Fisheries and Aquaculture Act

Promulgated, SG No. 41/24.04.2001, amended, SG No. 88/04.11.2005, amended and supplemented, SG No. 94/25.11.2005, effective 1.01.2006, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 65/11.08.2006, effective 11.08.2006, SG No. 82/10.10.2006, supplemented, SG No. 96/28.11.2006, effective 1.01.2007, amended, SG No. 108/29.12.2006, effective 1.01.2007, amended and supplemented, SG No. 36/4.04.2008, SG No. 43/29.04.2008, amended, SG No. 71/12.08.2008, SG No. 12/13.02.2009, effective 1.01.2010 - amended, SG No. 32/28.04.2009, amended and supplemented, SG No. 42/5.06.2009, amended, SG No. 80/9.10.2009, SG No. 82/16.10.2009, effective 16.10.2009, SG No. 61/6.08.2010, SG No. 73/17.09.2010, effective 17.09.2010, SG No. 8/25.01.2011, effective 25.01.2011, amended and supplemented, SG No. 19/8.03.2011, effective 9.04.2011, amended, SG No. 38/18.05.2012, effective 1.07.2012, amended and supplemented, SG No. 59/3.08.2012, amended, SG No. 77/9.10.2012, effective 9.10.2012, amended and supplemented, SG No. 102/21.12.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 109/20.12.2013, effective 20.12.2013, SG No. 53/27.06.2014, SG No. 107/24.12.2014, SG No. 12/13.02.2015, amended and supplemented, SG No. 102/29.12.2015, SG No. 105/30.12.2016, effective 30.12.2016, amended, SG No. 58/18.07.2017, effective 18.07.2017, amended and supplemented, SG No. 63/4.08.2017, effective 1.01.2018, amended, SG No. 92/17.11.2017, effective 1.01.2018, SG No. 103/28.12.2017, effective 1.01.2018, SG No. 7/19.01.2018, amended and supplemented, SG No. 17/23.02.2018, effective 23.02.2018, amended, SG No. 27/27.03.2018, amended and supplemented, SG No. 55/3.07.2018, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 91/2.11.2018, effective 2.11.2018, amended, SG No. 98/27.11.2018, effective 27.11.2018, amended and supplemented, SG No. 98/13.12.2019, effective 13.12.2019, amended, SG No. 52/9.06.2020, effective 9.06.2020, SG No. 102/23.12.2022, effective 1.01.2023

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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 84/6.10.2023, effective 6.10.2023, SG No. 102/8.12.2023, effective 12.12.2023

Chapter One
GENERAL PROVISIONS

Article 1. (1) (Amended, SG No. 94/2005) This Act shall regulate the relations connected with the ownership, organisation, management, use and conservation of fish resources in the waters of the Republic of Bulgaria, the trade in fish and other aquatic organisms.

(2) The purpose of this Act shall be to ensure:

1. sustainable development of fish resources, restoration and conservation of the biologic equilibrium and enrichment of the diversity of fish resources in the water ecosystems;

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2. (amended, SG No. 94/2005) development of commercial fishing and angling and aquaculture;

3. implementation of the rules for responsible fishing;

4. increase of the consumption of fish and fish products in the country.

Article 2. (1) The fishery sites shall be the property of the state and the municipalities, of legal and natural persons.

(2) The right of ownership over fish resources in the sites referred to in Paragraph 1, which are subject of this Act, shall belong to the owner of the respective site or to the persons who have been granted rights to use the fish resource by force of a contract or another legal ground.

(3) (New, SG No. 36/2008, amended, SG No. 59/2012) The right of ownership over fish resources in the sites and facilities for breeding and farming fish and other aquatic organisms shall belong to the person, registered in pursuance of Article 25.

Article 3. (1) Fishery sites shall be:

1. natural waters and water sites - within the meaning of the Water Act; the internal sea waters, the territorial sea, the adjacent zone, the continental shelf and the exclusive economic zone of the Black Sea and the Bulgarian part of the Danube - within the meaning of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act; all other rivers and former river beds, the lakes and swamps along the sea and the Danube and the internal lakes and marshes;

2. artificial water sites - dams, barrages and compensation basins, canals, ballast water basins, hydro-parks, technological water basins of electric power stations, and of other industrial enterprises or agricultural farms;

3. (amended, SG No. 94/2005, SG No. 36/2008) specialised sites for aquaculture - basins and other facilities constructed for the purpose.

(2) Fish resources in the fishery sites referred to in Paragraph 1 shall be used by natural and legal persons under the terms and the procedure of this Act and of the Water Act, as follows:

1. (amended, SG No. 59/2012) the Bulgarian part of the Danube, the internal sea waters, the territorial sea and the exclusive economic zone in the Black Sea, shall be used for commercial fishing and angling;

2. (amended and supplemented, SG No. 94/2005, supplemented, SG No. 59/2012) the lakes and the swamps along the sea and the Danube, the internal lakes and marshes, the rivers and the old river beds, the ballast water basins, the barrages and the compensation basins, the rowing canals, the hydro-parks, and the dams shall also be used for angling;

3. (amended, SG No. 94/2005, SG No. 59/2012) the sites referred to in items 2 and 3 of Paragraph 1 shall be used for aquaculture; these sites may also be used for angling under terms and a procedure, set by the persons registered in pursuance of Article 25.

Chapter Two
MANAGEMENT OF FISHERIES AND AQUACULTURE

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Article 4. (1) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Council of Ministers shall, upon a proposal by the Minister of Agriculture, the Minister of Transport and the Minister of Environment and Water, approve a National Programme for Fisheries and Aquaculture;

(2) The National Programme for Fisheries and Aquaculture shall include:

1. analysis of the status and the trends in the development of fisheries and aquaculture, of the production, the level of technologies, the marketing, the quality of production, the consumer demand and other elements of the sector;

2. measures for protection of biodiversity in water ecosystems and for sustainable development of fish resources therein;

3. support of fisheries and aquaculture through measures for:

a) (amended, SG No. 94/2005) technological and technical service and equipment;

b) implementation of short-term and long-term projects in the field of fisheries and aquaculture;

c) restructuring and modernisation of the fishing fleet and the port fishery facilities;

d) organisation of the market of fish and other aquatic organisms;

e) organising and implementation of research programmes and projects;

f) financing of the measures for development of the sector included in the programme;

g) monitoring, assessment and control on the implementation of the programme referred to in Paragraph 1.

(3) (Amended, SG No. 15/2013, effective 1.01.2014) The programme shall be financed from:

1. (amended, SG No. 15/2013, effective 1.01.2014, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) the budget of the Ministry of Agriculture;

2. funding provided by local and foreign persons or by international organisations for a specific purpose or aid provided under European Union programmes.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture, jointly with the Minister of Transport and the Minister of Environment and Water shall, according to their competence, manage and control the implementation of the National Programme for Fisheries and Aquaculture.

(5) (New, SG No. 94/2005) The National Programme for Fisheries and Aquaculture referred to in Paragraph 1 shall be adopted for a period of 7 years.

(6) (New, SG No. 94/2005, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Not later than March each year the implementation of the National Programme for Fisheries and Aquaculture shall be reported before the Council of Ministers by the Minister of Agriculture, the Minister of Environment and Water, and the Minister of Transport.

Article 4a. (New, SG No. 96/2006) (1) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Council of Ministers, acting upon proposal of the Minister of Agriculture, shall, by a decision, specify the state aid in the fisheries sector according to the requirements laid down in European Union law in the field of state aid.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective

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1.01.2023) The Minister of Agriculture shall inform the European Commission of any proposed new aid schemes or individual aid, or any substantial modifications to existing state aid subject to notification according to Article 88, paragraph (2) of the Treaty Establishing the European Community.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall keep a register of state aid authorised by the European Commission and a register of de minimis aid granted in conformity with the provisions of Commission Regulation (EC) No. 1860/2004.

(4) The State Agriculture Fund shall implement the aid schemes or individual aid and de minimis aid approved by the European Commission.

(5) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The terms and the procedure for implementation and supervision of state aid shall be laid down in an ordinance of the Minister of Agriculture.

Article 5. (1) (Amended, SG No. 94/2005, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The management, surveillance and control on fisheries, aquaculture, and the trade in fish and other aquatic organisms shall be performed by the National Agency for Fisheries and Aquaculture (the NAFA) with the Minister of Agriculture.

(2) (Amended, SG No. 59/2012) The National Agency for Fisheries and Aquaculture shall be a legal person financed by the budget, with its head office in Burgas and regional units.

(3) The activities and structure of the NAFA shall be determined with rules for organisation adopted by the Council of Ministers.

Article 6. (1) The National Agency for Fisheries and Aquaculture shall perform its activities for:

1. (new, SG No. 36/2008) management of the Operational Programme for Fisheries Sector Development for the period 2007 - 2013 pursuant to Council Regulation (EC) No. 1198/2006 on the European Fisheries Fund, in its capacity of managing authority;

2. (new, SG No. 36/2008) implementation of the Common Fisheries Policy of the European Union;

3. (supplemented, SG No. 94/2005, renumbered from Item 1, SG No. 36/2008) implementation of the National Programme for Fisheries and Aquaculture together with the Ministry of Environment and Water and the Executive Agency Maritime Administration with the Minister of Transport;

4. (renumbered from Item 2, SG No. 36/2008) conservation of fish resources and control on the compliance with the rules for angling and fishery activities;

5. (renumbered from Item 3, SG No. 36/2008) issuing of commercial fishing licences and registration of the persons breeding and farming fish and other aquatic organisms;

6. (renumbered from Item 4, SG No. 36/2008) establishment and maintenance of a statistical information system for fisheries and aquaculture;

7. (new, SG No. 94/2005, renumbered from Item 5, SG No. 36/2008) representation of the Republic of Bulgaria at international organisations;

8. (new, SG No. 94/2005, renumbered from Item 6, SG No. 36/2008) allocation of fishing quotas of the Republic of Bulgaria, provided under international agreements and contracts;

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9. (new, SG No. 94/2005, renumbered from Item 7, SG No. 36/2008) concession of the right to use fish resources that are private state property;

10. (renumbered from Item 5, supplemented, SG No. 94/2005, renumbered from Item 8, SG No. 36/2008) other activities assigned to it by law or by a decision of the Council of Ministers.

(2) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The individual and general administrative acts issued by the Executive Director of the National Agency for Fisheries and Aquaculture with regard to the implementation of the Operational Programme for Fisheries Sector Development 2007 - 2013, may be appealed according to the administrative procedure to the Minister of Agriculture as the immediate superior competent authority.

(3) (New, SG No. 98/2019, effective 13.12.2019) The National Agency for Fisheries and Aquaculture shall undertake actions to collect the amounts unduly paid and overpaid for projects under the Operational Programme for the Bulgarian fisheries sector (2007 - 2013), funded by the European Fisheries Fund, including the related national co-financing, as well as and the fines and other financial penalties provided for in the Bulgarian law and in the European Union law.

(4) (New, SG No. 98/2019, effective 13.12.2019) The obligation to repay the grant financial assistance subject to refund due to a violation committed by the beneficiaries of the grant under the Operational Programme for the Bulgarian fisheries sector (2007 - 2013), which serves as a basis for imposing a financial correction in accordance with Article 70, Paragraph 1 of the Management of Resources from the European Structural and Investment Funds Act, shall be ascertained by a decision for imposing a financial correction, issued by the Executive Director of NAFA pursuant to Chapter Five of the same Act.

(5) (New, SG No. 98/2019, effective 13.12.2019) The obligation to repay the grant financial assistance subject to refund due to a violation committed by the beneficiaries of the aid under the Operational Programme for the Bulgarian fisheries sector (2007 - 2013), excluding the grounds of Paragraph 4, shall be established by an act for establishing public state receivables issued by the Executive Director of NAFA pursuant to the procedure of the Tax and Social Insurance Procedure Code.

(6) (New, SG No. 98/2019, effective 13.12.2019) The Executive Director of the NAFA shall approve by an order rules for determining the amount of the grant financial assistance subject to refund referred to in Paragraphs 4 and 5, taking into account the nature and severity of the violation of the applicable European Union law, the Bulgarian legislation and the contract concluded. Said order and rules shall be promulgated in the State Gazette.

(7) (Amended and supplemented, SG No. 94/2005, renumbered from Paragraph 2, supplemented, SG No. 59/2012, amended, SG No. 17/2018, effective 23.02.2018, renumbered from Paragraph (3), SG No. 98/2019, effective 13.12.2019) The National Agency for Fisheries and Aquaculture, the Bulgarian Food Safety Agency and the Executive Agency Maritime Administration shall carry out joint activities for registration and control of fishing vessels. The National Agency for Fisheries and Aquaculture maintains on its web site public electronic register of fishing vessels.

(8) (New, SG No. 94/2005, amended, SG No. 82/2006, renumbered from Paragraph 3, amended, SG No. 59/2012, renumbered from Paragraph (4), SG No. 98/2019, effective

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13.12.2019) The National Agency for Fisheries and Aquaculture shall carry out, if necessary, joint activities with the Chief Directorate "Border Police" (CDBP) for control of fishing vessels, fishing and fishery activities in the border zone, in the border checkpoints' zones, the ports, the internal sea waters, the territorial sea, the adjacent zone, the continental shelf and the exclusive economic zone of the Black Sea and the Bulgarian part of the Danube and in the other border rivers and basins.

Article 7. (Amended, SG No. 94/2005, SG No. 19/2011, effective 9.04.2011) The Executive Forestry Agency and its structures shall control the conservation of fish stocks in water sites used for angling within the jurisdiction of its structures and the compliance with the rules for angling in accordance with this Act and the Forestry Act.

Article 8. (1) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) A Science and Technology Council on Fisheries and Aquaculture (STCFA) shall be established with the Minister of Agriculture as an advisory body.

(2) (Amended, SG No. 94/2005, SG No. 82/2009, effective 16.10.2009, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 91/2018, effective 2.11.2018, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall by an order determine the membership of the Science and Technology Council on Fisheries and Aquaculture (STCFA), which shall include representatives of the Ministry of Environment and Water, the Ministry of Agriculture, the Ministry of Health, the Bulgarian Food Safety Agency, the National Agency for Fisheries and Aquaculture, the Executive Forestry Agency, the Executive Agency Maritime Administration, scientific organisations in the field of aquaculture, the organisations referred to in Article 10 and the National Angler's Union referred to in Article 11, Paragraph 3.

(3) (Amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Science and Technology Council on Fishery and Aquaculture shall discuss and issue opinions on the programs, documents and issues related to the sector, tabled by the Minister of Agriculture.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall issue rules of organisation and operation of STCFA.

Article 9. (1) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The control for conservation of the biological diversity of fish resources shall be exercised by the Minister of Environment and Water and by the Minister of Agriculture.

(2) (Amended, SG No. 94/2005) The introduction of non-native species and re-introduction of native species of fish and other aquatic organisms into any water sites shall be carried out in pursuance of the Biological Diversity Act.

Article 10. (Amended, SG No. 94/2005, SG No. 105/2005, SG No. 36/2008, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 17/2018, effective 23.02.2018, amended and supplemented, SG No. 77/2018, effective 1.01.2019, amended, SG No. 91/2018, effective

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2.11.2018) (1) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall recognise fishery producer organisations, aquaculture producer organisations and associations of producer organisations, which meet the requirements of the Regulation (EU) No. 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No. 1184/2006 and (EC) No. 1224/2009 and repealing Council Regulation (EC) No. 104/2000 (OJ L 354/1, of 28 December 2013), hereinafter referred to as "Regulation (EU) No. 1379/2013" and of the Ordinance referred to in Article 10d, paragraph 1.

(2) Fishery producer organisation and aquaculture producer organisation shall be established on the initiative of fishery producers and/or aquaculture producers in order to achieve the objectives referred to in Article 7, and implementation of the measures referred to in Article 8 of Regulation (EU) No. 1379/2013.

(3) The organization under paragraph 2 may be a general partnership, a limited liability company, a legal person registered under the terms and the procedure of the Non-profit Legal Persons Act, or a cooperative, with the exception of a cooperative union under Article 54, paragraph 3 of the Cooperatives Act.

(4) Associations of producer organisations shall be established on the initiative of recognised producer organisations under paragraph 2 on order to achieve the objectives referred to in Article 10 of Regulation (EU) No. 1379/2013.

(5) The association of producer organisations may be a general partnership, a limited liability company, a legal person registered under the terms and the procedure of the Non-profit Legal Persons Act, or a cooperative union.

(6) (Amended, SG No. 102/2022, effective 1.01.2023) For recognition under paragraph 1, the respective organisation or association shall submit an application to the Minister of Agriculture under the terms and the procedure of the Ordinance referred to in Article 10d, paragraph 1.

(7) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall, by an order, appoint a Standing Committee to check the implementation of the conditions for recognising and to express an opinion on the recognition or refusal of recognition. Representatives of the Ministry of Agriculture, the State Agriculture Fund and the National Agency for Fisheries and Aquaculture shall be included in the Committee.

(8) (Amended, SG No. 102/2022, effective 1.01.2023) Within three months from filing the application under paragraph 6, the Minister of Agriculture shall, on the basis of the Committee’s opinion, issue an order recognizing or reasoningly refusing recognition of the organization or association.

(9) (Amended, SG No. 102/2022, effective 1.01.2023) Within eight weeks from entry into force of the recognition order, the respective organization under paragraph 2 shall submit for approval to the Ministry of Agriculture a production and marketing plan under Article 28,

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paragraph 1 of Regulation (EU) No. 1379/2013. The Committee under paragraph 7 shall perform checks on the implementation of the approved plan.

(10) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall, by an order, withdraw the recognition:

1. where the organization or association no longer meets the relevant conditions for recognition;

2. where the order under paragraph 8 is issued on the basis of incorrect data;

3. where, by an enforced act of a competent authority, a serious breach or fraud in the implementation of the activities of the organization or association has been found;

4. where the organization or association makes use of the obtained recognition for purposes other than those specified in Article 7 or Article 10 of Regulation (EU) No. 1379/2013;

5. upon request of the management body of the organization or association;

6. upon winding up of the legal entity and cancellation of its registration from the Commercial Register or the register of not-for-profit legal entities;

7. upon request of the European Commission in the cases referred to in Article 20, paragraph 1 of Regulation (EU) No. 1379/2013.

(11) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture may, by an order, withdraw the recognition in case of substantial failure to implement the approved production and marketing plan under paragraph 9 by the criteria determined by the Ordinance referred to in Article 10d, paragraph 1.

(12) The orders referred to in paragraphs (8), (10) and (11) shall be announced and may be appealed against according to the procedure laid down in the Code of Administrative Procedure.

Article 10a. (New, SG No. 94/2005, repealed, SG No. 36/2008).

Article 10b. (New, SG No. 94/2005, repealed, SG No. 36/2008).

Article 10c. (New, SG No. 94/2005, amended, SG No. 105/2005, SG No. 36/2008, SG No. 102/2012, SG No. 58/2017, effective 18.07.2017, SG No. 17/2018, effective 23.02.2018, SG No. 91/2018, effective 2.11.2018) (1) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall recognise inter-branch organisations in the fisheries sector, which comply with the requirements of Regulation (EU) No. 1379/2013 and the Ordinance referred to in Article 10d,

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paragraph 1.

(2) Inter-branch organisation shall be established on the initiative of producers, traders and/or processors of fishery and/or aquaculture products, for achieving the objectives referred to in Article 12, and for implementation of the measures referred to in Article 13 of Regulation (EU) No. 1379/2013.

(3) The inter-branch organisation shall be a legal entity registered under the terms and the procedure of the Non-profit Legal Persons Act.

(4) (Amended, SG No. 102/2022, effective 1.01.2023) For recognition under paragraph 1, the respective inter-branch organisation shall submit an application to the Minister of Agriculture under the terms and the procedure of the Ordinance referred to in Article 10d, paragraph 1.

(5) The Committee under Article 10, paragraph 7 shall perform a check on the implementation of the recognition conditions and shall express an opinion on recognition, or on refusal of recognition.

(6) (Amended, SG No. 102/2022, effective 1.01.2023) Within three months from filing the application under paragraph 4, the Minister of Agriculture shall, based on the Committee's opinion, issue an order recognizing or reasoningly refusing recognition of the inter-branch organization.

(7) (Amended, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall, by an order, withdraw the recognition of the inter-branch organization:

1. where the organization no longer meets the conditions for recognition;

2. where the order under paragraph 6 is issued on the basis of incorrect data;

3. where, by an enforced act of a competent authority, a serious breach or fraud in the implementation of the activities of the organization has been found;

4. where the organization makes use of the obtained recognition for purposes other than those specified in Article 12 or Article 1379/2013 of Regulation (EU) No. 1379/2013;

5. upon request of the management body of the organization;

6. upon winding up of the legal entity and cancellation of its registration from the register of not-for-profit legal entities;

7. upon request of the European Commission in the cases referred to in Article 20, paragraph 1 of Regulation (EU) No. 1379/2013.

