

Maritime Space, Inland Waterways and Ports Act of the Republic of Bulgaria
28 January 2000(1)

CHAPTER ONE
GENERAL PROVISIONS

Article 1

- (1) The present Act establishes the legal regime of the maritime space, inland waterways and ports of the Republic of Bulgaria.
- (2) In the maritime space and inland waterways and in the ports, the Republic of Bulgaria shall exercise sovereignty, certain sovereign rights, jurisdiction and control in conformity with the generally agreed principles and standards of international law and the international agreements to which the Republic of Bulgaria is a party.

Article 2

The present Act aims at ensuring the use of the Black Sea and the river Danube in the interests of cooperation of countries of the Black Sea, the Danube and other countries, facilitating the sea and river connections, providing for the safety of navigation, protection of the marine and river environment during navigation and maintaining the ecological balance.

Article 3

The control over the observance of the legal regime in the maritime space, the inland waterways and the country's ports shall be performed in accordance with the provisions of the present Act.

Article 4

- (1) The ports and roadsteads closed to visits by foreign vessels shall be established by a decision of the Council of Ministers and shall be announced in a "Notice to Mariners".
- (2) The ports and roadsteads not included in paragraph 1 are open.

CHAPTER TWO

MARITIME SPACE OF THE REPUBLIC OF BULGARIA

Part I

General provisions

Article 5

- (1) The maritime space of the Republic of Bulgaria shall comprise the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone.
- (2) The internal waters and the territorial sea, as well as the airspace above them, their seabed and the subsoil shall be part of the territory of the Republic of Bulgaria, over which it exercises its sovereignty.
- (3) The Republic of Bulgaria shall exercise sovereign rights, jurisdiction and control, as defined by the present Act, over the contiguous zone, the continental shelf and the exclusive economic zone.
- (4) The navigation and the frontier regime for Bulgarian and foreign yachts, boats and other sports, tourist and pleasure craft in the internal waters and in the territorial sea shall be determined by the Council of Ministers.
- (5) Assistance to vessels and persons in distress in the maritime spaces of the Republic of Bulgaria shall be rendered in accordance with the conditions and procedures established by the Ministry of Transport and Communications.
- (6) Where there is a danger to human life or a threat of obstruction to navigation, the Harbour Master may require all nearby vessels to provide assistance.

Part II

Internal waters

Article 6

The internal waters of the Republic of Bulgaria shall comprise:

1. The waters between the coast 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 anchorages, hydro-technical installations and other permanent harbour works;
3. The waters of:
 - (a) Varna Bay between the coastline and the straight line joining Cape St. Konstantine and Cape Ilandjik;
 - (b) Bourgas Bay between the coastline and the straight line joining Cape Emine and Cape Maslen Nos;

4. The waters between the coastline and the straight baselines joining Cape Kaliakra and Cape Touzlata, Cape Touzlata and Cape Ekrene and Cape Maslen Nos and Cape Rohi.

Article 7

A foreign vessel operated for commercial or humanitarian purposes may freely enter the internal waters and visit the open ports and roadsteads.

Article 8

(1) A foreign warship or submarine may enter the internal waters and may visit with a peaceful (non-military) purpose the open ports and roadsteads upon authorization by the Council of Ministers, unless otherwise agreed between the Republic of Bulgaria and the flag State.

(2) The authorization shall be requested at least 30 days in advance in the case of vessels of the Black Sea coastal States and 45 days in advance in the case of vessels of other States, unless otherwise agreed between the Republic of Bulgaria and the flag State.

Article 9

A foreign government vessel operated for non-commercial purposes may enter the internal waters and may visit the open ports and roadsteads upon authorization by the Council of Ministers; such authorization shall be requested at least 30 days in advance, unless otherwise agreed between the Republic of Bulgaria and the flag State.

Article 10

(1) A foreign vessel fitted by nuclear-powered equipment may enter the internal waters and may visit the open ports and roadsteads in accordance with the provisions of article 8.

(2) Before the vessel proceeds for the port area, the competent authorities shall carry out an inspection of its safety records, a dosimeter inspection and other inspections relating to the protection of the environment. The place of the inspections shall be determined by the marine administration with the Minister of Transportation and Communications.

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

(4) In case the inspection reveals that the presence of the ship may have dangerous consequences, the marine administration, with the Minister of Transportation and Communications, shall order the vessel to leave the internal 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 to 4 shall also apply to vessels carrying nuclear and radioactive hazardous substances.

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

Article 11

(1) A foreign warship powered by nuclear engines or carrying nuclear armament may enter the internal waters and may visit the open ports and roadsteads in accordance with the order and provisions of article 8. The inspection of the vessel's safety records, the dosimeter control and other inspections relating to the protection of the

environment shall be carried out by the authorities of the Ministry of Defence at a place determined by them.

(2) The provisions of article 10, paragraphs 3 and 4, shall also apply to a 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 authorities of the Ministry of Defence.

Article 12

The Council of Ministers shall determine the order for visiting and remaining in port of foreign warships or submarines, foreign government vessels operated for non-commercial purposes, foreign non-military vessels fitted with nuclear-powered equipment, vessels carrying radioactive substances and also of warships fitted with nuclear-powered equipment.

Article 13

Prior authorization for entry into the internal waters or the ports is not required in the following cases:

1. For an official visit, when a head of State or Government or an official of the Ministry of Foreign Affairs is on board the vessel as well as the ships escorting it;
2. When the vessel is damaged, for sheltering from a storm or because of other instances of force majeure, in which case the Master of the ship shall report immediately and by all possible means to the Harbour Master, whose instructions he shall follow.

Article 14

Foreign warships and vessels, referred to in article 13, shall be exempted from taxes while visiting ports, except for services rendered.

Article 15

- (1) Foreign vessels lying in the internal waters, in ports and roadsteads shall be prohibited from using radio navigational aids, hydro-acoustic and radio communication equipment, electronic and optical surveillance systems, except for the purpose of ensuring the safety of navigation and when riding an anchor. They may use their VHF radio stations only for communication with the port authorities or with an authorized long-distance operator.
- (2) Vessels equipped with mobile earth stations of the satellite telecommunications systems may use them on the basis of the principle of reciprocity during their stay in the internal waters and in the territorial sea.

Part III Territorial sea

Article 16

- (1) The territorial sea of the Republic of Bulgaria comprises the belt of sea adjacent to the coast and the internal waters having a breadth of 12 nautical miles measured from the baselines.
- (2) The baselines are the lowest low-water line along the coast or the straight baselines joining the two outermost points of the bays and the 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 sea coast.

Article 18

The outer and lateral limits of the territorial sea shall constitute the State boundary of the Republic of Bulgaria.

Article 19

- (1) Vessels of all States shall enjoy the right of innocent passage through the territorial sea in accordance with the provisions of the present Act and of international law.
- (2) The right of innocent passage shall be exercised for the purpose of traversing the territorial sea without entering internal waters, for the purpose of proceeding to internal waters or for the purpose of proceeding therefrom. The vessel shall sail without stopping through the zones open for navigation at a speed not less than the speed normal for the type of vessel in question and shall use the established sea lanes, traffic separation schemes, fairways and recommended waterways without disturbing the peace and good order or breaching the security of the country.
- (3) During the innocent passage, stopping or anchoring shall not be authorized, save in case of navigational needs, damage, distress, force majeure or for the purpose of rendering assistance to people, vessels or aircraft.
- (4) When entering, leaving or navigating in the territorial sea, vessels shall observe the reporting and traffic control system.

