships shall be performed in the ports referred to in

Articles 107 - 109.

(2) (Amended, SG No. 104/2005, SG No. 98/2008) The ports, referred to in Articles 107 - 109 must have a reception and processing plan for waste and appropriate port reception facilities.

### **Article 111**

(Amended, SG No. 24/2004)

A military, including a border-police port, shall be any port, wharf, maritime or river facility intended for staying or lying of warships or ships of the Ministry of the Interior.

### **Article 111a**

(New, SG No. 71/2008)

(1) (Amended and supplemented, SG No. 28/2013, amended, SG No. 104/2020) Specialised port facilities servicing fishing operations shall be the docks for unloading fresh catches of fish and other marine organisms, and the berths.

(2) (Amended, SG No. 28/2013) A dock for unloading fresh catches of fish and other marine organisms shall be a stationary or floating installation or a complex of such installations on the shore and/or in the Black Sea or Danube River aquatory, allowing the safe docking and mooring of fishing vessels and serving only for unloading of catches, sort them by type of catch and making a first sale.

(3) (Amended, SG No. 28/2013, SG No. 104/2020) A berth shall be a stationary or floating installation or a complex of such installations on the shore and/or in the Black Sea or Danube River aquatory, or in the estuaries of the navigable rivers flowing into them, allowing the anchorage or docking, towage and servicing, including the unloading of catches, bunkering, water and food supply, and minor repairs, of small fishing vessels with a hull length of up to 12 metres intended for small-scale coastal fishing.

(4) (Repealed, SG No. 28/2013).

### **Article 111b**

(New, SG No. 28/2013)

(1) The following shall also be considered specialised port facilities:

1. docks for ships for seasonal transportation of passengers;
2. docks for extracting ships, for specialised ships within the meaning of Article 5 of the Commercial Navigation Code and ships intended for ancillary activities;
3. wintering sheds.

(2) A dock for ships for seasonal transportation of passengers shall be a stationary or floating installation or complex of such installations on the shore and/or in the aquatory of the Black Sea or the Danube River, allowing the safe docking and mooring of ships for seasonal

transportation of passengers and used only for the boarding and unloading of passengers.

(3) The dock referred to in Paragraph 1, item 2 shall be stationary or floating installation or complex of such installations on the shore and/or in the aquatory of the Black Sea or the Danube River, allowing the safe docking, mooring and short-term stay of extracting ships, specialised ships within the meaning of Article 5 of the Commercial Navigation Code and ships intended for auxiliary activities.

(4) The wintering shed shall be a part of the aquatory of the Danube River where conditions for temporary mooring of ships and other floating installations in need of shelter from natural disasters exist naturally or as a result of human activities.

### **Article 111c**

(New, SG No. 28/2013)

(1) (Amended, SG No. 104/2020) The Minister of Transport, Information Technology and Communications shall issue the ordinance referred to in Article 95, Paragraph 1 to determine the requirements for operational suitability of the facilities referred to in Article 111a and Article 111b, with the exception of naturally formed wintering sheds.

(2) The certificates for fitness for operation of the facilities referred to in Paragraph 1 shall be issued by the Minister of Transport, Information Technology and Communications or an official authorised thereby.

(3) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall issue an order to suspend the operation of a specialised port facility referred to in Paragraph 1, where:

1. technically, the facility does not meet the requirements for safe docking and mooring of ships laid down with the regulation referred to in Article 95, Paragraph 1 and for its intended purpose;

2. the facility is used in a way which does not correspond to its intended purpose;

3. the validity of the certificate for fitness for operation of the facility has expired and within one month its owner did not take steps necessary for the issue of a new certificate.

(4) The order referred to in Paragraph 3 shall be subject to anticipated implementation.

(5) (Amended, SG No. 104/2020) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall issue an order to revoke the temporary suspension of operation of a specialised port facility referred to in Paragraph 1 issued pursuant to Paragraph 3, where the reasons for imposing it have been removed.

### **Article 112**

(Amended, SG No. 24/2004)

(1) (Supplemented, SG No. 28/2013, amended, SG No. 104/2020) The territory and infrastructure of ports referred to in Articles 107 – 109, with the exception of the infrastructure for access by sea or the inland waterways, may be owned by the state, by municipalities, by natural and legal persons. The infrastructure for access by sea, respectively by the inland waterways, shall be public state property.

(2) (Amended, SG No. 28/2013, SG No. 104/2020) Specialised port facilities may be owned by the state, by municipalities, by natural and legal persons.

(3) (Amended, SG No. 104/2005, supplemented, SG No. 28/2018, SG No. 104/2020) The owners of the territory and the port infrastructure of ports referred to in Paragraph 1 and the owners of specialised port facilities shall be obliged to declare before the Maritime Administration Executive Agency their rights over the property they own for inclusion in the register referred to in Article 92, Paragraph 4.

(4) (Amended, SG No. 104/2005, SG No. 28/2013) The register referred to in Article 92, Paragraph 4 shall contain the following information about the specialised port facilities.

1. type and location;
2. owner;
3. number and date of issue of the certificate of operational suitability;
4. length of the wharf front;
5. the act ordering the temporary suspension of the facility's operation;
6. change in the circumstances under items 1 - 5.
7. the date of erasure of the record and reasons thereof.

(5) (New, SG No. 104/2020) The provisions of Article 92, Paragraph 6 shall apply respectively to proceedings for registration of specialised port facilities.

(6) (Supplemented, SG No. 28/2013, renumbered from Paragraph 5, SG No. 104/2020) Activities and services other than those indicated in the registration of the port or the specialised port facility shall not be allowed.

(7) (Renumbered from Paragraph 6, SG No. 104/2020) The regime provided for warships shall be applied to the ships used by the agencies of the Ministry of Interior.

**Section IV**  
**(New, SG No. 24/2004)**  
**Construction of New Ports and Specialised Port Facilities,**  
**Extension, Reconstruction and Rehabilitation of Ports and**  
**Specialised Port Facilities**  
**(Title supplemented, SG No. 28/2013)**

**Article 112a**

(New, SG No. 24/2004)

(1) (Amended and supplemented, SG No. 28/2013, amended, SG No. 28/2018, amended and supplemented, SG No. 104/2020) The construction and extension of a public transport port shall be based on a master plan drafted in accordance with the Integrated Transport Strategy for the period until 2030 approved by the Council of Ministers, the Maritime Spatial Plan of the Republic of Bulgarian, the concepts and schemes for spatial development and the higher level spatial development plans.

(2) (Amended, SG No. 28/2018) The master plan of the public transport port shall be based on a preliminary (feasibility) study for port development and:

1. (amended and supplemented, SG No. 28/2018) shall determine the development of existing and the need for reserving new territories intended for carrying out port activities and services, shall subdivide them into functional zones in accordance with the technological and organisational division of the necessary area of the port, and shall plan the regime for their spatial development and the parameters for construction;

2. (amended, SG No. 28/2018) shall determine the plots for terminals and the zones for carrying out the activities referred to in Article 116a;

3. (amended, SG No. 28/2018, SG No. 104/2020) shall reflect the existing status, determine the infrastructure for land access and the other common technical infrastructure of the port and justify the development of the communication and transport network (railways and roads) and the other networks and facilities of the technical infrastructure in the territory of the port, as well as the other elements of the port infrastructure;

4. (new, SG No. 28/2018, amended, SG No. 104/2020) shall propose reasoned decisions on the parameters (borders and design depths) and the navigation safety of the port aquatory and of each area within it.

(3) (Amended, SG No. 28/2013, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 28/2018) The authorisation for elaboration of a draft master plan shall be granted by the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works at the request of an interested party.

(4) (Amended, SG No. 28/2018) The draft master plan of a public transport port shall be approved by an interinstitutional expert council appointed by the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works, and said council shall include authorised representatives of the municipalities and districts where the public transport port is located, as well as of the Ministry of Defence, the Ministry of Interior, the Ministry of Environment and Water, the Ministry of Health and the Customs Agency. Depending on the specifics of the respective port, the council may also include representatives of other interested institutions and organisations.

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 28/2018) The master plan adopted pursuant to Paragraph 4 shall be approved by the Minister of Transport, Information Technology and Communications and by the Minister of Regional Development and Public Works.

(6) (Supplemented, SG No. 104/2005, amended, SG No. 98/2008, SG No. 28/2013, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works shall issue a regulation on the scope and content of the master plans of public transport ports, as well as for their elaboration, approval and amendment.

(7) (Amended and supplemented, SG No. 28/2013, supplemented, SG No. 28/2018) The master plan approved pursuant to Paragraph 5 shall be a special detailed spatial development plan within the meaning of the Spatial Development Act - a plan for regulation and development for the port territory and a parcelling plan for the port aquatory.

(8) (Repealed, SG No. 28/2013).

(9) (Amended, SG No. 28/2013, supplemented, SG No. 28/2018) The design permit for the entire port or for individual facilities and installations within it shall be issued pursuant to the



Spatial Development Act and be an excerpt of the approved master plan of the port.

### **Article 112a1**

(New, SG No. 28/2018)

(1) The application for authorisation of the elaboration of a draft master plan of a public transport port, accompanied by terms of reference for the design, shall be submitted to the Maritime Administration Executive Agency by:

1. (supplemented, SG No. 104/2020) The Port Infrastructure State Enterprise – for ports referred to in Article 106a and for public transport ports that are state property;
2. (amended, SG No. 104/2020) a concessionaire in a public transport port;
3. (amended and supplemented, SG No. 104/2020) the owner of the territory and port infrastructure of a public transport port or of a terminal within such a port;
4. (amended, SG No. 104/2020) a natural or legal person registered as a trader that has an investment initiative for construction of a public transport port or a terminal of an existing port.

(2) Within 14 days of receipt of the application referred to in Paragraph 1 the executive director of the Maritime Administration Executive Agency shall submit to the Minister of Transport, Information Technology and Communications and to the Minister of Regional Development and Public Works a reasoned opinion on the compliance of the investment initiative with the documents referred to in Article 112a, Paragraph 1.

(3) The order referred to in Article 112a, Paragraph 3 shall lay down the scope, objectives and tasks of the project and shall approve the terms of reference for its elaboration. The order shall be published on the website of the Maritime Administration Executive Agency and shall not be subject to appeal.

(4) The refusal to grant authorisation for elaboration of a draft master plan shall be issued by a reasoned order of the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works and may be appealed pursuant to the Administrative Procedure Code within 14 days of being communicated to the applicant.

(5) (New, SG No. 104/2020) Within 7 days of issue of the order referred to in Paragraph 3, the Maritime Administration Executive Agency shall send ex-officio the approved terms of reference for elaboration of a draft master plan to the Ministry of Environment and Waters to determine the applicable procedures pursuant to Chapter Six of the Environmental Protection Act and Article 31 of the Biological Diversity Act, and to the Ministry of Culture for coordination pursuant to the Cultural Heritage Act.

### **Article 112b**

(New, SG No. 24/2004, amended, SG No. 104/2005, amended and supplemented, SG No. 28/2013, amended, SG No. 96/2017, effective 1.01.2018, SG No. 28/2018)

(1) The draft master plan for a public transport port shall be submitted for review, adoption and approval to the Maritime Administration Executive Agency with an application to which the following shall be attached:

1. (amended, SG No. 104/2020) documents evidencing compliance with the applicable

procedures pursuant to the Environmental Protection Act and the Biological Diversity Act;

2. (amended, SG No. 104/2020) minutes from the public consultations with port users and other interested parties – in case the draft master plan is for a port referred to in Article 106a, or for a terminal from such a port;

3. (repealed, SG No. 104/2020).

(2) Where the investment initiative is for construction of a new public transport port or for extension of an existing port, including through the construction of a new terminal, in addition to the documents referred to in Paragraph 1, the following shall be attached to the application:

1. documents delineating the area covered by the investment initiative;

2. summary of the results from the preliminary feasibility study on the presence of suitable geographic, hydrological, hydrogeological and other conditions; the possibilities for connection to the road network and the railway infrastructure, the traffic of the relevant type or types of cargo, respectively of passengers;

3. (amended, SG No. 104/2020) technological and financial justification for the investment initiative, including a statement of the need for and the amount of the investment for compulsory purchase of plots of land, for construction of land access infrastructure, of an aquatory or separate areas thereof, of elements of the other common technical infrastructure of the port, and, where the port will service ships from international routes - of a zone referred to in Article 101, Paragraph 1.

(3) In case of omissions in the submitted documents pursuant to Paragraphs (1) and (2) the executive director of the Maritime Administration Executive Agency shall notify the person in writing within 14 days and shall give a time-limit for correction of the said omissions. If the applicant fails to remedy the omissions within the set time-limit, the procedure shall be terminated by order of the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works on a proposal from the executive director of the Maritime Administration Executive Agency. The order may be appealed pursuant to the procedure laid down in the Administrative Procedure Code within 14 days of being communicated to the applicant.

(4) The executive director of the Maritime Administration Executive Agency shall submit to the Minister of Transport, Information Technology and Communications and to the Minister of Regional Development and Public Works a reasoned opinion on the draft master plan accompanied by the full administrative file within two months of receipt of the application referred to in Paragraph 1, respectively of the removal of the omissions referred to in paragraph 3.

(5) (New, SG No. 104/2020) Within the deadline referred to in Paragraph 4, the Maritime Administration Executive Agency shall send ex-officio for coordination an electronic copy of the draft master plan to the Interinstitutional Council on Border Control, to the utility companies whose networks and facilities have been or will be joined, and, where the scope of the plan includes protected areas for cultural heritage conservation – also to the Minister of Culture. If any of the addressees does not send an opinion on the draft master plan within one month of the date on which a copy of the project was received, it shall be considered that said addressee has granted consent without remarks.

(6) (Renumbered from Paragraph 5, amended, SG No. 104/2020) The Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works shall, in the cases referred to in Paragraph 4, convene an

interinstitutional expert council pursuant to Article 112a, Paragraph 4 to review and approve the draft master plan.

(7) (Renumbered from Paragraph 6, SG No. 104/2020) Where the interinstitutional expert council referred to in Article 112a, Paragraph 4 issues a resolution rejecting the draft master plan, the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works shall refuse to approve the draft.

(8) (Renumbered from Paragraph 7, SG No. 104/2020) The order issued by the Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works by which the draft master plan is approved or rejected shall be promulgated in the State Gazette and may be appealed pursuant to the Administrative Procedure Code within 14 days of its promulgation.

### **Article 112c**

(New, SG No. 24/2004)

(1) (Amended, SG No. 104/2005, repealed, SG No. 28/2013).

(2) (Amended, SG No. 104/2005, SG No. 28/2013, SG No. 96/2017, effective 1.01.2018, SG No. 28/2018) The master plan of a public transport port which has become effective may be amended in the following cases:

1. material changes occur in the socio-economic and spatial development conditions in which the plan was drafted and approved;

2. (amended, SG No. 104/2020) an investment initiative arises which affects a territory intended for the future development of the port or which relates to a change in parameters of the port territory or aquatory, including construction of a new terminal or a new area for cargo storage, for carrying out activities referred to in Article 116a or the checks and controls referred to in Article 101, Paragraph 1, or an area which in its intended purpose corresponds to the features of a port referred to in Articles 107 – 109;

3. an apparent error of fact is found, which is relevant to the projections of the plan;

4. (amended and supplemented, SG No. 104/2020) as a result of a modification of a cadastral plan, or approval or amendment to a cadastral map, the property borders of the plots of land do not correspond to the borders of the port territory laid down with the master plan.

(3) (New, SG No. 28/2013, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 28/2018) The draft amendments to the master plan of a public transport port shall be prepared, coordinated, adopted and approved under the terms and procedure set out in Articles 112a, 112a1 and 112b.

(4) (Renumbered from Paragraph (3), amended and supplemented, SG No. 28/2013, repealed, SG No. 104/2020).

### **Article 112d**

(New, SG No. 24/2004, amended, SG No. 104/2005, amended and supplemented, SG No. 28/2013, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 13/2017, amended, SG No. 28/2018)

(1) (Amended, SG No. 104/2020) The investment planning for construction of a new, for extension of an existing, or for construction of individual facilities and installations in a public transport port that is state property shall be commissioned by the Port Infrastructure State Enterprise or by a concessionaire – in cases where pursuant to the concession contract the construction is paid for by the concessionaire.

(2) (Amended, SG No. 104/2020) The investment planning for construction of a new, for extension of an existing, or for construction of individual facilities and installations in a public transport port shall be commissioned by the applicant of the investment initiative or another person that meets the requirements of Article 161, Paragraph 1 of the Spatial Development Act.

(3) Before being submitted for approval, the investment projects shall be coordinated by the Minister of Transport, Information Technology and Communications.

(4) Investment projects shall be approved and the construction permit shall be issued by the Minister of Regional Development and Public Works or an official authorised thereby.

(5) (Repealed, SG No. 104/2020).

#### **Article 112d1**

(New, SG No. 28/2018)

(1) (Amended and supplemented, SG No. 104/2020) A decision for reconstruction or rehabilitation of an existing public transport port that is state property or parts thereof, with the exception of cases where the port has been awarded under concession, shall be adopted by the Management Board of the Port Infrastructure State Enterprise.