(8) The orders referred to in paragraphs 6 and 7 shall be announced and may be appealed against according to the procedure laid down in the Code of Administrative Procedure.

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Article 10d. (New, SG No. 94/2005, amended, SG No. 36/2008, SG No. 58/2017, effective 18.07.2017, SG No. 91/2018, effective 2.11.2018) (1) (Amended, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall determine by an ordinance:

1. the terms and procedure for recognition of fishery and/or aquaculture producer organisations, associations of producer organizations and interbranch organizations in the fishery sector;

2. procedures for the control over the activities of the recognised organisations and associations referred to in paragraph 1;

3. the terms and the procedure for approving the production and marketing plans and procedures for the control over their implementation.

(2) (Amended, SG No. 102/2022, effective 1.01.2023) The Ministry of Agriculture and the National Agency for Fisheries and Aquaculture shall publish on their websites up-to-date lists of organisations and associations recognized by the order of Article 10 or Article 10c.

Article 11. (Amended, SG No. 94/2005) (1) Any persons exercising angling may unite on the basis of their common interests in regional angler's unions registered under the terms and the procedure of the Non-profit Legal Persons Act.

(2) The unions referred to in Paragraph 1 may unite on a voluntary principle in regional associations and a national association registered under the terms and the procedure of the Non-profit Legal Persons Act.

(3) (Amended, SG No. 36/2008) A national angler's union shall be the one uniting more than half of the total number of angler's unions registered in the country.

(4) The national angler's union shall represent anglers united under the terms laid down in Paragraph 3 and protect their interests both at regional and international level, as well as carry out activities in relation to training, raising angling awareness of its members, promoting sport angling, co-operation for conservation of ecosystems and enrichment of fish stocks.

(5) (New, SG No. 36/2008) Unions referred to in Articles 1 and 3 shall, through their members and management bodies, implement the union's programmes on conservation, enrichment and use of fish resources.

(6) (Renumbered from Paragraph 5, SG No. 36/2008) Any unions referred to in Paragraphs 1 and 2 may not have a share in trade partnerships.

(7) (Renumbered from Paragraph 6, SG No. 36/2008) Any unions referred to in Paragraphs 1 and 2 may establish trade partnerships without entitlement to a non-cash contribution thereto. The profit gained through the activity of trade partnerships shall be earmarked for achieving the objectives of angler's unions laid down in the Statute.

(8) (Renumbered from Paragraph 7, SG No. 36/2008) The persons referred to in Paragraphs 1 and 2 may unite with the persons referred to in Article 30, Paragraph 1 and Article 31, Paragraph 1 of the Hunting and Game Protection Act.

Article 11a. (New, SG No. 94/2005) (1) The organisations referred to in Article 11, Paragraphs 1 and 2 shall take part in the implementation of measures for settlement of carriers of

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genetic material in the state-owned sites referred to in items 1 and 2 of Article 3, Paragraph 1 and designated for angling by providing at least 10 per cent of funding while the rest shall be provided by the funds provided for in item 3 of Article 53, Paragraph 2.

(2) The organisations referred to in Article 11, Paragraphs 1 and 2 shall perform guarding of the sites designated only for angling located on the territories wherein the relevant unions operate, where management of fisheries resources has been assigned to them in pursuance of Article 15a and co-operate for conservation of fish resources.

Chapter Three
FISHERIES AND AQUACULTURE
(Title amended, SG No. 94/2005)

Section I
Terms and procedure for fishing

Article 12. (1) Fishing shall be organised and conducted in a manner which does not hamper the natural reproduction of fish resources and their migration routes, does not threaten the sustainable development of their resources and facilitates the protection of biological diversity.

(2) Fishing in the fishery sites which are within the boundaries of the protected territories announced under the Protected Areas Act shall be implemented according to the plan for management of the respective territory and the regime, established for it.

Article 13. (Amended, SG No. 94/2005, SG No. 59/2012) In the case of fishing in state-owned or municipal-owned water sites, the person who holds an angling permit or has acquired the right to use resources of fish and other aquatic organisms for the respective calendar year, shall become the owner of the fish and other aquatic organisms:

1. in the case of angling - as of the moment in which the fish and other aquatic organisms are caught or released from the fishing means;

2. in the case of commercial fishing - as of the moment in which the fish and other aquatic organisms are caught or released from the fishing means and are stored either in the water, on board, on another vehicle or on the coast, in refrigerating or other specialised facilities, vessels or premises.

Article 14. (1) (Amended, SG No. 94/2005, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Any persons who perform commercial fishing shall have a competence certificate. The certificates shall be issued by the NAFA after a completed training course and a successfully passed examination which shall be organised under terms and a

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procedure laid down in an ordinance of the Minister of Agriculture.

(2) (Repealed, SG No. 94/2005).

(3) (Amended, SG No. 94/2005) The competence certificate referred to in Paragraph 1 shall not be required for persons who have a secondary school or university degree in the field of fisheries and aquaculture.

Article 15. (Amended, SG No. 94/2005) (1) (Amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture and the Minister of Environment and Water shall by an ordinance regulate the use of state-owned dams only for angling or only for aquaculture.

(2) (Amended, SG No. 59/2012) In state-owned dams designated only for angling, zones for aquaculture may be designated according to a procedure laid down in the ordinance provided for in Paragraph 1.

(3) The ordinance referred to in Paragraph 1 shall also set out the rules for carrying out commercial fishing, angling and aquaculture in state-owned dams, the Black Sea and the Danube.

(4) (Amended, SG No. 59/2012) The National Agency for Fisheries and Aquaculture shall publish a list of state-owned dams designated for angling and aquaculture in a national daily newspaper.

Article 15a. (New, SG No. 94/2005) (1) (Amended, SG No. 36/2008, supplemented, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall entrust the unions referred to in Article 11, Paragraph 1, with the management of fish resources in the rivers, old river beds and water sites referred to in item 2 of Article 3, Paragraph 1 designated solely for angling.

(2) (Supplemented, SG No. 36/2008) Any union entrusted with the management of fish resources in pursuance of Paragraph 1 shall, for performing angling in the relevant site, require an angling permit or a membership card of the union, with which an agreement on their mutual recognition has been signed.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The procedure for commissioning the management of fish resources referred to in Paragraph 1 shall be regulated by a joint ordinance of the Minister of Agriculture and the Minister of Environment and Water.

(4) Municipal Councils may commission the management of fisheries resources in municipal-owned water sites for angling to the unions referred to in Article 11 for carrying out community activities.

(5) (Repealed, SG No. 59/2012).

Article 15b. (New, SG No. 94/2005) (1) (Repealed, SG No. 59/2012).

(2) In dams intended for supply of drinking water, angling shall be performed outside the sanitary protective areas.

(3) (Amended, SG No. 59/2012) Technological zones for operation of water facilities shall be designated within the dams referred to in Annex 1 of the Water Act.

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Article 15c. (New, SG No. 94/2005) (1) Zones for aquaculture shall be designated within suitable water areas outside the boundaries for natural reproduction of fish and other aquatic organisms covering the estuaries of rivers flowing into the water site within a radius of 200 m regardless of the current water level within the site and any other places suitable for reproduction of fish and other aquatic organisms.

(2) Technical facilities for aquaculture shall be placed in the zone for aquaculture. The zone of operation of the technical facilities shall cover the zone specified in the permit for water site usage issued in pursuance of the Water Act.

(3) (New, SG No. 59/2012, amended, SG No. 55/2018) Emergency zones that shall serve for moving the aquaculture facilities in case of repair of the dam wall facilities or other event resulting in a decrease in the water level, shall be designated in the water sites. The area of the emergency zone must comply with the designated production area for the respective water site.

(4) (New, SG No. 55/2018) In the list of complex and significant dams under Annex No. 1 to Article 13, Paragraph 1 of the Water Act, used for aquaculture in net cages with significant production, shall be determined water levels protective for the activity that ensure minimum permissible depth occupied by net cages.

Article 15d. (New, SG No. 94/2005) (1) (Supplemented, SG No. 55/2018) Zones for aquaculture, emergency zones and protective levels in respect of each individual water site shall be designated by an order of the NAFA Executive Director.

(2) (Amended, SG No. 59/2012, supplemented, SG No. 55/2018) The order provided for in Paragraph 1 shall set out the parameters of the relevant zones and levels, including the size of production areas and zones necessary to change the location of the technical facilities at a given time interval. Parameters shall be set out upon proposal of the head of the relevant regional NAFA unit in co-ordination with the person using the water facilities, the relevant basin directorate within the Ministry of Environment and Water, and the relevant regional directorate of environment and water.

(3) Zone parameters shall be determined in accordance with the requirements for carrying out the technical operation of dam-walls and facilities thereto and for the operation of sanitary protective areas around water-sources and the facilities for of drinking water.

(4) Fishing and access of vessels, other than those servicing the technical facilities, in the zone of operation of technical facilities for aquaculture shall be prohibited.

Article 16. (1) The National Agency for Fisheries and Aquaculture shall compile and maintain registers of:

1. the commercial fishing licences issued;
2. the angling permits issued;
3. the persons who breed and farm fish and other aquatic organisms;
4. (new, SG No. 94/2005) the fishing vessels;
5. (new, SG No. 94/2005) the centres for first sale of fishery products;
6. (new, SG No. 94/2005) the buyers registered in pursuance of Article 46e, Paragraph 1;

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7. (new, SG No. 94/2005, repealed, SG No. 91/2018, effective 2.11.2018);

8. (new, SG No. 94/2005) the permits referred to in Article 40, Paragraph 1;

9. (new, SG No. 59/2012) the persons referred to in Article 14, Paragraph 1;

10. (new, SG No. 59/2012) records of findings, statements of administrative offence and penal rulings issued by the authorized staff of the NAFA.

(2) (New, SG No. 36/2008) The National Agency for Fisheries and Aquaculture shall grant to the Executive Agency Maritime Administration an access to the electronic database "Fishing vessels register". In case of registration of change in the technical characteristics and the ownership of a fishing vessel, the Executive Agency Maritime Administration shall, within three days following the registration of change, notify and submit to the NAFA certified copies of the documents, certifying the changes occurred.

(3) (Repealed, SG No. 94/2005, renumbered from Paragraph 2, SG No. 36/2008, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The registers referred to in Paragraph 1 shall be kept following a procedure laid down in an ordinance of the Minister of Agriculture.

Article 16a. (New, SG No. 94/2005, repealed, SG No. 36/2008).

Article 16b. (New, SG No. 94/2005, repealed, SG No. 36/2008).

Section II
Commercial fishing

Article 17. (Amended, SG No. 94/2005, SG No. 65/2006, SG No. 36/2008) (1) (Amended, SG No. 59/2012, SG No. 102/2015) Commercial fishing in the Black Sea and the Danube may be performed upon issue of commercial fishing licence and acquisition of right to use resources of fish and other aquatic organisms, by:

1. individuals, legal persons and sole traders - for vessels up to 10 meters;

2. legal entities and sole traders - for vessels 10 meters or more.

(2) (Repealed, SG No. 59/2012).

(3) (Amended, SG No. 59/2012) The right to use resources of fish and other aquatic organisms shall be granted against payment.

(4) (Amended and supplemented, SG No. 59/2012, amended, SG No. 102/2012) The acquired right to use resources of fish and other aquatic organisms shall be certified for the respective calendar year by a certificate issued by the NAFA.

(5) Third countries vessels may perform commercial fishing pursuant to the applicable Community regulations, under the terms and the procedure of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act.

(6) (Amended, SG No. 59/2012) Licence for commercial fishing in the waters of the Black Sea, the Danube and the Community waters shall be issued to a vessel entered in the Fishing

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Vessels Register.

(7) (Amended, SG No. 59/2012) Entry in the Fishing Vessels Register, issuance of commercial fishing licences, a special licence and a certificate of acquired right to use resources of fish and other aquatic organisms shall be carried out pursuant to the requirements of the European Union law.

(8) (Amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The terms and the procedure for management of the fishing fleet of the Republic of Bulgaria shall be determined by the Minister of Agriculture.

(9) (Repealed, SG No. 59/2012).

(10) (Amended, SG No. 59/2012) Licence for commercial fishing with a specialised gear in the Black Sea waters shall be issued to a legal person or sole trader, selected by a competition, conducted pursuant to the terms and the procedure of this Act.

(11) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall determine by an order the fish species with quota for which a special fishing licence for fish species with quota shall be issued

(12) (New, SG No. 59/2012) Special fishing licence for fish species with quota in the waters of the Black Sea shall be issued for a calendar year to a vessel which:

1. is included in the list of fishing vessels authorized to catch fish species with quota, approved by an order of the Executive Director of NAFA;

2. has a valid commercial fishing licence.

(13) (New, SG No. 59/2012) For issuance of the special licence under Paragraph 11 a fee shall be payable according to the tariff referred to in Article 17a, Paragraph 4.

(14) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Inspections of the power, gross tonnage of vessels, number, type and characteristics of the fishing facilities shall be carried out according to 5-year plan approved by the Minister of Agriculture, and the Minister of Transport, Information Technologies and Communications.

Article 17a. (New, SG No. 94/2005) (1) (Repealed, SG No. 59/2012).

(2) (Amended, SG No. 36/2008, repealed, SG No. 59/2012).

(3) (Repealed, SG No. 36/2008).

(4) (Amended, SG No. 36/2008, SG No. 59/2012) Fees according to a tariff set by the Council of Ministers shall be paid for the issue of commercial fishing licence, special fishing licence for certain fish species with quota and certificate for granting the right to use resources of fish and other aquatic organisms, except for the cases of fishing by a specialised gear for commercial fishing pursuant to Article 21, Paragraph 1.

(5) (Repealed, SG No. 36/2008, new, SG No. 59/2012) The fee for commercial fishing licence and special fishing licence for certain fish species cannot exceed the administrative costs of the issue thereof.

Article 17b. (New, SG No. 94/2005) (1) (Amended, SG No. 36/2008) Commercial fishing licence and certificate for acquired right to use resources of fish and other aquatic organisms shall be issued by the the NAFA Executive Director or a person authorised by him.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective

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1.01.2023) The Minister of Agriculture shall by an order endorse templates of commercial fishing licences.

Article 18. (Amended, SG No. 94/2005) (1) (Supplemented, SG No. 17/2018, effective 23.02.2018) For issue of commercial fishing licence by means of a registered under the Foodstuffs Act vessel in the Black Sea and the Danube, the applicant shall lodge with the NAFA or its relevant regional unit an application conforming to a template and append the following thereto:

1. a copy of the sailing permit (provisional sailing permit) issued by the Executive Agency Maritime Administration or a copy of the nationality act (provisional nationality act);

2. a Power of Attorney authenticated by a Notary Public by the ship owner to the master or another authorised person where they are to carry out the fishing on behalf and on account of the ship owner or the ship user;

3. (amended, SG No. 36/2008, repealed, SG No. 59/2012);

4. a document of ownership over the ship or a document certifying the grounds on which it is used;

5. (supplemented, SG No. 17/2018, effective 23.02.2018) a receipt for payment of the fee due for the issue of a commercial fishing licence, when the payment is not conducted elecronically;

6. (new, SG No. 59/2012, repealed, SG No. 17/2018, effective 23.02.2018).

(2) (Amended, SG No. 65/2006, SG No. 36/2008, repealed, SG No. 59/2012).

(3) (Amended, SG No. 105/2005, repealed, SG No. 59/2012).

(4) (Repealed, SG No. 59/2012).

(5) (Repealed, SG No. 59/2012).

(6) For marking fishing gears and means a fee shall be payable in the amount set in the tariff referred to in Article 17a, Paragraph 4.

Article 18a. (New, SG No. 94/2005) (1) (Supplemented, SG No. 36/2008) The commercial fishing licence shall be issued within 14 days of submission of the application referred to in Article 18, except for the cases of issue of licence for commercial fishing with a specialised gear referred to in Article 21, Paragraph 1.

(2) (Amended, SG No. 59/2012) The commercial fishing licence for a fishing vessel shall indicate:

1. the issuing authority;

2. identification data of the fishing vessel;

a) the number in the Community Fishing Fleet Register;

b) the vessel's name;

c) flag state;

d) external marking;

e) call signal;

3. name/corporate name and registered address/seat of the fishing vessel owner;

4. technical data of the fishing vessel;

a) power of the engine;

b) tonnage;

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c) length overall;
d) breath
e) depth
5. fishing gears - basic and auxiliary;
6. date of issue;
7. port of registration.

(3) (Amended, SG No. 36/2008, SG No. 59/2012) The commercial fishing licence must explicitly state that the holder has the right to commercial fishing in the Community waters, as the statement shall be in English as well.

(4) Where deficiencies or discrepancies have been found the authority referred to in Article 17b, Paragraph 1 shall, within 7 days of receipt of the application, send a notice for the elimination thereof.

(5) The applicant shall eliminate the irregularities within 14 days of receipt of the notice.

(6) (Amended, SG No. 36/2008, SG No. 59/2012) The Executive Director or an officer authorised by him shall by means of a reasoned order refuse the issuance of commercial fishing licence:

1. in respect of fishing vessel that is not registered in the Fishing Vessels Register;

2. in respect of any person who has not implemented the directions for elimination of any deficiencies and/or discrepancies in the documents lodged within the prescribed period;

3. in the absence of registration of the fishing vessel under the Foodstuffs Act;

4. in violation of Article. 17, Paragraph 7.

(7) The refusal to issue a commercial fishing licence shall be subject to appeal in pursuance of the Code of Administrative Procedure.

(8) Any fees paid for the issuance of a commercial fishing licence shall be refunded within one month after the refusal becomes effective.

Article 18b. (New, SG No. 94/2005) (1) (Supplemented, SG No. 36/2008, amended, SG No. 102/2015) The commercial fishing licence shall be termless, except for the cases referred to in Article 21, Paragraph 7.

(2) The holder of a commercial fishing licence shall be bound to notify the issuing authority of any variation to the circumstances referred to in Article 18 within 7 days of the occurrence thereof.

Article 18c. (New, SG No. 94/2005, amended, SG No. 65/2006, amended and supplemented, SG No. 36/2008, amended, SG No. 59/2012) (1) The NAFA Executive Director or an officer authorised by him shall by an order terminate the validity of the commercial fishing licence and/or the special fishing license for fish species with quota:

1. upon request on behalf of the licence holder;

2. in the case of change or death of the fishing vessel owner;

3. in case of winding up of the legal person or removal from the register of the sole trader;

4. in case of dropping out of the grounds for issue of the licence;

5. in the cases provided for in Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No. 847/96, (EC) No. 2371/2002, (EC) No.

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811/2004, (EC) No. 768/2005, (EC) No. 2115/2005, (EC) No. 2166/2005, (EC) No. 388/2006, (EC) No. 509/2007, (EC) No. 676/2007, (EC) No. 1098/2007, (EC) No. 1300/2008, (EC) No. 1342/2008 and repealing Regulations (EEC) No. 2847/93, (EC) No. 1627/94 and (EC) No. 1966/2006, hereinafter referred to as "Regulation (EC) No. 1224/2009", Implementing Regulation (EC) No. 404/2011 of 8 April 2011 laying down detailed rules for implementing Regulation (EC) No. 1224/2009 of the Council establishing a Community control to ensure compliance of the Common Fisheries Policy (OJ, L 112/1 of 30 April 2011), Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate Illegal, unreported and unregulated fishing, amending Regulations (EC) No. 2847/93, (EC) No. 1936/2001 and (EC) No. 601/2004 and repealing Regulations (EC) No. 1093/94 and (EC) No. 1447/1999 (OJ, L 286/1 of 29 October 2008), hereinafter referred to as "Regulation (EC) No. 1005/2008";

6. in violation of Article 17, Paragraph 7;

7. upon reaching or exceeding the specified number of penal points according to the Ordinance under Article 18e, Paragraph 3.

(2) The NAFA Executive Director shall, by means of order, terminate the licence for commercial fishing by a vessel when in two consecutive years:

1. no certificate under Article 18f has been issued to the holder of the licence;

2. the licence holder does not comply with the provisions of Article 20;

3. zero catch has been declared.

(3) Fishing vessels under Paragraph 2 are subject to ex officio deletion from the Fishing Vessels Register. The released capacity shall remain in favor of the state.

(4) Paragraphs 2 and 3 shall not apply in the case of non-execution of fisheries due to repair of the vessel.