Article 20

- (1) The passage of a foreign vessel through the territorial sea shall be prejudicial to the peace, good order and security of the country when the foreign vessel commits one of the following actions:
 1. Any threat of force or use of force against the sovereignty, territorial integrity or political independence of the Republic of Bulgaria in violation of the principles of international law embodied in the Charter of the United Nations;
 2. Any exercises or practices with weapons of any kind;
 3. Any act aimed at collecting information to the prejudice of the defence or security of this country;
 4. Any act of propaganda to the prejudice of the interests of this country's defence or security;
 5. The launching, landing or taking on board of any aircraft;
 6. The launching in the air, landing or taking on board or unloading of any military equipment;
 7. The loading or unloading of any commodity, currency or persons contrary to the customs, fiscal, immigration or sanitary regulations;
 8. Any pollution of the marine environment in violation of international standards;
 9. Any fishing activities;
 10. Any scientific research or hydrographic survey activities;
 11. Any act which may interfere with the operation of systems of communication or of radio-electronic or other facilities or installations of this country;
 12. Any other activity not having a direct bearing on passage of the vessel.

(2) Acts falling under paragraph 1, subparagraphs 2, 5, 6, 9, 10 and 12, shall not be deemed as prejudicial to the peace, good order or security, if due permission has been obtained.

Article 21

A foreign vessel shall be exempted from charges relating to passage through the territorial sea except charges as payment for services rendered to the vessel.

Article 22

In the interest of the security of this country, including the conduct of weapons exercises, the Minister of Defence in coordination with the Minister of Transport and Communications and the Minister of Internal Affairs may temporarily suspend innocent passage in certain areas of the territorial sea and prohibit navigation in certain areas of the internal waters. These measures shall be published in a "Notice to Mariners".

Article 23

(1) A foreign vessel during its innocent passage through the territorial sea and during its stay in the internal waters, ports and roadsteads shall respect the navigational requirements, the immigration, customs, financial, sanitary, phytosanitary, veterinary and port regulations, as well as any regulations relating to the protection of the environment.

(2) During its innocent passage through the territorial sea and during its stay in the internal waters, a foreign vessel shall fly the flag of its State; vessels other than warships shall also fly the flag of the Republic of Bulgaria.

(3) In the territorial sea and in the internal waters, a foreign vessel is forbidden to:

1. Use its boats, save in the case of distress for the purpose of searching for and rescuing people;
2. Carry out scuba-diving and underwater activities;
3. Keep its fishing gear in working position;
4. Transmit sound or light signals other than those established by the international rules for the prevention of collisions at sea;
5. Intentionally beach or scuttle;
6. Carry out activities which might cause damage to cables, pipelines or any kind of installations and structures related to navigation and the exploitation of marine resources.

Article 24

Foreign vessels fitted by nuclear-powered equipment and vessels carrying nuclear, radioactive, toxic or other dangerous substances shall, when passing through the territorial sea, carry documents and observe precautionary measures established for such vessels by the relevant international agreements.

Article 25

(1) In the territorial sea and in the internal waters, foreign submarines shall navigate on the surface only.

(2) A foreign submarine navigating in a submerged position shall be forced to surface. In the case of damage preventing it from navigating on the surface, the submarine shall signal that by all possible means.

Article 26

A foreign ship passing through the territorial sea may use only those means for radio communication which ensure radio contact with the Bulgarian coastal stations, and shall use radio-navigational, hydro-acoustic, optical, electronic and other equipment solely for navigational purposes.

Article 27

Diving and any other underwater activity in the territorial sea and in the internal waters shall be carried out in accordance with the procedures established by the Minister of Defence, the Minister of Internal Affairs and the Minister of Transport and Communications.

Article 28

A foreign ship which had to stop or anchor due to distress or force majeure shall immediately and by all possible means report this to the Harbour Master of the nearest port.

Article 29

- (1) Protection of the maritime boundary of the State and the control of compliance with the border regime in the territorial sea and the internal waters shall be carried out by the authorities of the Ministry of Internal Affairs.
- (2) The regime governing navigation in the internal waters and the territorial sea shall be established by the Minister of Transport and Communications and shall be consistent with the requirements of national security of the country.

Article 30

- (1) Within their competences, the authorities of the Ministry of Internal Affairs, the Ministry of Defence and the Ministry of Transport and Communications shall, in respect of a foreign non-military ship within the internal waters or the territorial sea, have the right to:
 1. Require it to fly the flag of its State;
 2. Request appropriate information if a violation of the rules of innocent passage is suspected;
 3. Recommend to the ship a change of its course, if it is heading to a zone closed to navigation;
 4. Stop the ship and inspect it or detain it if the ship fails to acknowledge a request or violates the provisions of article 19, paragraph 2, articles 23 and 24 or if provision is made for such measures in an international agreement to which the Republic of Bulgaria is a party;
 5. Stop the ship and detain it in the cases provided for in article 31, paragraphs 3 and 4;
 6. Disembark and detain the persons guilty of a crime specified in article 32, and hand them over to the investigating authorities, notifying the public prosecutor within 24 hours.
- (2) If a foreign non-military ship refuses to stop or resists detention, or resorts to violent actions, the authorities of the Ministry of Internal Affairs and of the Ministry of Defence may take appropriate coercive measures, including the use of arms and weapons.

Article 31

- (1) The Bulgarian legislation shall be applicable and the Bulgarian courts shall have competence over disputes in cases of damage caused by unlawful acts occurring in the internal waters and the territorial sea, as well as in the

case of damage resulting from violation of the rights and jurisdiction of the Republic of Bulgaria in the contiguous zone, in the continental shelf and in the exclusive economic zone.

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

(3) In respect to a foreign non-military ship which is in the internal waters, rides anchor in the territorial sea or is passing through it after leaving the internal waters, actions can be undertaken for satisfying a claim or an execution levied against it.

(4) Actions can be undertaken for satisfying a claim or an execution against a foreign non-military ship passing through the territorial sea only in respect to the ship's liabilities incurred during its passage through the territorial sea, as well as for damages under paragraph 1.

Article 32

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

1. A crime committed by a Bulgarian citizen;
2. A crime disturbing the peace of this country or the good order in the territorial sea;
3. An offence of general nature which is prejudicial to the interests of the Republic of Bulgaria or of a Bulgarian citizen;
4. Smuggling of narcotics, 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 waters. This jurisdiction shall extend to the ship even after it leaves the internal waters and enters 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, carry out a preliminary investigation and take coercive 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

When criminal proceedings are initiated in the cases under article 32, paragraph 1, as well as when an investigation is opened under the terms of article 33, the diplomatic agent or the consular officer of the flag State shall be notified, upon the request of the Master of the ship.

Article 35

A foreign warship or a foreign government ship operated for non-commercial purposes which during its stay in the internal waters or in the territorial sea violates the present Act or another normative instrument and disregards any request for compliance which is made to it, shall be required to leave the internal waters and the territorial sea immediately.

Article 36

The flag State shall be liable for compensation for damages caused by a foreign warship or a foreign government ship operated for non-commercial purposes during its passage through the territorial sea or during its stay in the internal waters.

Part 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

In the contiguous zone, the Republic of Bulgaria shall exercise the control necessary to prevent the infringement of its customs, financial, immigration and sanitary regulations within its territory, including the territorial sea, and shall have jurisdiction to punish any person who infringes these regulations.