(2) (Amended, SG No. 104/2020) The investment planning for reconstruction or rehabilitation of an existing public transport port that is state property or parts thereof shall be commissioned by the Port Infrastructure State Enterprise or by a concessionaire – in cases where pursuant to the concession contract the reconstruction and rehabilitation are paid for by the concessionaire.

(3) The provisions of Article 112d, Paragraphs 3 and 4 shall apply to the coordination and approval of investment projects and the issue of construction permits.

#### **Article 112e**

(New, SG No. 24/2004, supplemented, SG No. 71/2008, amended, SG No. 28/2013)

(1) (Supplemented, SG No. 28/2018, amended, SG No. 104/2020) The construction of new and the extension of existing ports pursuant to Articles 107 through 109 and of specialised port facilities pursuant to Article 111a, Paragraph 1 and Article 111b, Paragraph 1 shall be based on a special detailed spatial development plan, consistent with the projections of the Maritime Spatial Plan of the Republic of Bulgaria and the relevant concepts and schemes for spatial development and the higher-level spatial development plans.

(2) (Amended and supplemented, SG No. 28/2018) The special detailed spatial development plan for construction of a new or for extension of an existing port pursuant to Articles 107 through 109 shall be drawn up and approved as a plan for regulation and development of the port territory accompanied by a transport and communications blueprint and

a parcelling plan for the port aquatory. The parcelling plan shall determine the position of the hydrotechnical port facilities – stationary and/or floating, the borders of the port aquatory and the separate zones within it, and the navigation safety of the port aquatory in accordance with the rules of the Combined system of floating maritime signs – System A, introduced by Decree No. 1212 on introduction of the Combined system of floating maritime signs – System A in the territorial waters of the People’s Republic of Bulgaria (SG No. 34/1983). The regulation referred to in Article 112a, Paragraph 6 shall apply when determining the width of the operating aquatory, the length of the diameter of the turning basin in the manoeuvring zone (where the construction of such a basin is necessary) and the common border of the operating aquatories of two neighbouring ports with a common land border.

(3) (Amended and supplemented, SG No. 28/2018) The special detailed spatial development plan for construction of a new or for the extension of an existing specialised port facility pursuant to Article 111a, Paragraph 1 or Article 111b, Paragraph 1 shall be elaborated and approved as a parcelling plan for the aquatory accompanied by a specialised blueprint. The parcelling plan shall determine the location of the specialised port facility and the measures for navigation safety of the aquatory in accordance with the rules referred to in Paragraph 2. The specialised blueprint shall be drawn up on the basis of the detailed spatial development plan, the cadastral map and/or specialised map of the contiguous territory and shall include: the location of the specialised port facility in relation to the shore; the method of connection between the specialised port facility and the shore; the access to the specialised port facility from the land.

(4) (New, SG No. 104/2020) Where the investment initiative referred to in Paragraph 3 includes the construction of shore-based facilities, the special detailed spatial development plan shall be prepared and approved as a parcel plan of the aquatory and a development plan for the contiguous territory.

(5) (Amended and supplemented, SG No. 28/2018, renumbered from Paragraph 4, amended, SG No. 104/2020) The authorisation for elaboration of a draft special detailed spatial development plan referred to in Paragraphs 2 - 4 shall be granted by the Minister of Regional Development and Public Works or an official authorised thereby at the request of a natural or legal person that has an investment initiative for construction or extension of a facility referred to in Paragraph 1. The application shall be accompanied by terms of reference for the design. The authorisation shall lay down the scope, objectives and tasks of the draft and shall approve the terms of reference for elaboration of the plan. The order by which an authorisation is granted may not be appealed. The refusal to grant authorisation shall be reasoned and may be appealed pursuant to the Administrative Procedure Code within 14 days of being communicated to the applicant.

(6) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017, SG No. 28/2018, renumbered from Paragraph 5, amended, SG No. 104/2020) Before being submitted for adoption and approval the draft special detailed spatial development plan under Paragraphs 2 - 4 shall be coordinated with the Minister of Transport, Information Technology and Communications, and for the ports referred to in Article 107 and the facilities referred to in Article 111a, Paragraph 1 – also with the Minister of Agriculture, Food and Forestry. The draft shall be reviewed and adopted by the National Expert Council on Spatial Development and Regional Policy and shall be approved by the Minister of Regional Development and Public Works or an official authorised thereby.

(7) (New, SG No. 28/2018, renumbered from Paragraph 6, amended, SG No. 104/2020) A special detailed spatial development plan referred to in Paragraphs 2 - 4 which has become

effective may be amended in case of:

1. material changes occur in the socio-economic and spatial development conditions in which the plan was drafted and approved;

2. an investment initiative arises with regard to a port referred to in Articles 107 – 109 which relates to a change in parameters of the port territory, the port aquatory or any of the areas within it, including extension of the port by construction of new stationary or placing of new floating hydrotechnical port facilities;

3. an investment initiative arises for extension of a specialised port facility by construction of new stationary hydrotechnical facilities, or by placing of new floating hydrotechnical facilities, or which relates to a change in parameters of the aquatory of a specialised port facility pursuant to Article 111a, Paragraph 3, or Article 111b, Paragraph 4;

4. an apparent error of fact is found, which is relevant to the projections of the plan;

5. as a result of a modification of a cadastral plan, or approval or amendment to a cadastral map, the property borders of the plots of land do not correspond to the outer record lines of the port territory – for ports referred to in Articles 107 – 109.

(8) (New, SG No. 28/2018, renumbered from Paragraph 7, amended, SG No. 104/2020) The draft amendments to a special detailed spatial development plan pursuant to Paragraph 2 - 4 shall be prepared, coordinated, adopted and approved under the terms and procedure set out in Paragraphs 5 and 6.

#### **Article 112f**

(New, SG No. 32/2012, effective 24.04.2012)

(1) (Supplemented, SG No. 28/2013) On a proposal from the Minister of Transport, Information Technology and Communications and by decision of the Council of Ministers a building right may be established in regard to the seabed and of the bed of the Bulgarian section and of the coastal inundated areas of the Danube river in favour of a municipality, for the purpose of building or expanding a fishing port under Article 107 or a specialised port support facility related to fishing under Article 111a, as well as to any coastal protection facilities, related to them, in order to prevent the harmful impact of waters.

(2) The building right under Paragraph 1 shall be established where required in order to build or expand a national project within the meaning of the State Property Act or for meeting public needs in a permanent manner,

(3) The building right under Paragraph 1 shall be established at no charge.

(4) (Supplemented, SG No. 28/2013, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 28/2018) The volume of the building right referred to in Paragraph 1 shall be determined in accordance with the approved special detailed spatial development plan referred to in Article 112e.

(5) (Amended, SG No. 28/2013, repealed, SG No. 28/2018).

#### **Article 112g**

(New, SG No. 32/2012, effective 24.04.2012)

(1) The projects under Article 112f, Paragraph 1 shall be public municipal property, which may not be changed into private property.

(2) The purpose of the projects under Article 112f, Paragraph 1 may not be changed.

### **Article 112h**

(New, SG No. 28/2013)

Upon motion by the Minister of Transport, Information Technology and Communications by decision of the Council of Ministers a building right may be established on the seabed and the riverbed in the Bulgarian section and the coastal inundated areas of the Danube river, where this is necessary for:

1. (amended, SG No. 104/2020) construction or extension of national project within the meaning of the State Property Act - a public transport port, including the port aquatory;

2. (amended, SG No. 104/2020) for long-term solutions to public needs - construction or extension of a port referred to in Articles 107 – 109 or of a specialised port facility pursuant to Article 111a, Paragraph 1 or Article 111b, Paragraph 1.

### **Article 112i**

(New, SG No. 28/2013)

(New, SG No. 28/2013, supplemented, SG No. 28/2018, amended, SG No. 104/2020) (1) The building right for extension of an existing public transport port is created in favour of the owner of the territory and port infrastructure of the existing port or a terminal thereof.

(2) The building right for extension of an existing port referred to in Articles 107 – 109 or of a specialised port facility under Article 111a, Paragraph 1 or Article 111b, Paragraph 1 is created in favour of the owner of the territory and port infrastructure of the existing port, respectively the owner of the existing specialised port facility.

(3) The scope of the building right under Paragraph 1 shall be determined in accordance with the approved master plan of the public transport port, and that of the building right under Paragraph 2 – in accordance with the approved special detailed spatial development plan referred to in Article 112e.

### **Article 112j**

(New, SG No. 28/2013)

(1) (Declared unconstitutional of Judgment No. 3 of the Constitutional Court of the Republic of Bulgaria in the part "without tender or auction in favour of a person referred to in Article 112d, Paragraph 1, respectively in Article 112e, paragraph 4, as well as", SG No. 24/2014; amended, SG No. 28/2018, SG No. 104/2020)

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A building right for construction of a new public transport port, of a port referred to in Articles

108 or 109 or of a specialised port facility referred to in Article 111b, Paragraph 1 shall be established without tender or auction in favour of a person referred to in Article 112d, Paragraph 1, respectively in Article 112e, paragraph 4, as well as in favour of a municipality.

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(2) (Supplemented, SG No. 28/2018, amended, SG No. 104/2020) The scope of the building right referred to in Paragraph 1 shall be determined in accordance with the approved master plan of the public transport port, respectively the approved special detailed spatial development plan referred to in Article 112e - in all other cases.

### **Article 112k**

(New, SG No. 28/2013)

(1) (Amended, SG No. 104/2020) The building right for construction of a new or for extension of an existing public transport port for provision of passenger services or of a specialised port facility pursuant to Article 111a, Paragraph 1 or Article 111b, Paragraph 1 shall be established in favour of a municipality at no charge. The facilities referred to in the first sentence shall constitute public municipal property which may not be altered into private property.

(2) In all other cases the building right referred to in Article 112h shall be established at a charge.

### **Article 112l**

(New, SG No. 28/2013)

(1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 28/2018) The Minister of Regional Development and Public Works shall commission an independent valuer to make an assessment of the building right within one month of the entry into force of the order referred to in Article 112a, Paragraph 5, respectively of the order approving the special detailed spatial development plan referred to in Article 112e.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall notify interested parties of the assessment referred to in Paragraph 1.

### **Article 112m**

(New, SG No. 28/2013)

The type of port, respectively the assigned use of the specialised port facility, which was constructed or expanded as a result of a building right established pursuant to Article 112h may not be altered.



## **Article 112n**

(New, SG No. 28/2013, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 13/2017, amended, SG No. 96/2017, effective 1.01.2018, SG No. 28/2018)

(1) The investment planning for construction of a new port under Articles 107 - 109, or for extension or reconstruction of an existing port under Articles 107 – 109, or for construction of construction of individual facilities and installations in such a port, as well as for construction of new specialised port facility under Article 111a, Paragraph 1 or Article 111b, Paragraph 1, or for the extension or reconstruction of such a facility, shall be commissioned by the applicant of the investment initiative or another entity that meets the requirements referred to in Article 161, Paragraph 1 of the Spatial Development Act.

(2) Before being submitted for approval, the investment projects referred to in Paragraph 1 shall be coordinated by the Minister of Transport, Information Technology and Communications.

(3) The investment projects referred to in Paragraph 1 shall be approved and the construction permit shall be issued by the Minister of Regional Development and Public Works or an official authorised thereby.

## **Article 112o**

(New, SG No. 28/2013, amended, SG No. 28/2018)

The provisions of the Spatial Development Act and the secondary legislation for its implementation shall apply respectively to all issues relating to the elaboration, coordination, adoption, approval and appeal of the special detailed spatial development plans for ports and special port facilities and amendments thereto, as well as relating to the development, coordination and approval of investment projects, issue of construction permits, construction and commissioning of works pursuant to this Act which have not been provided for in this Act.

## **Article 112p**

(New, SG No. 28/2018)

(1) (Previous text of Article 112p, SG No. 104/2020) The provisions of the Spatial Development Act and the secondary legislation for its implementation shall apply respectively to all issues relating to the elaboration, coordination, adoption, approval and appeal of the special detailed spatial development plans for ports and special port facilities and amendments thereto, as well as relating to the development, coordination and approval of investment projects, issue of construction permits, construction and commissioning of works pursuant to this Act which have not been provided for in this Act.

(2) (New, SG No. 104/2020) The compulsory purchase of privately owned properties or parts thereof which, by force of an effective master plan, are intended for the construction or extension of infrastructure for land access to a public transport port, or for construction or

extension of other common technical infrastructure of a public transport port in which at least one terminal is owned by the state, shall be carried out pursuant to the State Property Act. Compulsory purchases related to the construction or extension of that part of the common technical infrastructure which is formed by branches of the linear engineering networks leading to the border of a port terminal that is not owned by the state shall be paid for by the owner of the terminal's territory and infrastructure.

(3) (New, SG No. 104/2020) The construction and extension of railway approaches to public transport ports, as well as the construction and extension of industrial railway branches in public transport ports in which at least one terminal is owned by the state, shall be made by imposing limitations on the use of land plots through which, according to the projections of an effective master plan, the railway route shall pass. The master plan shall also determine the servitude strips along the railway route where it shall not be permitted to build, plant permanent crops and install the lines of other technical infrastructure networks, unless where the latter is admissible pursuant to a legislative instrument and compliant with the technical and other requirements. The owners of affected plots shall not have the right to move the linear developments and facilities built in their plots. A change of ownership shall not terminate the limitations on the use of the affected plots of land.

(4) (New, SG No. 104/2020) Within the affected plots of land referred to in Paragraph 3, the Port Infrastructure State Enterprise shall be entitled to:

1. dig up and build the railway and the associated surface facilities;
2. the representatives thereof shall have the right to enter into and pass through the affected plots of land and to carry out activities therein in connection with the construction and/or operation of linear developments under Paragraph (3) and the facilities thereto, including a right of passage of machinery through the plots affected;
3. to carry out accident remediation activities.

(5) (New, SG No. 104/2020) The rights of the Port Infrastructure State Enterprise referred to in Paragraph 4 shall arise:

1. with the entry into force of the master plan of the public transport port, where this plan determines the railway route and the size of the servitude strips along it in the affected plots, and
2. the owner and the holders of other rights in rem of the affected plot have been paid or remitted a lump-sum compensation determined in accordance with the following criteria:
  - a) the surface area of the affected plot of land which is incorporated within the boundaries of the servitude strips;
  - b) the types of limitations on use;
  - c) the period of the limitation;
  - d) the fair market value of the plot or of the part thereof which falls within the boundaries of the servitude strips.

(6) (New, SG No. 104/2020) The amount of the compensation referred to Paragraph 5, item 2 shall be determined and the compensation shall be paid under the terms and following the procedure of Articles 210 and 211 of the Spatial Development Act. The Port Infrastructure State Enterprise shall exercise its rights under Paragraph 4, even if interested parties have lodged an appeal against the amount of the compensation.

(7) (New, SG No. 104/2020) Independent of the compensation referred to in Paragraph 5, item 2, the Port Infrastructure State Enterprise shall make good any damage caused to the affected plots under Paragraph 3, and shall pay the owners a cash benefit for the limitations on the use of these plots beyond the servitude strips for the time of actual construction works.

## **Article 112q**

(New, SG No. 28/2018)

(1) An application for obtaining authorisation to place facilities referred to in Article 112p, Paragraph 1 may be filed by:

1. the owner of a port or port terminal;
2. a port operator that provides port services under Article 116, Paragraph 3, item 2 in a public transport port or in any of the terminals of such a port.

(2) The authorisation for placement of facilities referred to in Article 112q, Paragraph 1, as well as of the provisional connections for them, shall be granted by:

1. the port captain - for facilities referred to in Article 112p, Paragraph 1, item 1;
2. the Minister of Transport, Information Technology and Communications or an official authorised thereby - for facilities referred to in Article 112p, Paragraph 1, item 2.

(3) In the cases referred to in Paragraph 1, item 2 the application for obtaining authorisation to place facilities referred to in Article 112p, Paragraph 1, item 2 shall be accompanied by the express written consent of the owner of the port, respectively of the port terminal.

(4) Where the application concerns the placing of a monumental decorative element, the authorisation for placing shall be issued after coordination under the terms and procedure of the Cultural Heritage Act.

(5) The terms and procedure of granting authorisation for placing, as well as the requirements which the facilities referred to in Article 112p, Paragraph 1 should meet shall be laid down with an regulation issued by the Minister of Transport, Information Technology and Communications.

(6) An authorisation for placing shall not be granted where:

1. the owner of the port, respectively of the terminal, has not given consent for the placing of a facility referred to in Article 112p, Paragraph 1, item 2 at the request of the port operator;
2. in the cases referred to in Paragraph 4 coordination was refused under the terms and procedure of the Cultural Heritage Act;
3. the type of the facility under Article 112p, Paragraph 1 in question does not correspond to the intended purpose of the port, respectively of the terminal;
4. the type of the facility under Article 112p, Paragraph 1 in question does not correspond to the functional purpose of the port area, respectively of the terminal where the facility is to be placed;
5. the placing and/or use of the facility or element in question may pose a threat to the security of the port, the safe conduct of port activities and services, or the normal functioning of the navigation technology.

## **Article 112r**

(New, SG No. 28/2018)

(1) An application for obtaining authorisation to place facilities referred to in Article 112q, Paragraph 1 may be filed by:

1. (new, SG No. 104/2020) the Port Infrastructure State Enterprise;

2. (renumbered from item 1, supplemented, SG No. 104/2020) the owner of the port's or port terminal's territory and port infrastructure;

3. (renumbered from item 2, amended, SG No. 104/2020) a port operator that provides port services under Article 116, Paragraph 2, item 2 or 3 in a public transport port or in any of the terminals of such a port.