(5) Upon termination of the commercial fishing license by the order under Paragraph 1, the effect of the issued thereunder certificate of acquired right to use resources of fish and other aquatic organisms and the special fishing licence for fish species with quota, shall also be terminated.

Article 18d. (New, SG No. 94/2005) (1) The performance of commercial fishing shall mandatorily be attended by a person meeting the requirements laid down in Article 14.

(2) (Repealed, SG No. 59/2012).

(3) (Amended and supplemented, SG No. 59/2012) Where commercial fishing is carried out by a vessel, the licence and the certificate shall be kept on board by the vessel's master.

(4) (Amended, SG No. 59/2012) Commercial fishing shall be allowed only with fishing gears and means duly marked and entered in the certificate.

Article 18e. (New, SG No. 59/2012) (1) For a serious infringement within the meaning of Article 42, Paragraph 1, letter "a" of Regulation (EC) No. 1005/2008, a point system for infringements shall be used, based on which the commercial fishing license holder shall obtain a certain number of points for the fishing vessel concerned in accordance with Article 92 of Regulation (EC) No. 1224/2009.

(2) The points assigned under Paragraph 1 shall be transferred to any future holder of the fishing licence for the fishing vessel concerned under the conditions of Article 92, Paragraph 1 of

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Regulation (EC) No. 1224/2009.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The method of application of the point system shall be determined by the Minister of Agriculture.

Article 18f. (New, SG No. 36/2008, renumbered from Article 18e, SG No. 59/2012) (1) (Amended, SG No. 59/2012) Certificate for acquired right to use resources of fish and other aquatic organisms shall be issued to a person, holding a valid commercial fishing licence for the relevant site and who has paid the fee according to the tariff referred to in Article 17a, Paragraph 4, except for the cases of acquisition of right for commercial fishing with a specialised gear pursuant to Article 21, Paragraph 1.

(2) (Supplemented, SG No. 17/2018, effective 23.02.2018) For issue of certificate referred to in Paragraph 1, the applicant shall submit to the NAFA or its relevant regional unit an application conforming to a template, containing the number of the commercial fishing licence and supported by document for paid fee, when the payment is not conducted elecronically.

(3) (New, SG No. 59/2012) Applications under Paragraph 2 shall list the type and number of gears. The specified and authorized gear shall be marked within the period in Paragraph 5.

(4) (New, SG No. 59/2012) For marking the fishing gears and means a fee shall be payable in the amount set in the tariff referred to in Article 17, Paragraph 4.

(5) (Renumbered from Paragraph 3, amended, SG No. 59/2012) The NAFA Executive Director or the officer authorised by him shall issue the certificate under Paragraph 1 or refuse the issuance by means of a reasoned order:

1. within 30 days from submission the application under Paragraph 2 - for vessels over 15 meters;

2. within 14 days from submission the application under Paragraph 2 - in all other cases.

(6) (Renumbered from Paragraph 4, supplemented, SG No. 59/2012) The NAFA Executive Director or the person authorised by him shall refuse the issuance of the certificate referred to in Paragraph 1 in case the applicant does not hold a valid commercial fishing licence or has not paid the relevant fee, or in violation of Article 17, Paragraph 7.

(7) (Renumbered from Paragraph 5, amended, SG No. 59/2012) The refusal for issuing of certificate for acquired right to use resources of fish and other aquatic organisms may be appealed in pursuance of the Code of Administrative Procedure.

(8) (New, SG No. 59/2012) Certificate of acquired right to use resources of fish and other aquatic organisms shall be issued to a legal person when the master of the vessel or an authorized person who is fishing on behalf and on account of the legal person, meets the requirements laid down in Article 14.

(9) (New, SG No. 59/2012, amended and supplemented, SG No. 105/2016, effective 30.12.2016) Any person holding a commercial fishing licence for fishing in the Black Sea shall be obliged to provide to NAFA until the end of March every year general information and economic statistics on the fishing vessel, data on the number of employees and the fisheries as per template, approved by the Executive Director of NAFA.

Article 19. (1) (Amended, SG No. 94/2005, supplemented, SG No. 59/2012) Where commercial fishing is carried out, a fishing logbook shall be kept and all data of the catch as per

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species and quantities shall be entered therein.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The fishing logbook shall be issued by the NAFA. The fishing logbook template for each fishing activity and the procedure for keeping thereof shall be determined with an ordinance issued by the Minister of Agriculture.

(3) Data about the catch as per species and quantities shall be entered in the fishing logbook, as follows:

1. for turbot - in numbers and in kilograms as per size groups;

2. (supplemented, SG No. 94/2005) for sturgeons - as per species, sex, weight and size of each individual separately;

3. for other fishes and other aquatic organisms - as per species and quantities in kilograms, including the allowable by-catch.

(4) (Amended, SG No. 94/2005) The the NAFA Executive Director shall, upon proposal by the STCFA, also determine other species of fish and aquatic organisms, which are to be accounted for in the fishing logbook as per size groups, as per size of individuals, or other indices.

(5) (Amended, SG No. 94/2005) The masters of fishing vessels with more than 10 meters length overall shall also enter in the logbook the time, the co-ordinates of the regions and the places of fishing.

(6) (Amended, SG No. 94/2005) When transshipping catch or parts thereof in open sea, the masters of fishing vessels with more than 10 meters length overall shall, in addition to the data referred to in Paragraph 3, separately for the fish caught and delivered and/or other aquatic organisms, and in pursuance of Paragraph 5, enter in the fishing logbook any data about the place, where the catch is transshipped, the receiving vessel and the port for which it is designated.

(7) The fishing logbook shall be presented to the control authorities upon request.

(8) (New, SG No. 59/2012) No data shall be entered in the fishing logbook in case of planned out to sea for activities other than commercial fishing.

(9) (New, SG No. 59/2012) In the cases under Paragraph 8, the master of the vessel shall, not later than 12 hours before the out to sea, notify the appropriate regional office of NAFA.

(10) (New, SG No. 102/2015) Masters of fishing vessels up to 10 meters shall be exempted from the obligation to keep a fishing logbook on the basis of an effective sampling plan in accordance with European Union law.

(11) (New, SG No. 102/2015) Masters of fishing vessels up to 10 meters shall enter into a declaration, an integral part of the plan under Paragraph 10, the catch/landings data for the previous month, by types and quantities. The declaration shall be transmitted to NAFA until the 5th day of the month following the month to which the data relate.

Article 20. (Supplemented, SG No. 94/2005, amended, SG No. 59/2012) (1) Persons who have acquired the right to use resources of fish and other aquatic organisms shall be required to fill up the fishing logbook at each out to water, except in the cases under Article 19, Paragraph 8. The completed declaration of origin shall be submitted to the NAFA officials within 48 hours after mooring ashore.

(2) The procedure for filling up and the logbook template under Paragraph 1 shall be determined by the ordinance under Article 19, Paragraph 2.

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Article 21. (Amended, SG No. 94/2005, SG No. 36/2008) (1) Specialised gear for carrying out commercial fishing in the Black Sea shall be the pound net.

(2) The pound net is a stationary net gear type for passive commercial fishing, located in a certain part of the Black Sea aquatory - zone of operation, and has a fastening point to the sea bottom or shore.

(3) Commercial fishing with a specialised gear shall be carried out upon granting a commercial fishing licence, issued after a competition, conducted pursuant to the terms and the procedure of this Act, and acquisition of the right to use resources of fish and other aquatic organisms.

(4) (New, SG No. 59/2012) The acquired right to use resources of fish and other aquatic organisms with a specialized gear for commercial fishing shall be certified for the respective year by a certificate issued by NAFA.

(5) (Renumbered from Paragraph 4, SG No. 59/2012) The location and the zones of operation of the specialised gears for commercial fishing referred to in Paragraph 1, and their basic technical parameters shall be determined with an order of the NAFA Executive Director in co-ordination with the heads of the regional units of the Executive Agency Maritime Administration and with the heads of naval bases of the Bulgarian army for specialized gears in the Black Sea waters.

(6) (Renumbered from Paragraph 5, SG No. 59/2012) Ensuring the safety of the specialised gears when putting them into operation shall be performed pursuant to the Merchant Shipping Code.

(7) (Renumbered from Paragraph 6, SG No. 59/2012) Licence for commercial fishing with a specialised gear for commercial fishing shall be issued by the NAFA Executive Director for a period of 10 years, after a competition, conducted pursuant to the terms and the procedure of this Act.

Article 21a. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) (Amended, SG No. 59/2012) The competition for granting a licence for commercial fishing with a specialised gear shall be open by an order of the NAFA Executive Director.

(2) The order referred to in Paragraph 1 shall contain:

1. type and name of the gear, technical parameters, location, co-ordinates of the typical boundary points of the zone of operation;

2. minimum requirements to the participants, as well as the necessary evidence documents;

3. criteria for complete assessment of the offers and their relative weight thereof;

4. minimum price for use of resources of fish and other aquatic organisms by using the specialised gear for a period of 10 years, which is equal to the triple amount of the fee for commercial fishing with a vessel over 40 GT, laid down in the tariff referred to in Article 17a, Paragraph 4;

5. detailed methods for assessment of the proposals in compliance with the criteria provided for in law;

6. place and time limit for obtaining the documentation for participation in the competition;

7. place and time limit for submission of the proposals;

8. place, date and time for opening the proposals;

9. contact person - name, position, address, fax and e-mail;

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10. procedure and time limit for appeal of the order.

(3) (Amended, SG No. 59/2012) The order under Paragraph 1 shall be published on the NAFA website within three days of its promulgation.

(4) (Amended, SG No. 59/2012) The time limit referred to in Paragraph 2, item 7, shall not be less than one month and more than two months from the date of promulgation of the order.

Article 21b. (New, SG No. 94/2005, amended, SG No. 36/2008) The documentation for participation in the competition shall contain:

1. a copy of the order referred to in Article 21a, Paragraph 1;

2. a map (diagram) of appropriate scale, with indicated numbering of the typical boundary points of the operation zone of the gear;

3. requirements for submission of the information under the specific criteria for assessment of the proposals;

4. methods for assessment of the offers;

5. procedure for conducting of the competition;

6. template of the offer and instructions for its drawing up;

7. requirements concerning the enclosures to the offer;

8. (amended, SG No. 27/2018) documents containing information or data clearly demonstrating the origin of the funds for performing the commercial fishing.

Article 21c. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) (Amended, SG No. 59/2012) Offer for participation in the competition may submit any interested legal person or sole trader or representative thereof.

(2) Participation in the competition shall not be allowed for a trader:

1. declared insolvent;

2. under insolvency proceedings;

3. under winding-up proceedings;

4. who has liabilities to the state or to any municipality within the meaning of the Tax-Insurance Procedure Code, ascertained by a statement in force, issued by a competent authority, unless respite or deferral of liabilities has been allowed;

5. (new, SG No. 59/2012) who has outstanding liabilities under Article 3, Paragraph 1, item 9 of the National Revenue Agency Act;

6. (renumbered from Item 5, SG No. 59/2012) who has overdue financial liabilities to his employees;

7. (renumbered from Item 6, SG No. 59/2012) committed violation under this Act, ascertained by enforced penal ruling;

8. (renumbered from Item 7, SG No. 59/2012) whose general manager or member of the management body, and in case the member of the management body is a legal person - his representative in the management body, is convicted, with enforced sentence unless exculpated, of crimes against property, economy, financial, tax or insurance systems, including money laundering or fraud, abuse of trust or bribe, as well as participation in a criminal group;

9. (amended, SG No. 42/2009, renumbered from Item 8, SG No. 59/2012, amended, SG No. 7/2018) whose member of a management or control body, or a person temporally occupying such position, procurator or commercial proxy including, is a related person with civil servants at

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managerial level in the NAFA, within the meaning of Item 15 of § 1 of the Supplementary Provisions of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act;

10. (new, SG No. 42/2009, renumbered from Item 9, SG No. 59/2012, amended, SG No. 7/2018) who has concluded a contract with a person under Article 68 or 69 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act.

(3) (Repealed, SG No. 59/2012).

(4) (Amended, SG No. 59/2012) Circumstances referred to in Paragraph 2 shall be certified by the following documents:

1. court certificate or adequate document, issued by judicial or administrative authority of the country where the participant is established, certifying that the person has not been declared insolvent, is not under insolvency proceedings or winding-up proceedings;

2. (amended and supplemented, SG No. 59/2012, amended, SG No. 103/2017, effective 1.01.2018) for foreign citizens – a court certificate or a similar document, issued by judicial or administrative authority of the natural person's country of national law, certifying that the person – sole trader or manager, or member of the management body of the legal person has not been convicted with enforced sentence for any crime referred to in Paragraph 2, item 8, and has not been deprived of the right to carry out trade activity; for Bulgarian citizens the circumstances under Paragraph 2, item 8 shall be established by official channels;

3. (repealed, SG No. 63/2017, effective 1.01.2018);

4. (amended, SG No. 59/2012) declaration for lack of circumstances referred to in Paragraph 2, items 6 and 7;

5. (new, SG No. 59/2012) certificate for lack of private state receivables.

(5) (Amended, SG No. 59/2012) Further to the documents under Paragraph 4, participants in the competition shall also submit:

1. competence certificates referred to in Article 14 of the persons, who will perform the fishing;

2. description of the technical equipment for performing the fishing.

(6) (New, SG No. 63/2017, effective 1.01.2018, amended, SG No. 92/2017, effective 1.01.2018) The commission under Article 21e, Paragraph 1 shall request by official channels information regarding the existence or non existence of liabilities under Artucle 87, Paragraph 11 of the Tax and Social Insurance Procedure Code regarding the corresponding legal person or sole trader.

Article 21d. (New, SG No. 94/2005, amended, SG No. 105/2005, SG No. 36/2008) (1) The offer shall contain:

1. (amended, SG No. 59/2012) presentation of the participant - information about the legal organisational form and other data;

2. information about criteria which are to form the complete assessment of the offer, including submission of:

a) technical characteristics the equipment must comply with;

b) measures for ensuring the safety of the commercial fishing activities.

(2) The following shall be appended to the offer:

1. (amended and supplemented, SG No. 59/2012) certified copies of document of up-to-date registration or Unified Identification Code of the participant;

2. a document for authorization - in case the participant is represented by a proxy;

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3. (amended, SG No. 59/2012) documents referred to in Article 21c, Paragraph 4, to certify the lack of circumstances referred to in Article 21c, Paragraph 2;

4. documents referred to in Article 21c, Paragraph 5;

5. (amended, SG No. 27/2018) documents containing information or data clearly demonstrating the origin of the funds;

6. list of documents, appended to the offer, signed by the participant;

7. (amended, SG No. 59/2012) sealed opaque envelope with the participant's bid for acquisition of right to use resources of fish and other aquatic organisms, through using of the specialised gear for a period of 10 years;

8. (new, SG No. 42/2009, amended, SG No. 7/2018) declaration of the participant that he has no private interest within the meaning of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act.

(3) The offer shall be signed by the participant or a person authorized by him, and shall be submitted at the indicated place in a sealed envelope. Number of the order for opening the competition, participant's correspondence address, phone number, and if possible, fax and e-mail, should be indicated on the envelope.

(4) Offers, submitted on site, shall not be accepted if:

1. submitted after the time limit, determined by the order referred to in Article 21a, Paragraph 2, item 7;

2. submitted in an unsealed or damaged envelope;

3. requisites referred to in Paragraph 3, second sentence, are not indicated.

(5) Offers, submitted by post or any other non-regulated means, shall not be accepted.

Article 21e. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) After expiry of the time limit for submission of the offers, the NAFA Executive Director shall appoint a commission for ranking the participants, and shall determine its composition and substitute members.

(2) The composition of the commission shall include an odd number of persons, and shall consist of at least five regular members, of whom one shall mandatorily be a qualified lawyer and the remaining members shall be persons possessing the required professional qualification.

(3) (Repealed, SG No. 59/2012).

(4) Member of the commission may not be a person who:

1. (amended, SG No. 42/2009, SG No. 7/2018) has a private interest within the meaning of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act in the issue of commercial fishing licence to a particular participant;

2. is a related person, within the meaning of the Commerce Act, to a participant in the competition, and in the cases where the participant is a legal person - to a member of its management or control body.

(5) Members of the commission shall be obligated within three days from:

1. receipt of the order for appointment of the commission, to submit a declaration for lack of material interest in the issue of commercial fishing licence to a particular participant;

2. finding out that a person related to them, participates in the competition, to submit a request for release from the commission.

(6) (Amended, SG No. 42/2009, SG No. 7/2018) In case of private interest within the meaning of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act, of submitted request for release from the commission, as well as in other cases, where due to objective reasons

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a member of the commission shall not be able to fulfil his/her obligations and may not be replaced by a substitute member, the NAFA Executive Director shall issue an order for appointment of a new member.

(7) The NAFA Executive Director shall determine a time limit for ending the activity of the commission, which has to comply with the nature of the competition, and may not be more than one month.

Article 21f. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) Opening of offers shall be made at an open session of the commission, as the participants in the competition or persons authorized by them, may attend the session.

(2) The commission shall open the offers in the order of their submission, and shall check their content pursuant to the requirements of Article 21d.

(3) During examination of the offers, the commission may, at any time:

1. verify the circumstances declared by the participants, and the correctness or authenticity of the documents enclosed, including through official request to competent authorities;

2. require explanations regarding the information submitted or the documents enclosed;

3. require submission in writing of additional evidence on the circumstances, indicated in the offer in a set term.

(4) Where deficiencies and/or discrepancies in the documents referred to in Article 21d, Paragraph 2, items 1 - 6 are found, the participant shall be notified in writing to eliminate them within three days from the notification.

(5) In case the documents shall not be submitted within the time limit referred to in Paragraph 4, the commission shall eliminate the participant. Offers of the eliminated participants shall not be examined and assessed.

(6) During examination of the offers, at least three members of the commission shall sign each offer and enclosures thereto, subject to assessment by the commission pursuant to the criteria set forth.

Article 21g. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) Commission shall assess the eligibility of each participant under the following criteria:

1. professional experience and qualification;

2. technical capabilities;

3. bid price for acquisition of right to use resources of fish and other aquatic organisms, through using of the specialised gear for a period of 10 years.

(2) Commission shall assess criteria referred to in Paragraph 1, items 1 and 2, by rating from 1 to 10, as the result shall be multiplied by the following coefficients:

1. (amended, SG No. 59/2012) professional experience and qualification - 0,8;

2. (amended, SG No. 59/2012) technical capabilities - 0,2.

(3) The total rating of the commission shall be formed by the sum of the ratings of each of the criteria referred to in Paragraph 2, multiplied by the bid price for the right to use resources of fish and other aquatic organisms, through using of the specialised gear for a period of 10 years

(4) Commission shall draw up a record of the competition, containing:

1. composition of the commission

2. a list of the participants, eliminated from the procedure, and the grounds for elimination

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thereof.

3. results from examination of the offers and a short description of each of them;

4. a table for ratings and ranking of each of the participants;

5. a proposal to the Executive Director for issue of licence for commercial fishing with the specialised gear.

(5) The record for the work of the commission shall be signed by all commission members.

(6) In case more than one participant is admitted for assessment, the commission shall propose to the NAFA Executive Director to issue a commercial fishing licence to the participant, that received the highest rating from the assessment.

(7) the commission shall propose termination of the competition in case no offer has been submitted, all participants have been eliminated or violations at the opening and conducting of the competition have been found, which cannot be eliminated.

(8) Within three days after ending of the work, the commission shall submit the record to the NAFA Executive Director.

Article 21h. (New, SG No. 94/2005, amended, SG No. 36/2008) (1) Within seven days from submission of the record the NAFA Executive Director shall assign by an order the participant, ranked at the first place by the commission, to whom a licence for commercial fishing with a specialised gear should be issued.

(2) In the order referred to in Paragraph 1 shall be specified:

1. the ranking of the participants

2. the list of participants eliminated from the competition, and the reasons for elimination thereof;

3. the technical parameters, location, co-ordinates of the characteristic boundary points of the zone of operation of the specialised gear;

4. the annual amount due for the acquired right to use resources of fish and other aquatic organisms, through using of the specialised gear, which shall be 1/10 of the bid price, proposed by the participant;

5. the payment term for the amount referred to in item 4.

(3) The order referred to in Paragraph 1 shall be notified to the persons concerned within three days from its issue.

(4) The order referred to in Paragraph 1 may be appealed in pursuance of the Code of Administrative Procedure.

(5) After entry into force of the order, fishing in the zone of operation of the specialised gear shall be prohibited for third persons, as this must be announced in one daily and the NAFA internet page.

Article 21i. (New, SG No. 36/2008) (1) The NAFA Executive Director shall terminate the competition for issue of licence for commercial fishing with the specialised gear, by a reasoned order in case:

1. no offer has been submitted;

2. all participants have been eliminated;

3. violations at the opening and conducting of the competition have been found, which may not be eliminated.