Article 39

In case there is information that a foreign non-military ship which is in the contiguous zone has violated or intends to violate the provisions of article 38, the authorities of the Ministry of Internal Affairs and the Ministry of Defence shall have the right to stop the ship, carry out an inspection and take the necessary measures for preventing the violation or detain the ship with a view to prosecuting the guilty persons.

Part V Continental shelf

Article 40

The continental shelf of the Republic of Bulgaria comprises the seabed and the subsoil of the submarine area that constitutes a natural extension of the land territory and extends beyond the territorial sea up to the lines of delimitation of the continental shelf with States with adjacent and opposite coasts.

Article 41

The outer limits of the continental shelf shall be established by agreement with the neighbouring States with adjacent and opposite coasts in the Black Sea on the basis of international law, in order to achieve an equitable solution.

Article 42

(1) The Republic of Bulgaria shall exercise over the continental shelf sovereign rights for the purposes of prospecting, exploration, development, exploitation, protection and management of its natural resources, which

include: the energy resources, mineral and other non-living resources of the seabed and subsoil as well as the living organisms belonging to sedentary species.

- (2) The Republic of Bulgaria shall have exclusive rights over the continental shelf to:
1. Execute, authorize and regulate drilling works irrespective of their purpose;
 2. Construct, authorize the construction and regulate the operation and use of artificial islands, installations and structures which are under its jurisdiction.

Article 43

- (1) The laying of cables and pipelines on the continental shelf by other States can be carried out provided this does not cause prejudice to the Bulgarian interests related to the exploration, development and exploitation of the natural resources of the shelf and to the protection of the marine environment.
- (2) The delineation of the course of the cables and pipelines shall be determined by an agreement between the Republic of Bulgaria and the State concerned.

Article 44

- (1) In case there is information that a foreign non-military ship, within the limits of the continental shelf, has violated or intends to violate the sovereign rights and jurisdiction of the Republic of Bulgaria, the authorities of the Ministry of the Internal Affairs, the Ministry of Defence and of the Ministry of Transport shall take the necessary measures to prevent or stop the violation. They may carry out an inspection on board and detain the ship in order to prosecute the guilty persons.
- (2) When measures are being taken under paragraph 1, the diplomatic agent or the consular officer of the flag State shall be duly notified thereof.

Part VI

Exclusive economic zone

Article 45

The exclusive economic zone of the Republic of Bulgaria extends 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 outer limits of the exclusive economic zone shall be established by agreement with the neighbouring States with adjacent and opposite coasts on the basis of international law, in order to achieve an equitable solution.

Article 47

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

1. Sovereign rights for the purpose of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the seabed, its subsoil and the superjacent waters, as well as with regard to other activities relating to the exploration and exploitation of the zone;

2. Exclusive rights and its jurisdiction with regard to:
 - (a) The establishment and use of artificial islands, installations and structures;
 - (b) The conduct of marine scientific research;
 - (c) The protection of the marine environment;
3. Other rights, provided for in international agreements, to which the Republic of Bulgaria is a party, and in the generally agreed principles and rules of international law.

Article 48

In the exclusive economic zone, all States shall enjoy the freedom of navigation, overflight, laying of cables and pipelines and other internationally lawful uses of the sea related to these freedoms.

Article 49

- (1) In the exclusive economic zone, a foreign ship shall not engage in commercial fishing save on the basis of an agreement between the Republic of Bulgaria and the flag State.
- (2) While passing through the exclusive economic zone, a foreign fishing ship shall not maintain its fishing gear in working position.

Article 50

In case there is information that, within the limits of the exclusive economic zone, a foreign non-military ship has violated or intends to violate the sovereign rights and jurisdiction of the Republic of Bulgaria, the provisions of article 44 shall be applied accordingly.

Article 51

The control of the compliance with the regime of the exclusive economic zone shall be carried out in accordance with the regulations and following the procedures established by the Council of Ministers.

Part VII

Use of the maritime space and protection of the marine environment

Article 52

- (1) Special rights for use of the continental shelf and the exclusive economic zone for the purposes of exploring, developing, exploiting, protecting and managing the living, mineral and power resources shall be granted under the provisions of the Concessions Law and the Mineral Resources Act.
- (2) Scientific research on the continental shelf and in the exclusive economic zone is conducted under a permit issued by the Council of Ministers in conformity with the provisions of and under the conditions set forth in the United Nations Convention on the Law of the Sea. The permit is to be granted if the research is to be carried out exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment, conducted with safe methods and without interfering with the exercise by the country of its sovereign rights and jurisdiction.

(3) Applicants for a science research permit shall provide, through official channels, a full description of the character, objectives and geographical area in which the project is to be conducted, the method and means to be used as well as any other necessary information.

(4) The Council of Minister may deny the permit if:

1. The scientific research is of direct significance for the exploration and exploitation of the natural resources of the continental shelf and the exclusive economic zone;
2. The scientific research involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
3. The scientific research involves the construction, operation or use of artificial islands, installations and structures;
4. The communicated information is inaccurate or if there are outstanding obligations from prior permits.

Article 53

(1) Any discharge, disposal and dumping of solid or liquid wastes and of other substances, harmful to human health or to the marine living resources, as well as any other pollution of the marine environment in the internal waters and in the territorial sea from ships, aircraft, platforms and other artificial facilities and from land-based sources of any kind shall be prohibited, except in compliance with rules contained in international conventions ratified by the Republic of Bulgaria and in its national legislation.

(2) Any pollution of the marine environment in the exclusive economic zone which may cause prejudice to 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 prohibited.

(3) The discharge of sewage water from land-based sources shall be regulated by the Waters Act.

Article 54

(1) In case there are serious grounds for believing that a non-military ship, passing through the internal waters, the territorial sea or the exclusive economic zone has violated the provisions of the present Act, of another normative act or the provisions of an international agreement concerning the prevention of pollution of the marine environment, the Marine Administration of the Ministry of Transport and Communications and the regional offices of the Ministry of Environment and Waters shall have the right to take appropriate measures, including:

1. Requesting the Master of the ship to provide the necessary information in order to find out whether a violation has been committed;
2. Inspecting the ship, if they consider the information to be inadequate;
3. Taking samples from the vessel and the cargo;
4. Detaining the ship to determine appropriate responsibility.

(2) When necessary, the authorities referred to in paragraph 1 may request the collaboration of the Ministry of Internal Affairs, the Ministry of Defence or of another competent State authority.

Article 55

(1) In the event of pollution of the marine environment in the internal waters, the territorial sea or the exclusive

economic zone of another State, the Republic of Bulgaria shall provide, upon the request of that State, legal assistance involving interrogation of persons, inspection of the documents or the technical condition of the ship, as well as taking samples from the ship responsible for the pollution and from its cargo, when the ship is lying in a port or in the internal waters of the country. Such assistance shall also be provided at the request of the flag State.

(2) The legal assistance referred to in paragraph 1 shall be provided on the condition of reciprocity.

Article 56

In the event of a breakdown, damage or other maritime accident in the maritime space of the country which constitutes a danger of pollution of the marine environment or of the coastline, or which may cause prejudice to any interests related thereto, the Ministry of Transport and Communications in collaboration with the authorities and organizations concerned shall take all necessary measures to prevent, reduce and eliminate the danger.

Article 57

The Marine Administration shall prohibit the departure of a vessel lying in the internal waters, in a port or a roadstead if the technical condition of the vessel or the crew activities do not ensure compliance with the regulations and standards adopted by the Republic of Bulgaria for the prevention and reduction of the pollution of the marine environment, or its technical condition and documents do not satisfy the requirements.