(2) The authorisation for placement of facilities referred to in Article 112q, Paragraph 1, as well as of the provisional connections for them, shall be granted by:

1. the port captain - for facilities referred to in Article 112q, Paragraph 1, item 1;

2. the Minister of Transport, Information Technology and Communications or an official authorised thereby - for facilities referred to in Article 112q, Paragraph 1, item 2.

(3) (Supplemented, SG No. 104/2020) In the cases referred to in Paragraph 1, item 2 the application for obtaining authorisation to place facilities referred to in Article 112q, Paragraph 1, item 2 shall be accompanied by the express written consent of the owner of the port's, respectively of the port terminal's territory and port infrastructure.

(4) Where the application concerns the placing of a monumental decorative element, the authorisation for placing shall be issued after coordination under the terms and procedure of the Cultural Heritage Act.

(5) The terms and procedure of granting authorisation for placing, as well as the requirements which the facilities referred to in Article 112q, Paragraph 1 should meet shall be laid down with an ordinance issued by the Minister of Transport, Information Technology and Communications.

(6) An authorisation for placing shall not be granted where:

1. (amended, SG No. 104/2020) the owner of the port's, respectively of the terminal's territory and port infrastructure, has not given consent for the placing of a facility referred to in Article 112q, Paragraph 1, item 2 at the request of the port operator;

2. in the cases referred to in Paragraph 4 coordination was refused under the terms and procedure of the Cultural Heritage Act;

3. the type of the facility under Article 112q, Paragraph 1 in question does not correspond to the intended purpose of the port, respectively of the terminal;

4. (amended, SG No. 104/2020) the type of the facility under Article 112q, Paragraph 1 in question does not correspond to the functional purpose of the port area, respectively of the terminal where the facility is to be placed;

5. the placing and/or use of the facility or element in question may pose a threat to the security of the port, the safe conduct of port activities and services, or the normal functioning of the navigation technology.

### **Article 112s**

(New, SG No. 28/2018)

(1) Facilities referred to in Article 112q, Paragraph 1 shall be removed where:

1. they have been placed without a permit or in conflict with a permit issued;

2. they do not meet any of the requirements under Article 169, Paragraph 1, items 1, 2, 3, 4 or 5 of the Spatial Development Act;

3. due to circumstances which arose after their placing, they pose a threat to the security of the port, the safe conduct of port activities and services, or the normal functioning of the navigation technology;

4. constitute advertisement forbidden by a law;
5. the term of validity of the placing authorisation has expired.

(2) (Supplemented, SG No. 104/2020) The circumstances referred to in Paragraph 1 shall be established by a designation order issued by inspectors from the Maritime Administration Executive Agency performing control functions with respect to the ports' operational suitability within 7 days of the date on which the infringement is established. Written objections against the designation order may be filed within three days of date on which it was served.

(3) The order for removal shall be issued by the harbour master within 7 days of service of the designation order referred to in Paragraph 2. The order shall also stipulate a deadline for removing the facility.

(4) (New, SG No. 104/2020) The order referred to in Paragraph 3 may be appealed pursuant to the procedure laid down in the Administrative Procedure Code within 14 days of its notification. The appeal lodged shall not suspend the enforcement.

(5) (Renumbered from Paragraph 4, amended, SG No. 104/2020) The procedure for coercive removal of facilities, where the deadline set in the order referred to in Paragraph 3 has expired, shall be laid down with the ordinance referred to in Article 112r, Paragraph 5.

## **Section V**

### **Port Administration**

**(Renumbered from Section IV, SG No. 24/2004, effective until 30.11.2000;**

**§ 44 of the Act to Amend and Supplement the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act under which Section IV "Port Administration" with Articles 113-115 was renumbered to Section V, was declared unconstitutional by Judgment No. 5 of 10.05.2005 of the Constitutional Court of the Republic of Bulgaria, SG No. 45/2005)**

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#### **Article 113**

(1) The Minister of Transport, Information Technology and Communications shall govern and control the port activities in the Republic of Bulgaria.

(2) (Amended, SG No. 81/2009, SG No. 15/2013, effective 1.01.2014) The Minister of Transport, Information Technology and Communications shall exercise his/her powers through a port administration established under the procedure of the Administration Act, as a legal person financed by the state budget, seated in Sofia and having its regional units.

## **Article 114**

(1) The port administration shall:

1. ensure the security and safety of ports and guarantee the level of the designated port categories and standards in implementing the functions assumed by the state under international treaties, as well as solve all issues of immediate public concern;
2. co-ordinate the management and maintenance of public transport ports;
3. keep a register of all ports in the Republic of Bulgaria;
4. prepare, maintain and keep a register with a database of terrains, buildings, port facilities, road and railway approaches, underwater, underground and surface communications of the port infrastructure and substructure;
5. organise the maintenance of the existing and the building of new approach canals, port aquatories, sea and river depots for the disposal of dredging mass, protection facilities, etc;
6. assist the Minister of Transport, Information Technology and Communications in exercising control over the implementation of concession agreements;
7. maintain a port operators register;
8. give permissions for access to ports;
9. control compliance with the requirements for technical safety of the port facilities, for labour safety and load handling safety of the appropriately qualified staff;
10. (amended, SG No. 88/2010, effective 1.01.2011) create conditions for the implementation of the provisions relating to the defence and mobilisation preparation and fire safety and protection of the population in ports and for the implementation of the border police regime;
11. control compliance with the requirements for free access and non-discriminatory competitive terms for operators of port activities;
12. collect, process and provide port statistical data;
13. collect canal charges, ship tonnage charges, linear wharf charges and light charges;
14. issue obligatory prescriptions pursuant to Article 104, Paragraph 3;
15. issue obligatory prescriptions concerning the reloading technologies used and monitor the compliance with the technological rules for ship and cargo processing on a wharf and in a roadstead;
16. control compliance with the terms and procedures for carrying out port activities and services;
17. carry out other activities determined by law or an act of the Council of Ministers.

(2) The port administration shall provide to the Ministry of Defence the revenues from light charges pursuant to Paragraph 1, item 13.

## **Article 115**

(1) The activities related to navigation safety and to public transport ports maintenance and development shall be financed from the budget of the Ministry of Transport, Information Technology and Communications.

(2) The activities referred to in Paragraph 1 shall be financed from:

1. the charges referred to in Article 114, Paragraph 1, item 13, except for light charges;
2. interest on deposits of own funds or overdue receivables;
3. (repealed, SG No. 36/2006).

(3) The revenue collected pursuant to Paragraph 2 shall be used for financing the costs for:

1. the navigation safety in the canals and aquatory of the public transport ports;
2. design, construction, development, safety and maintenance of the public transport ports, as well as of piers and fortification facilities in their adjacent aquatory;
3. (amended, SG No. 28/2013) dismantling and removal of facilities according to the procedure of Article 63, Paragraph 7;
4. financial support of the port administration.

(4) The port administration shall prepare an annual program endorsed by the Minister of Transport, Information Technology and Communications for justification of the necessary expenditures pursuant to Paragraph 3, as well as for repayment of credits received for developing the port infrastructure.

(5) All the funds appropriated from the budget of the Ministry of Transport, Information Technology and Communications under the procedure of this Article for financing activities relating to the ensuring and maintaining the safety of navigation, as well as the charges collected, shall be exempt from taxes.

(6) (Repealed, SG No. 111/2001).

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## **Section VI**

### **(New, SG No. 24/2004, effective 1.12.2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)**

### **Ports National Company**

#### **Article 115a**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) The Ports National Company shall be established with the status of a state-owned enterprise within the meaning of Article 62, Paragraph 3 of the Commerce Act as a legal person with a registered office in Sofia and with branches - the following regional units:

1. the port of Varna with a region of operation from the geographic parallel of the Bulgarian-Romanian border to the geographic parallel of cape Emine;
2. the port of Bourgas with a region of operation from the geographic parallel of cape Emine to

the geographic parallel of the Bulgarian-Turkish border;

3. the port of Rousse with a region of operation from kilometre 374,100 to kilometre 645 of the Bulgarian section of the Danube River;

4. the port of Lom with a region of operation from kilometre 645 to kilometre 845,650 of the Bulgarian section of the Danube River.

(2) The Ports National Company shall perform the functions of port authority with respect to the port infrastructure of all ports, with the exception of military ports.

(3) The state shall consign to the Ports National Company property - public and private state property, determined with a decision of the Council of Ministers, for implementation of its object of activities.

(4) The Ports National Company shall manage the consigned long term assets - public state property, of the public transport ports of national importance.

(5) Coercive execution may not be brought against the property - public state property consigned to the Ports National Company.

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### **Article 115b**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) The object of activities of the Ports National Company shall be:

1. management of the property and organisation of work in the public transport ports of national importance;

2. construction, reconstruction, rehabilitation and maintenance of the public transport ports of national importance;

3. collection and submission to the Minister of Transport, Information Technology and Communications of information on the compliance with the requirements for the fitness for operation of the ports;

4. maintenance of the registers of ports and of port operators in the Republic of Bulgaria;

5. provision of access to the public transport ports of national importance;

6. establishment of conditions for implementation of the provisions for ensuring the security, protection and civil defence in the ports.

(2) With a view to implementing its object of activities, the Ports National Company shall:

1. ensure the security and safety of ports and guarantee the level of the designated port categories and standards in implementing the functions assumed as an obligation of the state under international treaties, as well as solve all issues of immediate public concern;

2. collect and submit to the Minister of Transport, Information Technology and Communications information on the compliance with the requirements for fitness for operation of the ports;

3. perform activities for construction, reconstruction, rehabilitation and maintenance of the public transport ports of national importance, save in cases where these have been assigned to a concessionaire or to a single- shareholder commercial company with state participation in the



capital;

4. maintain the existing and construct new approach canals, port aquatories, sea and river depots for disposal of dredging mass, breakwaters, protection facilities and others servicing public transport ports of national importance;

5. maintain the tools for ensuring navigation safety in the cases where this is within its competency;

6. collect and spend the revenue from the charges for access to ports;

7. conclude and monitor the implementation of the contracts referred to in Article 116a, Paragraph 3 and Article 117b, Paragraph 1;

8. assist the Minister of Transport, Information Technology and Communications in exercising control over the implementation of the concession contracts;

9. make proposals to the Minister of Transport, Information Technology and Communications for suspending the activities or for restricting temporarily or permanently the operation of ports which do not meet the requirements of this Act;

10. organise the collection, updating and provision of specialised data on the objects referred to in Article 32, Paragraph 1, item 1 of the Cadastre and Property Register Act and develop specialised maps, registers and information systems;

11. organise the management of ownership over the objects related to the performance of the activities referred to in Paragraph 1, item 6;

12. perform other activities determined by a law or an act of secondary legislation.

(3) The Ports National Company may not provide the port services referred to in Article 116, Paragraph 2, items 2 and 3, save in case of a pre-term termination of the contract with a port operator until a new contract is concluded following the legally provided procedure.

(4) The Ports National Company may not participate in commercial companies dealing with the provision of the port services referred to in Article 116, Paragraph 2, items 2 and 3.

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### **Article 115c**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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The organs of the Ports National Company shall be:

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

2. the Managing Board;

3. the Director General.

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### **Article 115d**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the

The Minister of Transport, Information Technology and Communications shall:

1. exercise the rights of ownership of the state in the Ports National Company;
  2. appoint and dismiss the members of the Managing Board;
  3. appoint and dismiss the Director General of the Ports National Company;
  4. permit the participation of the Ports National Company in commercial and civil companies, as well as in non-profit legal persons;
  5. approve the rules of organisation, functions and activities of the Ports National Company;
  6. approve the annual programme of the Ports National Company.
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### **Article 115e**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) The Managing Board shall consist of 5 members, including the Director General, who shall be appointed by the Minister of Transport, Information Technology and Communications for a period of 5 years.

(2) The Minister of Transport, Information Technology and Communications shall appoint and dismiss the members of the Managing Board and shall conclude a management contract with each member of the Managing Board.

(3) The members of the Managing Board may not perform competitive activities in their own or someone else's name and have contractual relations with other enterprises, companies and associations with a similar object of activities.

(4) The members of the Managing Board may not be:

1. persons who have been convicted for an indictable offence;
2. the spouse or relative by a direct or collateral line of descent or by marriage up to a third degree inclusive to another member of the Managing Board.

(5) The management contract with a member of the Managing Board shall be terminated before its term expires where the person:

1. does not meet the legal requirements;
2. violates or does not meet the requirements provided for in the Act or in the management contract;
3. has filed a request to be dismissed.

(6) In the cases referred to in Paragraph 5 or in the case of death of a member of the Managing Board, the Minister of Transport, Information Technology and Communications shall appoint a new member for a period lasting until the end of the original mandate and shall conclude a contract with him/her.

(7) The Managing Board shall:

1. elect amongst its members a chairperson and a deputy chairperson and shall dismiss them;
2. elect and dismiss the deputies to the Director General and the directors of the regional units

- of the Ports National Company upon a proposal made by the Director General;
3. adopt draft rules of organisation, functions and activities of the Ports National Company and submit them to the Minister of Transport, Information Technology and Communications for approval;
  4. adopt the programmes of the Ports National Company and submit them to the Minister of Transport, Information Technology and Communications for approval;
  5. propose to the Minister of Transport, Information Technology and Communications the structure, the payroll and the salary allocation of the Ports National Company;
  6. approve the annual balance sheet and the financial statement of the Ports National Company and submit it to the Minister of Transport, Information Technology and Communications for approval;
  7. appoint a chartered accountant or an audit company to certify the annual balance sheet and the financial statement;
  8. adopt draft decisions for participation of the Ports National Company in national and international non-profit organizations and submit them for approval to the Minister of Transport, Information Technology and Communications;
  9. adopt decisions for cooperation of the Ports National Company with similar organisations in the field of ports.
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#### **Article 115f**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) The Director General of the Ports National Company shall:

1. represent the Ports National Company before the governmental authorities, the courts and third parties in the country and abroad;
2. manage the overall activities of the Ports National Company;
3. conclude contracts for the activities performed by the Ports National Company;
4. conclude and terminate the employment contracts with the workers and the employees of the Ports National Company;
5. report on his/her activities before the Managing Board.

(2) The Director General may delegate some of the authorities referred to in Paragraph 1 to other employees of the Ports National Company after the approval of the Managing Board.

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#### **Article 115g**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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- (1) The revenue of the Ports National Company shall consist of:
1. the prices and charges referred to in Article 103b;
  2. the monetary proceeds from concession payments or from payments under the contracts for provision of port services referred to in Article 116, Paragraph 3, item 1 and the contracts for performance of the activities referred to in Article 116a, Paragraph 3;
  3. income from its own activities;
  4. interest on deposit of own funds and on overdue receivables;
  5. the state budget;
  6. actions related to implementing the object of activities referred to in Article 115b, Paragraphs 1 and 2.
- (2) The resources referred to in Paragraph 1 shall be spent for:
1. implementation of the object of activities of the Ports National Company referred to in Article 115b, Paragraphs 1 and 2;
  2. ensuring the safety of navigation in the canals and the aquatory of the public transport ports of national importance;
  3. dismantling and removal of facilities pursuant to Article 63, Paragraph 4;
  4. maintenance of the Ports National Company.
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#### **Article 115h**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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The state shall participate in financing the activities for construction, maintenance and development of public transport ports of national importance, including in the creation, preservation and maintenance of facilities and material resources for conducting national defence and mobilisation activities.

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#### **Article 115i**

(New, SG No. 24/2004, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005)

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(1) Based on the national programme referred to in Article 103a, Paragraph 2, the Ports National Company shall develop and the Minister of Transport, Information Technology and Communications shall approve a long-term programme for construction, maintenance, repair, development, operation and management of the public transport ports of national importance, including for granting of concessions and for provision of the port services referred to in Article

116, Paragraph 3, item 1 and the activities referred to in Article 116a.

(2) Based on the long-term programme referred to in Paragraph 1, annually until 31 October of the previous year, the Ports National Company shall submit for approval to the Minister of Transport, Information Technology and Communications and annual programme for the next calendar year. The annual programme shall contain detailed information on the incomes, expenditure, investments and financing.

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## **Section VIa** **(New, SG No. 104/2005)** **Executive Agency "Marine Administration"**

### **Article 115j**

(1) (Amended, SG No. 71/2008, SG No. 60/2020, effective 7.07.2020) The Minister of Transport, Informational Technology and Communications shall implement the state policy in the field of marine activities in Republic of Bulgaria.

(2) (Amended, SG No. 71/2008) The Executive Agency "Marine Administration" performs the regulatory and control functions of the state in the field of ports.

1. (repealed, SG No. 71/2008);
  2. (repealed, SG No. 71/2008);
  3. (repealed, SG No. 71/2008);
  4. (repealed, SG No. 71/2008);
  5. (repealed, SG No. 71/2008);
  6. (repealed, SG No. 71/2008);
  7. (repealed, SG No. 71/2008);
  8. (repealed, SG No. 71/2008);
  9. (repealed, SG No. 71/2008);
  10. (repealed, SG No. 71/2008);
  11. (repealed, SG No. 71/2008).
- (3) (Repealed, SG No. 71/2008).