(2) The NAFA Executive Director shall be obliged, within three days from the issue of the

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order referred to in Paragraph 1, to notify the participants for termination of the procedure.

(3) The order referred to in Paragraph 1 may be appealed in pursuance of the Code of Administrative Procedure.

Article 21k. (New, SG No. 36/2008) The licence for commercial fishing with a specialised gear shall contain:

1. name of the issuing authority;
2. number and date of issuance;
3. (amended, SG No. 59/2012) corporate name, seat of business of licence holder;
4. (amended, SG No. 59/2012) unified Identification Code;
5. number and date of the document referred to in Article 14;
6. number of the order of the Executive Director for determination of the zone of operation of the specialised gear;
7. the technical characteristics, location, co-ordinates of the characteristic boundary points of the zone of operation of the specialised gear;
8. (amended, SG No. 59/2012) external marking and name of the vessel to serve the specialised gear;
9. a payment term for the annual amount due for acquisition of the right to use resources of fish and other aquatic organisms - state property;
10. term of validity of the licence.

Article 21l. (New, SG No. 36/2008) (1) The validity of the issued licence shall be terminated under the provisions of Article 18c, Paragraph 1, except for the cases referred to in Paragraph 2.

(2) (Amended, SG No. 59/2012) In case of winding up of the legal person, the effect of the licence may be extended with a successor where the latter has requested so within one month from the winding up.

(3) (Amended, SG No. 59/2012) Extension of the validity of the licence pursuant to Paragraph 1 shall be made by an order of the NAFA Executive Director in compliance with the requirements of Article 21c, Paragraph 2. On the basis of the order a new licence shall be issued, with the content pursuant to Article 21i. The time limit, specified in the original licence, cannot be extended by the newly issued licence.

(4) The order referred to in Paragraph 3 shall be issued within 10 days from submission of the successor's request. Refusal for extension of the effect of the licence may be appealed in pursuance of the Code of Administrative Procedure.

(5) The Executive Director shall repeal the licence for commercial fishing with a specialised gear given one of the following circumstances:

1. non-construction of the specialised gear within one year, as of the date of entry into force of the order;
2. in case of repeated violation of the provisions related to ensuring the safety of the specialised gear, ascertained by statement in force by a competent authority;
3. non-payment of the annual amount due for acquisition of the right to use resources of fish and other aquatic organisms - state property.

(6) In case of suspension of the licence or termination of its validity, the NAFA Executive Director shall specify a time limit to the licence holder for removal of the gears.

Section III

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Angling

Article 22. (1) (Supplemented, SG No. 55/2018) Angling shall be performed by individuals who have an valid angling permit.

(2) (Repealed, SG No. 94/2005, new, SG No. 55/2018) Persons wishing to receive an angling permit, with the exception of those referred to in Article 23, Paragraph 2, item 1, shall fill out a declaration in a form approved by the NAFA Executive Director, declaring that they know the requirements of the regulatory framework applicable to angling.

(3) (New, SG No. 55/2018) By the 10th day of each month the persons under Article 22a shall submit to NAFA the originals of the completed declarations under Paragraph 2 for the previous month.

(4) (New, SG No. 55/2018) No angling permit shall be issued without a completed declaration under Paragraph 2.

(5) (Amended, SG No. 94/2005, renumbered from Paragraph 3, SG No. 55/2018) For the issuing and re-certification of the angling permit a fee shall be collected according to the tariff referred to in Article 17a, Paragraph 4.

(6) (New, SG No. 94/2005, supplemented, SG No. 59/2012, renumbered from Paragraph 4, SG No. 55/2018) The members of any unions referred to in Article 11 shall pay 80 per cent of the fee set for issuing and re-certification of the angling permit upon producing a membership card of the relevant union, certified for the respective calendar year.

Article 22a. (New, SG No. 94/2005) (1) (Amended, SG No. 43/2008, supplemented, SG No. 19/2011, effective 9.04.2011, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Angling permits shall be printed out by the NAFA and distributed through its regional units, the state forest farms, the state hunting farms, the organisations referred to in Article 11 and other persons in pursuance of terms and procedure regulated by an ordinance of the Minister of Agriculture.

(2) The angling permit shall be personal and named and may not be transferred to third persons.

(3) Any angling permit shall be issued for a period of one week, one month, six months, or one year according to a template specified with the ordinance provided for in Paragraph 1.

(4) (Amended, SG No. 59/2012) Any persons who are distributing angling permits shall transfer to the NAFA 80 per cent of the nominal value of the licence in pursuance of the terms and procedure laid down in the ordinance provided for in Paragraph 1.

(5) (New, SG No. 55/2018) The persons referred to in Paragraph 4 shall spent annually not less than 5 per cent of the value of the tickets for angling they sold in the previous year, for the purpose of restocking of the sites under Article 3, Paragraph 1, items 1 and 2, set for angling. Protocol on restocking shall be drawn up following the provisions of the Ordinance under Article 15, Paragraph 1.

(6) (New, SG No. 55/2018, amended, SG No. 102/2022, effective 1.01.2023) Every year the Minister of Agriculture shall, upon a proposal from the NAFA Executive Director, shall determine by order the restocking sites under Paragraph 5.

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Article 23. (1) (Amended, SG No. 94/2005) Natural persons may carry out angling without licence in the waters of the Black Sea in compliance with the requirements of Chapter Four.

(2) (Supplemented, SG No. 94/2005, amended, SG No. 36/2008) Children below the age of 14 and people with disabilities may carry out angling with a free angling permit within the sites for angling, as:

1. to children below the age of 14 an angling permit shall be issued with a validity until they reach the age of 14.

2. to people with disabilities until they reach the age of 65, an angling permit shall be issued with a validity equal to the term of validity of the document, certifying the disability;

3. to people with life disabilities, a termless angling permit shall be issued.

(3) (Amended, SG No. 94/2005, supplemented, SG No. 59/2012, amended, SG No. 55/2018) Persons older than 60 years for women and 65 years for men, as well as persons 14 to 18 years old may carry out angling upon payment of a permit fee in the amount of 50 per cent of the fee referred to in Article 22, Paragraph 5.

(4) (Amended and supplemented, SG No. 94/2005) For promoting development of angling among the youth, STCFA and the organisations referred to in Article shall make proposals:

1. (amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) before the Minister of Agriculture for designating state-owned dams or zones thereof as educational and experiential complexes, and shall lay down the terms and procedure for the use thereof;

2. before the respective municipal council for designating appropriate water sites.

(5) (New, SG No. 59/2012) Persons under the age of 14 shall carry out angling only with attendant holding angling permit.

Article 24. (1) Persons practicing angling shall be bound to:

1. (amended, SG No. 59/2012) use no more than 3 fishing rods (sticks) for fishing with no more than two hooks (single or double) installed on them in the artificial water sites, in the Black Sea and the Danube; in the waters of the Black Sea a bunch may be placed on one of the fishing rods;

2. (amended, SG No. 59/2012) use two fishing rods (sticks) with up to 2 installed hooks (single or double) when fishing in rivers, former river beds, the lakes and swamps along the sea and the Danube, and the internal lakes and marshes;

3. record the catch from each fishing outing by species and quantity (in kilograms and numbers) in the angling permits;

4. carry the angling permits during a fishing outing and to present them to the control authorities upon request.

(2) (New, SG No. 59/2012) The use of triple hooks shall be allowed only when fishing with lures and in fishing predatory fish with bait - alive or dead fish.

(3) (Supplemented, SG No. 94/2005, renumbered from Paragraph 2, amended, SG No. 59/2012) After a one-day fishing outing, when fishing on weekends and holidays fishermen shall keep for themselves up to 2 kilograms of trout fishes, but not more than 6 pieces. For all other fish species fishermen shall keep for themselves up to 3 kg, except for a single specimen of greater weight. In the case of catch of frogs and crayfish they shall keep up to 50 specimens. If catch quantity is higher than specified, the caught specimens shall be immediately returned to the

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water regardless of their condition.

(4) (Supplemented, SG No. 94/2005, renumbered from Paragraph 3, amended, SG No. 59/2012) The caught fish and other aquatic organisms referred to in Paragraph 3 cannot be subject to purchase and sale.

(5) (Amended, SG No. 94/2005, renumbered from Paragraph 4, amended, SG No. 59/2012, SG No. 98/2019, effective 13.12.2019) Angling during the light part of the day shall be permitted on all days of the week, excluding the period of the prohibition under Article 32, Paragraph 1.

(6) (New, SG No. 94/2005, renumbered from Paragraph 5, amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 98/2019, effective 13.12.2019) Angling during nighttime shall be permitted only from the shore on all days of the week in the period from April 1 to November 1, excluding the period of prohibition under Article 32, Paragraph 1 and only in fishery sites under Article 3, Paragraph 1, items 1 and 2, determined by the procedure of Paragraph 9.

(7) (New, SG No. 94/2005, amended, SG No. 36/2008, renumbered from Paragraph 6, amended, SG No. 59/2012) When carrying out angling organised by the unions referred to in Article 11 within sites in respect of which they were entrusted with the management of fish resources in pursuance of Article 15a, the persons should be in possession of an angling permit.

(8) (New, SG No. 59/2012) Angling of fish species with quota shall be prohibited.

(9) (New, SG No. 98/2019, effective 13.12.2019, amended, SG No. 102/2022, effective 1.01.2023) The terms and conditions, and the sites under Paragraph 6 where angling is allowed during nighttime, shall be determined each year by the Minister of Agriculture upon the proposal of the Executive Director of NAFA.

Article 24a. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) Where sporting competitions for catch of fish are carried out, the NAFA shall exercise control on the compliance with the provisions of this Act, except for Article 24, Paragraph 1, items 1, 2, 3, Paragraphs 5 and 7, and the observance of the rules and the programme of the competition.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Sporting competitions for catch of fish within state-owned water sites shall take place during the period of the prohibition provided for in Article 32 upon permission of the Minister of Agriculture.

Section IV
Aquaculture
(Title amended, SG No. 94/2005)

Article 25. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Breeding and farming fish and other aquatic organisms and production of carriers of genetic material from hydrobionthic species shall be performed by sole traders and legal persons registered in NAFA.

(2) (Amended, SG No. 94/2005, SG No. 61/2010, SG No. 59/2012) Any persons breeding and farming fish and other aquatic organisms in the waters of the Black Sea and in the dams,

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shall be registered after determining the limits on the volume of production, the areas required for fishing and economic activity and obligations for placement rotation of the technical facilities at certain intervals. Where the technical facilities are located in the waters of the Black Sea the registration shall also be carried out after consultations with the heads of the regional directorates of the Executive Agency Maritime Administration and the heads of the naval bases of the Bulgarian Armed Forces.

(3) (Amended, SG No. 94/2005) For issuance of registration documents a fee shall be payable in the amount set in the tariff referred to in Article 17a, Paragraph 4.

(4) (New, SG No. 94/2005) The registration of the persons referred to in Paragraph 1 shall be carried out individually for each site.

(5) (New, SG No. 36/2008, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture and the Minister of Environment and Water shall lay down by an ordinance the terms and procedure for setting limits on the production volume in the aquaculture sites.

(6) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The procedure for registration of manufacturers of carriers of genetic material shall be determined by an ordinance of the Minister of Agriculture.

(7) (New, SG No. 59/2012) Control over the activities of the persons under Paragraph 6 shall be carried out pursuant to the Animal Husbandry Act.

(8) (New, SG No. 17/2018, effective 23.02.2018) For entering in the register the persons under paragraph 1 shall have appropriate permits under the Water Act, a decision under Chapter Six of the Environmental Protection Act or a permit under Article 67 (2) of the Biological Diversity Act and when the technical facilities are in the Black Sea - and co-ordinating sketches with the bodies under paragraph 2.

Article 25a. (New, SG No. 94/2005) (1) To be entered in the register, the person referred to in Article 25, Paragraph 1 shall lodge an application with the head of the relevant regional NAFA unit.

(2) (Amended, SG No. 105/2005, supplemented, SG No. 36/2008, amended, SG No. 71/2008, SG No. 61/2010, amended and supplemented, SG No. 59/2012, amended, SG No. 17/2018, effective 23.02.2018) In the application under paragraph 1 shall be indicated the UIC under the Commercial Register and Register of Non-Profit Legal Persons Act, as well as the number and the date of the respective acts under Article 25 (8). The application shall be accompanied by:

1. a document of ownership or a document certifying the grounds for using the sites which are state, municipal or private property;

2. a technical description of the site and a technological scheme of production in accordance with the permits issued under the Water Act;

3. document for a paid registration fee, when the payment is not conducted elecronically;

4. document setting the production limit in accordance with the ordinance under Article 25 (5);

5. coordinating sketches with the bodies under Article 25 (2) when the technical facilities are in the Black Sea.

(3) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Content of the technical description and the technological

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production scheme shall be laid down in an ordinance by the Minister of Agriculture.

Article 25b. (New, SG No. 94/2005) (1) Within 14 days of receipt of the application referred to in Article 25a, Paragraph 1, the person shall be entered in the register and a registration certificate shall be issued.

(2) (Supplemented, SG No. 17/2018, effective 23.02.2018) Where deficiencies or discrepancies in the documents submitted or the information indicated in the application are found, the NAFA Executive Director or a person authorised by him shall, within 7 days of receipt of the application, send a notice for the elimination thereof.

(3) The applicant shall eliminate the irregularities referred to in Paragraph 2 within 14 days of receipt of the notice.

(4) Where the irregularities have not been eliminated within the prescribed period the NAFA Executive Director or a person authorised by him shall refuse entry into the register and the issue of a certificate.

(5) The refusal provided for in Paragraph 4 may be appealed in pursuance of the Administrative Procedure Code.

Article 25c. (New, SG No. 94/2005) (1) The registration referred to in Article 25b, Paragraph 1 shall be termless.

(2) In case of any variation to the data referred to in Article 25a, Paragraph 2, the registered person shall within 30 days notify the relevant NAFA regional unit for the purpose of entering the variations in the register of persons breeding and farming fish and other aquatic organisms.

(3) (New, SG No. 59/2012) Persons registered under Article 25 must submit to NAFA a certificate of registration of holding pursuant to Article 137 of the Veterinary Practices Act, within 30 days of commissioning the holding.

Article 25d. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) The NAFA Executive Director shall, by an order, terminate the registration of any person under the following conditions:

1. upon the person's request;
2. in case of winding up or liquidation of the legal person;
3. (repealed, SG No. 59/2012);
4. in case of suspension of operation for more than one year;
5. in case of withdrawal of the permit issued in pursuance of the Water Act.
6. (new, SG No. 36/2008) in case of expiry of the validity of the document, certifying the reason for utilization of the site;
7. (new, SG No. 36/2008) in case of expiry of the validity of the relevant licence under the Water Act;
8. (new, SG No. 59/2012) in case of non-compliance with the requirement of Article 25c, Paragraphs 2 and 3;
9. (new, SG No. 59/2012) in case of non-compliance with the technological scheme of production;

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10. (new, SG No. 59/2012, amended, SG No. 91/2018, effective 2.11.2018) failing to provide the information under Article 27, item 1 in two consecutive years;

11. (new, SG No. 59/2012) in case of annulment of certificate of registration of holding under the Veterinary Practices Act.

(2) The order referred to in Paragraph 1 shall be subject to appeal in pursuance of the Code of Administrative Procedure.

Article 26. (Amended, SG No. 94/2005, repealed, SG No. 61/2010).

Article 27. The persons breeding and farming fish and other aquatic organisms shall be bound:

1. (amended, SG No. 94/2005, SG No. 59/2012, amended and supplemented, SG No. 105/2016, effective 30.12.2016) by the end of January each year to provide a form as per template, approved by an order of the Executive Director of NAFA, containing data about:

a) the fish and other aquatic organisms produced and sold by them during the preceding year, as per age, species and quantities;

b) (supplemented, SG No. 105/2016, effective 30.12.2016) the number of employees by sex, age, nationality, duration of the working hours and education;

c) (new, SG No. 105/2016, effective 30.12.2016) the number of employees with higher education in the area of fisheries and aquaculture;

d) (new, SG No. 105/2016, effective 30.12.2016) the number of the people working without payment;

e) (new, SG No. 105/2016, effective 30.12.2016) revenue from sales, other revenues, value of the labour of the people working without payment, expenses for personnel, for electricity, for stocking material, for fish feed, for repairs and maintenance, other operating expenses, subsidies for the activity and for investments, consumption of fixed capital, total value of the assets, financial revenues and expenses, liabilties, net investments, used stocking material and fish feed and weight of the sales as per aquaculture type;

f) (new, SG No. 105/2016, effective 30.12.2016) applied veterinary medical products or treatment and mortality;

2. (amended, SG No. 8/2011, effective 25.01.2011, repealed, SG No. 59/2012);

3. (new, SG No. 94/2005, amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) to keep a sales log and, in the case of first sale, issue a declaration of origin of aquaculture products following a procedure laid down in an ordinance by the Minister of Agriculture;

4. (new, SG No. 94/2005, supplemented, SG No. 59/2012) to provide, on a monthly basis, NAFA officials with copies of the declarations of origin issued and number of the invoice for payment effected;

5. (new, SG No. 94/2005) to produce the sales log, if the control authorities so request;

6. (new, SG No. 94/2005) to comply with the technological production scheme put in place;

7. (new, SG No. 36/2008, supplemented, SG No. 59/2012) not to exceed the set production limit in the permit for water site usage;

8. (new, SG No. 59/2012) to register the vessels used in aquaculture production in the Black Sea waters under the ordinance referred to in Article 16, Paragraph 3, no later than one month

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before commissioning of the technical equipment.

Article 27a. (New, SG No. 105/2016, effective 30.12.2016) (1) Any person who has registered an enterprise for fish processing and other aquatic organisms shall provide to NAFA annually until the end of January a form for economic statistics as per template, approved by an order of the Executive Director of NAFA.

(2) The form as per Paragraph 1 shall include:

1. number of employees by sex, age, nationality, duration of the working hours and education;

2. number of the people working without payment;

e) revenue from sales, other revenues, value of the labour of the people working without payment, expenses for personnel, for electricity, for fish and other raw material for processing, other operating expenses, subsidies for the activity and for investments, consumption of fixed capital, total value of the assets, financial revenues and expenses, liabilties, net investments, and weight of the raw material as per type and origin.

Article 28. (Amended and supplemented, SG No. 94/2005, repealed, SG No. 59/2012).

Article 28a. (New, SG No. 94/2005) (1) (Amended, SG No. 8/2011, effective 25.01.2011, SG No. 12/2015) The heads of the NAFA regional units shall ex-officio provide the regional Agriculture Directorates with an extract from the register of persons breeding and farming fish and other aquatic organisms for entering the information in the register of farmers.

(2) (Amended, SG No. 12/2015) The producers of aquaculture registered in pursuance of this Act shall be entitled to the rights of farmers within the meaning of Agricultural Producers Support Act.

Chapter Four
CONSERVATION OF FISH RESOURCES

Section I
General provision

Article 29. (Amended, SG No. 36/2008, SG No. 91/2018, effective 2.11.2018) The governmental and the local authorities, the organisations referred to in Article 10, Article 10c and Article 11, and the persons performing commercial fishing, angling and aquaculture, shall be bound to assist the NAFA employees in the performance of their official duties for conservation

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of fish resources.

Section II
Measures and activities for protecting fish resources

Article 30. (1) (Supplemented, SG No. 94/2005, SG No. 55/2018) For the conservation, restoration, reproduction and maintenance of fisheries resources, NAFA shall:

1. (amended, SG No. 94/2005, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) investigate their status and propose to the Minister of Agriculture to establish total allowable catches and set quotas within the limits of that catch for the individual species of fish and other aquatic organisms within any sites referred to in Article 3, Paragraph 1;

2. develop, approve and announce fishery measures, including also quotas for stocking with fish the sites referred to in Article 3, Paragraph 1, items 1 and 2, where there is evidence of a critical decrease in their stocks;

3. (repealed, SG No. 36/2008);

4. (new, SG No. 94/2005) co-ordinate projects for construction of facilities whereby the migration of fish and other aquatic organisms is ensured;

5. (new, SG No. 94/2005) give written directions for mitigating the negative impact of existing facilities that obstruct the migration of fish and other aquatic organisms.

(2) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Based on the proposal referred to in Paragraph 1, item 1, the Minister of Agriculture shall, by means of order, fix the TACs and quotas within the TACs for the respective year, for the different types of fish and other aquatic organisms, when such TACs and quotas are not set by the European Union.