Article 58

(1) In the event of the carrying out of exploration work, drilling and other activities relating to the development and exploitation of the natural resources in the maritime space of the Republic of Bulgaria, the Ministry of Transport and Communications together with the Ministry of Environment and Waters shall control the compliance with the required measures for the prevention of accidents, discharge of oil and other pollutants, as well as of the timely elimination of their effects.

(2) The Ministry of Environment and Waters, through its specialized authorities, shall control the land-based sources of pollution.

Article 59

When there exists a real danger that the pollution in the maritime space of the country might spread into the waters of another Black Sea State, the latter shall be notified thereof through diplomatic channels.

Part VIII Safety of navigation

Article 60

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

Article 61

- (1) Safety of navigation in the internal waters and in the territorial sea, in ports and channels shall be ensured by the Ministry of Defence in coordination with the Ministry of Transport and Communications.
- (2) The measurements of the depth in the territorial sea and internal waters for cartographic purposes shall be performed only by the Hydrographic Service of the Navy.
- (3) Hydro-technical and navigational facilities may be built by other administrations with the authorization of the Ministry of Defence and the Ministry of Transport and Communications.

Article 62

Dumping of earth masses and sediments in the maritime space of this country shall be authorized solely in areas designated by the Ministry of Environment and Waters in coordination with the Ministry of Transport.

Article 63

- (1) Artificial islands, installations and facilities in the continental shelf and in the exclusive economic zone shall be built outside the established sea lanes of essential importance to international navigation. These 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 metres from their outer edge. These zones shall also include the water column from the sea surface to the seabed. They may extend further if their dimensions are in conformity with generally accepted international standards.
- (3) Natural or juridical persons operating installations which are no longer in use shall dismantle them and remove them from the area, as required to ensure the safety of navigation, within the time limit established by the port administration.
- (4) If facilities referred to in the paragraph above are not removed within the prescribed time limit, they shall be dismantled and removed by the port administration. The port administration has the right to seek compensation for its expenses from the persons who are responsible, according to general rules of law.

Article 64

Any changes in the navigational conditions in the internal waters and the territorial sea as well as in the exclusive economic zone in the cases provided for in article 63 shall be published in a "Notice to Mariners".

Article 65

- (1) In the search and rescue zone for which the Republic of Bulgaria is responsible, the Ministry of Transport and Communications shall maintain an organization for rendering assistance to individuals, vessels or aircraft in need or in distress.
- (2) The region referred to in paragraph 1 is to be estimated in accordance with the agreements signed with States with opposite or adjacent coasts.
- (3) The Marine Administration shall organize the activities of search and rescue, interactions with the forces

and means of the neighbouring countries and jointly with the Ministry of Defence carry out the search and rescue.

Part IX Right of pursuit

Article 66

A foreign non-military ship may be pursued and detained to determine appropriate responsibility if there is sufficient reason to consider that the vessel:

1. Has violated Bulgarian laws during its stay in the internal waters or the territorial sea;
2. Has committed or intends to commit a violation of the financial, customs, immigration and sanitary regulations 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 artificial islands and other facilities.

Article 67

- (1) The pursuit may be undertaken when the foreign ship or one of its boats is: within the internal waters or the territorial sea in violation of article 66, paragraph 1; within the contiguous zone in violation of article 66, paragraph 2; within the exclusive economic zone or in the continental shelf in violation of article 66, paragraph 3.
- (2) The pursuit shall be undertaken when the foreign ship does not obey the signal given to it to stop.
- (3) The right of pursuit shall be exercised by vessels or aircraft of the Ministry of Internal Affairs and of the Ministry of Defence or by other government vessels and aircraft authorized for the purpose and bearing the appropriate insignia. The pursuit shall continue until the ship pursued enters the territorial sea of its own or of another State.

Article 68

In accordance with the provisions of the present chapter, the detained ship may be escorted to the nearest Bulgarian port for the purposes of investigation and determination of responsibility.

Article 69

In case of unjustified detention of a foreign non-military ship outside the territorial sea, compensation shall be due for the damages incurred.

CHAPTER THREE

INLAND WATERWAYS OF THE REPUBLIC OF BULGARIA

Part I General provisions

Article 70

The inland waterways are the waters of the Republic of Bulgaria comprising the water area of the Danube, in the stretch between its right bank and the demarcation borderline between the Republic of Bulgaria and the Republic of Romania from kilometre 845,650 to kilometre 374,100.

Article 71

The protection of the river State boundary and the control over the observance of the boundary regime in the inland waterways shall be carried out by the authorities of the Ministry of Internal Affairs.

Article 72

- (1) A foreign vessel operated for a commercial or humanitarian purpose may freely pass along the inland waterways and call at the open ports and roadsteads.
- (2) No foreign warships of non-Danube countries shall be permitted to pass along the inland waterways.
- (3) A foreign warship of a Danube country may pass along the inland waterways and visit for a peaceful (non-military) purpose the open ports and roadsteads on the Danube with the permission of the Council of Ministers unless otherwise provided by an agreement between the Republic of Bulgaria and the flag State.
- (4) The permission under paragraph 3 shall be requested for at least 30 days before the visit for the vessels of Danube countries unless otherwise provided by an agreement between the Republic of Bulgaria and the flag State.
- (5) A foreign government vessel operated for a non-commercial purpose may pass along the inland waterways and call at the open ports and roadsteads on the Danube with the permission of the Council of Ministers, requested at least 30 days before the visit unless otherwise provided by an agreement between the Republic of Bulgaria and the flag State.
- (6) Any acts under article 20 shall be considered a violation of peaceful passage along the inland waterways.

Article 73

- (1) Foreign vessels passing along the inland waterways of the Republic of Bulgaria or lying in the ports and roadsteads are forbidden to use radio-navigational, hydro-acoustic and communication devices, or electronic and optical surveillance systems, except those ensuring the safety of navigation.
- (2) The use of VHF radio stations shall be permitted only for ensuring the safety of navigation and for

communicating with the authorities supervising shipping and with the port authorities.

- (3) Vessels equipped with mobile land stations of the satellite sea communication systems may use them under the principle of reciprocity.
- (4) Ships passing along the inland waterways of the Republic of Bulgaria shall not pay any taxes for passage.

Article 74

(1) The rivers, lakes, dams and canals which do not directly communicate with the Black Sea and the Danube shall not be considered inland waterways.

(2) The carriage of passengers and cargoes on the rivers, lakes, dams and canals, which do not directly communicate with the Black Sea and the Danube on board vessels for industrial, commercial, touristic, sports, scientific, fishing, pleasure and other purposes shall be performed under conditions and following the procedures established by the Minister of Transport and Communications.

Part II

Rights of the Republic of Bulgaria in the inland waterways

Article 75

Within the inland waterway areas the Republic of Bulgaria shall exercise:

1. Sovereignty when exploring, developing, exploiting, protecting and managing the living, mineral and energy resources lying on the river bed, the subsoil and the superjacent waters, as well as other activities connected with the exploration and exploitation of the said area;
2. Exclusive rights and jurisdiction related to:
 - (a) The construction and use of artificial islands, installations and hydro-technical facilities;
 - (b) Carrying out scientific research;
 - (c) Laying cables and pipelines;
 - (d) Protecting the river environment;
 - (e) Other rights granted by international agreements to which the Republic of Bulgaria is a party and by the generally accepted principles and standards of international law.