## **Section VIb** **(New, SG No. 104/2005)** **Port Infrastructure State Enterprise**

## **Article 115k**

(1) A Port Infrastructure State Enterprise shall be established - a legal person within the meaning of Article 62, Paragraph 3 of the Commerce Act, with a seat in Sofia and branches - the following regional units:

1. the port of Bourgas with a region of operation from the geographic parallel of the Bulgarian-Turkish border to the geographic parallel of cape Emine;
2. the port of Varna with a region of operation from the geographic parallel of cape Emine to the geographic parallel of the Bulgarian-Romanian border;
3. the port of Lom with a region of operation from kilometre 645 to kilometre 845,650 of the Bulgarian section of the Danube River;
4. the port of Rousse with a region of operation from kilometre 374,100 to kilometre 645 of the Bulgarian section of the Danube River.

(2) The state shall consign to the Port Infrastructure State Enterprise property - public and private state property, determined with a decision of the Council of Ministers, for implementation of its object of activities.

(3) (Amended, SG No. 104/2020) The Port Infrastructure State Enterprise shall manage the property and other long-term assets that are state property and are consigned to it pursuant to Paragraph 2 in public transport ports.

(4) Coercive execution may not be brought against the property - public state property consigned to the Port Infrastructure State Enterprise.

(5) Insolvency proceedings may not be brought against the Port Infrastructure State Enterprise.

## **Article 115l**

(1) The object of activities of the Port Infrastructure State Enterprise shall be:

1. (amended and supplemented, SG No. 104/2020) construction of ports and port terminals that are state property, as well as reconstruction, rehabilitation and maintenance of port terminals that are state property, by public transport ports, save in cases where these have been assigned to a concessionaire or to a single-shareholder commercial company with state participation in the capital; these activities shall be coordinated with the Minister of Environment and Water;

2. (amended, SG No. 28/2013, SG No. 104/2020) management of the state property in public transport ports;

3. (amended, SG No. 28/2013) provision of access to public transport ports referred to in Article 93, items 1 through 4;

4. (supplemented, SG No. 28/2013, amended, SG No. 104/2020) maintenance of existing and construction of new approach canals, port aquatories, sea and river depots for the disposal of dredging mass, breakwaters, networks and facilities from the common technical infrastructure, including the access infrastructure, in the ports referred to in Article 106a and in public transport ports that are state property; these activities shall be coordinated with the Minister of Environment and Waters;

5. (amended and supplemented, SG No. 28/2013) securing the navigation safety in the

territorial sea, the internal sea waters, the canals and the port aquatory, except where this has been assigned to the Ministry of Defence;

6. (amended, SG No. 104/2020) setting, levying and spending of the port charges under Article 103c, Paragraph 1 and Article 109a, Paragraph 3;

7. (repealed, SG No. 28/2013);

8. (supplemented, SG No. 28/2013, amended, SG No. 104/2020) elaboration, maintenance and storage of the register containing data on the port infrastructure that is state property;

9. assistance to the Minister of Transport, Information Technology and Communications in exercising control over the implementation of the concession contracts and the contracts with the single-shareholder commercial companies for performance of the port services and activities referred to in Art. 116a, paragraph 1;

10. (supplemented, SG No. 28/2013, amended, SG No. 104/2020) organisation of the collection, updating and provision of specialised data on the objects referred to in Article 32, Paragraph 1, item 1 of the Cadastre and Property Register Act and development of specialised maps, registers and information systems for ports referred to in Article 106a and for public transport ports, or the terminals of such ports which are state property;

11. (effective 1.01.2007, SG No. 104/2005, amended, SG No. 98/2008) conclusion of contracts with port operators for performance of port services regarding the reception and processing of waste - result from navigation;

12. (new, SG No. 28/2013) construction and maintenance of facilities servicing the system for monitoring of ship movements and information and the Bulgarian river information system;

13. (new, SG No. 98/2008, renumbered from Item 12, SG No. 28/2013) provision of services through the Global Maritime Distress & Safety System;

14. (new, SG No. 98/2008, renumbered from Item 13, SG No. 28/2013) provision of telecommunication ship-shore / shore-ship services;

15. (new, SG No. 71/2008, renumbered from item 12, SG No. 98/2008, renumbered from Item 14, SG No. 28/2013) provision of services pertinent to traffic control and information support of shipping and the provision of river information services relevant to ship traffic;

16. (new, SG No. 71/2008, renumbered from item 13, SG No. 98/2008, renumbered from Item 15, SG No. 28/2013) provision of hydrometeorological information;

17. (new, SG No. 71/2008, effective 1.01.2009, renumbered from item 14, SG No. 98/2008, renumbered from Item 16, amended and supplemented, SG No. 28/2013, amended, SG No. 104/2020) responsibility for the availability, implementation and maintenance of security plans for ports referred to in Article 106a.

18. (new, SG No. 28/2013, amended, SG No. 104/2020) carrying out ancillary activities pursuant to Article 116a in public transport ports and the terminals of such ports which are state property;

19. (new, SG No. 28/2018, amended, SG No. 104/2020) maintaining forces and resources for participation in rescue and urgent emergency remedial work carried out in the port aquatories referred to in Article 106a and the public transport ports that are state property in accordance with the National Disaster Protection Plan;

20. (new, SG No. 104/2020) development, maintenance and administration of a national system for electronic information exchange in public transport ports.

(2) The Port Infrastructure State Enterprise may not provide the port services referred to in Article 116, Paragraph 2, items 2 and 3, save in case of a pre-term termination of a contract with

a port operator until a new contract is concluded following the legally provided procedure.

(3) The Port Infrastructure State Enterprise may not participate in commercial companies dealing with the provision of the port services referred to in Article 116, Paragraph 2.

(4) (New, SG No. 104/2020) The Port Infrastructure State Enterprise shall be an internal operator in accordance with the provisions of Regulation (EU) 2017/352 when providing any of the nautical-technical port services referred to in Article 1, Paragraph 2, points (a), (c), (e) and (g) of that Regulation in a port referred to in Article 106a.

### **Article 115m**

(New, SG No. 104/2005)

The management bodies of the Port Infrastructure State Enterprise are as follows:

1. the Minister of Transport, Information Technology and Communications;
2. the Managing Board;
3. the Director General.

### **Article 115n**

(New, SG No. 104/2005)

The Minister of Transport, Information Technology and Communications shall:

1. exercise the rights of ownership of the Port Infrastructure State Enterprise;
2. appoint and dismiss the members of the Managing Board;
3. appoint and dismiss the Director General of the Port Infrastructure State Enterprise;
4. permit the participation of the Port Infrastructure State Enterprise in commercial and civil companies, as well as in non-profit legal persons;
5. approve the rules of organisation, functions and activities of the Port Infrastructure State Enterprise;
6. approve the structure, the payroll and the salary allocation of the Port Infrastructure State Enterprise;
7. (amended, SG No. 28/2013, repealed, SG No. 104/2020);
8. (amended, SG No. 104/2020) approve the annual programme of the Port Infrastructure State Enterprise for construction, reconstruction, rehabilitation and maintenance of ports referred to in Article 106a and of ports that are state property;
9. approve the annual balance sheet and the financial statement of the Port Infrastructure State Enterprise.

### **Article 115o**

(New, SG No. 104/2005)

(1) (Amended, SG No. 81/2009) The Managing Board shall consist of three members,



including the Director General, who shall be appointed by the Minister of Transport, Information Technology and Communications for a period of 5 years.

(2) The Minister of Transport, Information Technology and Communications shall appoint and dismiss the members of the Managing Board and shall conclude a management contract with each member of the Managing Board.

(3) The members of the Managing Board may not perform competitive activities in their own or someone else's name and have contractual relations with other enterprises, companies and associations with a similar object of activities.

(4) The members of the Managing Board may not be:

1. persons who have been convicted for an indictable offence;
2. the spouse or relative by a direct or collateral line of descent or by marriage up to a third degree inclusive to another member of the Managing Board.

(5) The management contract with a member of the Managing Board shall be terminated before its term expires where the person:

1. does not meet the legal requirements;
2. violates or does not meet the requirements provided for in the law or in the management contract;
3. has filed a request to be dismissed;
4. (new, SG No. 81/2009) upon a decision of the Minister of Transport, Information Technology and Communication with a one-month prior notice.

(6) In the cases referred to in Paragraph 5 or in case of death of a member of the Managing Board, the Minister of Transport, Information Technology and Communications shall appoint a new member for a period lasting until the end of the original mandate and shall conclude a contract with him/her.

(7) The Managing Board shall:

1. elect amongst its members a chairperson and a deputy chairperson and shall dismiss them;
2. elect and dismiss the deputies to the Director General and the directors of the regional units of the Port Infrastructure State Enterprise upon a proposal made by the Director General;
3. adopt draft rules of organisation, functions and activities of the Port Infrastructure State Enterprise and submit them to the Minister of Transport, Information Technology and Communications for approval;
4. (amended, SG No. 104/2020) adopt the annual programmes of the Port Infrastructure State Enterprise for construction, reconstruction, rehabilitation and maintenance of ports referred to in Article 106a and of ports that are state property and submit them to the Minister of Transport, Information Technology and Communications for approval;
5. (amended, SG No. 28/2013, SG No. 104/2020) adopt a seven-year development programme for each of the ports referred to in Article 106a;
6. propose for approval by the Minister of Transport, Information Technology and Communications the structure, the payroll and the salary allocation of the Port Infrastructure State Enterprise;
7. approve the annual balance sheet and the financial statement of the Port Infrastructure State Enterprise and submit them to the Minister of Transport, Information Technology and Communications for approval;
8. (amended, SG No. 67/2008) appoint a registered auditor to certify the annual balance sheet and the financial statement;

9. adopt draft decisions for participation of the Port Infrastructure State Enterprise in national and international non-profit organizations and submit them for approval by the Minister of Transport, Information Technology and Communications;

10. (new, SG No. 28/2013, amended, SG No. 104/2020) on a proposal by the Director General - determine the amount of the port charges referred to in Article 103c, Paragraph 1, and Article 109a, Paragraph 3, as well as the changes thereto.

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

(9) (New, SG No. 81/2009) Decisions shall be passed by a simple majority.

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

### **Article 115p**

(New, SG No. 104/2005)

(1) The Director General of the Port Infrastructure State Enterprise shall:

1. represent the Port Infrastructure State Enterprise before the governmental authorities, the courts and third parties in the country and abroad;

2. manage the overall activities of the Port Infrastructure State Enterprise;

3. conclude contracts for the activities performed by the Port Infrastructure State Enterprise;

4. conclude and terminate the employment contracts with the workers and the employees of the Port Infrastructure State Enterprise;

5. report on his/her activities before the Managing Board.

(2) The Director General may delegate some of the authorities referred to in Paragraph 1 to other employees of the Port Infrastructure State Enterprise after the approval of the Managing Board.

### **Article 115q**

(New, SG No. 104/2005)

(1) The revenue of the Port Infrastructure State Enterprise shall consist of:

1. (supplemented, SG No. 104/2020) the port charges referred to in Article 103c, Paragraph 1, and Article 109a, Paragraph 3;

2. (repealed, SG No. 28/2013);

3. income from its own activities;

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

5. (amended, SG No. 15/2013, effective 1.01.2014) the state budget;

6. actions related to implementing the object of activities referred to in Article 115m,

Paragraph 1;

7. (new, SG No. 28/2013) financial grants (donations);

8. (new, SG No. 28/2013) financial grants under European Union programmes.

(2) The resources referred to in Paragraph 1 shall be spent for:

1. implementation of the object of activities of the Port Infrastructure State Enterprise referred to in Article 115m, Paragraph 1;

2. (amended, SG No. 28/2018) ensuring the safety of navigation in the canals and port aquatories and maintaining forces and resources for participation in rescue and urgent emergency remedial work in the port aquatories and the port areas in accordance with the National Disaster Protection Plan;

3. (repealed, SG No. 28/2013);

4. maintenance of the Port Infrastructure State Enterprise.

(3) (New, SG No. 104/2020, effective 1.01.2021) The Port Infrastructure State Enterprise shall apply financial policy and accountability in accordance with the requirements of Article 11, Paragraphs 1 – 4, 6 and 7 of Regulation (EU) 2017/352.

### **Article 115r**

(New, SG No. 104/2005, amended, SG No. 104/2020)

Activities for construction, reconstruction, rehabilitation, maintenance and development of public transport ports, as well as for creation, preservation and maintenance of facilities and material resources for conducting national defence and mobilisation activities, shall be financed with state resources in accordance with the rules for provision of state aid.

### **Article 115s**

(New, SG No. 104/2005)

(1) (Amended, SG No. 28/2013, SG No. 104/2020) Based on the Integrated Transport Strategy for the period until 2030 approved by the Council of Ministers, the Port Infrastructure State Enterprise shall prepare for each of the ports referred to in Article 106a a seven-year development programme containing information on the revenues, expenses, investments and funding planned for the programming period for the respective port.

(2) (Amended and supplemented, SG No. 104/2020) On the basis of the strategic documents referred to in Paragraph 1, annually until 31st October of the preceding year, the Port Infrastructure State Enterprise shall present for approval by the Minister of Transport, Information Technology and Communications the annual programme for construction, reconstruction, rehabilitation and maintenance of the ports referred to in Article 106a and of the other ports that are state property during the next calendar year. The annual programme shall contain detailed information on the incomes, expenditure, investments and financing.

## **Section VII**

**(Renumbered from Section V, SG No. 24/2004)**  
**Port Activities and Services in Public transport Ports**  
**(Title amended, SG No. 24/2004)**

**Article 116**

(Amended, SG No. 24/2004)

(1) The services of commercial nature provided in public transport ports and performed by port operators shall be port services.

(2) The port services referred to in Paragraph 1 shall be divided into the following categories:

1. (amended, SG No. 104/2005, SG No. 98/2008, amended and supplemented, SG No. 104/2020) technical marine services - pilotage, towing (tugging or pushing), sheet-anchorage, provision of water, communications and electricity to ships; bunkering, reception and processing of ship-generated waste, and other;

2. processing of cargoes and mail - loading, unloading, sorting, storage, repacking of different types of cargoes, intra-port (terminal) transportation of cargoes and mail, etc.;

3. passenger services.

(3) (Repealed, SG No. 104/2020).

(4) (Amended, SG No. 28/2018) The operation of entities providing pilotage as a technical marine service shall be organised in accordance with an ordinance issued by the Minister of Transport, Information Technology and Communications.

(5) The port services referred to in Paragraph 2, items 2 and 3 may be performed only in public transport ports or in roadsteads in their aquatory, save in case of disasters in the territorial sea or other extraordinary circumstances.

(6) (Amended, SG No. 104/2005, SG No. 28/2013) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall, on a proposal from the Maritime Administration Executive Agency, issue an order to stop operations carried out in violation of Article 5. The order shall be subject to anticipatory enforcement.

(7) The order referred to in Paragraph 6 shall be subject to appeal before the court.

**Article 116a**

(New, SG No. 24/2004, amended, SG No. 36/2006)

(1) Besides the port services referred to in Article 116, accompanying activities may also be performed in the public transport ports.

(2) The activities referred to in Paragraph 1 shall be performed, provided that they do not impede or will not impede the provision of port services.

(3) (Amended, SG No. 96/2017, effective 1.01.2018, SG No. 104/2020) Ancillary activities on territories that are state property within public transport ports may be carried out by the Port Infrastructure State Enterprise or when a concession is awarded. In case of an awarded

concession, the carrying out of the ancillary activity shall be included in the subject-matter of the concession contract, and the revenue of said activity - in the value of the concession.

(4) (Supplemented, SG No. 28/2013, amended, SG No. 96/2017, effective 1.01.2018, amended, SG No. 104/2020) Ancillary activities on territories that are municipal property within public transport ports may be carried out by award of a concession.

(5) (Amended, SG No. 104/2020) Ancillary activities in public transport ports in territories that are private property shall be performed by the owner or by persons who have concluded a contract therewith.

## **Article 117**

(Amended, SG No. 24/2004)

(1) Port services in public transport ports shall be performed by specialised port operators who are in possession of or hire qualified personnel and the technical tools necessary for performance of the respective service.

(2) (Amended, SG No. 104/2005, SG No. 104/2020) Port operators performing more than one port service shall be obliged to keep a separate account for each of the services.

(3) (New, SG No. 104/2020) Port operators shall provide to their employees state-of-the-art initial and follow-up training necessary for the proper, healthy and safe performance of their assigned duties.

(4) (Renumbered from Paragraph (3), SG No. 104/2020) The training, qualification and re-qualification of port workers and the supply of qualified workforce may only be performed by natural or legal persons which are not port operators within the meaning of this Act, in compliance with the requirements of the Vocational Education and Training Act.

(5) (Amended, SG No. 104/2005, renumbered from Paragraph (4), amended, SG No. 104/2020) A public register of port operators shall be kept following the terms and procedure determined with an ordinance issued by the Minister of Transport, Information Technology and Communications. Listing in the register shall be a prerequisite for provision of port services.

## **Section VIII** **(New, SG No. 24/2004)** **Access to the Market of Port Services**

### **Article 117a**

(New, SG No. 24/2004)

(1) The right to provide services in public transport ports granted to port operators shall be defined as access to the market of port services.