(3) (Renumbered from Paragraph 2, amended, SG No. 59/2012, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture shall, in co-ordination with the Minister of Environment and Water, determine:

1. (amended, SG No. 59/2012, supplemented, SG No. 102/2012) temporary prohibitions for commercial fishing and angling in water sites referred to in Article 3, Paragraph 1, items 1 and 2 or separate zones thereof, for conservation of the populations of fish and other aquatic organisms;

2. conditions and timeframes of a prohibition over the use of sites referred to in Article 3, Paragraph 1, item 3 in the case of diseases of the fish and other aquatic organisms bred in them, and measures for restricting the spread of the diseases to other sites referred to in Article 3;

3. the terms and the procedure for constructing artificial submerged reefs in the shallow zones of the Black Sea coast - in co-ordination also with the heads of the naval bases of the Bulgarian army.

(4) (New, SG No. 59/2012) Upon the occurrence of unusual weather or other circumstances which endanger the fish resources and their habitats, the executive director of NAFA shall temporarily issue a ban on fishing for the particular water site.

(5) (Amended, SG No. 94/2005, renumbered from Paragraph 3, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Where changes in the stocks of certain species of fish and other aquatic organisms endangering their natural

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reproduction and economic significance are found, the Minister of Agriculture shall, in co-ordination with the Minister of Environment and Water, impose a prohibition on their exploitation for a certain period of time, but not shorter than one year, and propose the undertaking of such measures pursuant to international agreements to which the Republic of Bulgaria is a party.

(6) (New, SG No. 94/2005, renumbered from Paragraph 4, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The National Agency for Fisheries and Aquaculture and the Ministry of Environment and Water shall monitor the sustainable development of populations of fish and other aquatic organisms by controlling their health and genetic status in accordance with a procedure laid down in a joint ordinance issued by the Minister of Agriculture and the Minister of Environment and Water. Under terms and procedure laid down in said ordinance, monitoring research may be entrusted to specialised laboratories meeting the requirements for good manufacturing and laboratory practices.

(7) (New, SG No. 59/2012) In the sites under Article 3, Paragraph 1, item 1, a settlement shall be made only of specimens of fish and other aquatic organisms of proven local origin. Using non-local species for this purpose shall be subject to the terms and conditions set out in the Biodiversity Act.

(8) (New, SG No. 94/2005, renumbered from Paragraph 5, amended, SG No. 59/2012) The NAFA Executive Director shall, by order, determine the conditions for catching fish species or other aquatic organisms for which total allowable catches and/or quota is set under Paragraph 2, or such TACs and/or quota are set by the European Union for the Black Sea.

(9) (New, SG No. 59/2012, amended, SG No. 91/2018, effective 2.11.2018) The individual quotas within a specified TAC and/or quota shall be allocated by organizations recognized under the procedure of Article 10 and Article 10c. The individual quotas for fishing vessels whose owners or users are not members of the recognized under Article 10 or Article 10c organizations, shall be allocated by NAFA.

(10) (New, SG No. 59/2012, amended, SG No. 91/2018, effective 2.11.2018) The terms and procedure for allocating quotas among the recognized under Article 10 or Article 10c organizations, and the fishing vessels whose owners or users are not members thereof, shall be determined by the order referred to in paragraph 8.

Article 31. (Amended, SG No. 94/2005, repealed, SG No. 59/2012).

Article 32. (1) The catching of fish and other aquatic organisms during the period of their reproduction in compliance with Annex 1 shall be prohibited in the water sites referred to in Article 3, Paragraph 1, items 1 and 2.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) In the case of untypical changes in the climatic conditions affecting the development of fish resources, the Minister of Agriculture shall, in co ordination with the Minister of Environment and Water upon proposal by the the NAFA Executive Director, change with an order the starting date or the final date or increase the terms of the prohibition under Annex 1 with up to 30 days.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The prohibition under Paragraph 1 in the technological sites referred to in Article 3,

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Paragraph 1, item 2 shall be imposed every year for a period of between 20 and 45 days with an order by the Minister of Agriculture upon proposal by the the NAFA Executive Director.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The prohibition under Paragraph 1 shall not refer to the catching of fish and other aquatic organisms in water sites determined with an order issued by the Minister of Agriculture, co-ordinated with the Minister of Environment and Water, upon a proposal by the the NAFA Executive Director in which angling shall be permitted during the period of the prohibition under Paragraph 1.

(5) (New, SG No. 94/2005, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The Minister of Agriculture, in co-ordination with the Minister of Environment and Water and upon proposal of the the NAFA Executive Director, shall, by an order, change the initial sate, final date or extend the periods of the prohibition provided for in Paragraphs 1 to 3 in respect of certain water sites according to the region's altitude and climatic peculiarities.

(6) (New, SG No. 94/2005, repealed, SG No. 59/2012).

(7) (New, SG No. 59/2012) In the case of by-catch during the prohibition under Article 32, Paragraph 1, the specimens caught shall be immediately returned to the water regardless of their condition.

Article 33. (1) (Supplemented, SG No. 59/2012) During the prohibition under Article 30, Paragraph 3, items 1 Pargraphs 4 and 5, and Article 32, Paragraph 1, the transfer, transportation and sale of fish and other aquatic organisms whether live, fresh, or chilled shall not be allowed.

(2) (Supplemented, SG No. 94/2005, amended, SG No. 59/2012) The prohibition under Paragraph 1 shall not apply to fish and other aquatic organisms, including carriers of genetic material, farmed within the sites registered under Article 25. The catching, transfer, transportation and marketing thereof shall be carried out according to the provisions of Chapter Five.

(3) (New, SG No. 94/2005) The prohibition for transferring and transportation of fish and other aquatic organisms shall not apply to the cases of catch of fish and other aquatic organisms for research and scientific purposes, of sporting and leisure nature and within the water sites referred to in Article 32, Paragraph 4.

Article 34. (1) (Previous text of Article 34, SG No. 94/2005, supplemented, SG No. 59/2012) Angling shall be prohibited in any rivers where the quantity of water therein is below the minimum admissible outflow, determined according to a methodology of the Minister of Environment and Water.

(2) (New, SG No. 94/2005) The prohibition provided for in Paragraph 1 shall be imposed with an order of the NAFA Executive Director upon proposal of the heads of the relevant regional NAFA unit in consultation with the relevant Basin Directorate with the Ministry of Environment and Water.

Article 35. (1) Commercial fishing and angling shall be prohibited in the sites referred to in

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Article 3, Paragraph 1 with the following devices, means, tackles and appliances:

1. explosive materials, poisonous and intoxicating substances;

2. (amended, SG No. 59/2012) electric current and technical devices and facilities for catch with electricity and radiation;

3. (supplemented, SG No. 59/2012) bottom trawls and dredges, excluding beam trawl;

4. firearms;

5. harpoon;

6. (new, SG No. 94/2005) snag hooks;

7. (new, SG No. 59/2012) small size fishing nets of "parachute" type.

(2) (Amended, SG No. 94/2005) The prohibition under item 5 of Paragraph 1 shall not apply to angling in the waters of the Black Sea. The terms and procedure for angling with a harpoon shall be regulated with the ordinance provided for in Article 15, Paragraph 1.

(3) (New, SG No. 94/2005) Angling shall be carried out only with the devices referred to in item 1 of Article 24, Paragraph 1 and under the terms of Paragraph 2.

(4) (Renumbered from Paragraph 3, SG No. 94/2005, amended and supplemented, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The devices referred to in items 2 and 3 of Paragraph 1 may be used for conducting scientific research following permission granted by the Minister of Agriculture, under the terms and procedure of the licence for research purposes referred to in Article 40.

(5) (New, SG No. 59/2012, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Minister of Agriculture shall, upon a proposal from the Executive Director of NAFA, determine by order the areas that shall be prohibited for using any beam trawl. The order shall be published on the website of NAFA within three days of its issue.

(6) (New, SG No. 59/2012) The use of beam trawl in the areas referred to in Paragraph 5, as well as fishing vessels without a functioning board equipment for satellite tracking shall be prohibited.

Article 36. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Commercial fishing with nets and other net devices, where sheets or elements thereof have a mesh size smaller than the one set in the ordinance referred to in Article 15 Paragraph 1 shall be prohibited in the Danube and the Black Sea.

(2) The use of additional net appliances shall be prohibited for catching turbot.

Article 37. Commercial fishing and angling by raking shall be prohibited in the sites referred to in Article 3, Paragraph 1.

Article 38. (1) Catching, transfer, transportation and sale of fish and other aquatic organisms from the sites under Article 3, Paragraph 1, items 1 and 2 with dimensions smaller than the minimum admissible according to Annex 2 shall be prohibited.

(2) When specimens with smaller dimensions than these given in Annex 2 are caught, they shall immediately be returned to the water, regardless of their condition.

(3) (New, SG No. 94/2005) The prohibition for catching, transfer and transportation of fish

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and other aquatic organisms with size smaller than that admissible according to Annex 2 shall not apply to the cases of catch of fish and other aquatic organisms for scientific and research purposes.

(4) (Renumbered from Paragraph 3, SG No. 94/2005) The fish and other aquatic organisms caught shall be measured, as follows:

1. (amended, SG No. 94/2005) in the case of fish the total body length (TL) shall be measured in centimetres from the beginning of the head to the end of the caudal fin, as shown in Figures 1 to 4 in Annex 2;

2. (amended, SG No. 94/2005) the size of crayfish shall be measured in centimetres along the total body length (TL) from the middle of the eyes to the end of the caudal fin as shown in Figure 5 in Annex 2;

3. (amended, SG No. 94/2005) the size of mussels shall be measured along the total biggest length of the shell as shown in Figure 6 in Annex 2;

4. (amended, SG No. 94/2005) frogs shall be measured in grams.

(5) (Renumbered from Paragraph 4, supplemented, SG No. 94/2005, amended, SG No. 59/2012) Where commercial fishing is carried out, by-catch of fish with size below the minimum admissible pursuant to Annex 2 shall be allowed, in amounts not greater than 5 percent for all fish species, except for sturgeons species and fish species with quota.

Article 39. (Amended, SG No. 94/2005) The prohibition under Article 38, Paragraph 1 shall not apply to the catching, transfer, transportation and marketing of fish and other aquatic organisms from the sites designated for aquaculture.

Article 39a. (New, SG No. 55/2018) (1) Fishing with net fishing gear in the sites under Article 3, Paragraph 1, shall be prohibited, with the exception of the fishing made:

1. in the waters of the Black Sea and the Danube River, under the provisions of Article 17;

2. by persons registered under the procedure of Article 25 – in the water sites for which the registration was made.

(2) Transfer and transport of net fishing gear shall be prohibited.

(3) Prohibition under Paragraph 2 shall not apply to persons that:

1. hold a valid commercial fishing licence under Article 17;

2. are registered under the procedure of Article 25.

Article 40. (Amended and supplemented, SG No. 94/2005, amended, SG No. 59/2012) (1) (Renumbered from Article 40, amended, SG No. 94/2005) The NAFA Executive Director shall issue a permit for catching fish and other aquatic organisms for scientific and research purposes.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Permit for catching for scientific and research purposes of the fish species listed in Annex No. 4 of the Biodiversity Act shall be given by the Minister of Agriculture, following consultation with the Minister of Environment and Water.

(3) For issue of the permit provided for in Paragraphs 1 and 2, a written application shall be lodged by the head of the scientific organisation wherein the following shall be specified:

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1. data of the person conducting the research;

2. the research objectives;

3. the grounds on which the permit is requested;:

a) within the period of prohibition referred to in Articles 32 and 33;

b) for use of the prohibited under Article 35, Paragraph 1, items 2 and 3, means, tackles and appliances;

c) for catch of fish and other aquatic organisms with size below the minimum admissible pursuant to Annex 2 of Article 38, Paragraph 1;

d) for catching, transfer and transportation of noble crayfish (Astacus astacus L.) and stone crayfish (Austropotamobius torrentius);

4. water sites or water catchments for the research;

5. period to carry out the research;

6. the type and number of fish and other aquatic organisms by families, needed for the research purposes, except for the species listed in Annex No. 3 to the Biodiversity Act;

7. type, number, characteristics and parameters of the fishing gear and means with which research is carried out;

(4) Where a vessel is used for the research purposes, the application shall include:

1. external marking and name of the vessel;

2. name of the master.

(5) The permit shall be issued to a person holding a Master degree in hydrobiology, zoology or ecology;

(6) The following shall be attached to the application under Paragraph 3:

1. copy of the contract for a research project implementation and/or action plan of the scientific organization, certified by the head of the respective scientific organization and/or other documents proving the grounds under Paragraph 3, item 2;

2. analysis of the expected impact from the use of the gear, method or means for catching or killing on the other species of fish and aquatic organisms, as well as the measures for their protection or reducing the negative impact on them;

3. recent photograph of the person to whom the permit is issued;

4. document certifying the circumstance of Paragraph 5;

5. declaration by the person to whom the permit is issued, that he/she has not committed any violation of the law within two years prior to the date of application submission, ascertained by a statement in force, issued by a competent authority.

(7) The permit shall be valid until the end of the respective calendar year. After the expiry of the period, permit shall be submitted back to NAFA.

(8) The permit shall be personal and not transferable.

(9) The permit shall include:

1. (amended, SG No. 55/2018) data of the person conducting the research;

2. recent photo;

3. the purpose of the research;

4. the validity term of the permit;

5. the period of allowed catches;

6. the water sites;

7. type and number of the authorized retention of catch of fish and other aquatic organisms throughout the research;

8. the fishing gears and means;

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9. Data about the vessel and master, where a vessel is used for the research purposes.

(10) Before any catch, the holder of the permit shall be required to notify the territorial unit of NAFA on whose territory the water site is located, or the part of the Black Sea, where research is conducted.

(11) Upon completion of each catch, the type, quantity, size and other details of the caught fish and other aquatic organisms shall be entered in the permit and then the permit shall be provided for certification in the relevant territorial unit of NAFA.

(12) For completion of museum collections with fish and other aquatic organisms, retention of not more than 5 specimens of each species shall be allowed.

(13) Any quantities of caught fish and other aquatic organisms, higher than the allowed retention quantity shall be returned immediately to the water body regardless of their condition.

(14) The NAFA Executive Director shall by means of a reasoned order refuse the issuance of permit for fishing for research purposes when:

1. submitted application does not meet the requirements of Paragraphs 3, 4 and 6;

2. the person has not returned to NAFA the permit issued for the previous year and/or the permit is not certified by the relevant territorial unit of NAFA.

(15) The order referred to in Paragraph 14 shall be notified and may be appealed in pursuance of the Code of Administrative Procedure.

(16) National Agency for Fisheries and Aquaculture shall keep a public register of permits for catches of fish and other aquatic organisms for research purposes.

(17) The prohibitions of Articles 32, 33, Article 38, Paragraph 1, Articles 42 and 45a shall not apply in the cases of catches of fish and other aquatic organisms for research purposes.

(18) For issuance of permit for fish and other aquatic organisms for research purposes a fee shall be payable according to the tariff referred to in Article 17a, Paragraph 4.

Article 41. (Repealed, SG No. 94/2005).

Article 42. (Supplemented, SG No. 94/2005) The catching, transfer, transportation of and trade in Noble crayfish (Astacus astacus L.) and Stone crayfish (Austropotamobius torrentium L.) shall be prohibited.

Article 43. (1) (Supplemented, SG No. 94/2005) The catching, transfer, transportation of and trade in sea mammals shall be prohibited.

(2) In case of by-catch of sea mammals, the animals caught shall be returned immediately to the sea, regardless of their condition.

Article 44. (Repealed, SG No. 94/2005, new, SG No. 55/2018) Transfer and transport of technical devices and equipment to catch with an electric current, except in cases in which the person holds a valid permit to catch for research purposes under Article 40, shall be prohibited.

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Article 44a. (New, SG No. 94/2005) (1) Any persons operating the drain facilities of the state-owned water sites referred to in item 2 of Article 3, Paragraph 1 shall be bound to install facilities obstructing the passage of fish.

(2) In circumstances necessitating the draining of the water sites referred to in item 2 of Article 3, Paragraph 1, the person operating the facilities shall be bound to ensure the transfer of fish and other aquatic organisms into another water site and their returning or to finance the restoration thereof.

(3) The obligations provided for in Paragraphs 1 and 2 shall be implemented following consultation with the Ministry of Environment and Water and under the NAFA's control.

Article 44b. (New, SG No. 94/2005) (1) (Amended, SG No. 98/2018, effective 27.11.2018) The owners of new dams, thresholds and other transverse partition facilities, partitioning the riverbed along its entire width, hindering the natural fish migrations, must build fish passages before putting the facility into operation. The Director of Basin Directorate shall make an assessment on the need for construction of fish passages ensuring migrations of fish, in accordance with the objectives and measures laid down in the river basin management plan in the procedures:

1. under Chapter Six of the Environmental Protection Act and/or under Article 31 of the Biological Diversity Act, based on the opinion under Article 155, paragraph 1, item 23 of the Water Act, and

2. on issuing permits under the procedures of the Water Act.

(2) (Amended, SG No. 98/2018, effective 27.11.2018) Owners of existing hydroelectric facilities, dams and thresholds must build or reconstruct fish passages, ensuring fish migrations, after assessment of the compliance with the river basin management plans carried out by the Director of Basin Directorate, based on the full information on the fish monitoring results, current hydrological data and documentation of the existing facilities provided by the owners/users of the facilities.

(3) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The terms, procedure, and technical requirements for constructing fish passages shall be set out in a joint ordinance of the Minister of Agriculture and the Minister of Environment and Water.

Article 44c. (New, SG No. 94/2005, supplemented, SG No. 59/2012) Any owners and any persons operating hydroelectric facilities, dams and weirs, and the water sites' owners referred to in Article 3, Paragraph 1, item 2 shall be bound to maintain optimum water level during the reproductive period of fish for the purpose of protecting spawn, excluding the cases of emergency water discharge.

Article 44d. (New, SG No. 94/2005, repealed, SG No. 59/2012).

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Article 45. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Any owners of fishing vessels with a minimum of 12 m length overall shall be bound to install on them and to maintain in working order board equipment connected with the system for surveillance and control of fishing vessels.

(2) (Repealed, SG No. 94/2005).

(3) (Amended, SG No. 59/2012) Leaving the water area of the port by fishing vessels without functional or with switched off satellite-tracking device shall be prohibited.

(4) (New, SG No. 94/2005, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The terms and procedure for using, maintaining and storing the system for surveillance and control of fishing vessels and the board equipment referred to in Paragraph 1 shall be regulated by a joint ordinance of the Minister of Agriculture and the Minister of Transport.

Article 45a. (New, SG No. 59/2012) Aboard fishing vessels and other vessels shall be prohibited the storage, transfer, transport and installation of devices, means, tackles and appliances referred to in Article 35, Paragraph 1,related to conducting commercial fish or angling.

Article 45b. (New, SG No. 59/2012) (1) Fishing vessels whose propulsion engine power exceeds 120 KW, including fishing vessels with fitted new propulsion engine, a replacement propulsion engine and a propulsion engine that has been technically modified, except for the vessels used in aquaculture, shall be subject to certification of the engine power.

(2) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Certification and verification of the engine power of fishing vessels registered in the Fishing Vessels Register, shall be carried out by the Minister of Transport, Information Technologies and Communications in accordance with Article 40 to 41 of Regulation (EC) No. 1224/2009 according to a procedure determined by the Minister of Transport, Information Technologies and Communications and the Minister of Agriculture.

Chapter Five
TRADE AND TRANSPORTATION OF FISH AND OTHER AQUATIC ORGANISMS

Article 46. (Amended, SG No. 94/2005) (1) The first sale of fishery products shall take place at centres registered in pursuance of Article 46a or buyers registered pursuant to Article 46e.

(2) (Supplemented, SG No. 59/2012) The first sale centres shall be specially constructed places for trade in fishery products meeting the requirements of the Veterinary Practices Act and Foodstuffs Act where conditions for organised market and equal conditions for the parties shall

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be provided.

(3) (Amended, SG No. 59/2012) Where trading in the centres referred to in Paragraph 1 is carried out, the measures for organisation of the first sale shall be implemented by a centre organiser.

(4) (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The terms and procedure for carrying out first sale of fishery products shall be regulated by an ordinance of the Minister of Agriculture.

Article 46a. (New, SG No. 94/2005) (1) (Supplemented, SG No. 17/2018, effective 23.02.2018) The first sale centres for fishery products shall be registered with the NAFA after issuing a certificate of registration pursuant to the Foodstuffs Act, and the centre organiser shall lodge an application with the relevant regional NAFA unit.

(2) For entering into register of a first sale centre, a fee shall be payable in the amount set in the tariff referred to in Article 17a, Paragraph 4.