Article 76

- (1) The carriage of passengers and cargo between Bulgarian ports shall be performed by vessels sailing under a Bulgarian flag only.
- (2) The carriage of passengers and cargo between Bulgarian ports on board vessels sailing under a foreign flag shall be performed under conditions and following the procedures established by the Council of Ministers.

Part III
Conditions for the safety of navigation

Article 77

- (1) The Ministry of Transport and Communications shall organize the investigation and the observance of the conditions of navigation in the inland waterways of the Republic of Bulgaria in compliance with the standards adopted by the Danube Committee and with the European Agreement on Main Inland Waterways of International Importance (AGN).
- (2) The Ministry of Transport and Communications shall publish and transmit notices about the state of the navigational routes and the hydro-meteorological situation within the inland waterways.
- (3) Construction of hydro-technical facilities, dredging, extraction of inert materials and dumping of earth masses and sediment shall be carried out only upon coordination with the competent authorities of the Ministry of Transport and Communications, the Ministry of Regional Development and Urban Planning and the Ministry of Environment and Waters.

Article 78

- (1) Vessels passing along the inland waterways of the Republic of Bulgaria and carrying dangerous cargo shall be obliged to observe the standards prescribed by the Rules for the Carriage of Dangerous Cargo along Inland Waterways adopted by the Danube Commission and the European Economic Commission.
- (2) When entering the inland waterways of the Republic of Bulgaria, vessels carrying dangerous cargo shall be obliged to inform the Master of the nearest harbour about the quantity, stowage and type of dangerous cargo and about the port of discharge.
- (3) The ban under article 53 shall not apply to the discharge or disposal of wastes when the content of noxious substances is within the national standards for land-based sources and for the vessels envisaged in the Rules for Sailing in the Bulgarian Stretch of the Danube.

Article 79

Scuba-diving and any other underwater activities within the inland waterways shall be carried out according to the procedures established by the Minister of Defence, the Minister of Internal Affairs and the Minister of Transport and Communications.

Article 80

- (1) The laying of submarine or aerial cables and pipelines between the Republic of Bulgaria and the Republic of Romania shall be carried out on the basis of an agreement between the two countries.
- (2) Hydro-technical 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 the Republic of Romania.

Article 81

- (1) Rendering assistance to vessels and people in distress in the inland waterways of the Republic of Bulgaria shall be carried out under conditions and according to the procedures established by the Minister of Transport and Communications.
- (2) In case there exists a risk for the people or a threat of obstructing navigation along the inland waterways, the Harbour Master may include in the search and rescue operation any vessel in the vicinity.

Part IV Conditions for the safety of vessels

Article 82

- (1) Every vessel shall have a certificate for the right to sail under the flag of the State of registry.
- (2) The Minister of Transport and Communications shall issue regulations for the conditions and procedures for registration of Bulgarian vessels.

Article 83

Vessels sailing along the inland waterways of the Republic of Bulgaria shall satisfy the technical requirements for vessels of inland shipping, which shall be certified with the appropriate document.

Article 84

- (1) All vessels, irrespective of the flag they are flying, shall have the documents required by the Regulations for Sailing along the Danube, adopted by the Danube Commission and the European Economic Commission as well as other documents required by virtue of international agreements to which the Republic of Bulgaria is a party.
- (2) The ship's documents shall be carried on board and presented for inspection when requested by official representatives of the competent authorities.
- (3) The Minister of Transport and Communications shall issue regulations for the conditions and procedures for issuing documents to vessels flying the Bulgarian flag.

Article 85

- (1) Every vessel shall be manned with a crew which is sufficient in number and appropriately qualified who can ensure the safety of people, cargo and the voyage at any time.
- (2) The manning of non-military ships flying the Bulgarian flag and the number and qualifications of the crew shall be established by the Minister of Transport and Communications.

Part V
Supervision of navigation

Article 86

- (1) Supervision of navigation shall be carried out for the purpose of complying with the rules for sailing along the Danube, protection of the hydro-technical and port facilities and prevention of pollution of the Danube waters from ships sailing along the inland waterways of the Republic of Bulgaria.
- (2) Supervision shall be carried out without any prejudice to the flag the vessel is flying.

Article 87

- (1) Supervision of navigation shall be carried out by the Marine Administration with the Minister of Transport and Communications.
- (2) When performing their responsibilities the employees of the Marine Administration shall be governed by the Rules for River Surveillance on the Danube.

Article 88

In case of damage, average or any other accident within the inland waterways of the country which threatens to pollute the environment, the coast or impairs the interests related thereto, the Ministry of Transport and Communications in cooperation with the authorities and organizations concerned shall take all due measures for preventing, limiting and eliminating the danger.

Article 89

The Marine Administration shall prohibit the departure of a vessel on the Danube from a Danube port or roadstead if the technical condition of the vessel does not ensure the observance of the regulations and standards adopted by the Republic of Bulgaria for preventing and limiting the pollution of the marine environment, or if its technical condition and documents do not satisfy the requirements of the Rules for Sailing on the Danube and the Recommendations for the Technical Requirements for Inland Shipping.

Article 90

- (1) In the event of the carrying out of exploration work, drilling and other activities relating to the development and exploitation of the natural resources in the maritime space of the Republic of Bulgaria, the Ministry of Transport and Communications together with the Ministry of the Environment and Waters shall monitor the compliance with the necessary measures for the prevention of accidents and the discharge of oil and other pollutants, as well as for the timely elimination of their effects.
- (2) The Ministry of Environment and Waters shall monitor the land-based sources of pollution.

Article 91

- (1) When there exists a real danger that the pollution in the maritime space of the country might spread into the waters of another Black Sea State, the latter shall be notified thereof through diplomatic channels.

(2) Every Master of a vessel sailing within the inland waterways of the Republic of Bulgaria shall immediately inform by all possible means the Master of the nearest harbour about the pollution caused by the vessel, about deliberate discharge in order to save the lives of the people on board or about pollution discovered by him.

CHAPTER FOUR PORTS

Part I General provisions

Article 92

(1) Ports are areas of the Black Sea and the Danube coast and the islands therein, channels and the lakes naturally or artificially connected to them with water and land areas, water and land facilities, including facilities relating to marine, river and coastal environmental protection, which comprise natural and artificial structures for safe berthing, stay, handling of vessels and the carrying out of the activities envisaged in the present Act, under the control of Port Administrations. Ports connect the water spaces of the Republic of Bulgaria with land roads and railway transport.

(2) A port may comprise adjacent water areas and territories of one or more municipalities.

Article 93

Ports are for the following purposes:

1. Public transport, whether internal or international;
2. Fishery;
3. Yachting;
4. Technological;
5. Naval, including frontier and police (border patrol).

Article 94

(1) Natural and juridical persons that operate or own ports or port facilities shall provide the Ministry of Transport and Communications with statistical information about their activities under the conditions and following the procedures established by the Minister of Transport and Communications and the Chairperson of the National Statistics Institute.

(2) The information under paragraph 1 shall be for official use only.

Article 95

(1) The limits of the territory of the public transport ports shall be coordinated with the Minister of Regional Development and Urban Planning in the established way.

- (2) The limits of the territory of the naval ports shall be coordinated with the Minister of Defence.
- (3) The coordinates and the navigational charts of the water area shall be officially published.

Article 96

Ports and port facilities in the open ports shall be generally accessible and shall provide equal conditions to all vessels according to their purpose.