(2) (Amended and supplemented, SG No. 28/2013, amended, SG No. 96/2017, effective 1.01.2018, SG No. 104/2020) Access to the market of port services pursuant to Article 116,

Paragraph 2, items 2 and 3 in port terminals that are state property shall be granted to public transport ports by way of the award of a concession – in the cases referred to in Article 117c.

(3) (Supplemented, SG No. 28/2013, amended and supplemented, SG No. 104/2020) Port operators entitled to provide port services pursuant to Article 116, Paragraph 2, items 2 and 3 in port terminals that are state property by public transport ports shall be the owners of the port infrastructure or persons who have concluded contracts with them.

(4) (New, SG No. 104/2020) Access to the market of port services under Article 116, Paragraph 2, item 1 shall be granted, as follows:

1. pursuant to Paragraph 2 – at port terminals that are state property within public transport ports, where elements of the terminal’s linear technical infrastructure are used for providing those services;

2. pursuant to Paragraph 3 – at port terminals which are not state property in public transport ports, where elements of the terminal’s linear technical infrastructure are used for providing those services;

3. upon the listing in the register of port operators – in cases other those referred to in items 1 and 2.

(5) (Amended, SG No. 28/2013, renumbered from Paragraph 4, amended, SG No. 104/2020) Marine technical services in ports referred to in Articles 107 – 109 shall be provided by the owners of the port infrastructure or by persons who have concluded a contract therewith.

(6) (Amended, SG No. 28/2013, SG No. 96/2017, effective 1.01.2018, repealed, renumbered from Paragraph 5, amended, SG No. 104/2020) The common technical infrastructure of the port may not be included in the subject-matter of the contracts referred to in Article 116a, Paragraph 3 or of concession contracts, and no one shall have the right to impede free access to this infrastructure.

## **Article 117b**

(New, SG No. 24/2004, amended, SG No. 104/2005, SG No. 30/2006, SG No. 28/2013)

(1) (Amended, SG No. 104/2020) A person meeting the requirements listed below may be recorded in the register of port operators with a right to provide port services pursuant to Article 116, Paragraph 2, item 1, with the exception of pilotage as a marine technical service, in one or more ports:

1. said person is a merchant having its management address in the Republic of Bulgaria or another European Union member state;

2. is not subject to a liquidation or similar procedure pursuant to its national legislation;

3. is not subject to insolvency proceedings or other such similar proceedings pursuant to its national legislation;

4. has not been declared insolvent;

5. (amended, SG No. 104/2020) does not have liabilities to the state or a municipality for taxes or mandatory social security payments under Article 162, Paragraph 2, item 1 of the Tax and Social Insurance Procedure Code, including interest accrued, established with an effective act issued by a competent authority, respectively does not have liabilities for taxes or social security payments as required by the legislation of the country in which it is established;

6. (new, SG No. 104/2020) maintains a certified quality management system conforming

with the Bulgarian Standard BDS EN ISO 9001:2015, or equivalent;

7. (repealed, new, SG No. 104/2020) has set up the necessary organization ensuring the availability of the technical marine port service day and night, without interruptions and days-off, throughout the year, and without undue delay of ships;

8. (repealed, renumbered from item 6, amended, SG No. 104/2020) in cases where ships are used for provision of the technical marine service:

(a) has one or more ships meeting the technical requirements for safety of navigation and the requirements referred to in Article 6 of the Merchant Shipping Code;

(b) has the minimum required number of competent seafarers for manning the ships;

(c) maintains a certified management system for the safe operation of ships and for the prevention of pollution from ships, where the service is provided by one or more ships to which the provisions of an international treaty apply, where the Republic of Bulgaria is a party to the treaty, and said treaty requires maintenance of such a system; it shall not be necessary to prove equivalence pursuant to item 6 above in such cases;

(d) keeps its ships ready for immediate reaction in accordance with the port's emergency plan and the orders of the officials from the Maritime Administration Executive Agency;

(2) (Amended, SG No. 104/2020) The persons referred to in Paragraph 1 shall have to prove not only compliance with the general requirements, but also with the specific requirements for providing the respective port service pursuant to Article 116, Paragraph 2, item 1 as laid down with the regulation referred to in Article 117, Paragraph 5.

(3) (New, SG No. 104/2020) The Maritime Administration Executive Agency shall monitor whether port operators comply with the requirements referred to in Paragraphs 1 and 2 under the terms and following the procedure laid down with the ordinance under Article 117, Paragraph 5.

(4) (New, SG No. 104/2020) Upon establishing a case of non-compliance with the requirements referred to in Paragraph 1, items 5, 6, 7 or 8, or in Paragraph 2:

1. the harbour master shall issue to the port operator obligatory prescriptions for remedying the case of non-compliance and shall set a reasonable deadline for their implementation;

2. if the obligatory prescriptions referred to in item 1 are not implemented within the deadline, the Executive Director of the Maritime Administration Executive Agency shall temporarily suspend the operation of the port operator until the case of non-compliance has been remedied;

3. the Executive Director of the Maritime Administration Executive Agency shall remove the port operator from the register of port operators, should the temporary suspension of operations continue more than 12 months.

(5) (New, SG No. 104/2020) The provision of Paragraph 4, item 3 shall also apply in cases of non-compliance with any of the requirements referred to in Paragraph 1, items 1 – 4.

(6) (New, SG No. 104/2020) Obligatory prescriptions under Paragraph 4, item 1, temporary suspension of the operation of a port operator under Paragraph 4, item 2, and removal from the register of port operators under Paragraph 4, item 3 and Paragraph 5 may be appealed against pursuant to the Administrative Procedure Code. An order by which obligatory prescriptions are issued to a port operator, or by which this operator's operation is temporarily suspended, shall be immediately enforceable.

### **Article 117c**

(New, SG No. 24/2004, amended, SG No. 104/2005, effective 1.01.2007, SG No. 36/2006, SG No. 98/2008, SG No. 28/2013, SG No. 96/2017, effective 1.01.2018)

(1) (Amended, SG No. 104/2020) The provision of a port service pursuant to Article 116, Paragraph 2, items 2 and 3 and of technical marine port services in the cases referred to in Article 117a, Paragraph 4, item 1 at one or more terminals that are state property shall be awarded through a service concession under the terms and following the procedure of the Concessions Act.

(2) (Repealed, SG No. 104/2020).

(3) (Amended, SG No. 104/2020) Where the execution of construction referred to in Article 7, Paragraph 2, items 1 or 2 of the Concessions Act is awarded by the concession referred to in Paragraph 1, the said concession shall be designated as a works concession.

### **Article 117d**

(New, SG No. 24/2004, amended, SG No. 36/2006, SG No. 96/2017, effective 1.01.2018)  
The powers of a grantor with regard to the concessions referred to in Article 117c shall be executed by the Minister of Transport, Information Technology and Communications.

### **Article 117e**

(New, SG No. 24/2004, repealed, SG No. 36/2006).

### **Article 117f**

(New, SG No. 24/2004, amended, SG No. 104/2005, repealed, SG No. 36/2006).



## **Chapter Five**

# **ADMINISTRATIVE AND PENAL PROVISIONS**

### **Article 118**

(1) (Amended, SG No. 11/1998, SG No. 84/2000) The master of a non military ship who scuttles or abandons a ship in the territorial sea or in the internal sea waters or inland waterways shall be fined between BGN 50 000 and BGN 200 000, if he/she is not subject to a heavier penalty.

(2) The penalty (property payment) referred to in Paragraph 1 shall apply to a ship-owner who orders or permits the scuttling of such ship or its abandonment on shore.

### **Article 119**

(1) If not subject to a heavier penalty, the following shall be fined between BGN 150,000 and BGN 500,000:

1. (amended, SG No. 24/2004, supplemented, SG No. 99/2006) anyone committing or permitting a violation of the provisions of Article 53, paragraph 1 and 2;

2. a master of a foreign non-military ship who orders or permits commercial fishing in the exclusive economic zone, in the internal sea waters or the inland waterways.

(2) The penalty provided for in the preceding Paragraph shall be imposed also on a master of a foreign non-military nuclear-powered or nuclear-armed ship, as well as on a master of a foreign non military ship carrying nuclear, radioactive or other dangerous or toxic substances, who enters without authorisation the internal sea waters or does not submit to the inspection of documents, to dosimetric inspection or any other inspection on board the ship, in connection with the protection of the environment.

(3) (New, SG No. 99/2006, supplemented, SG No. 28/2018) If not subject to a heavier penalty, any person who violates or allows for the violation of the prohibitions under Article 53, paragraph 4 and Article 75a shall be sanctioned with a fine, respectively a property payment, between BGN 5000 and BGN 15,000.

(4) (New, SG No. 54/2007) A pecuniary sanction in the amount of BGN 300,000 to BGN 600,000 shall be imposed on any legal entity which has materially benefited or would have materially benefited as a result of a violating, or enabling a violation of, the bans under Article 53 Paragraph 1, where such violations are committed by:

1. a natural person empowered to formulate and express the will of such legal entity;

2. a natural person appointed to represent said legal entity, or

3. a person who is a member of a control or supervisory body of said legal entity.

(5) (New, SG No. 54/2007) Where the persons under Paragraph 4 items 1, 2 and 3 have acted with premeditation, and as a result of that have caused substantial damage to the marine

environment, the pecuniary sanction that may be imposed upon said legal entity shall be between BGN 1.5 and BGN 3 million.

(6) (New, SG No. 54/2007) The pecuniary sanction under Paragraphs 4 and 5 shall be imposed irrespective of the administrative-penal or administrative liability of the perpetrator of such violation.

## **Article 120**

(1) If not subject to a heavier penalty, a fine of between BGN 50 000 and BGN 200 000 shall be imposed on the master of a foreign non-military ship who:

1. enters a closed port or a roadstead;
2. keeps the submarine submerged in the internal sea waters and the territorial sea.
3. orders or permits a violation of the provisions of Article 15 and Article 20, Paragraphs 5, 6 and 11.

4. (amended, SG No. 24/2004, supplemented, SG No. 94/2005) commits a violation of the provisions of Article 19, Paragraph 2, Article 23, Paragraph 3, items 1 - 4 and 6, Articles 24, 26, Article 49, Paragraph 2.

(2) The penalty (property payment) provided for in Paragraph 1 shall be imposed on any person conducting scientific research and exploration activities in the maritime space of the country in violation of the established procedure.

## **Article 121**

(Amended, SG No. 24/2004)

(1) (Amended, SG No. 104/2020) An official who violates the provisions of Article 92, Paragraph 6, or of Article 112, Paragraph 5 regarding the listing in the register of ports and specialised port facilities or who lists in the register of port operators an entity in violation of the requirements of Articles 117 – 117b, shall be sanctioned with a fine ranging from BGN 1000 to BGN 3000. A fine ranging from BGN 2000 to BGN 5000 shall be imposed on a harbor master who orders or allows a listing referred to in the previous sentence to be made.

(2) (New, SG No. 104/2020) Those who violate or allow the violation of the ban of Article 92, Paragraph 7, or of Article 112, Paragraph 6, or the procedure for provision of port services referred to in Article 116, Paragraph 5, shall be imposed a fine ranging from BGN 10 000 to BGN 50 000, respectively a pecuniary sanction ranging from BGN 50 000 to BGN 300 000, if the violation was committed by a legal person or a sole trader. In case of a repeated violation, a twice higher fine, respectively pecuniary sanction, shall be imposed.

(3) (Supplemented, SG No. 54/2007, renumbered from Paragraph 2, amended, SG No. 104/2020) Those who violate other provisions of the Act, or any secondary legislation pertinent thereto, shall be imposed a fine amounting to BGN 2000 to 10 000, respectively a pecuniary sanction amounting to BGN 10 000 to 50 000, if the violation was committed by a legal person or a sole trader.

(4) (New, SG No. 98/2008, renumbered from Paragraph 3, amended, SG No. 104/2020) Those who violate the provisions of the law or of the act of the Council of Ministers under

Article 5, Paragraph 4 regarding the procedure for providing water recreation services shall be imposed a penalty ranging from BGN 1000 to BGN 3000, respectively a pecuniary sanction ranging from BGN 2000 to BGN 5000.

(5) (New, SG No. 104/2020) Those who violate the provisions of the law or of the act of the Council of Ministers under Article 5, Paragraph 4 regarding the procedure for use of vessels for sports, tourism and recreation shall be imposed a fine ranging from BGN 500 to BGN 1000. In case of a repeated violation, a twice higher fine shall be imposed.

(6) (New, SG No. 71/2008, renumbered from Paragraph 3, SG No. 98/2008, renumbered from Paragraph 4, amended, SG No. 104/2020) The definitions of specific violations as per Paragraph 2 above shall be set forth by the authorities responsible for issuing administrative acts pertinent to the implementation of this Act in accordance with Article 2, Paragraph 3 of the Administrative Violations and Sanctions Act.

### **Article 121a**

(New, SG No. 109/2013)

(1) A pecuniary sanction in the amount of BGN 2,000 to BGN 10,000 shall be imposed on a port operator providing services referred to in Article 116, Paragraph 2, item 3, which:

1. fails to perform any of its obligations referred to in Article 9, Paragraphs 1 or 2 of Regulation (EU) No. 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No. 2006/2004 (OJ, L 334/1, 2010), hereinafter referred to as "Regulation (EU) No. 1177/2010", regarding the establishing, having in place, publishing and communicating to the Maritime Administration Executive Agency of access conditions for the transport of disabled persons and persons with reduced mobility and accompanying persons, or establishes or has in place discriminatory conditions for transport of such persons;

2. fails to perform its obligation referred to in Article 10 of Regulation (EU) No. 1177/2010 regarding the provision of assistance free of charge to disabled persons and to persons with reduced mobility in the port, including embarkation and disembarkation, or demands payment for the assistance provided, or allows the party to whom performance of this obligation has been entrusted not to perform it or demand payment for the assistance;

3. fails to perform any of its obligations referred to in Article 11, Paragraphs 4 and 5 of Regulation (EU) No. 1177/2010 or provides assistance to a disabled person or person with reduced mobility in the port, including embarkation and disembarkation, in a manner which does not allow such person to embark or disembark, or allows the party to whom performance of any of these obligations has been entrusted not to perform it or perform it in an inappropriate manner;

4. fails to perform any of its obligations referred to in Article 12, Paragraphs 1 and 3 of Regulation (EU) No. 1177/2010;

5. fails to perform its obligation referred to in Article 15, Paragraph 4 of Regulation (EU) No. 1177/2010 or allows the party to whom the performance of this obligation has been entrusted not to perform it;

6. (new, SG No. 52/2015) fails to perform or fails to perform within the deadline set its obligation referred to in Article 16, Paragraph (1) of Regulation (EU) No. 1177/2010 concerning

provision of information in case of a cancellation or a delay in departure or allows the person, whom it had tasked to perform this obligation, to fail to perform it or to fail to perform it within the deadline set;

7. (new, SG No. 52/2015) fails to perform or fails to apply due care in the performance of its obligation referred to in Article 16, Paragraph (2) of Regulation (EU) No. 1177/2010 concerning provision of information in case of a cancellation or a delay in departure or allows the person, whom it had tasked to perform this obligation, to fail to perform it or to fail to apply due care in the performance of that obligation;

8. (new, SG No. 52/2015) fails to perform its obligation referred to in Article 16, Paragraph (3) of Regulation (EU) No. 1177/2010 concerning provision of information in case of a cancellation or a delay in departure to disabled persons and persons with reduced mobility in a format, accessible to them or allows the person, whom it had tasked to perform this obligation, to fail to perform it;

9. (renumbered from Item 6, SG No. 52/2015) fails to perform any of its obligations referred to in Article 23, Paragraphs 1 and 3 of Regulation (EU) No. 1177/2010 for provision of information on the rights of passengers under said Regulation and of the contact details of the Maritime Administration Executive Agency or provides such information in an inappropriate manner;

10. (renumbered from Item 7, SG No. 52/2015) fails to perform its obligation referred to in Article 24 of Regulation (EU) No. 1177/2010 regarding the set-up and maintenance of an accessible complaint-handling mechanism.

(2) (Amended and supplemented, SG No. 52/2015) A fine, respectively a pecuniary sanction in the amount referred to in Paragraph 1 shall also be imposed on the party to whom the port operator entrusted performance of any of their obligations referred to in Article 4, Paragraph 1, Article 7, Article 8, Paragraphs 2, 3, 4, second sentence, and paragraph 5, Article 9, Paragraph 4, Article 10, Article 11, Paragraphs 4 and 5, and Article 15, Paragraph 4 and Article 16 of Regulation (EU) No. 1177/2010.

### **Article 121b**

(New, SG No. 104/2020)

(1) A pecuniary sanction amounting to BGN 10 000 shall be imposed on the Port Infrastructure State Enterprise, where it:

1. it concludes a contract under Article 106e, Paragraph 2, for which the Executive Director of the Maritime Administration Executive Agency has not issued a decision justifying the need to impose a public service obligation, respectively without existence of any of the prerequisites referred to in Article 7, Paragraph 4 of Regulation (EU) 2017/352;

2. fails to perform an obligation referred to in Article 13, Paragraph 5 of Regulation (EU) 2017/352;

3. adopts a decision pursuant to Article 106b without having conducted a procedure for public consultations in accordance with Article 106b, Paragraphs 3 and 4.