(3) (Amended, SG No. 105/2005, SG No. 59/2012, SG No. 17/2018, effective 23.02.2018) In the application under Paragraph 1 shall be indicated the UIC under the Commercial Register and Register of Non-Profit Legal Persons Act or BULSTAT number and date of the certificate of registration pursuant to the Foodstuffs Act. The following shall be appended to the application:

1. a document of ownership or a document certifying the grounds for using the site;
2. draft of statute book of the first sale center;
3. document of paid fee, when the payment is not conducted elecronically.

(4) The Rules of Procedure of the first sale centre shall contain:

1. the terms and procedure for participation in the first sale centre;
2. the venues and time for carrying out sales and loading and unloading activities;
3. the procedure for performing marketing in the first sale centre;
4. the terms and procedure for compiling the first sale documents in respect of fishery products;
5. the types of fees payable for the services provided by the organiser.

(5) (Supplemented, SG No. 59/2012) In the case of any variation to the data referred to in Paragraph 3, the organiser of the first sale centre shall notify within 30 days the relevant regional NAFA unit with a view of entering these variations in the register of first sale centres for fishery products.

Article 46b. (New, SG No. 94/2005) (1) Within 14 days of receipt of the application referred to in Article 46a, Paragraph 1, the the NAFA Executive Director or a person authorised by him shall issue a registration certificate which is to be entered in the register.

(2) (Supplemented, SG No. 17/2018, effective 23.02.2018) Where any deficiencies or discrepancies in the documents submitted or the information indicated in the application are found, within 7 days of receipt the applicant shall be sent a notice for elimination thereof.

(3) The applicant shall eliminate the irregularities referred to in Paragraph 2 within 14 days of receipt of the notice.

(4) The the NAFA Executive Director or a person authorised by him shall refuse in writing the entry referred to in Paragraph 1 where:

1. the irregularities in the application have not been eliminated within the prescribed period;

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2. the draft Rules of Procedure for carrying out trade in fishery product at the first sale centre submitted is in conflict with a law.

(5) The refusal provided for in Paragraph 4 shall be subject to appeal in pursuance of the Administrative Procedure Code.

(6) Any fees for entry into the register and issue of a certificate shall be refunded one month after the refusal becomes effective.

Article 46c. (New, SG No. 94/2005) (1) The organiser of any first sale centre for fishery products shall keep a register of the sellers concluding transactions thereat in which the following shall be entered:

1. the person's name/corporate name;

2. (supplemented, SG No. 59/2012) number of the commercial fishing licence and certificate of acquired right to use resources of fish and other aquatic organisms.

(2) Any organisation of producers recognised in pursuance of Article 10 carrying out the first sale on behalf of its members may be registered as a seller.

(3) (New, SG No. 59/2012) Registration under the procedure of Article 46a shall be termless

(4) (New, SG No. 59/2012) The Executive Director of NAFA shall, by order, terminate the registration:

1. upon request of the organizer of the center;

2. upon termination or liquidation of the legal person or sole trader - organizer of the center;

3. upon cancellation of the center activities for more than one year;

4. upon revocation of the certificate of registration under the Foodstuffs Act.

(5) (New, SG No. 59/2012) The order under Paragraph 4 shall be notified and may be appealed in pursuance of the Code of Administrative Procedure.

Article 46d. (New, SG No. 94/2005) The organisers of any first sale centres for fishery products shall be bound to provide free access and conditions for the work of the control bodies of the NAFA and the Bulgarian Food Safety Agency with a view of carrying out the relevant checks and sampling from the quantities of fish and other aquatic organisms marketed.

Article 46e. (New, SG No. 94/2005) (1) (Amended and supplemented, SG No. 59/2012, supplemented, SG No. 17/2018, effective 23.02.2018) First sale of fishery products outside the centres referred to in Article 46, Paragraph 2 shall be carried out by registered buyers - legal persons or sole traders, holding a valid registration certificate under the Foodstuffs Act, who shall lodge an application with the relevant regional NAFA unit.

(2) For entry into the register of persons under Paragraph 1 a fee shall be payable in the amount set in the tariff referred to in Article 17a, Paragraph 4.

(3) (Amended, SG No. 59/2012, SG No. 17/2018, effective 23.02.2018) The application referred to in Paragraph 1 shall indicate the corporate name and seat of business, and the management address of the legal person or sole trader, UIC under the Commercial Register and Register of Non-Profit Legal Persons Act, number and date of the registration certificate unfer the

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Foodstuffs Act or registration certificate for motor vehicle under the Veterinary Practices Act. To the application shall be appended a document for payed fee, when the payment is not conducted elecronically.

(4) (Supplemented, SG No. 59/2012) In the case of any variation to the data referred to in Paragraph 3, the person referred to in Paragraph 1 shall, within 30 days, notify the relevant regional NAFA unit with a view of entering these variations in the register.

Article 46f. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) Within 14 days of receipt of the application referred to in Article 46e, Paragraph 1, the legal person or sole trader shall be entered in the register and a registration certificate shall be issued.

(2) (Supplemented, SG No. 17/2018, effective 23.02.2018) Where any deficiencies or discrepancies in the documents submitted are found or the information indicated in the application, within 7 days of receipt the applicant shall be sent a notice for elimination thereof.

(3) The applicant shall eliminate the irregularities referred to in Paragraph 2 within 14 days of receipt of the notice.

(4) (Amended, SG No. 59/2012) The NAFA Executive Director or a person authorised by him shall refuse the entry where the irregularities in the application have not been eliminated within the prescribed period under Paragraph 3.

(5) The refusal provided for in Paragraph 4 shall be notified and may be appealed in pursuance of the Code of Administrative Procedure.

(6) Any fees for entry into the register and issuance of a certificate shall be refunded one month after the refusal becomes effective.

(7) (New, SG No. 59/2012) Registration under Paragraph 1 shall be termless

(8) (New, SG No. 59/2012) The Executive Director of NAFA shall, by order, terminate the registration:

1. upon request of the registered buyer;
2. upon termination or liquidation of the legal person or sole trader - registered buyer;
3. upon cancellation of activities of the registered buyer for more than one year;
4. upon revocation of the certificate of registration under the Foodstuffs Act.

(9) (New, SG No. 59/2012) The order under Paragraph 8 shall be notified and may be appealed in pursuance of the Code of Administrative Procedure.

Article 46g. (New, SG No. 94/2005) (1) While carrying out first sale of fishery products a sales log shall be kept that shall be produced to the control authorities, if the latter so request. For each first sale of fishery products the organiser of the first sale centre or the registered buyer shall draw up a first sales note.

(2) (Amended, SG No. 59/2012) Where fish and other aquatic organisms are intended for sale at a later date or for processing, their owner or a person authorised by him shall draw up a take-over declaration after the landing thereof.

(3) Any fishery products landed in, either unprocessed or after having been processed on board, or imported into the country and for which neither a sales note, nor a take-over declaration has been drawn up and which are transported to a place other than that of landing, shall be accompanied by a transport document.

(4) (Supplemented, SG No. 59/2012) Those who have drawn up either the sales notes, take-

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over declarations, or the transport documents shall submit a copy of these documents and the invoice number to the NAFA within 48 hours following the landing or the first sale.

(5) The terms and procedure for drawing up and submission of the documents referred to in Paragraphs 1 to 4 shall be regulated with the ordinance provided for in Article 46, Paragraph 4.

Article 46h. (New, SG No. 94/2005) (1) During first sale of fishery products specified in the ordinance provided for in Article 46, Paragraph 4 they shall be graded in respect of freshness and size.

(2) The grading provided for in Paragraph 1 shall be carried out by persons possessing a certificate for grading fish and other aquatic organisms. The certificates shall be issued by the organisations referred to in Article 10 after a completed training course and a successfully passed examination.

(3) Training courses for acquiring a certificate for grading fish and other aquatic organisms shall also be held by the NAFA in pursuance of Article 14, Paragraph 1.

(4) For the issuance of a certificate for grading fish and other aquatic organisms by the NAFA a tax shall be payable in the amount set in the tariff referred to in Article 17a, Paragraph 4.

Article 47. (Amended, SG No. 94/2005) Where fishery products are supplied as raw material for processing, when they have not been subject to first sale, the supplier shall mandatorily provide the recipient of the raw material with a copy of the declaration of origin. Where the raw material is imported, the supplier shall provide a veterinary certificate.

Article 48. (Amended, SG No. 36/2008, SG No. 94/2005) (1) (Amended, SG No. 36/2008) In the case of sales referred to in Article 46, Paragraph 1, the seller shall provide the first sale centre with a declaration of origin.

(2) In the cases of first sale of imported fish and other aquatic organisms, a veterinary certificate shall be provided.

Article 48a. (New, SG No. 94/2005, amended, SG No. 59/2012) (1) Where aquaculture products are supplied as raw material for processing, the supplier shall provide the recipient with a declaration of origin for aquaculture products, and where live fish and/or other living aquatic organisms are delivered - a veterinary certificate as well. Where the raw material is imported, the supplier shall provide a veterinary certificate.

(2) Where aquaculture products are sold, the seller shall provide the buyer with a declaration of origin for aquaculture products, and where live fish and/or other living aquatic organisms are sold - a veterinary certificate as well, Where the raw material is imported, the seller shall provide a veterinary certificate.

(3) Sale of live aquaculture products shall only be performed by persons registered under Article 25.

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Article 49. (Amended, SG No. 94/2005, SG No. 36/2008, SG No. 59/2012) In public catering establishments and on the market, the supply, marketing and sale for human consumption of fish and other aquatic organisms shall be prohibited without:

1. copy of the declaration of origin and first sale document - in the cases of first sale of fish and other aquatic organisms, or;

2. commercial or payment document - in all other cases.

Article 49a. (New, SG No. 94/2005, amended, SG No. 36/2008, SG No. 59/2012) Copies of the documents under Article 49 shall be presented during inspection to the control authorities, the NAFA or the Bulgarian Food Safety Agency.

Article 50. (Amended, SG No. 94/2005) (1) (Amended, SG No. 59/2012) The transportation of fish and/or other aquatic organisms shall be carried out with specialised vehicles:

1. licensed under Article 165 of the Veterinary Practices Act - for transport of live fish and other living aquatic resources;

2. (amended, SG No. 52/2020, effective 9.06.2020) are registered under the procedure of Article 55 of the Foodstuffs Act - in the rest of the cases.

(2) (Amended, SG No. 36/2008, SG No. 59/2012) In the case of transportation of fish and/or other aquatic organisms that are aquaculture products, these shall be accompanied by a copy of the declaration of origin of aquaculture products, and in case the transportation of live fish and/or other aquatic organisms - a veterinary certificate as well. If the aquaculture products are subject to subsequent sale, they shall be accompanied by a commercial or payment document.

(3) (New, SG No. 59/2012) In the case of transportation of fishery products these shall be accompanied by a copy of declaration of origin and a transport document pursuant to the requirements of the ordinance referred to in Article 46, Paragraph 4.

(4) (Amended, SG No. 36/2008, renumbered from Paragraph 3, supplemented, SG No. 59/2012) In the case of transportation of fishery products already passed first sale, these shall be accompanied by a declaration of origin, a first sale document and a transportation document pursuant to the requirements of the ordinance referred to in Article 46, Paragraph 4.

Article 50a. (New, SG No. 94/2005, repealed, SG No. 59/2012).

Article 51. (1) (Amended and supplemented, SG No. 94/2005, amended, SG No. 59/2012) Carriers of genetic material from fish and other aquatic organisms shall also be sold in sites other than those referred to in Article 46, Paragraph 2, by legal persons and sole traders registered under Article 25, Paragraph 1, and by accredited businesses, organizations, associations and research institutes.

(2) (Amended, SG No. 94/2005, SG No. 36/2008) Where carriers of genetic material are marketed, the seller shall present to the buyer a veterinary certificate of health status. In the case of marketing and settling of carriers of genetic material from sturgeons, a veterinary movement

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document/veterinary certificate and a genetic certificate issued by accredited laboratories for genetic analysis of fish and other aquatic organisms shall be required.

Article 52. (Amended and supplemented, SG No. 94/2005) Where carriers of genetic material are intended for settlement, a record of proceedings for stocking with fish shall be drawn up conforming to a specimen and following a procedure laid down in the ordinance provided for in Article 15, Paragraph 1.

Chapter Six
FINANCING OF FISHERIES AND AQUACULTURE

Article 53. (1) The resources for management and conservation of fish resources shall be collected from:

1. (amended, SG No. 94/2005) the fees for issuing commercial fishing licences, the fees for registration of fish producers and the fees for the services provided by the NAFA set in the tariff referred to in Article 17a, Paragraph 4.

2. the fees for issuing angling permits;

3. (amended, SG No. 36/2008) the penalties, property sanctions and compensations collected in favour of the state for damage caused to the fish and the other aquatic organisms in the sites referred to in Article 3, Paragraph 1, item 1 and in the state-owned dams;

4. revenues from grants, sponsorship, aid, funding provided by local and foreign legal or natural persons or by international organisations, foundations and programmes for a specific purpose;

5. (amended, SG No. 15/2013, effective 1.01.2014, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) transfers from the budget of the Ministry of Agriculture;

6. other receivables determined with a law or another act of secondary legislation.

(2) The resources collected pursuant to Paragraph 1 shall be spent for financing of the the NAFA activities related to:

1. (repealed, SG No. 38/2012, effective 1.07.2012);

2. (repealed, SG No. 38/2012, effective 1.07.2012);

3. (amended, SG No. 94/2005, SG No. 38/2012, effective 1.07.2012) settling of carriers of genetic material in any sites referred to in items 1 and 2 of Article 3, Paragraph 1 and other fishery measures;

4. (amended and supplemented, SG No. 94/2005) scientific servicing of aquaculture and applied scientific research related to the study of the status of fish resources in the waters referred to in items 1 and 2 of Article 3, Paragraph 1, the measures for their maintenance and enrichment, determination of catch quotas, etc. - up to 5 per cent of the funds collected pursuant to item 2 of Paragraph 1;

5. performance of obligations, ensuing from bilateral or multilateral international agreements in the field of fishery and aquaculture;

6. (repealed, SG No. 38/2012, effective 1.07.2012);

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7. joint activities with non-governmental organisations;

8. co-financing required under international projects;

9. (amended, SG No. 94/2005) measures for controlling the diseases of fish and other aquatic organisms, to prevent their spreading in any sites referred to in Article 3, Paragraph 1 and surveillance and control of the health status of the sites for aquaculture;

10. (new, SG No. 94/2005) measures for monitoring and conservation of genetic purity of fish populations and other aquatic organisms.

(3) (New, SG No. 36/2008, repealed, SG No. 59/2012).

(4) (New, SG No. 36/2008, repealed, SG No. 59/2012).

(5) (New, SG No. 94/2005, renumbered from Paragraph 3, SG No. 36/2008, repealed, SG No. 38/2012, effective 1.07.2012).

Chapter Seven
CONTROL

Article 54. (1) (Amended and supplemented, SG No. 94/2005, amended, SG No. 82/2006, SG No. 36/2008) Control over the use and the conservation of fish resources shall be exercised by the NAFA through staff authorized for the purpose, and by the Executive Forestry Agency pursuant to Article 7. Control over the use and conservation of fish resources in maritime spaces and inland waterways within the meaning of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act with regard to foreign fishing vessels shall also be exercised by the Chief Directorate "Border Police".

(2) (Amended, SG No. 94/2005, SG No. 36/2008) The authorized staff of the NAFA referred to in Paragraph 1 shall:

1. check the commercial fishing licences, the registration of any persons carrying out activities subject to registration in pursuance of this Act, and the angling permits;

2. control the production, transportation and settling of carriers of genetic material;

3. control compliance with the regime for use of fish resources;

4. control the fishing gears, equipment and auxiliary materials and other technical means for fishing;

5. (amended, SG No. 36/2008) control the genetic certificates issued;

6. coercively lead any offenders with unknown identity to the nearest unit of the Ministry of The Interior;

6a. (new, SG No. 55/2018) draw up a protocol for transmission of the detained lawbreaker to the relevant police authorities; the contents of the Protocol shall be determined by the Ordinance under Paragraph 8;

7. seize and detain any items subject of the violation, as well as any items used in the commitment thereof;

8. control the trade in fish, other aquatic organisms and products derived therefrom with regard to origin and the rules for first sale;

9. (amended, SG No. 82/2006, SG No. 53/2014, SG No. 55/2018) in the course of fulfilling their duties they shall be entitled to detain a person who does not obey the lawful disposition and/or resisting the execution of legal disposition; upon detention of an offender immediately

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notify the competent police authorities;

9a. (new, SG No. 55/2018) upon detecting offenses under this Act and the secondary legislation, to use technical devices or systems that capture images or record:

a) the act, date and exact time of the offense committed;

b) the offender, witnesses, as well as the means used to perpetrate the offense;

9b. (new, SG No. 55/2018) use motor vehicles with siren and warning lights;

9c. (new, SG No. 55/2018) use physical force and crowd control equipment after warning, except in cases of sudden attack; the use of physical force and crowd control equipment shall comply with the specific setting, the nature of the offence and the personality of the offender, and the NAFA employees shall be obliged to:

a) where possible, protect the health, and undertake all possible measures to safeguard the life of the persons concerned;

b) discontinue the use of physical force and crowd control equipment immediately after the measure applied has served its purpose;

c) not to use physical force and crowd control equipment against apparent minors or pregnant women;

d) submit a report to their superior when physical force and crowd control equipment have been used;

10. (new, SG No. 36/2008) check the identity papers in case of instituting of administrative penal proceedings for violations of this Act;

11. (renumbered from Item 10, SG No. 36/2008, amended, SG No. 55/2018) inspect vessels when they are stopped or at anchor; in the areas of border or customs control stopping and checking shall be carried out jointly with the authorities responsible for its implementation;

11a. (new, SG No. 55/2018) stop with a signal by a stop-stick and check vehicles on the territory of the respective area where the water site subject of control is located;

12. (renumbered from Item 11, SG No. 36/2008) check all documents for the transportation and marketing of fish and other aquatic organisms;

13. (renumbered from Item 12, SG No. 36/2008) draw up statements for any ascertained violations of this Act in pursuance of the Administrative Violations and Sanctions Act.

(3) (Amended, SG No. 36/2008, SG No. 73/2010, effective 17.09.2010, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) When performing their official duties, the the NAFA authorized staff referred to in Paragraph 1 shall wear a uniform with the respective distinctive signs and official badge under terms and a procedure determined with an ordinance issued by the Minister of Agriculture, and shall have the right to carry firearms according to the provisions of the Weapons, Munitions, Explosive Substances and Pyrotechnical Products Act.

(4) (Amended, SG No. 59/2012) The National Agency for Fisheries and Aquaculture shall make a Life and Accident insurance for the fisheries and control inspectors.

(5) (New, SG No. 94/2005, amended, SG No. 36/2008) The the NAFA authorized staff referred to in Paragraph 1, who have suffered non-material damage during or on the occasion of disposing of their official duties shall be paid a lump-sum compensation in the amount of 10 nominal monthly salaries in the case of severe injury, and 6 nominal monthly salaries in the case of injury of medium degree.

(6) (New, SG No. 94/2005) The spouse, children or parents of personnel who died during or on the occasion of disposing of their official duties shall be paid a lump-sum compensation in the amount of 12 nominal monthly salaries in respect of each person entitled.

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(7) (New, SG No. 36/2008) The the NAFA staff holding positions on the inspection patrol boats, shall comply with the requirements on seafarers' competence.

(8) (New, SG No. 55/2018, amended, SG No. 102/2022, effective 1.01.2023) The terms and procedure for use of crowd control equipment, motor vehicles with sirens and warning lights and stop-sticks by the NAFA employees, as well as the procedure of forcible handover of unidentified offenders to the nearest district precinct of the Ministry of Interior, shall be determined by an ordinance issued by the Minister of Agriculture, and coordinated with the Minister of Interior.

Article 54a. (New, SG No. 94/2005) (1) Any unions referred to in Article 11, Paragraphs 1 and 2 shall exercise control on the compliance with the rules for carrying out fishing in the water sites designated for angling where the management of fish resources has been commissioned pursuant to the procedure laid down in Article 15a.

(2) The control referred to in Paragraph 1 shall be exercised by fishing guards. Each year the the NAFA Executive Director shall determine a list of fishing guards upon proposal of the relevant unions, as well as their regions of operation.

(3) (Amended, SG No. 36/2008) The fishing guards shall check the angling permits and shall enjoy the rights of the authorized staff referred to in Article 54, Paragraph 1, except for those referred to in Article 54, Paragraph 2, items 5, 6, 8, 9, and 12, Paragraphs 5 and 6. Fishing guards shall enjoy also the rights of hunting guards pursuant to Article 67, Paragraph 6 of the Hunting and Game Protection Act.