Article 97

- (1) No vessels shall sail in ports and roadsteads without flying the national ensign or a naval flag, and without a name or a number.
- (2) Manoeuvring in ports and roadsteads shall be carried out in compliance with the provisions of the International Rules for the Prevention of Collisions at Sea.

Article 98

The immigration, customs and sanitary regime, as well as the protection of ports, shall be established by the legislation in force.

Article 99

The procedures for visiting and staying of vessels in ports and roadsteads with a view to loading and discharging, and to the boarding and disembarking of the ship by the crew, passengers and other persons, as well as to providing communication between the ship and the shore, shall be established by the Minister of Transport and Communications.

Article 100

The allocation of land and water areas for carrying out construction works along the Black Sea and Danube coasts, as well as in the internal and territorial waters and in the areas of operation of the aids to navigation shall be carried out on the basis of the town plan or a building permit after coordination with the Minister of Defence, the Minister of Transport and Communications, the Minister of Regional Development and Urban Planning and the Minister of Agriculture, Forestry and Agrarian Reform.

Article 101

The general plan for building, reconstruction and expansion of ports and navigational facilities shall be coordinated by the town council of the municipality in whose territory the facility is situated, upon coordination with the Minister of Regional Development and Urban Planning, the Minister of Defence and the Minister of Internal Affairs and shall be approved by the Minister of Transport and Communications.

Article 102

The jurisdiction of the Port Administration shall extend over all ports irrespective of the type and form of ownership, with the exception of the naval ports.

Part II
Public transport ports

Article 103

- (1) A public transport port shall be considered any port, equipped for and enabling the carrying out of any activities related to cargo handling by and on vessels and means of land transport.
- (2) The public transport ports are: Port Balchic, Port Varna, Port Lesport-Varna, Port Ferryboat Varna, Port Petrol Varna, Port Burgas, Burgas Fishery Port, Port Sozopol, Port Pomorie, Port Tsarevo, Port Nessebar, Port Ahtopol, Port Vidin, Port Lom, Port Oriahovo, Russe, Port Somovit, Port Svishtov, Port Tutrakan, Port Silistra.
- (3) Public transport ports shall provide free access to vessels and means of land transport, bearing cargo, passengers and mail, for carrying out commercial activities and for ensuring the communication between the coast and the land.
- (4) In public transport ports, channel, tonnage and loadline quay charges shall be levied as determined by the Council of Ministers on the basis of a proposal by the Minister of Transport and Communications.
- (5) In public transport ports, light duties shall be levied to the extent and under an order established by the Council of Ministers on the basis of a proposal by the Minister of Transport and Communications and the Minister of Defence.

Article 104

- (1) The Minister of Transport and Communications shall establish the requirements for the operational fitness of ports.
- (2) The Port Administration shall have the right to suspend or restrict the operation of ports which do not satisfy the requirements and the order established by the regulation under paragraph 1.
- (3) The Port Administration shall issue mandatory conditions for setting up public transport ports in conformity with the requirements of the regulation under paragraph 1.

Article 105

Cargo loading, unloading and transfer operations and carriage of passengers on liners, of cargo and mail shall be performed only within the designated areas and by the designated facilities in public transport ports, save in cases of distress in the territorial sea or in other emergencies and cases of force majeure.

Article 106

The construction of cargo transfer facilities in the water at a distance offshore shall be allowed only if they are part of a public transport port at a location and in line with the requirements established by the Marine Administration.

Article 107

- (1) Port facilities, the land on which they are situated, the land under open and closed warehouses as well as the

adjacent water areas in public transport ports are public State property.

(2) An existing port that is not listed in article 103, paragraph 2, may obtain the statute of a public transport port in accordance with that law by decision of the Council of Ministers on application by the entities having property rights over it, following a change of article 103, paragraph 2.

(3) Public transport ports other than those referred to in article 103 may be built only on land which is public State property.

Article 108

Concessions on land, buildings and port facilities which are public State property shall be granted under the provisions of the Concessions Law.

Article 109

(1) By a decision of the Council of Ministers, a concession may be granted for an entire public transport port or for parts of it (terminals) with the facilities necessary for carrying out the complete technological process of cargo handling.

(2) The concession contract must contain clauses regulating the concessionaire's rights to use the terminal alone and the possibility for rendering services to other parties.

Part III

Other ports

Article 110

(1) A fishery port shall be considered any home port or berthing port, used by coastal fishing vessels, which does not handle cargo and deep-sea vessels carrying passengers and mail.

(2) A yachting port shall be considered any home or berthing port used by coastal and foreign-going yachts, intended for sports and pleasure programmes, not carrying passengers.

(3) A special-purpose port shall be considered any port or port facility which is technologically connected with the production process of the shipbuilding and ship repair yards and also of the specialized coastal enterprises for hydro-technical construction and protection of the environment, and which does not handle cargo, passengers and mail.

(4) Water bases may be built at locations designated by the established order, with the purpose of berthing and keeping fishing boats and sports and pleasure craft.

Article 111

A naval port, as well as a frontier and police port, or quay shall be considered any home or berthing port or quay used by warships or government ships and other vessels of the Ministry of Internal Affairs.

Article 112

(1) The type and purpose, as well as any changes in the type and purpose, of the ports shall be registered by the

Port Administration.

- (2) No activities and services other than those contained in the port's registration shall be allowed to be carried out.
- (3) The regime applied to warships shall also be applied to government ships and other vessels used by the Ministry of Internal Affairs.

Part IV Port Administration

Article 113

- (1) The Minister of Transport and Communications shall manage and control the operation of the ports in the Republic of Bulgaria.
- (2) The Minister of Transport and Communications shall exercise his authority through the Port Administration, established according to the State Administration Act as a legal entity funded by the budget, through the secondary redistributor of budget credits, based in Sofia and regional offices .

Article 114

- (1) The Port Administration shall:
 1. Provide for the security and safety of ports and maintain the level of the registered categories of ports and the standards of their performance of the functions stipulated by the State in compliance with international agreements, as well as resolve all problems of immediate public concern;
 2. Coordinate the management and maintenance of public transport ports;
 3. Keep a registry book of all ports in the Republic of Bulgaria;
 4. Open, maintain and keep a registry book containing data on the sites, buildings, port facilities, road and railway approaches, as well as underwater, underground and ground communications of the port infrastructure and substructure;
 5. Organize the maintenance of the existing approach channels and the building of new ones, port water areas, sea and river spoil grounds, protective structures, etc.;
 6. Assist the Minister of Transport and Communications in monitoring the performance of concession contracts;
 7. Keep a register of port operators;
 8. Give permissions for entry into ports;
 9. Monitor the observance of the safety requirements for port facilities, the safety of labour and the safe handling of cargo by staff qualified therefor;
 10. Provide conditions for implementing the regulations for wartime reserve preparation and civil defence in ports and for maintaining the border patrol;
 11. Monitor the observance of the requirements for free access and the application of equal competitive conditions for the operators of port activities;
 12. Collect, process and provide statistical information on ports;
 13. Collect canal duties, ship tonnage duties, load line quay duties and light duties;
 14. Develop mandatory requirements under article 104, paragraph 3;
 15. Publish mandatory requirements for the cargo handling facilities used therein and monitor the observance of

the technological rules for handling ships and cargo alongside and in roadsteads;

16. Supervise the observance of the regulations and prescribed order for carrying out port activities and other services;

17. Carry out other activities established by a law or an act of the Council of Ministers.

(2) The Port Administration shall transfer to the Ministry of Defence the sums collected as light duties under paragraph 1, subparagraph 13.