(2) A repeated violation under Paragraph (1) shall be punishable by a pecuniary sanction in double amount.

### **Article 121c**

(New, SG No. 104/2020)

(1) A pecuniary sanction amounting to BGN 10 000 shall be imposed on a port operator providing port services in a port referred to in Article 106a that fails to comply with an obligation referred to in Article 15, Paragraph 3 of Regulation (EU) 2017/352.

(2) A pecuniary sanction amounting to BGN 10 000 shall be imposed on a port operator referred to in Article 12, Paragraph 1 of Regulation (EU) 2017/352 that fails to comply with an obligation under Article 12, Paragraph 3 of that Regulation within the deadline set in Article 106h, Paragraph 2, item 3.

(3) A repeated violation under Paragraph (1) or (2) shall be punishable by a pecuniary sanction in double amount.

### **Article 122**

(1) (Supplement, SG No. 24/2004) Violations of the provisions of this Chapter shall be determined by acts, drawn up by officials of the respective ministries and other agencies to whom the exercise of control in the maritime space, the ports and the inland waterways of the country is entrusted.

(2) The statement drawn up shall be issued to the offender, who may submit his/her objections at the moment of signing it, or later in front of the administrative and penal authority within 48 hours after the handing in of the statement. The statement, together with the written objections and the evidence gathered, shall be transmitted to the administrative and penal authority, which must make a decision on the case within 24 hours of the expiry of the time-limit set for entering objections, unless the case is complicated factually or legally.

(3) (Amended, SG No. 28/2013) The ordinances imposing penalties for violations with respect to protection of the marine environment and the inland waterways shall be issued by the Minister of the Environment and Water or officials designated thereby - for coastal pollution sources, and the Executive Director of the Maritime Administration Executive Agency or by officials designated by him - for ship pollution.

(4) Ordinances imposing penalties may provide for monetary compensation covering the entire amount of any damage caused.

(5) Ordinances relating to compensation may be appealed by the ship owner as well. The date on which the ordinance is delivered to the master of the ship shall be considered the date on which it is delivered to the ship owner.

(6) (New, SG No. 98/2008) Paragraph 2 shall not apply in relation to establishing and imposing sanctions for the violations of the provisions of article 60a and the administrative act on its implementation - in the section for ports as well as the provision of Chapter Four and the administrative acts for its implementation.

### **Article 123**

The drawing up of statements of violations, the issuing and appealing of ordinances and the enforcement of the imposed penalties shall be made in accordance with the Administrative

#### **Article 124**

(1) (Amended, SG No. 109/2013) With a view to ensuring the collection of the fine or pecuniary sanction imposed under this Chapter, the foreign non-military ship, regardless of its legal ownership, shall be imposed a ban on departure at the time the statement on the violation is drawn up.

(2) (Amended and supplemented, SG No. 109/2013) A foreign non-military ship shall be arrested also in order to ensure the payment of compensation stipulated in accordance with this Chapter, and of the sum due by reason of an act quasi delicti under Article 31, Paragraph 1. The arrest shall be made by the port captain in compliance with a court decree pursuant to Articles 364a and 365 of the Merchant Shipping Code.

(3) (Repealed, SG No. 109/2013).

## **SUPPLEMENTARY PROVISIONS**

**§ 1.** (Amended, SG No. 109/2013) The provisions of Article 10, Paragraphs 2 - 5, Article 23, Paragraph 3, items 4 - 6, Articles 24, 26, 28, 30, 39, and 54 shall apply also to ships flying the Bulgarian flag.

**§ 1a.** (New, SG No. 98/2008) (1) (Previous text of § 1a, SG No. 28/2013, amended, SG No. 104/2020) The waste reception and processing plans shall be developed in accordance with the requirements of the ordinance under Article 95, Paragraph 1 by the Port Infrastructure State Enterprise – for the ports referred to in Article 106a and for public transport ports that are state property, respectively by the owners of the territory and port infrastructure – for all other public transport ports and for the ports referred to in Articles 107 – 109. Before approval by the Executive Director of the Maritime Administration Executive Agency, the plans shall be coordinated with the Minister of Environment and Water or an official authorised thereby.

(2) (New, SG No. 28/2013, amended, SG No. 104/2020) The plans referred to in Paragraph 1 shall be reviewed and approved every three years, as well as in case of a change of the port type, of any of the operators of the technical marine service for reception and processing of ship-generated waste, or any of the circumstances referred to in Article 92, Paragraph 5, items 2, 3, 4, 5, 6, 8, 9 and 10.

**§ 1b.** (New, SG No. 98/2008, amended, SG No. 28/2018) The delivery of ship generated waste and cargo residues shall be considered release for free circulation within the meaning of Article 201 of Regulation (EC) No. 952/2013 of the European Parliament and of the Council of

9 October 2013 laying down the Union Customs Code (OJ L 269/1 of October 10, 2013). The lodging of an entry summary declaration pursuant to Article 127 of this Regulation shall not be required for the delivery.

**§ 1c.** (New, SG No. 98/2008) By 31 March of each year the Minister of Transport, Information Technology and Communications or an official authorised by him/her shall provide to the European Commission the information on the preceding year pursuant to article 9, paragraph 2 of the Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 relating to the port reception facilities for waste from the operation of ships and cargo remnants, amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 relating to the directives on maritime safety and the prevention of pollution by ships.

**§ 1d.** (New, SG No. 98/2008) Every three years the Minister of Transport, Information Technology and Communications or an official authorised by him/her shall provide to the European Commission a report on the implementation of the provisions on the activity for transferring and receiving waste - result from navigation and of cargo remnants pursuant to Article 17, paragraph 1 of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 relating to the port reception facilities for waste from the operation of ships and cargo remnants.

**§ 1e.** (New, SG No. 28/2018) (1) The Minister of Regional Development and Public Works shall provide to the European Commission information about the participants in the process of maritime spatial planning, including:

1. name and address of the competent authority;
2. information on the legal status, functions and role of the competent authority in the process of maritime spatial planning;
3. the names of authorities and organisations involved in the process of maritime spatial planning;
4. information on the legal status, functions and role in the process of maritime spatial planning of each of the involved authorities and organisations;
5. description of the institutional relations established with a view to ensuring coordination between the participants in the process of maritime spatial planning;
6. brief description of the mechanisms established with the aim to ensure coordination between the Republic of Bulgaria and Romania in the process of maritime spatial planning.

(2) The Minister of Regional Development and Public Works shall notify the European Commission of any change in the information referred to in Paragraph 1 within 6 months of the change.

§ 2. Within the meaning herein:

1. (Amended, SG No. 23/2011, effective 22.03.2011) A "warship" shall mean any ship which belongs to the armed forces of a state, bearing the external marks distinguishing its nationality, under the command of an officer duly commissioned by the government of the state and whose name appears in the service list of officers of the Navy of the state or in another equivalent document and manned by a crew, which is under regular armed forces discipline.

2. (Supplemented, SG No. 88/2010, effective 1.01.2011) A "border police ship" shall mean any ship used for border control and protection of the state border and sailing under a Navy flag.

3. A "foreign government ship operated for non-commercial purposes" shall mean a ship belonging to the state whose flag it flies and intended for scientific research, exploration or other non-economic activities.

4. A "non-military ship" shall mean a ship other than those referred to in items 1 and 2.

5. A "submarine" shall mean a ship intended to navigate under water.

6. (New, SG No. 11/2005, repealed, SG No. 102/2005).

7. (New, SG No. 11/2005, repealed, SG No. 102/2005).

8. (Renumbered from item 6, SG No. 11/2005) A "flag state" shall mean the state under whose flag a ship is sailing.

9. (Renumbered from item 7, SG No. 11/2005) "Underwater activity" shall mean any activity under water for military, economic or research purposes, whereby a man uses respiratory equipment for more than one held respiration, or which is carried out by remote control facilities.

10. (Renumbered from item 8, SG No. 11/2005) "Sedentary species" shall mean organisms which at the harvestable stage either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;

11. (Renumbered from item 9, SG No. 11/2005, supplemented, SG No. 28/2018) "Pollution of the marine or river environment" shall mean a direct or indirect introduction by man of substances or energies into the marine environment, including estuaries, which causes or is likely to cause harm to living marine or river resources and is hazardous to human health and which hinders legitimate use of the sea, including quality impairment of the sea water and deterioration of the conditions for tourism and leisure activities according to the effective norms and standards for admissible pollution. The cases of deliberate or accidental introduction by humans into the marine or river environment of organisms foreign or new to this environment which cause or might cause the adverse effects referred to in the first sentence, shall also be considered pollution.

12. (Renumbered from item 10, SG No. 11/2005) "One nautical mile" shall equal 1852 meters.

13. (Renumbered from item 11, SG No. 11/2005, repealed, SG No. 28/2013).

14. (Renumbered from item 12, SG No. 11/2005, amended, SG No. 28/2013) "Roadstead" shall mean a given area of the sea space within (inner roadstead) or outside (outer roadstead) the port aquatory in which ships can lie at anchor for waiting, entering a port, shelter from bad weather, load handling activity.

14a. (New, SG No. 28/2013) "Berth" shall mean an area of the Danube river within or outside the port aquatory in which ships can lie at anchor for waiting, entering a port, shelter



from bad weather, load handling activity.

15. (Repealed, SG No. 24/2004, renumbered from item 13, SG No. 11/2005).

16. (Amended, SG No. 24/2004, renumbered from item 14, SG No. 11/2005) "Port terminal" shall mean a separate zone of a public transport port which provides a complete process of reception, processing, storage and dispatch of a certain type of cargoes and/or mail under a specific technology or which services passengers.

17. (Repealed, SG No. 24/2004, renumbered from item 15, SG No. 11/2005)

18. (Amended, SG No. 24/2004, renumbered from item 16, SG No. 11/2005, amended, SG No. 28/2013) "Port infrastructure" shall mean the technical infrastructure of the port within the meaning of § 5, item 31 of the supplementary provisions of the Spatial Development Act, as well as the other buildings and facilities on the territory of the port related to activities and services performed on its territory.

19. (Amended, SG No. 24/2004, renumbered from item 17, SG No. 11/2005, supplemented, SG No. 28/2013) "Port facilities" shall mean elements of the port infrastructure which are permanently attached to the port terrain and which are intended for provision of port services, as well as the stationary and floating hydro-technical installations (breakwaters, malls, piers, ferry nests, pontoons, docks, etc.), which serve to protect the port aquatory from the impact of wind and waves or for connection between the ship and the coast.

20. (Amended, SG No. 24/2004, renumbered from item 18, SG No. 11/2005, supplemented, SG No. 104/2020) "Harbour master" shall mean an official empowered to issue obligatory orders or prescriptions and responsible for protecting the environment from pollution from ships and for ensuring the safety and security of navigation and human life in an area determined by the Minister of Transport, Information Technology and Communications.

21. (Renumbered from item 19, SG No. 11/2005, supplemented, SG No. 28/2013) "Notice to Sea Farers" shall mean a bulletin containing information about the safety of navigation in the maritime space of the Republic of Bulgaria.

21a. (New, SG No. 28/2013) "Notice to Ship Pilots" shall mean a bulletin containing information about the safety of navigation in the inland waterways of the Republic of Bulgaria.

22. (Renumbered from item 20, SG No. 11/2005) "Navigation safety" shall mean a totality of measures ensuring the safety of navigation.

22a. (New, SG No. 28/2013) "Navigation safety of the port aquatory" shall mean a complex of overground and floating navigation signs (lit-up or non-lit-up, emitting or not emitting radio signals) created with a view to providing orientation to ships when approaching or leaving ports and designating spots which cause a threat to navigation.

23. (Renumbered from item 21, SG No. 11/2005, repealed, SG No. 104/2020).

24. (Renumbered from item 22, SG No. 11/2005, repealed, SG No. 28/2013).

25. (Repealed, SG No. 24/2004, renumbered from item 23, SG No. 11/2005).

26. (Amended, SG No. 24/2004, renumbered from item 24, SG No. 11/2005, amended, SG No. 28/2013) "Port operator" shall mean a merchant who has obtained access for provision of specific port services in a port.

27. (Renumbered from item 25, SG No. 11/2005) "Dangerous load" shall mean a load included in the UN list of dangerous loads.

28. (Renumbered from item 26, SG No. 11/2005, amended, SG No. 98/2008) "Yacht" shall mean a ship used for tourism, sports, sports fishing or recreation.

29. (New, SG No. 24/2004, renumbered from item 27, SG No. 11/2005, amended and supplemented, SG No. 28/2013) "Port aquatory" shall mean the water space adjacent to the port

territory with natural means or means resulting from human activities for protection from waves and clogging, having the area and depth necessary for the safe approach, manoeuvring and docking of the largest ship envisaged for the respective port or port terminal. The aquatory of the port shall include: an approach zone, a manoeuvring zone and an operating aquatory.

30. (New, SG No. 24/2004, renumbered from item 28, SG No. 11/2005, amended, SG No. 54/2007, SG No. 98/2008) "Ship" shall mean any self-propelled or unself-propelled piece of navigation equipment of any type, including hydrofoil vessels, hovercraft, submarines, floating devices or stationary or floating platforms, intended for sea and/or river navigation regardless of the flag under which they may operate, and used in the performance of one or several of the following activities: carriage of cargoes, carriage of passengers and luggage; towing of navigation equipment; provision of maritime services and other auxiliary operations; fishing; exploitation of other marine resources, as well as other activities.

31. (New, SG No. 24/2004, renumbered from item 29, SG No. 11/2005, amended, SG No. 28/2013) "Port service user" shall mean a person who, in its own or someone else's name, receives the port services provided, usually a ship-owner, a shipper or their agents.

32. (New, SG No. 24/2004, renumbered from item 30, SG No. 11/2005) "Type of cargo" shall mean the aggregate of different types of cargo which are processed by comparable technologies: bulk, liquid, gaseous, container, general, Ro-Ro, ferry boat, etc.

33. (New, SG No. 24/2004, renumbered from item 31, SG No. 11/2005) "Cargo storage zone" shall mean a specific part of a public transport port intended for storage of cargoes as part of the cargo handling process.

34. (New, SG No. 24/2004, renumbered from item 32, SG No. 11/2005) "Accompanying activities" shall mean activities ensuring the provision of the port services, as well as activities corresponding to the production and commercial objectives of enterprises whose location in the port is justified by their relation to the port traffic, the volume of the sea or river traffic they generate, or the services they provide to users.

35. (New, SG No. 24/2004, renumbered from item 33, SG No. 11/2005) "Repeated violation" shall mean a violation committed within one year of the coming into force of a penal ruling for punishing the offender for the same type of violation.

36. (New, SG No. 94/2005) "Operation mode of the fishing devices" is a state in which they are submerged in water or they are not folded, covered, put in an appropriate packing or in such a way they are placed in the luggage (freight) store room, department of a land transport vehicle or ship. In case a fishing device consists of several parts, it is considered to be in an operation mode if it is not dismantled and if his parts are not put separately according to the way described above.

37. (New, SG No. 104/2005, amended, SG No. 98/2008, SG No. 53/2012, effective 13.07.2012) "Ship generated waste" shall mean all waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to the International Convention for the Prevention of Pollution from Ships, 1973, amended by Protocol of 1978 (MARPOL 73/78) and Protocol of 1997, done in London on 2 November 1973 (ratified by law - SG No. 94/2004) (SG No. 12/2005), referred to as "MARPOL 73/78", and cargo associated waste as defined in the Guidelines for the implementation of Annex V to MARPOL 73/78. Ship generated waste shall be waste within the meaning of § 1, item 17 of the Supplementary Provisions of the Waste Management Act.

38. (New, SG No. 104/2005, amended, SG No. 98/2008, SG No. 53/2012, effective 13.07.2012) "Waste from ship cargoes" shall mean remnants from cargoes on board that remain

in the holds or in the cargo tanks after the completion of the load/unload operations, including excess or spilled or dispersed quantities during loading/unloading. The ship cargo remnants shall be waste in the sense of § 1, item 17 of the Supplementary Provisions of the Waste Management Act.

39. (New, SG No. 104/2005, amended, SG No. 98/2008) "Port reception facilities" shall mean installations, regardless whether they are permanently affixed, mobile or floating, which can receive waste - result from navigation, and remnants from ship cargoes.

39a. (New, SG No. 98/2008) "Appropriate port reception facilities" shall mean port reception facilities which are compatible with the geographical location and the size of the port, with the number and type of the ships which normally visit it, as well as with the type and volume of the navigation waste and the remnants from ship cargoes.

40. (New, SG No.104/2005, amended, SG No. 98/2008) "Waste reception and processing plan" shall mean a document containing a description of the procedures for receiving, keeping and preliminary processing of waste which complies the geographical location and the size of the port, with the number and type of the ships which normally visit it, as well as with the type and volume of the navigation waste - result from navigation and the remnants from ship cargoes, procedures for accepting, collecting, storing and preliminary processing of these wastes without undue delay of the ship.

41. (New, SG No. 28/2013) "Underwater linear facility from the technical infrastructure" shall mean a line or network of transport (including an oil pipeline or pipeline transporting another product), heat supply, gas supply, water supply and sewerage, electricity supply, electronic messaging or waste management, located on the seabed, the riverbed and the coastal inundated areas of the Danube river or their subsoil.