Article 55. (1) (Supplemented, SG No. 94/2005, SG No. 59/2012) The control provided for in Article 54 shall be implemented through inspections within the water sites referred to in Article 3 of vessels and motor vehicles, of warehouses, farm buildings, refrigeration premises and facilities, facilities for the temporary storage of fish, catering establishments and the market.

(2) When inspecting fishing vessels at sea in the waters of the Black Sea aquatory, the control authorities shall not have the right to stop the vessels in movement when the fishing gears they pull are in active position. In such cases the control authorities shall board the vessel while it is moving to carry out the inspection or after completion of the technological operation.

(3) In the cases referred to in Paragraph 2 the masters of fishing vessels shall be bound to notify the control authority about the time of completion of the operation without undertaking any changes of the technological regime of the fishing operation, including the removal of the fishing gears, means and appliances pulled by or attached to the board.

(4) The vessels and the other means of transportation of the NAFA intended for inspections shall be labelled and marked with its identification and distinctive signs.

Chapter Eight
ADMINISTRATIVE AND PENAL PROVISIONS

Article 56. (1) (Amended and supplemented, SG No. 94/2005, amended, SG No. 36/2008,

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SG No. 59/2012, supplemented, SG No. 102/2012) Any person who performs commercial fishing without a licence, or in a water site different from the Black Sea or the Danube, in violation of Article 17, shall be sanctioned with a fine from BGN 1,500 to 3,000.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 2,000 to 4,000 shall be imposed.

Article 57. (1) (Amended, SG No. 94/2005, SG No. 59/2012, SG No. 102/2015) Any person who does not keep the commercial fishing licence and the certificate of acquired right to use resources of fish and other aquatic organisms in violation of Article 18d, Paragraph 3, shall be sanctioned with a fine from BGN 200 to 500, a pecuniary sanction from BGN 400 to 1,000, respectively.

(2) (Amended, SG No. 94/2005, repealed, SG No. 59/2012).

Article 57a. (New, SG No. 59/2012) (1) Sole trader or legal person who fails to notify in time the NAFA territorial unit of the circumstances under Article 46a, Paragraph 5 or Article 46e, Paragraph 4, shall be sanctioned with a pecuniary sanction from BGN 400 to 1,200, unless subject to a more severe penalty.

(2) Where the violation referred to in Paragraph 1 is repeated within one year from entry into force of the penal ruling, by which the person has been sanctioned for the same type of violation, then the person's registration shall be terminated.

Article 58. (Amended, SG No. 94/2005, repealed, SG No. 59/2012).

Article 58a. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) Any person who performs fishing in violation of Article 18d, Paragraph 1 or 4 shall be sanctioned with a fine from BGN 500 to 1,000.

(2) (Amended, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 600 to 1,200 shall be imposed.

Article 58b. (New, SG No. 59/2012, amended, SG No. 102/2015) Any person who fails to submit to NAFA the general information and economic statistics for the fishing vessel, as well as data on the number of employees and the fisheries, in violation of Article 18f, Paragraph 9, shall be sanctioned with a fine from BGN 200 to 500, a pecuniary sanction from BGN 500 to 750, respectively.

Article 59. (Amended and supplemented, SG No. 94/2005, amended, SG No. 59/2012, SG

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No. 102/2015) Any person who does not keep a fishing logbook, or a sales logbook respectively, in violation of Article 19, Paragraphs 1, 3, 4 and 5 and item 3 of Article 27, shall be sanctioned with a fine from BGN 200 to 500, a pecuniary sanction from BGN 800 to 1,600, respectively.

Article 60. (Amended, SG No. 94/2005, SG No. 59/2012) Any sole trader or legal person who transships catch from one vessel to another without entering it in the fishing logbook, in violation of Article 19, Paragraph 6, shall be sanctioned with a pecuniary sanction from BGN 1,000 to 2,000.

Article 61. (Amended, SG No. 94/2005) (1) (Amended, SG No. 59/2012, SG No. 102/2015) Any person who does not present either the fishing logbook, the sales log, or the first sales log for inspection in violation of item 5 of Article 19, Paragraph 7 or Article 46g, Paragraph 1, shall be sanctioned with a fine from BGN 200 to 500, a pecuniary sanction from BGN 600 to 1,200, respectively.

(2) (Amended, SG No. 59/2012) The penalty under Paragraph 1 shall also be imposed to a sole trader or a legal person who fails to provide a declaration of origin in violation of Article 20, Paragraph 1 and Article 27, Paragraph 4.

Article 61a. (New, SG No. 102/2015) Any person who violates the provisions of Article 19, Paragraph 11, shall be sanctioned with a fine from BGN 200 to 500, a pecuniary sanction from BGN 400 to 1,000, respectively.

Article 62. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Any person who catches fish and other aquatic organisms within the zone of operation of the specialised fishing gear in violation of Article 21, Paragraph 5, shall be sanctioned:

1. (new, SG No. 94/2005, amended, SG No. 59/2012) with a fine from BGN 100 to 400 in the case of angling;

2. (new, SG No. 94/2005, amended, SG No. 59/2012) with a fine from BGN 600 to 1,200 in the in the case of commercial fishing.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 800 to 2,000 shall be imposed.

Article 63. (1) (Amended, SG No. 59/2012) Any person who changes the parameters and the zone of operation of the specialised gear for fishing, in violation of Article 21, Paragraph 5, shall be sanctioned with a fine from BGN 600 to 1,200.

(2) (Amended, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 800 to 2,000 shall be imposed.

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Article 64. (1) (Amended, SG No. 94/2005, SG No. 59/2012, previous text of Article 64, SG No. 55/2018) Any person who carries out angling without an angling permit, in violation of Article 22, Paragraph 1, shall be sanctioned with a fine from BGN 100 to 400.

(2) (New, SG No. 55/2018) Any person who issues an angling permit in violation of the provisions of Article 22, Paragraph 4, shall be sanctioned with a fine from BGN 100 to 400, a pecuniary sanction from BGN 400 to 1,600, respectively.

Article 65. (Amended and supplemented, SG No. 59/2012) Any person who carries out angling in violation of the requirements of Article 24, Paragraphs 1 and 2, shall be sanctioned with a fine from BGN 100 to 400.

Article 66. (1) (Amended, SG No. 59/2012) Any person who catches and stores fish in quantities exceeding the ones set, in violation of Article 24, Paragraph 3, shall be sanctioned with a fine from BGN 50 to 200, unless subject to more severe penalty.

(2) (Amended, SG No. 59/2012) Any person who sells or buys fish in violation of Article 24, Paragraph 4, shall be sanctioned with a fine from BGN 300 to 600, unless subject to a more severe penalty.

(3) (Amended, SG No. 59/2012, SG No. 98/2019, effective 13.12.2019) Any person who carries out angling in violation of Article 24, Paragraph 5, 6 and 9 shall be sanctioned with a fine from BGN 400 to 650.

(4) (New, SG No. 94/2005, amended, SG No. 59/2012) Any person who carries out angling in violation of Article 24, Paragraph 8, shall be sanctioned with a fine from BGN 300 to 600, unless subject to a more severe penalty.

(5) (New, SG No. 94/2005) Any person who carries out angling in a water site wherein management of fish resources has been commissioned in pursuance of Article 15a, without a permit and a membership card of the union, shall be sanctioned with a fine from BGN 100 to 300, unless subject to a more severe penalty.

Article 67. (Amended, SG No. 94/2005) Any person who carries out angling outside the water sites and zones for angling shall be sanctioned with a fine from BGN 100 and 500.

Article 67a. (New, SG No. 94/2005, repealed, SG No. 59/2012, new, SG No. 55/2018) Any legal person who violates the provisions of Article 22a, Paragraph 5, shall be sanctioned with a fine from BGN 2,000 to 5,000.

Article 68. (1) (Amended, SG No. 94/2005, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who breeds and farms fish and other aquatic organisms without

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being registered, in violation of Article 25 shall be sanctioned with a fine, pecuniary sanction, respectively, from BGN 1,500 to 3,000.

(2) (Amended, SG No. 94/2005, repealed, SG No. 59/2012).

Article 68a. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) Any sole trader or legal person who violates the provisions of Article 25c, Paragraph 2, shall be sanctioned with a fine from BGN 600 to 900.

(2) (Repealed, SG No. 59/2012).

Article 69. (Amended, SG No. 94/2005, SG No. 36/2008, SG No. 59/2012, supplemented, SG No. 102/2012) Any sole trader or legal person who breeds and farms fish and other aquatic organisms in violation of Article 27, items 1, 6, 7 or 8, shall be sanctioned with a fine from BGN 500 to 1,000.

Article 69a. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012) Any person who carries out catching of fish and other aquatic organisms outside the quota set, shall be sanctioned with a fine from BGN 600 to 1,200.

(2) (Amended, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 2,000 to 3,000 shall be imposed.

Article 69b. (New, SG No. 94/2005, repealed, SG No. 59/2012, new, SG No. 105/2016, effective 30.12.2016) Any person who violates the provisions of Article 27a, Paragraph 1 shall be sanctioned with a fine from BGN 200 to BGN 500, respectively a pecuniary sanction from BGN 500 to BGN 1,000.

Article 70. (1) (Amended and supplemented, SG No. 94/2005, amended, SG No. 59/2012) Any person who catches fish and other aquatic organisms during the period of the prohibition provided for in Article 30, Paragraph 3, item 1 Paragraphs 4 and 5, and Article 32, Paragraph 1, shall be sanctioned with a fine from BGN 1,500 to 3,000, unless subject to a more severe penalty.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 2,000 to 4,000 shall be imposed.

Article 71. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Any person who transfers, transports and markets fish and other aquatic organisms whether live, fresh, or chilled in violation of Article 33, Paragraph 1, shall be sanctioned with a fine from BGN 1,000 to 2,000.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in

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Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 2,000 to 3,000 shall be imposed.

Article 72. (Supplemented, SG No. 94/2005) Any person who catches fish in a river where the quantity of water therein is below the admissible minimum in violation of Article 34, Paragraph 1 shall be sanctioned with a fine from BGN 100 to 500, unless subject to a more severe penalty.

Article 73. (1) (Amended, SG No. 94/2005, SG No. 59/2012, SG No. 55/2018) Any person who catches fish and other aquatic organisms with prohibited fishing gear, means, tackles and appliances in violation of Article 35, Paragraph 1, items 4, 5 and 7, Articles 36, 37 and 39a, Paragraph 1, shall be sanctioned with a fine from BGN 1,000 to 2,000.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 2,000 to 3,000 shall be imposed.

Article 74. (1) (Amended, SG No. 94/2005, SG No. 59/2012) Any person who catches fish and other aquatic organisms in violation of Article 35, Paragraph 1, items 1, 2, 3 and 6, and Paragraph 6, shall be sanctioned with a fine from BGN 4,000 to 6,000, unless subject to a more severe penalty.

(2) (Amended, SG No. 94/2005, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 5,000 to 10,000 shall be imposed.

Article 75. (1) (Amended and supplemented, SG No. 94/2005, amended, SG No. 59/2012) Any person who catches fish and other aquatic organisms with size or weight below the admissible minimum in violation of Article 38, Paragraph 1 shall be sanctioned with a fine from BGN 600 to 900.

(2) (Amended, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 1,200 to 2,000 shall be imposed.

(3) (New, SG No. 94/2005, amended, SG No. 59/2012) In the case of keeping by-catch in violation of Article 38, Paragraph 5, a pecuniary sanction from BGN 800 to 2,000 shall be imposed.

Article 75a. (New, SG No. 94/2005, amended, SG No. 59/2012) Any person who conducts an experiment in violation of Article 40, shall be sanctioned with a fine from BGN 300 to 500.

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Article 76. (1) (Amended and supplemented, SG No. 94/2005, previous Article 78, amended and supplemented, SG No. 59/2012) Any person who either catches, transfers, transports, or markets noble crayfish and stone crayfish in violation of Article 42, shall be sanctioned with a fine from BGN 600 to 1,200.

(2) (New, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 1,000 to 1,500 shall be imposed.

Article 77. (1) (Supplemented, SG No. 94/2005, amended, SG No. 59/2012) Any person who catches sea mammals in violation of Article 43 shall be sanctioned with a fine from BGN 2,000 to 3,000, unless subject to a more severe penalty.

(2) (Amended, SG No. 59/2012) Where the violation referred to in Paragraph 1 has been committed by a legal person or a sole trader, a pecuniary sanction from BGN 4,000 to 6,000 shall be imposed.

Article 77a. (New, SG No. 94/2005) Any person who does not install facilities allowing the passage of fish in violation of Article 44a, Paragraph 1 shall be sanctioned with a fine or a pecuniary sanction in amount from BGN 2,000 to 4,000.

Article 77b. (New, SG No. 94/2005) Any person who does not ensure the transfer of fish and other aquatic organisms into another water site in violation of Article 44a, Paragraph 2 shall be sanctioned with a fine or a pecuniary sanction in amount from BGN 5,000 to 10,000.

Article 77c. (New, SG No. 94/2005) Any person who does not construct fish passages allowing for the feeding and breeding migration of fish in violation of Article 44b, Paragraph 1 or 2 shall be sanctioned with a fine or a pecuniary sanction in amount from BGN 2,000 to 4,000.

Article 77d. (New, SG No. 94/2005, supplemented, SG No. 59/2012) Any person who does not maintain optimum water level within the hydroelectric facilities, dams and weirs, and the sites under Article 3, Paragraph 1, item 2 during the breeding period of fish in violation of Article 44c shall be sanctioned with a fine or a pecuniary sanction in amount from BGN 2,000 to 4,000.

Article 78. (Repealed, SG No. 94/2005, new, SG No. 55/2018) (1) The NAFA Executive Director or an official authorised by him/her shall, by order, withdraw for a period of maximum one year the right of distribution of angling permits of a person under Article 22a, Paragraph 1, which does not issue an angling permit to a person under Article 23, Paragraphs 2 or 3.

(2) The order under Paragraph 1 shall be communicated and may be appealed in accordance with the procedure provided for in the Code of Administrative Procedure. Appeal of the order

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shall not suspend its execution.

Article 79. (Amended, SG No. 94/2005, SG No. 59/2012) (1) The NAFA's Executive Director or an officer authorized by him shall, by order, revoke the commercial fishing licence for a period of one to two years if the person holding the permit:

1. fails to comply with the terms of:

a) the certificate of acquired right to use resources of fish and other aquatic organisms, or;

b) the special fishing licence for fish species with quota, or;

c) the certificate of acquired right to use resources of fish and other aquatic organisms with specialized gear for commercial fishing under Article 21;

2. fails to comply with the requirement of Article 18b, Paragraph 2;

3. performs commercial fishing without acquisition of the right to use resources of fish and other aquatic organisms;

4. catches fish or other aquatic organisms in the prohibited period under Article 34;

5. catches fish or other aquatic organisms with prohibited fishing gears, means, tackles and appliances in violation of Article 35;

6. catches sea mammals in violation of Article 43;

7. performs commercial fishing in violation of Article 45, Paragraph 1 or Paragraph 3.

(2) The order referred to in Paragraph 1 shall be notified and may be appealed in pursuance of the Code of Administrative Procedure. Appeal against the order does not stop its execution.

Article 80. (Amended, SG No. 94/2005, SG No. 59/2012) (1) Any sole trader or legal person who does not install and maintain operational the board equipment related to the operation of the system for surveillance and control of fishing vessels, in violation of Article 45, Paragraph 1, shall be sanctioned with a pecuniary sanction from BGN 2,000 to 3,000.

(2) Penalty under Paragraph 1 shall also be imposed to a sole trader or a legal person for violation of Article 45, Paragraph 3.

Article 81. (Amended, SG No. 94/2005, SG No. 59/2012) Any person who stores, transfers, or installs fishing gears and appliances prohibited for fishing in violation of Article 45a shall be sanctioned with a fine or a pecuniary sanction from BGN 2,000 to 3,000.

Article 81a. (New, SG No. 55/2018) Any person who transfers or transports net fishing gear and/or technical devices and equipment to catch with electric current in violation of Article 39 a, Paragraph 2 and/or Article 44, shall be sanctioned with a fine or a pecuniary sanction from 2,000 to 3,000 BGN.

Article 82. (1) (Amended, SG No. 94/2005, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who markets and sells fishery products in violation of Article 46,

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Paragraph 1 shall be sanctioned with a fine, pecuniary sanction, respectively, from BGN 1,000 to 1,600.

(2) (Amended, SG No. 94/2005, repealed, SG No. 59/2012).

Article 82a. (New, SG No. 94/2005, amended, SG No. 59/2012) Any person who carries out any activity by organising a first sale centre for fishery products without the required registration in violation of Article 46a, Paragraph 1 shall be sanctioned with a fine, a pecuniary sanction respectively, in amount from BGN 1,500 to 2,000.

Article 82b. (New, SG No. 94/2005, amended, SG No. 59/2012) Any sole trader or legal person who does not keep a register of the sellers for first sale of fishery products at a first sale centre registered by him, in violation of Article 46c, Paragraph 1, shall be sanctioned with a pecuniary sanction, in amount from BGN 1,000 to 1,500.

Article 82c. (New, SG No. 94/2005) (1) (Amended, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who makes first sale of fishery products in violation of Article 46e, Paragraph 1, shall be sanctioned with a fine, pecuniary sanction, respectively, from BGN 1,000 to 1,200.

(2) (Repealed, SG No. 59/2012).

Article 83. (Amended, SG No. 94/2005, SG No. 36/2008, SG No. 59/2012) Any sole trader or legal person who does not fulfil the obligation provided for in Article 47, shall be sanctioned with a pecuniary sanction in the amount of BGN 1,000 to 2,000.

Article 84. (Amended, SG No. 94/2005) (1) (Amended, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who does not provide documents in violation of Article 48 and Article 48a shall be sanctioned with a fine, pecuniary sanction, respectively, from BGN 500 and 1,200.

(2) (Amended, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who does not fulfil an obligation provided for in Article 46g, Paragraph 4, shall be sanctioned with a fine, pecuniary sanction, respectively from BGN 500 to 750.

Article 85. (Amended, SG No. 94/2005, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who supplies, markets or sells fish or other aquatic organisms in violation of Article 49 shall be sanctioned with a fine, pecuniary sanction, respectively, from BGN 1,000 to 2,000.

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Article 85a. (New, SG No. 94/2005, amended, SG No. 59/2012, amended and supplemented, SG No. 102/2012) Any person who does not provide the documents referred to in Article 49a, shall be sanctioned with a pecuniary sanction with a fine, pecunary sanction, respectively, from BGN 500 to 1,000.

Article 86. (Amended, SG No. 94/2005, SG No. 59/2012) Any person who transports fish, other aquatic organisms and products derived therefrom in violation of Article 50, shall be sanctioned with a fine, a pecuniary sanction respectively, in amount from BGN 1,000 to 2,000.

Article 87. (Amended, SG No. 59/2012) Any person who does not provide a veterinary certificate and a genetic certificate in transactions with genetic material in violation of Article 51, Paragraph 2, shall be sanctioned with a fine from BGN 1,000 to 2,000.

Article 88. (Amended, SG No. 59/2012) Any person who obstructs the inspections carried out by the control authorities, shall be sanctioned with a fine from BGN 1,000 to 2,000.

Article 88a. (New, SG No. 102/2012) (1) Any physical person who violates the provisions of Article 18 d, Paragraph 9, Article 25c, Paragraph 2, Article 27, items 1, 6, 7 or 8. Article 46a, Paragraph 5, or Article 46e, Paragraph 4 shall be sanctioned with a fine from BGN 400 to 800.

(2) Any physical person who violates the provisions of Article 19, Paragraphs 1, 3, 4, 5 or 7, Article 20, Paragraph 1, Article 27, items 3, 4 or 5, or Article 46g, Paragraph 1, shall be sanctioned with a fine from BGN 500 to 1,200.

(3) Any physical person who violates the provisions of Article 19, Paragraph 6, Article 46c, Paragraph 1, or Article 47, shall be sanctioned with a fine from BGN 1,000 to 1,500.

(4) Any physical person who violates the provisions of Article 45, Paragraph 1 or Paragraph 3, shall be sanctioned with a fine from BGN 2,000 to 3,000.

Article 89. (Amended, SG No. 94/2005, SG No. 102/2012) Where the violation referred to in Articles 56 to 78 and Articles 80 to 88a is repeated within one year of entry into force of the penal ruling for the same kind of violation, a fine, a pecuniary sanction respectively, shall be imposed double the amount.