Article 115

(1) The financing of the activities to ensure the safety of navigation and the maintenance and development of public transport ports shall be provided through the budget of the Ministry of Transport and Communications.

(2) The activities as per paragraph 1 are secured financially by:

1. Duties under article 114, paragraph 13, excluding light duties;
2. The interest on deposits of individual fund accounts and on overdue payments;
3. The sums from concessions granted pursuant to article 25, par. 2 1, of the Concessions Law.

(3) The sums collected under paragraph 2 shall be used for funding the expenditures for:

1. Safety of navigation in channels and public port areas;
2. The design, construction, development and maintenance of public transport ports as well as the infrastructure in the adjusting aquatory ;
3. Dismantling and removal in accordance with article 63, paragraph 4;
4. Financial maintenance of the Port Administration.

(4) The Port Administration shall annually work out a programme, approved by the Minister of Transport and Communications, for substantiating the expenses for developing the port infrastructure and for paying off any credits received.

(5) All funds granted from the budget of the Ministry of Transportation and Communications under the regulation of the article for financing activities for the security and maintenance of safety of navigation, as well as dues collected, shall not be taxed.

(6) The funds from revenues exceeding expenses remaining at the end of the calendar year may be used during the next financial year and shall be used for funding activities in line with their original purpose.

Part V **Port activities and services**

Article 116

Port activities related to cargo operations, transport of passengers and mail and other concomitant activities from/to vessels and land transport devices shall be performed by operators- port enterprises or concessionaires.

Article 117

(1) The port activities related to handling liquid, bulk and general cargoes, containers, ro-ro, ferries and other cargoes shall be performed by specialized port operators having or employing qualified personnel in the respective area.

(2) The training, qualifications and changing of qualifications of port employees and the provision of qualified labour shall be carried out by specialized associations in compliance with the procedures established by the legislation in force.

(3) The Port Administration shall provide conditions for denying permission for the performance of port activities by persons without the necessary qualification.

CHAPTER FIVE ADMINISTRATIVE AND PENAL PROVISIONS

Article 118

(1) The Master of a foreign non-military ship who scuttles his ship in the territorial sea, internal waters or inland waterways, or beaches it, shall be fined between 50,000 and 200,000 leva if not subject to a heavier penalty.

(2) The fine referred to in paragraph 1 shall also apply to a shipowner who orders or permits the scuttling or the beaching of such a vessel.

Article 119

(1) A fine of between 500 and 500,000 leva, if not subject to a heavier penalty, shall be imposed on:

1. Any person having committed or permitted a violation of the bans of article 53, paragraph 2;
2. The Master of a foreign non-military ship who orders or permits commercial fishing in the exclusive economic zone, internal waters, territorial sea or inland waterways.

(2) The fine provided for in paragraph 1 shall also be imposed on the Master of a foreign non-military nuclear-powered ship or ship armed by nuclear weapons, as well as on the Master of a foreign non-military ship carrying nuclear, radioactive or other dangerous or toxic substances, who enters the internal waters and the inland waterways without authorization or does not submit to inspection of documents, to dosimetric inspection or any other inspection on board the ship relating to the protection of the environment.

Article 120

(1) A fine of between 50,000 and 200,000 leva, if not subject to a heavier penalty, shall be imposed on the Master of a foreign non-military ship who:

1. Enters a closed port or roadstead;
2. Keeps a submarine submerged in the internal 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. Commits a violation of the provisions of article 19, paragraph 2, article 23, paragraph 3, subparagraphs 1 to 4 and 6, articles 24, 26 and article 53, paragraph 1.

(2) The penalty provided for in paragraph 1 shall be imposed on any person conducting scientific research and exploration activities in the maritime space of the Republic of Bulgaria in violation of the authorization granted.

Article 121

Anyone who violates other provisions of the present Act shall be fined between 100 and 1000 leva, if not subject to a heavier penalty.

Article 122

- (1) Violations of the provisions of the present chapter shall be determined by statements drawn up by officials of the respective ministries and other agencies to whom the exercise of control in the maritime space and the inland waterways of the country is entrusted.
- (2) The statement so drawn up shall be handed to the offender, who may submit his objections at the moment of its signing, or later in front of the administrative and penal authority within 48 hours after the handing over of the statement. The statement together with the written objections and the evidence collected shall be submitted to the administrative and penal authority, which must pronounce its decision on the case within 24 hours after the expiration of the time limit set for entering objections, unless the case is factually or legally complicated.
- (3) The ordinances imposing penalties for violations with respect to the protection of the marine environment and the inland waterways shall be issued by the Minister of Environment and Waters or by officials authorized by him in case of land-based sources of pollution, or by the Minister of Transport and Communications or by officials authorized by him if the pollution has been caused by ships.
- (4) The ordinance may also stipulate a monetary compensation covering the entire amount of the damage caused.
- (5) The part of the ordinance relating to the compensation of the damage caused may also be appealed by the shipowner. The date on which the ordinance is delivered to the Master of the ship shall be considered to be the date of its delivery to the shipowner.

Article 123

The drawing up of statements, the issuing of ordinances and the appealing of ordinances as well as the enforcement of penalties shall be performed in accordance with the Administrative Violations and Penalties Act.

Article 124

- (1) With the purpose of ensuring the collection of fines and compensations imposed under this chapter, the foreign non-military ship, regardless of its legal ownership, shall be arrested at the time of the drawing up of the statement on the violation.
- (2) A foreign non-military ship may be also arrested in order to guarantee the recovery of the sum due by reason of an act quasi-deliict under article 31, paragraph 1. The arrest shall be made by the Marine Administration and shall be discontinued in 72 hours if a compensation for the claim has not been enacted by the local court within the said period.
- (3) In the cases referred to in paragraphs 1 and 2, the ship shall be released after the lodging in a Bulgarian bank of a monetary or bank guarantee to the amount of the sums determined by the ordinance imposing penalties and corresponding to the amount of the claim giving rise to the interim precautionary measures.

ADDITIONAL PROVISIONS

§ 1. The provisions of article 10, paragraphs 2 to 5, article 23, paragraph 3, subparagraphs 4 to 6, articles 24, 26, 28, 30, 39 and 54 shall also apply to Bulgarian ships.

§ 2. For the purposes of the present Act:

1. A "warship" shall mean any vessel which belongs to the armed forces of a State, bears its national insignia, is under the command of a commissioned officer whose name appears in the service list of officers of the navy of the respective State or in another equivalent document and is manned by a crew which is under regular armed forces discipline;
2. A "frontier and police" (border patrol) ship shall mean any ship operated for the purpose of protecting the State frontier and flying a naval flag;
3. A "government vessel operated for non-commercial purposes" shall mean a vessel belonging to the State whose flag it flies and intended for carrying out scientific research or other non-economic activities;
4. A "non-military ship" shall mean any vessel other than those referred to in subparagraphs 1 and 2;
5. A "submarine" shall mean any vessel intended to sail under water;
6. A "State of the flag" is the State under which flag the ship sails;
7. "Underwater activities" shall mean any diving of a man under the water surface using breathing devices, which lasts more than one breath;
8. "Sedentary species" shall mean the organisms which at a harvestable stage are attached to the sea bottom or under its surface or can move only if in continuous contact with the surface or the subsoil of the sea bottom;
9. "Pollution of the marine or river environment" shall mean the direct or indirect introduction by man of substances or energy into the marine environment, including the river mouths, which causes or might cause harm to the living marine or river resources, risk to human health, or impede the lawful exploitation of the sea by also deteriorating the quality of the sea water and the conditions for tourism and recreation, in accordance with the norms and standards of admissible pollution in force;
10. A "nautical mile" is equal to 1852 m;
11. "Adjacent water area" shall mean the optimum necessary water area for safe and secure passage and berthing of vessels;
12. A "roadstead" shall mean a certain area of the sea space outside a port where vessels may ride an anchor for the purpose of waiting, entering port, sheltering from the weather or cargo handling;
13. A "water base" shall mean any guarded coastal zone with the adjacent water area provided with facilities and equipment for berthing and protecting the vessels;
14. A "terminal" shall mean a specified zone of a public transport port providing a complete technological process of receiving, handling and shipping a particular type of cargo;
15. "Port substructure" shall mean all engineering facilities situated on the port territory above the "pavement" level;
16. "Port infrastructure" shall mean all engineering facilities situated on the territory of the respective port according to the general plan up to and including the "pavement" level;
17. "Port facilities" shall mean elements of the infrastructure or the substructure permanently attached to the site and intended for or related to the performance of the activities or services in the ports, namely quaysides, railway and road approaches, tracks under cranes, etc.;
18. A "Harbour Master" shall mean an official of the Marine Administration authorized to issue mandatory instructions and bear responsibilities for protecting the environment from pollution from ships and ensuring safety and human life;
19. "Notice to Mariners" shall mean a bulletin containing information about the safety of navigation;

20. "Safety of shipping" shall mean a combination of measures providing for the safety of shipping;
21. "Rules for Supervision on the River Danube" shall mean the rules adopted by the Danube Commission, approved by Ordinance No. 658 of the Council of Ministers of 1954 (published in the State Gazette, issue 99 of 1954; modified and amended by Decision No. 42 of the Council of Ministers of 1978, issue 31 of 1978);
22. "Recommendations for Technical Prescriptions for Inland Shipping" shall mean prescriptions adopted by an Ordinance of the 50th session of the Danube Commission on 14 April 1992;
23. A "port enterprise" shall mean a public property sole proprietor company performing activities and services in ports;
24. An "operator" shall mean a businessman who performs a port activity or provides port services under the conditions of and in accordance with the present Act;
25. A "dangerous cargo" shall mean a cargo included in the United Nations dangerous cargoes list;
26. A "yacht" shall mean a vessel (sailing or powered by engine) used for tourism, sport, sport fishing or pleasure.

TRANSITORY AND CONCLUDING PROVISIONS

§3. VAT, taxes and customs duties are not owed when projects are executed related to merchant shipping, financed directly by grants and/or loans from international financial institutions guaranteed by the Republic of Bulgaria and when the amount of the taxes, VAT or customs duties on imported equipment for executing projects related to merchant shipping has been accepted by the relevant financial institution for co-financing by the Republic of Bulgaria.

§ 4 (1) Upon the entry into force of the present Act the objects as per article 107 which are public State property shall be excluded from the property of the State trading companies within a period of nine months.

(2) The Minister of Transport and Communications, exercising the right of the State's ownership in the companies under paragraph 1, shall undertake actions for reducing their assets by the value of the property under paragraph 1.

(3) The objects under paragraph 1 shall be used by the trading companies in compliance with the Concessions Law.

(4) The persons having rightfully obtained or exercised rights over ports that have obtained the status of public transport ports under the provisions of article 107 (2) may request, within three months of the decision of the Council of Ministers under article 107 (2), the Council of Ministers to transfer the concession through the Minister of Transport and Communications. Unclaimed rights should be considered expired once the term is over.

(5) The Council of Ministers shall decide upon the rights claimed under the previous paragraph in accordance with the Concessions Law within six months of the application.

§ 5. The present Act shall repeal The Republic of Bulgaria Sea Spaces Act (published in the State Gazette, issue 55 of 1987; amended, issues 11 and 59 of 1998 and issues 23 and 67 of 1999).

§ 6. A new paragraph 4 is added to article 16 of the State Property Act (published in the State Gazette, issue 44 of 1996; modified and amended, issues 104 of 1996, issues 55, 61 and 117 of 1997, issues 93 and 124 of 1998 and issue 67 of 1999), reading:

"(4) Public property sole proprietor companies and natural and juridical persons who have been granted a concession according to the respective procedures for the objects under article 4, paragraph 1, subparagraph 6, of the Concessions Law may let properties or part of properties, as well as use them jointly by a contract with third

parties under the provisions of paragraph 2, without hampering the performance of the activities for which they have been let."

§ 7. The Concessions Law (published in the State Gazette, issue 92 of 1995; Constitutional Court Decision No. 42 of 1996, issue 16 of 1996; modified and amended, issue 44 of 1996, issues 61 and 123 of 1997, issue 93 of 1998 and issues 23, 56, 64 and 67 of 1999) shall be modified and amended as follows:

1. In article 4, paragraph 1, subparagraph 6 shall be modified as follows:

"6. The State roads, whole or technologically detached parts of public transport ports and public civil airports existing and/or to be built with the concessionaire's funds, public State property."

2. Article 25 shall be modified and amended as follows:

(a) The former text of article 25 shall become paragraph 1;

(b) A new paragraph 2 is added, reading:

"(2) The monetary returns from the granting and the realization of a concession on the objects under article 4, paragraph 1, subparagraph 6, and the permits for the activities under article 5, subparagraph 4, shall be distributed as follows:

"1. 85 per cent for developing and building State road and transport infrastructure;

"2. 15 per cent for replenishing the fund to cover the expenses on concessions."

§ 8. The Civil Aviation Act (published in the State Gazette, issue 94 of 1972, amended, issues 30 of 1990, 16 of 1997 and 95 of 1998) shall be modified and amended as follows:

1. In Article 122c:

(a) In paragraph 3, subparagraph 2, after the words "safety of flights", insert the words "inclusive. For flight training of pilots pursuing a higher course of education-State errand".

(b) A new paragraph 4 is added, reading:

"(4) The funds remaining from revenues exceeding expenses at the end of the calendar year are to be used during the next financial year and shall be used for funding activities by that part."

2. A new article 122e is added, reading:

"Article 122e. All funds granted from the budget of the Ministry of Transport and Communications under the provisions of this article for financing activities for securing and maintaining the safety of flights, as well as duties collected pursuant to article 120, paragraph 4, shall not be taxed."

3. In §4 of the additional provisions, following the words "when the Republic of Bulgaria guarantees the loans" the words "as also" are added.

§ 9. In §4a of the Bulgarian State Railways Act (published in the State Gazette, issue 53 of 1995, amended, issues 85 of 1998 and 124 of 1998), following the words "when the Republic of Bulgaria guarantees the loan" the words "as also" are added.

§10 In the Merchant Shipping Code (published in the State Gazette, issues 55 and 56 of 1970, amended, issues 58 of 1970, 55 of 1975, 10 of 1987, 30 of 1990 and 85 of 1998), in the additional provisions, following the words "when the loan is guaranteed by the Republic of Bulgaria" the words "as also" are added.

The present Act is hereby promulgated by the XXXVIIIth National Assembly on 28 January 2000 and sealed with the official stamp of the National Assembly.

Endnotes

1 (Note - Note)

Adopted by the National Assembly on 28 January 2000, published in State Gazette, issue No. 12, 11 February 2000
Unofficial translation published in Bulgarian Shipping Directory '2001. Editorial changes by the United Nations.