42. (New, SG No. 28/2013, repealed, SG No. 104/2020).

43. (New, SG No. 28/2013) "Approach canal" shall mean a hydro-technical installation created as a result of human activities and a navigationally safe waterway allowing the safe approach of ships to the port aquatory and their departure therefrom.

44. (New, SG No. 28/2013) "Approach zone" shall mean the outermost part of the port aquatory connecting the approach canal or the fairway to the manoeuvring zone.

45. (New, SG No. 28/2013) "Manoeuvring zone" shall mean a part of the port aquatory connecting the approach zone and the operating aquatory and used for safe manoeuvring of ships (including their meeting) in their movement to the operating aquatory and their departure therefrom.

46. (New, SG No. 28/2013) "Operating aquatory" shall mean a part of the port aquatory adjacent to the respective wharf wall or another hydro-technical installation for the docking of ships, having the area and depth necessary for the safe manoeuvring of the largest ship envisaged.

47. (New, SG No. 28/2013) "Breakwater" shall mean a fencing stationary or floating hydro-technical installation which was built or placed in front of the port aquatory without direct connection to the coast, serving to protect it from high waves, silt or ice break.

48. (New, SG No. 28/2013) "Mall" shall mean a fencing stationary or floating hydro-technical installation intended to protect the port aquatory from high waves and built or placed so that one of its ends comes in full contact with the coast, while its internal wall may be used for mooring by ships and for loading and unloading operations.

49. (New, SG No. 28/2013) "Pier" shall mean a stationary hydro-technical installation built in the operating aquatory under a given angle to the coast, allowing the safe docking,

mooring and processing of ships.

50. (New, SG No. 28/2013) "Seasonal transportation of passengers" shall mean the transportation of passengers for tourist and recreational purposes in the internal sea waters and the territorial sea of the Republic of Bulgaria, departing from the coast at up to 5 nautical miles or in the Bulgarian section of the Danube river, carried out between May 1st and October 31st using vessels which do not fall within the scope of the international conventions to which the Republic of Bulgaria is a party.

51. (New, SG No. 28/2018) "Integrated Maritime Policy of the European Union" means a Union policy whose aim is to foster coordinated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of Member States, and notably the coastal, insular and outermost regions in the European Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

52. (New, SG No. 104/2020) "Common technical infrastructure of the port" shall be a set of buildings, facilities and linear engineering networks pertaining to the transport, water supply and sewerage, the electricity, heat and gas supply, the electronic communications, the waste treatment and geoprotection, which serve more than one terminal at a public transport port and which, according to the projections of the port's master plan, are intended for common use by all port operators and port users on equal terms. Branches of the linear engineering networks leading to the border of the respective port terminal shall be considered as part of the common technical infrastructure.

53. (New, SG No. 104/2020) "Access infrastructure" shall be that part of the port's common technical infrastructure which includes the transport-related facilities and linear engineering networks which enable users to access the port by land or sea, respectively by inland waterways, as well as to enter the port.

54. (New, SG No. 104/2020) "Infrastructure for land access" shall mean the road and railroad approaches to the port border, ensuring the port's connection to the road network, respectively to the railway infrastructure.

55. (New, SG No. 104/2020) "Infrastructure for maritime or inland waterway access" shall mean the approach canals, the approach zones and the manoeuvring zones for ships, as well as the inner roadsteads or anchorages.

56. (New, SG No. 104/2020) "National system for electronic information exchange in public transport ports" shall be an open electronic platform ensuring intelligent and secure exchange of information between government authorities, port operators and port users for the purposes of management, optimisation and automation of port and logistics processes via one-off submission of data and connection to the transport and logistics chains.

## **TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 3. (Supplemented, SG No. 24/2004, repealed, SG No. 108/2006).

§ 4. (Repealed, SG No. 24/2004).

**§ 5.** This Act shall repeal the Republic of Bulgaria Maritime Space Act (promulgated in SG No. 55/1987; amended, SG No. 11/1998, No. 59/1998, No. 23/1999, No. 67/1999).

**§ 6.** In Article 16 of the State Property Act (promulgated, SG No. 44/1996; amended, SG No. 104/1996, Nos. 55, 61 and 117/1997, Nos. 93 and 124/1998, No. 67/1999) Paragraph 4 shall be added:

"(4) Single person companies with state property and natural and legal persons to whom concession has been granted under the respective procedure for objects pursuant to Article 4, Paragraph 1, item 6 of the Concessions Act, may rent out property or parts thereof, and use them jointly with third parties under a contract according to the provisions of Paragraph 2, without hindering the activities for which they have been granted."

**§ 7.** The following amendments and supplements shall be made to the Concessions Act (promulgated, SG No. 92/1995, No. 16/1996 - Decision No. 2/1996 of the Constitutional Court; amended, SG No. 44/1996, Nos. 61, and 123/1997, No. 93/1998, Nos 23, 56, 64 and 67/1999):

1. Article 4, Paragraph 1, item 6 shall be amended as follows:

"6. national roads, whole or technologically autonomous parts of ports for public transport and civil airports for public use, existing and/or which will be built the resources of the concessionaire, which are public state property. "

2. Article 25 shall be amended and supplemented as follows:

a) the existing text of Article 25 shall become Paragraph 1

b) Paragraph 2 shall be added:

"The revenues from granting and implementing of concessions on the objects under Article 4, Paragraph 1, item 6 and from the permits for activities under Article 5, item 4, shall be distributed as follows:

1. 85 percent - for the development and building of the national road and transport infrastructure;

2. 15 percent - for replenishing the fund for covering the costs related to concessions."

**§ 8.** The following amendments shall be made to the Civil Aviation Act (promulgated, SG No. 94/1972, amended, SG No. 30/1990, No. 16/1997 and No. 85/1998):

1. In Article 122c:

a) in Paragraph 3, item 2, after the words "safety of flights" the phrase "including for flight training of pilots taking the higher training course - state order" shall be added

b) Paragraph 4 shall be added:

"(4) The funds from the surplus of revenues over costs at the end of the calendar year shall remain for use during the following fiscal year, specifically for the purpose of financing the activities under this chapter."

2. Article 122e e shall be added:

"All the funds allocated from the budget of the Ministry of Transport and Communications under the procedure of this Chapter for financing the activity related to ensuring and maintenance of the flights safety, as well as the fees collected under Article 120, Paragraph 4, shall be exempt from taxes."

3. In § 4 of the Supplementary provisions, the words "as well as" shall be added after the words "when the loan is guaranteed by the Republic of Bulgaria".

§ 9. In § 4a of the Bulgarian State Railways Act (promulgated, SG No. 53/1995; supplemented, SG No. 85/1998; amended, SG No. 124/1998) the words "as well as" shall be added after the words "when the loan is guaranteed by the Republic of Bulgaria".

§ 10. In the Merchant Shipping Code (promulgated, SG Nos. 55 and 56/1970; amended, SG No. 58/1970; amended and supplemented, SG No. 55/1975, No. 10/1987, No. 30/1990) in the supplementary provision the words "as well as" shall be added after the words "when the loan is guaranteed by the Republic of Bulgaria".

ACT Amending and Supplementing the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(Promulgated, SG No. 24/2004)

.....  
Supplementary Provision

§ 73. Throughout the Act:

1. the words "vessel" and "vessels" shall be replaced respectively by "ship" and "ships";
2. the words "(the) port administration" shall be replaced by the Ports National Company.

Transitional and Concluding Provisions

§ 74. (1) The objects referred to in Article 106, Paragraph 1 which, as at the date of coming into force of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (15 February 2000), were included in the capital of single-shareholder commercial companies with state property, shall be public state property.

(2) The ministers exercising the rights of ownership of the state in the single-shareholder commercial companies referred to in Paragraph 1, within six months of the coming into force of this Act, shall take steps to reduce the capital of the companies with the value of the right of ownership of the object which are public state property.

(3) As at the date of coming into force of the decision for reduction of capital referred to in Paragraph 2, the Minister of Transport shall conclude contracts with the single-shareholder commercial companies for provision of the port services referred to in Article 116, Paragraph 1 and of the activities referred to in Article 116a, Paragraph 1. The contracts shall determine the rights and obligations of the parties in accordance with the provisions of this Act. The contracts shall have a limited term until the conclusion, pursuant to the legally provided procedure, of contracts for provision of port services and activities or for concession with an operator who won a tender.

§ 75. (1) The persons which, as at the date of coming into force of this Act, were not single-shareholder commercial companies with private property and have rights of ownership

over part of a terminal of a public transport port of national importance constituting a cargo storage zone, shall retain their ownership.

(2) The persons referred to in Paragraph 1 shall have the right, within six months of the coming into force of this Act, to make a request for concession granting. The Council of Ministers shall make a decision on that request within one year.

(3) Where the persons referred to in Paragraph 1 are granted a concession, they shall be obliged to provide the port service to third parties under the same conditions, under which they use it themselves.

(4) The persons referred to in Paragraph 1 shall be obliged to use the property - private property, only in compliance with their purpose for cargo storage at a public transport port, irrespective of the concession granted. Where necessary, the persons shall be obliged to establish a right for crossing their property.

(5) In case of non-performance of the obligation referred to in Paragraph 4, the Minister of Transport or an official authorised by him/her shall suspend the operation of such part of the terminal of the public transport port which constitutes a cargo storage zone and which is not used in compliance with its purpose.

(6) Where, as a result of the suspended operation referred to in Paragraph 5, a state need arises which cannot be satisfied otherwise, the property referred to in Paragraph 1 shall be condemned coercively, pursuant to the conditions and the procedure provided for by the State Property Act. The request for condemnation shall be made by the Minister of Transport.

§ 76. Within three months of the coming into force of this Act, the persons who are owners of ports referred to in Articles 107 - 109 and of public transport ports of regional importance shall declare their rights for inclusion in the port registers and shall provide evidence that the ports comply with the requirements for fitness for operation in accordance with the provision of Article 95, Paragraph 1 and with the current legislation.

§ 77. The provisions of Chapter Four, Section V "Port Administration" (Articles 113 - 115) shall be applied until 30 November 2004.

§ 78. (1) Until 30 November 2004 the activities, rights and obligations of the Ports National Company referred to in this Act shall be exercised by the Port Administration Executive Agency.

(2) Until 30 November 2004 the Port Administration Executive Agency shall perform the activities referred to in Article 112b, Paragraphs 1, 3 and 4, Article 112c and Article 112d.

(3) Until 30 November 2004 the Executive Director of the Port Administration Executive Agency shall conclude and monitor the implementation of the contracts referred to in Article 116a, Paragraph 3 and Article 117b, Paragraph 1.

(4) Until 30 November 2004 the Executive Director of the Port Administration Executive Agency shall conclude contracts with port operators for provision of the services referred to in Article 116, Paragraph 3, item 1.

§ 79. The revenue generated by the Port Administration Executive Agency until 1 December 2004 shall be revenue under the budget of the Ministry of Transport.

§ 80. (1) As of 1 December 2004 the Ports National Company shall take on the assets and liabilities, the rights and obligations of the Port Administration Executive Agency.

(2) The employment relations with the workers and the employees of the Port Administration Executive Agency shall be arranged pursuant to the conditions and the procedure provided for by Article 123 of the Labour Code.

(3) The service relations with the civil servants in the Port Administration Executive

Agency shall be arranged pursuant to the conditions and the procedure provided for by Article 87a of the Civil Servants Act.

§ 81. (Effective 1.12.2004) Until 1 January 2005 the Council of Ministers shall consign to the Ports National Company property - state property, for implementation of its object of activities.

§ 82. Within six months of the coming into force of this Act the Council of Ministers, the Minister of Transport and the Minister of Regional Development and Public Works shall adopt the acts of secondary legislation for its application.

§ 86. (1) Sections 45 - 54 (regarding Chapter Four, Section VI the Ports National Company) shall be applied as of 1 December 2004.

(2) Section 73, item 2, § 81 and § 83, item 2, letter "b" shall be applied as of 1 December 2004.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Telecommunications Act  
(SG No. 88/2005)

.....  
§ 49. Throughout the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated, SG No. 12/2000; amended, SG No. 111/2001, No. 24 and No. 70/2004, No. 11/2005; No. 45/2005 - Judgment No. 5/2005 of the Constitutional Court) the phrases "the Minister of Transport and Communications" and "the Ministry of Transport and Communications" shall be replaced respectively by the phrases "the Minister of Transport" and "the Ministry of Transport".

ACT Amending and Supplementing  
the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 104/2005, effective 27.12.2005)

#### ..... Supplementary Provision

§ 24. (Effective 1.01.2007) (1) The Port Infrastructure State Enterprise and the owners of public transport ports of regional importance shall inform the Port Administration Executive Agency for each case of exemption of a ship from payment of a charge referred to in Article 103c, Paragraph 4 and Article 103d, Paragraph 3.

(2) The Port Administration Executive Agency informs the European Commission about the cases referred to in paragraph 1.

#### Transitional and Concluding Provisions

§ 25. (1) The Port Infrastructure State Enterprise shall be the assignee of the Port Administration Executive Agency, established by Ordinance 124/2005 of the Council of Ministers (promulgated, SG No. 55/2005; amended, No. 96/2005), and shall take on the assets and liabilities, the rights and the obligations arising from its balance sheet as of the date of the entry into force of this Act, which relates to the object of the activities of the State Enterprise, determined in Article 115m, pursuant to an order by the Minister of Transport.

(2) The employment and service relations with the employees and the civil servants shall be arranged pursuant to the conditions and the procedure provided for in Article 123 of the Labour Code and Article 87a of the Civil Servants Act .

§ 26. (1) The Ports National Company shall be terminated without liquidation.

(2) The Port Infrastructure State Enterprise shall be the assignee of the Ports National Company.



.....  
§ 29. This Act shall enter into force on the date of its promulgation in the "State Gazette", with the exception of § 4 and 5, § 6 in its part "port reception facilities for waste - result from navigation", § 7 regarding Article 103c, paragraph 1, item 5 and paragraph 3 and Article 103d, § 9, § 10 regarding Article 110, Paragraph 2 in its part "port reception facilities for waste - result from navigation", § 16 regarding Article 115m, item 11, § 20 and 24, which shall enter into force on January 1st, 2007.

**ADDITIONAL PROVISIONS**

to the Act on the Amendment and Supplement of the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 54/2007)

§ 12. This Law transposes the requirements of Directive 2000/59/EC of the European Parliament and the Council regarding port-based receptacles for waste generated as a result of ship operation and of cargo leftovers; Directive 2002/59/EC of the European Parliament and the Council on the establishment of a Community system for the provision of monitoring and information services for shipping, and superseding Directive 93/75/EEC of the Council; Directive 2005/59/EC of the European Parliament and the Council regarding pollution from ships and the imposition of sanctions for violations; Framework Decision 2005/667/JHA of the Council on strengthening the jurisprudential framework for implementation of the laws against pollution from ships.

§ 13. The Maritime Administration Executive Agency, in conjunction with the competent authorities of the other EU member States, and in cooperation with the European Maritime Safety Organization, shall:

1. develop the necessary information systems for implementation of the provisions transposing Directive 2005/59/EC of the European Parliament and the Council regarding pollution from ships and the imposition of sanctions for violations and Directive 2000/59/EC of the European Parliament and the Council regarding port-based receptacles for waste generated as a result of ship operation and of cargo leftovers]

2. establish common practices, incl. for monitoring and timely detection of ships discharging pollutants in violation of the provisions transposing Directive 2005/59/EC of the European Parliament and the Council regarding pollution from ships and the imposition of sanctions for violations; as well as devise reliable methods of tracing pollutants, as well as methods for the effective implementation of the provisions of said Directive.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the Merchant Shipping Code  
(SG No. 71/2008)

§ 9. In the Maritime Space, Inland Waterways And Ports of the Republic of Bulgaria Act (promulgated, SG No. 12/2000, amended, SG No. 111/2001, SG Nos. 24 and 70/2004, SG No. 11/2005; Judgement No 5 of the Constitutional Court of 2005, SG No. 45/2005; amended, SG Nos. 87, 88, 94, 102 and 104/2005, SG No. 30, 36, 43, 65, 99 and 108/2006, SG No. 41, 54 and 109/2007 and SG No. 67/2008) shall be amended and supplemented as follows:

.....  
8. Throughout the Act, the words "the Executive Agency "port administration" shall be replaced by "Executive Agency "maritime administration".

.....  
§ 11. (1) The Maritime Administration Executive Agency shall assume the assets and

liabilities, the rights and obligations of the Port Administration Executive Agency.

(2) The employment relationships with the factory and office workers of the Port Administration Executive Agency shall be settled under the terms and according to the procedure established by Article 123 of the Labour Code.

(3) The civil service relationships with the civil servants of the Port Administration Executive Agency shall be settled under the terms and according to the procedure established by Article 87a of the Civil Servants Act.

§ 12. (1) The Port Infrastructure State Enterprise shall assume the assets and liabilities, the rights and obligations of the Maritime Administration Executive Agency related to performance of the functions referred to in Items 12 and 13 of Article 1151 [of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act].

(2) The employment relationships with the factory and office workers of the Maritime Administration Executive Agency, related to the performance of the functions referred to in Items 12 and 13 of Article 1151 [of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act], shall be settled under the terms and according to the procedure established by Article 123 of the Labour Code.

(3) The civil service relationships with the civil servants of the Maritime Administration Executive Agency, related to the performance of the functions referred to in Items 12 and 13 of Article 1151 [of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act], shall be settled under the terms and according to the procedure established by Article 87a of the Civil Servants Act.

§ 13. The provision of Item 6 of § 9 herein regarding Item 14 of Article 1151 [of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act] shall enter into force as from the 1st day of January 2009.

ACT on the Amendment and Supplement of the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 98/2008)

.....  
Supplementary Provision

§ 20. Everywhere in the Act the words "port reception facilities for waste - result of navigation" and "the port reception facilities for waste - result of navigation" shall be substituted by the words "port reception facilities" and "the port reception facilities" respectively.

Final Provisions

§ 21. In relation to the river ports the requirements for the existence of appropriate port reception facilities and for a plan for receiving and processing waste, including the system for determining the amount of the charges for receiving and processing waste shall apply as of 1 January 2013.

.....  
ADDITIONAL PROVISION

to the Act on Amendment and Supplement of the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 81/2009)

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

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the Ministry of Interior Act  
(SG No. 88/2010, effective 9.11.2010)

.....

§ 105. The following amendments and supplements shall be made to the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated, State Gazette No. 12/2000, amended, SG No. 111/2001, amended and supplemented, SG No. 24/2004, amended, SG No. 70/2004, amended and supplemented, SG No. 11/2005; amended, Judgment No. 5/2005 of the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005; supplemented, SG No. 87/2005, amended, SG No. 88/2005, supplemented, SG No. 94/2005, amended and supplemented, SG No. 102/2005, SG No. 104/2005, amended, SG No. 30/2006, SG No. 36/2006, amended and supplemented, SG No. 43/2006, amended, SG No. 65/2006, supplemented, SG No. 99/2006, amended, SG No. 108/2006, amended and supplemented, SG No. 41/2007, SG No. 54/2007, SG No. 109/2007, amended, SG No. 67/2008, amended and supplemented, SG No. 71/2008, SG No. 98/2008, amended, SG No. 108/2008, supplemented, SG No. 47/2009, amended and supplemented, SG No. 81/2009, amended, SG No. 61/2010):

.....

§ 117. The Act shall become effective from the day of its promulgation in the State Gazette, except § 1 - 23, § 25, § 27 - 30, § 32 - 34, § 40, § 41, § 43 - 55, § 63 - 89 and § 91 - 114, which shall become effective from 1.01.2011.

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**TRANSITIONAL AND FINAL PROVISIONS**

to the Act Amending and Supplementing the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 28/2013)

§ 59. The provisions of Articles 52a through 52d shall also apply to proceedings for permitting the drawing up and for adoption and approval of detailed spatial development plans, as well as for drawing up and approval of investment projects and for issue of construction permits for construction or extension of underwater linear facilities from the technical infrastructure within the internal sea waters and in the territorial sea which have been launched prior to the date of entry into force of this Act.

§ 60. (1) The provisions of Article 63, Paragraphs 3, 4 and 5 shall also apply to underwater linear facilities from the technical infrastructure on the seabed or its subsoil within the internal sea waters and the territorial sea completed prior to the date of entry into force of this Act.

(2) The persons operating facilities referred to in Paragraph 1 shall submit to the Maritime Administration Executive Agency the coordinates of their routes and safety zones within 6 months of the entry into force of this Act.

(3) The Maritime Administration Executive Agency shall take the necessary steps to announce in the Notice to Sea Farers the coordinates of routes and safety zones of the facilities referred to in Paragraph 1 within 9 months of the entry into force of this Act, where these have not been announced earlier.

(4) "Port Infrastructure" State Enterprise shall ensure the navigational safety of routes and safety zones of the facilities referred to in Paragraph 1 in cases where this is necessary, within three years of the entry into force of this Act.

§ 61. The provisions of Article 75, Paragraphs 2 through 6 shall also apply to proceedings for permitting the drawing up and for adoption and approval of detailed spatial development

plans, as well as for drawing up and approval of investment projects and for issue of construction permits for construction or extension of underwater linear facilities from the technical infrastructure in the Bulgarian section of the Danube River which have been launched prior to the date of entry into force of this Act.

§ 62. (1) The provisions of Article 84 shall also apply to underwater linear facilities from the technical infrastructure completed as at the date of entry into force of this Act on the riverbed and its subsoil in the Bulgarian section and in the coastal inundated areas of the Danube river.

(2) The persons operating the facilities referred to in Paragraph 1 shall submit to the Maritime Administration Executive Agency the coordinates of their routes and safety zones within 6 months of the entry into force of this Act.

(3) The Maritime Administration Executive Agency shall take the necessary steps to announce in the Notice to Ship Pilots the coordinates of routes and safety zones of the facilities referred to in Paragraph 1 within 9 months of the entry into force of this Act, where these have not been announced earlier.

(4) The Port Infrastructure State Enterprise shall ensure the navigational safety of routes and safety zones of the facilities referred to in Paragraph 1 in cases where this is necessary, within three years of the entry into force of this Act.

§ 63. The Council of Ministers and the respective ministers shall bring the secondary legislation in compliance with this Act within 6 months of its entry into force.

§ 64. (1) The Minister of Transport, Information Technology and Communications shall submit to the Council of Ministers a draft decision pursuant to Article 103a, Paragraph 2 within two years of the date of entry into force of this Act.

(2) Public transport facilities which have already been registered shall retain their status until the adoption of a decision pursuant to Article 103a, Paragraph 2.

(3) Within one month of adoption of the decision referred to in Article 103a, Paragraph 2 the Maritime Administration Executive Agency shall enter ex officio in the register of ports the data referred to in Article 92, Paragraph 5, items 3, 4, 9 and 10 concerning public transport facilities already registered at the date of entry into force of this Act.

§ 65. (1) The owners of ports referred to in Article 107 through 109 shall take the necessary steps and request entry into the register referred to in Article 92, Paragraph 4 of data concerning the territory and the aquatory of the respective port within two years of the date of entry into force of this Act.

(2) After expiry of the deadline referred to in Paragraph 1, the Maritime Administration Executive Agency shall erase ex officio a port referred to in Articles 107 through 109 for which entry of data referred to in Article 92, Paragraph 5, items 3 and 4 in the register of ports has not been requested.

§ 66. (1) The proceedings on applications for an investment initiative pursuant to Article 112b or Article 112d for which the interinstitutional expert council has not issued a decision as at the date of entry into force of this Act shall be suspended until the regulation referred to in Article 112a is brought into compliance with this Act.

(2) Draft master plans for public transport facilities which have already been submitted shall be brought into compliance with this Act and with the regulation referred to in Article 112a, Paragraph 6 within three months of the entry into force of the regulation.

§ 67. Proceedings for coordination of detailed spatial development plans pursuant to Article 112f which were begun prior to the entry into force of this Act shall be completed following the

currently existing procedure.

§ 68. The owners of specialised port facilities referred to Article 111a, Paragraph 1 and Article 111b, Paragraph 1 shall declare their rights to be recorded in the register referred to in Article 92, Paragraph 4 within one year of the date of entry into force of this Act.

§ 69. The first seven-year programme pursuant to Article 115s, Paragraph 1 shall be drafted for the period between 1 January 2014 and 31 December 2020.

§ 70. The persons referred to in Article 117b shall apply to be listed in the register of port operators within 6 months of the date of entry into force of this Act.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act  
(SG No. 66/2013, effective 26.07.2013)

.....  
§ 62. In the Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria (promulgated, SG No. 12/2000, amended, SG No. 111/2001, SG No. 24 and 70/2004, SG No. 11/2005; Decision No. 5 of the Constitutional Court from 2005 - SG No. 45/2005; amended, SG No. 87, 88, 94, 102 and 104/2005, SG No. 30, 36, 43, 65, 99 and 108/2006, SG No. 41, 54 and 109/2007, SG No. 67, 71, 98 and 108/2008, SG No. 47 and 81 of 2009, SG No. 61 and 88/2010, SG No. 23/2011, SG No. 32 and 53/2012, SG No. 15 and 28/2013) everywhere the words "the Minister of Regional Development and Public Works" and "Minister of Regional Development and Public Works" is replaced by "the Minister of Regional Development" and "Minister of Regional Development".

.....  
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act  
(SG No. 98/2014, effective 28.11.2014)

.....  
§ 62. In the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act (promulgated, State Gazette No. 12/2000, amended, SG No. 111/2001, Nos. 24 and 70/2004, No. 11/2005; Judgment No. 5/2005 of the Constitutional Court of the Republic of Bulgaria - SG No. 45/2005; supplemented, SG Nos. 87, 88, 94, 102 and 104/2005, Nos. 30, 36, 43, 65, 99 and 108/2006, Nos. 41, 54, and 109/2007, Nos. 67, 71, 98 and 108/2008, Nos. 47 and 81/2009, Nos. 61 and 88/2010, No. 23 of 2011, Nos. 32 and 53/2012, Nos. 15, 28, 66 and 109/2013; Judgment No. 3/2014 of the Constitutional Court of the Republic of Bulgaria - SG No. 24/2014) everywhere in the text the words "Minister of Regional Development" shall be replaced by "Minister of Regional Development and Public Works".

.....  
ACT to Amending and Supplementing the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 28/2018)

.....  
Supplementary Provision

§ 42. This act introduces the requirements of Directive 89/2014/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ, L 257/135, 28 August 2014).

Transitional and Final Provisions

§ 47. The Council of Ministers shall adopt the National Search and Rescue Plan within 9 months of the entry into force of this act.

§ 48. (1) Within one month from the date of entry into force of this Act, the Minister of Regional Development and Public Works shall issue the regulations under Article 51b, Paragraph 3.

(2) Within 7 days of the issue of the rules referred to in Article 51b, Paragraph 3 the Minister of Regional Development and Public Works shall send to the European Commission the information referred to in § 1e, Paragraph 1 of the supplementary provisions.

§ 49. (1) The Council of Ministers shall adopt the Maritime Spatial Plan of the Republic of Bulgaria no later than 31 March 2021.

(2) The requirement for compliance with the Maritime Spatial Plan of the Republic of Bulgaria shall not apply to draft detailed spatial development plans referred to in Article 52b, Paragraph 1, the special detailed spatial development plans referred to in Article 112e, Paragraph 1 and the special blueprints referred to in Article 22, Paragraph 1 of the Black Sea Coast Development Act submitted prior to its adoption.

§ 50. (1) The Minister of Transport, Information Technology and Communications shall submit to the Council of Ministers a draft resolution pursuant to Article 103a, Paragraph 2 within two years of the date of entry into force of this Act.

(2) Within one month of adoption of the decision referred to in Paragraph 1 the Maritime Administration Executive Agency shall register ex officio in the Register of ports the data referred to in Article 92, Paragraph 5, items 3, 4, 9 and 10 for the relevant port.

§ 51. (1) Within 6 months of the date of entry into force of this Act the Minister of Transport, Information Technology and Communications shall conduct a coordination procedure for the draft parcelling plans of the aquatories of existing ports referred to in Articles 107 – 109 submitted to the Maritime Administration Executive Agency by 23 March 2015.

(2) The drafts coordinated in accordance with Paragraph 1, accompanied by an excerpt blueprint from the current detailed spatial development plan for the port territory, shall be sent ex officio to the Minister of Regional Development and Public Works for adoption and approval. In these cases, Article 112e, Paragraph 4 shall not apply.

§ 52. (1) The owners of specialised port facilities referred to Article 111a, Paragraph 1 and Article 111b, Paragraph 1 shall declare their rights to be recorded in the register referred to in Article 92, Paragraph 4 within one year of the date of entry into force of this Act.

(2) The application referred to in Paragraph 1 shall be accompanied by a draft special detailed spatial development plan under Article 112e, Paragraph 3 reflecting the existing situation.

(3) The Minister of Transport, Information Technology and Communications shall conduct the procedure for coordinating the draft special detailed spatial development plans referred to in Paragraph 2 and shall send them ex officio to the Minister of Regional Development and Public Works for adoption and approval. In these cases, Article 112e, Paragraph 4 shall not apply.

(4) The specialised port facility shall be listed in the register referred to in Article 92, Paragraph 4 within one month of the entry into force of the order issued by the Minister of Regional Development and Public Works for approval of the project referred to in Paragraph 2 and after issue of a certificate for fitness for operation.

§ 53. (1) The Minister of Transport, Information Technology and Communications shall issue the regulations referred to in Article 112q, Paragraph 5 and Article 116, Paragraph 4 within 4 months of the date of entry into force of this act.

(2) Until the regulation referred to in Article 116, Paragraph 4 is issued, the regulation pursuant to the repealed Paragraph 4 of Article 237 of the Merchant Shipping Code shall apply.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act amending and supplementing the Maritime Space,  
Inland Waterways and Ports of the Republic of Bulgaria Act  
(SG No. 104/2020)

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§ 53. (1) The Minister of Transport, Information Technology and Communications shall, on a proposal by the Executive Director of the Maritime Administration Executive Agency, issue an order to determine the borders of the aquatory, the territory and infrastructure of the ports referred to in Article 106a in accordance with the data listed in the register under Article 92, Paragraph 5 and with the master plans effective prior to the entry into force of this Act.

(2) The Minister of Transport, Information Technology and Communications or an official authorised thereby shall, within three months of the entry into force of this Act, re-issue ex-officio the certificates of operational suitability for the ports referred to in Article 106a.

§ 54. (1) Assessments and security plans for port areas approved prior to the entry into force of this Act shall remain effective as assessments and security plans for a port referred to in Article 106a.

(2) Assessments and security plans for ports approved prior to the entry into force of this Act shall remain effective as assessments and security plans for a port facility.

§ 55. (1) Until the entry into force of the decision of the Management Board of the Port Infrastructure State Enterprise regarding the structure and amount of the port charges under Article 103c, Paragraph 1 and Article 109a, Paragraph 3 in a port referred to in Article 106a, port charges in amounts determined under the currently existing procedure shall be levied.

(2) Until the approval of the waste reception and processing plans in the ports referred to in Article 106a, the existing waste reception and processing plans approved prior to the entry into force of this Act shall apply, and charges in amounts determined under the currently existing procedure shall be levied.

(3) The waste reception and processing plans for public transport ports to which Regulation (EU) 2017/352 does not apply shall remain effective.

(4) Paragraph 3 shall not apply where, as at the entry into force of this Act, changes have occurred to the circumstances in which the waste reception and processing plans were approved.

§ 56. (1) Within 6 months of the entry into force of this Act, the Port Infrastructure State Enterprise shall submit the application referred to in Article 112a1, Paragraph 1, item 1 for elaboration and approval of a master plan for the ports referred to in Article 106a.

(2) The projections of the master plans referred to in Paragraph 1 with regard to the access infrastructure shall be aligned with the master plans for port terminals at a port referred to in Article 106a approved prior to the entry into force of this Act.

(3) Draft master plans envisaging a common infrastructure for access to a port referred to in Article 106a which have been submitted but not approved prior to the entry into force of this Act shall be approved as master plans for port terminals at a port referred to in Article 106a. Their projections with regard to the access infrastructure shall be applied until the approval of the master plan of the port referred to in Article 106a.

(4) Authorisations for elaboration of draft master plans which have been granted prior to the entry into force of this Act and which envisage common access infrastructure with terminals from a port referred to in Article 106a shall remain effective. Draft master plans elaborated in

accordance with such authorisations shall be approved pursuant to Paragraph 3.

§ 57. (1) Coastal protection and coastal reinforcement hydrotechnical facilities built before 2 April 2018 along the Black Sea Coast in the estuaries of rivers flowing into the Black Sea used for navigation, and in the Bulgarian section of the Danube, which have been designed and built in such a way as to ensure the safe docking and temporary stay of ships, may be listed in the register under Article 92, Paragraph 4 as specialised port facilities under Article 111a, Paragraph 1 or Article 111b, Paragraph 1.

(2) The application for listing shall be accompanied by the draft of a special detailed spatial development plan under Article 112e, Paragraph 3 reflecting the existing situation.

(3) The Minister of Transport, Information Technology and Communications shall conduct the procedure for coordinating the draft of a special detailed spatial development plan referred to in Paragraph 2 and shall send it ex officio to the Minister of Regional Development and Public Works for adoption and approval. In these cases, Article 112e, Paragraph 5 shall not apply.

(4) The specialised port facility shall be listed in the register referred to in Article 92, Paragraph 4 within one month of the entry into force of the order issued by the Minister of Regional Development and Public Works for approval of the project referred to in Paragraph 2 and after issue of a certificate of operational suitability.

§ 58. Paragraph 13 regarding Article 106c, Paragraph 2, § 15 regarding Article 109c, and § 38, item 2 shall enter into force on 01 January 2021.

#### **Appendix No. 1**

to Article 103a, Paragraph 1, Item 1

(New, SG No. 24/2004, amended, SG No. 43/2006, supplemented, SG No. 54/2007, amended, SG No. 108/2008, supplemented, SG No. 47/2009, repealed, SG No. 28/2013)

#### **Appendix No. 2**

to Article 103a, Paragraph 1, Item 2

(New, SG No. 24/2004, supplemented, SG No. 104/2005, effective 27.12.2005, SG No. 43/2006, amended, SG No. 54/2007, supplemented, SG No. 47/2009, repealed, SG No. 28/2013)