Article 90. (1) (Supplemented, SG No. 94/2005, amended, SG No. 59/2012) In the cases referred to in Articles 56, 62, 64, 65, Article 66, Paragraphs 4 and 5, Articles 67, 67a, 68, 69a, 70, 71, 72, 73 to 77, 81, 82, 82, 82c, 85, 85a and 86 the fish and other aquatic organisms, as well as the devices, means and appliances whereby they have been acquired, shall be forfeited to the State.

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(2) Where a damage to fish resources has been found, a compensation shall be due pursuant to the ordinance provided for in § 4.

(3) (New, SG No. 94/2005) Any gears and devices belonging to unknown owner used for catching fish and other aquatic organisms in violation of this Act shall be forfeit to the State.

(4) (New, SG No. 94/2005, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) Any gears and devices forfeit to the State that cannot be sold shall be destroyed jointly by the NAFA bodies and the National Revenue Agency.

(5) (New, SG No. 94/2005) Following the sale of any gears and devices forfeit to the State, the NAFA shall be reimbursed for any costs incurred in respect of the storage and transportation thereof.

(6) (New, SG No. 94/2005, supplemented, SG No. 43/2008, amended, SG No. 19/2011, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Any gears and devices seized in pursuance of Paragraph 1 may be granted to the NAFA and the Executive Forestry Agency and its structures for implementation of their control functions following a procedure laid down by the Minister of Agriculture and the Minister of Finance.

Article 91. (1) (Amended, SG No. 36/2008, SG No. 80/2009, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Any violations of this Act shall be ascertained by statements, drawn up by the relevant officials, appointed by an order of the Minister of Agriculture.

(2) (Supplemented, SG No. 94/2005, amended, SG No. 43/2008, SG No. 80/2009, SG No. 19/2011, effective 9.04.2011) Any violations of the rules for angling shall also be ascertained with statements drawn up by the employees of the Executive Forestry Agency and the regional forestry directorates and by the fishing guards referred to in Article 54a, Paragraph 2.

(3) (New, SG No. 94/2005, amended, SG No. 82/2006, SG No. 80/2009, SG No. 59/2012) Any violations found during the control activity under the second sentence of Article 54, Paragraph 1 shall be ascertained with statements drawn up by the Chief Directorate "Border Police" employees.

(4) (Renumbered from Paragraph 3, SG No. 94/2005, amended and supplemented, SG No. 43/2008, amended, SG No. 80/2009, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The penal rulings for violations of this Act shall be issued by the Minister of Agriculture or by officials authorised by him.

(5) (Renumbered from Paragraph 4, supplemented, SG No. 94/2005, repealed, SG No. 77/2012, effective 9.10.2012).

(6) (Renumbered from Paragraph 5, SG No. 94/2005) Ascertaining of any violations, issuing, appeal and enforcement of any penal rulings shall be carried out in pursuance of the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. (Amended, SG No. 94/2005) "Aquaculture" shall mean any activities related to the

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breeding and farming of fish and other aquatic organisms, as well as the production derived therefrom by the respective technologies.

2. (Repealed, SG No. 94/2005).

3. (Amended, SG No. 94/2005) "Ballast water basins" shall mean artificial water basins formed in the extraction of aggregate materials and filled with water.

4. "Groin" shall mean an engineering facility for protection of the sea coast from abrasion (destruction).

5. (Repealed, SG No. 36/2008).

6. "Entering into operation" shall mean a status of the specialised site in which it is in active position, i. e. the respective net facilities are set and used for their intended purpose.

7. (Amended, SG No. 94/2005) "Genetic fund" shall mean the totality of the genomes in fish and other aquatic organisms, determining their species, sub-species, race and breed appurtenance.

8. (Repealed, SG No. 94/2005).

9. (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) "Big dams" shall mean the dams referred to in Annex 1 of the Water Act, as well as other dams with an area at maximum water volume over 200 ha determined by the Minister of Agriculture.

10. (Repealed, SG No. 36/2008).

11. "Resource" shall mean the total number or the total weight of all specimens of all ages of s given species of fish or other aquatic organisms.

12. "Artificial submerged reef" shall mean a system of special constructions or submerged elements made of concrete and/or other materials, which with their form, disposition and hiding places create favourable conditions for conservation and improvement of the biological diversity.

13. "Isobathic line" shall mean the line connecting points with equal depth in the water basins.

14. (Amended, SG No. 94/2005) "Quota" shall mean a proportion of the total allowable catches for a certain species that is allocated annually or for one fishing period for utilization through commercial fishing.

15. "Mowing (raking)" shall mean fishing by using small net devices or hooks during which separate specimens of fish are caught or stuck and caught with jerky movements.

16. "Minimal admissible flow in the rivers" shall mean the water quantity necessary for maintaining the water ecosystem and feeding of the underground waters.

17. (Amended, SG No. 94/2005) "Total allowable catches" shall mean the quantity of the stocks of a certain species laid down in pursuance of a set procedure and expressed in kilograms or number of specimens with the catch of which no negative impact will be caused to their population.

18. "Responsible fishing" shall mean a system of rules regulating the methods and the means catching fish and other aquatic organisms and the requirements for their use with a view to maintaining their sustainable development.

19. "By-catch" shall mean any unintentional or accompanying catch which appears in subordinate quantities to the catch of the basic species of fish or other aquatic organisms and shall be accounted as a percentage of the total catch.

20. "First sale" shall mean the sale of fish and other aquatic organisms whether live, fresh, chilled, frozen, or subjected to primary processing on board or at a coastal enterprise that are placed on the market for the first time after catch. The sale of the described production that is

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imported and placed directly on the market shall also be considered first sale.

21. (Supplemented, SG No. 94/2005) "Fishery" shall mean a kind of activity performed by legal and natural persons, covering economic and amateur fishing, and aquaculture.

22. "Fish population" shall mean the totality of all specimens genetically belonging to one and the same species and having independent geographic distribution.

23. "Fish resources" shall mean the totality of the stocks of all species of fish and other aquatic organisms inhabiting freely or bred and farmed in fishery sites.

24. (Amended, SG No. 94/2005) "Fishery activities" shall mean any activities related to commercial fishing, freshwater and marine aquaculture, processing of and trade in fish and other aquatic organisms.

25. (Repealed, SG No. 94/2005).

26. "Fishing" shall mean the placing of permitted gears and means in the water for catching fish and other aquatic organisms, taking the catch out of the water, its transfer and transportation.

27. (Amended, SG No. 94/2005, supplemented, SG No. 59/2012) "Angling" shall mean fishing within the meaning of item 26 - i.e. activity at which catching of fish and other aquatic organisms is carried out by natural persons for entertainment or of sporting and competitive nature organised according to specific rules.

28. (Amended, SG No. 59/2012, SG No. 102/2012) "Commercial fishing" shall mean fishing within the meaning of item 26 - i.e. activity at which catching of fish and other aquatic organisms is carried out at sites designated for the purpose, with permitted gears and devices, for the purpose of business and income generation, regardless of whether the activity is carried out permanently, seasonally or temporarily. For commercial fishing within the meaning of this Act shall be considered also the fishing with gears other than those referred to in Article 24, Paragraph 1 and/or the fishing where the caught fish or other aquatic organisms is in excess of the quantities specified in Article 24, Paragraph 3.

29. "Fishing vessel" shall mean a vessel registered by the Merchant Shipping Code and used for catching fish and other aquatic organisms.

30. "Fishing regime" shall mean the totality of legal and administrative measures related to the terms and the procedure for management, use and conservation of fish resources during angling and commercial fishing.

31. "Fishing regulations" shall mean measures for conservation and protection of new generations of fish and other aquatic organisms, protection of the parental shoal during the breeding period and protection of the whole stock in the case of decreased numbers.

32. (Repealed, SG No. 36/2008).

33. "Sustainable development" shall mean balanced natural replenishment and reproduction of fish resources, the reduction of stocks thereof not being caused by fishing activities.

34. "Towelling" shall mean a mesh barrier or wattle which connects perpendicularly the bank with the catching facility of the pound net and serves for directing the fish shoals into it.

35. "Bunch" shall mean hand-held device with fish hooks which is used for sea fishing from the coast or a boat.

36. (New, SG No. 94/2005) "Carriers of genetic material" shall mean any sexual products, fertilised eggs, stocking material, semen and stud animals of species, sub-species, breeds and lines of fish and other aquatic organisms, productive qualities and proven breeding value.

37. (New, SG No. 94/2005) "Genetic characteristics" shall mean species, population and breed differences in the organisation of the relevant genome.

38. (New, SG No. 94/2005) "Good manufacturing practice" shall mean a system for

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ensuring quality and safety, guaranteeing that the products derived from fish and other aquatic organisms are manufactured and controlled in compliance with approved standards, norms and other requirements for quality and safety according to their intended use and in accordance with the requirements for issuing a permit for the production, marketing and use thereof.

39. (New, SG No. 94/2005) "Fish passage" shall mean any bioengineering facility allowing for the migration of fish within the area of artificial weirs and other obstacles.

40. (New, SG No. 94/2005) "Snag hook" shall mean any passive fishing gear consisting of ropes with hooks attached to each one whereby fish is caught by sticking the hooks in its body.

41. (New, SG No. 94/2005, amended, SG No. 59/2012) "Bottom trawl" shall mean a device consisting of trawling nets, a system of tows and facilities for opening along the vertical and horizontal, of which the lower collar is equipped with a heavy groundrope and/or parts and components, cutting or scraping the bottom surface.

42. (New, SG No. 36/2008) "Other aquatic organisms" shall mean mussels, periwinkles, artemia, daphnia, algae, shrimps, crayfish, frogs and other species subject of fisheries activities.

43. (New, SG No. 59/2012) "Fishing Fleet of the Republic of Bulgaria" shall include the fishing vessels registered in the Fishing Vessels Register of the Republic of Bulgaria, equipped for the purpose of commercial exploitation of living aquatic resources.

44. (New, SG No. 59/2012) "Community waters" shall mean the waters under Article 3, letter "a" of Council Regulation (EC) No. 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

45. (New, SG No. 59/2012) "Gross tonnage" is the tonnage of vessels within the meaning of Council Regulation (EC) No. 2930/86 of 22 September 1986 defining characteristics for fishing vessels.

46. (New, SG No. 59/2012) "Beam trawl" is a towed trawl in which the mouth of the net is held open by a solid metal beam or similar device, regardless of whether they are fixed or not, when they are dragged along the bottom.

47. (New, SG No. 59/2012) "Parachute" is a kind of small size net, consisting of a single net attached to the end of the fiber, with different mesh size and a weight attached in the middle, where nets remain at the bottom of the water site and continue to detain and kill aquatic organisms.

48. (New, SG No. 55/2018, amended, SG No. 98/2019, effective 13.12.2019) "Crowd control equipment" are handcuffs and sticks under Article 85, Paragraph 3 of the Ministry of the Interior Act.

49. (New, SG No. 55/2018) "Significant production" is a production of fish not less than 20 per cent for the respective species from the NAFA statistics for the preceding two years.

50. (New, SG No. 55/2018) "Protective level" is a water level which provides the minimum requirements for the physiological functions of the reared species, as well as for the production activities in the farm.

51. (New, SG No. 91/2018, effective 2.11.2018) "Fishing fleet management" is a set of administrative measures relating to the entry and deletion of fishing vessels in the fishing vessel register of the Republic of Bulgaria, as well as to the terms and procedures for allocation of the free fishing capacity in the maritime fleet.

52. (New, SG No. 91/2018, effective 2.11.2018) "Fishing capacity" is the capacity within the meaning of Article 4, paragraph 1, item 24 of Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing

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Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC.

53. (New, SG No. 98/2019, effective 13.12.2019) "Nighttime part of the day" shall mean the period:

a) from 18:30 to 06:30 – for November, December and January;

b) from 20:30 to 06:00 – for February, March and April;

c) from 22:00 to 05:00 – for May, June and July;

d) from 21:00 to 06:00 – for August, September and October.

§ 2. The persons, who farm and catch fish and other aquatic organisms, shall not be a "food producing enterprise" within the meaning of the Foodstuffs Act.

TRANSITIONAL AND FINAL PROVISIONS

§ 3. Within one year of entry into force of this Act, the Council of Ministers shall adopt the National Programme for Fishery and Aquaculture referred to in Article 4.

§ 4. Within three months of entry into force of this Act, the Council of Ministers shall adopt an ordinance on the amount of the compensation for damages caused to fish resources.

§ 5. Within three months of entry into force of this Act, the Council of Ministers shall approve:

1. the regulations referred to in Article 18, Paragraph 1 and Article 21, Paragraph 5;
2. the tariffs referred to in Article 18, Paragraph 3 and in Article 22, Paragraph 3.

§ 6. (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) Within three months of entry into force of this Act, the Minister of Agriculture shall issue ordinances providing for detailed rules for fishing and for introduction of measures for conservation, guarding and control on the use, reproduction of fish resources and the trade in fish and other aquatic organisms.

§ 7. (Amended, SG No. 94/2005) Before 1 January 2007 the persons referred to in Article

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45, Paragraph 1 shall purchase and install the necessary board equipment.

§ 8. (Amended, SG No. 94/2005, repealed, SG No. 108/2006).

§ 9. The following amendments and supplements shall be made to the Water Act (promulgated, SG No. 67/1999; amended and supplemented, SG No. 81/2000, SG No. 34/2001):

1. In Article 46, Paragraph 1, item 2 the words "industrial fishing" shall be substituted by "commercial fishing".

2. In Article 48, Paragraph 1, item 4 after the word "rights" a comma shall be placed and "including the rights for implementing of commercial fishing and other fishery activities under the terms and the procedure of the Fisheries and Aquaculture Act" shall be added.

§ 10. The following supplements shall be made to the Agricultural Producers Support Act (promulgated, SG No. 58/1998; amended and supplemented, SG No. 79, 153/1998, SG No. 12, 26, 86, 113/1999, SG No. 24/2000, SG No. 34/2001):

1. In Article 3, Paragraph 3 at the end a comma shall be placed and the phrase "and section for fishery and aquaculture" shall be added.

2. In Article 12, Paragraph 1, item 9 at the end a comma shall be placed and the phrase "creating of farms for fish breeding and other aquaculture and buying of genetic fund from fish and other aquatic organisms" shall be added.

3. In § 1 of the additional provision:

a) in item 1 after the words "animal production" the phrase "and production from fish and other aquatic organisms" shall be added;

b) in item 5 after the words "sugar processing" the phrase "fish obtaining, fish processing" shall be added.

§ 11. The following supplements shall be made to Article 60 of the Commodity Exchanges and Wholesale Markets Act (promulgated, SG No. 93/1996; amended and supplemented, SG No. 41, No. 153/1998, SG No. 18/1999, SG No. 20/2000):

1. A new Paragraph 4 shall be created:

"(4) The officials referred to in Paragraph 2 shall prepare monthly reports for the received and the sold quantities of fish, aquatic organisms and products thereof on the basis of the compiled information sheets which shall be presented to the National Agency for Fisheries and Aquaculture."

2. The previous Paragraph 4 shall become Paragraph 5.

§ 12. This Act shall repeal the Fish Economy Act (promulgated, SG No. 91/1982; amended and supplemented, SG No. 13/1997, SG No. 11/1998, and SG No. 113/1999).

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§ 13. The acts of secondary legislation issued on the basis of the repealed Fish Economy Act shall be applied until the issuing of the respective new acts of secondary legislation as far as they do not contradict this Act.

§ 14. (Amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023) The implementation of this Act shall be assigned to the Minister of Agriculture, and in the protected territories which are exclusive state property - to the Minister of Environment and Water.

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

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§ 63. Throughout the Fisheries and Aquaculture Act (SG No. 41/2001) the wording "the Minister of Transport and Communications" shall be replaced with the wording "the Minister of Transport".

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Amendment and Supplement Act
to the Fisheries and Aquaculture Act
(SG No. 94/2005, effective 1.01.2006)

§ 117. (1) The validity term of any permit for using a water site within the meaning of the Water Act in respect of the water sites listed in Annex 1 thereto issued before entry into force of this Act shall be retained.

(2) Any persons who acquired rights over specialised sites (pound net, fishing net site by the sea or by the Danube) before entry into force of this Act shall retain their rights until expiry of the validity term of the ground giving rise to these rights or until these sites are concessioned in pursuance of the Concessions Act.

(3) Where the term of the right referred to in Paragraph 2 expires and the site has not been concessioned, the holder of this right may apply for the extension thereof until the site is concessioned.

§ 118. In respect of any persons who breed and farm fish and other aquatic organisms in net cages or other floating on the water surface and submersible facilities in the waters of the Black Sea or the dams, who acquired rights before 30 June 2005, production limits shall be set on the basis of statistics for safe production levels provided by the Ministry of Environment and Water.

§ 119. The associations referred to in Article 30, Paragraph 1 and Article 31, Paragraph 1 of the Hunting and Game Protection Act shall be entitled to the rights provided for in Article 11, if they are registered for activities under this Act.

.....

§ 123. (1) Before the ordinance provided for in Article 22a, Paragraph 1 becomes effective, the issue of angling permits shall be carried out in compliance with the current procedure.

(2) Any secondary legislative acts shall be applied until the relevant new secondary

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legislative acts are issued, as far as they do not contradict this Act.

§ 124. This Act shall enter into force as of 1 January 2006, with the exception of § 46, item 1 in respect of item 6 of Article 35, Paragraph 1 which shall enter into force as of 1 January 2007.

TRANSITIONAL AND FINAL PROVISIONS
of the Administrative Procedure Code
(SG No. 30/2006, effective 12.07.2006)

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§ 113. Throughout the Fisheries and Aquaculture Act (promulgated, SG No. 41/2001, as amended, SG No. 88, 94 and 105 of 2005) the wording "the Administrative Procedure Act" shall be replaced with the wording "the Administrative Procedure Code".

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Amendment and Supplement Act
to the Fisheries and Aquaculture Act
(SG No. 36/2008)

§ 52. Throughout the Act the wording "the Minister of Agriculture and Forestry" shall be replaced with the wording "the Minister of Agriculture and Food", the wording "the Ministry of Agriculture and Forestry" shall be replaced with the wording "the Ministry of Agriculture and Food", and the wording "National Forestry Board" shall be replaced with the wording "State Forestry Agency".

§ 53. (1) Any persons who acquired rights for performing commercial fishing by a pound net before entry into force of this Act shall retain their rights until conducting of a competition in compliance with the procedure of Articles 21a to 21j.

(2) For performing commercial fishing under the terms of Paragraph 1, the entitled persons must have commercial fishing licence for the site concerned, and must have acquired a right to use resources of fish and other aquatic organisms for the respective calendar year. The right to use resources of fish and other aquatic organisms for the respective calendar year shall be paid according to the tariff referred to in Article 17a, Paragraph 4.

(3) In case existing rights for performing commercial fishing by a pound net are terminated after conducted competition pursuant to the procedure of Articles 21a to 21j, the fee paid by the entitled persons shall be reimbursed proportionally to the time period remaining until the end of the calendar year.

§ 54. (1) Within one month of entry into force of this Act, the Minister of Agriculture and Food shall issue ordinances on the terms and procedure for applying and payment under the priority axes of the Operational Programme for Fisheries Sector Development for the period 2007 - 2013.

(2) Within one month of entry into force of this Act, the Minister of Agriculture and Food and the Minister of Environment and Water shall issue the ordinance referred to in Article 15, Paragraph 1.

(3) Within three months of entry into force of this Act, the Minister of Agriculture and Food and the Minister of Finance shall issue the ordinance referred to in Article 53, Paragraph 4.

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and supplementing the Forestry Act
(SG No. 80/2009)

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§ 72. The Fishery and Aquacultures Act (promulgated, SG No. 41/2001; amended, Nos 88, 94 and 105 of 2005, Nos 30, 65, 82, 96 and 108 of 2006, Nos 36, 43 and 71 of 2008, Nos 12, 32, 42, 80 and 82 of 2009), shall be amended as follows:

.....

2. Throughout the text of the Act the wording:

a) "the Ministry of Agriculture and Supply" and "the Minister of Agriculture and Supply" shall be replaced respectively by "the Ministry of Agriculture and Food" and "the Minister of Agriculture and Food";

b) "the State Forestry Agency" shall be replaced with "the Executive Forestry Agency".

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Bulgarian Food Safety Agency Act
(SG No. 8/2011, effective 25.01.2011)

§ 13. The Fishery and Aquacultures Act (promulgated, SG No. 41/2001; amended, Nos 88, 94 and 105 of 2005, Nos 30, 65, 82, 96 and 108 of 2006, Nos 36, 43 and 71 of 2008, Nos 12, 32, 42, 80 and 82 of 2009, Nos 61 and 73 of 2010), shall be amended as follows:

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3. Throughout the text of the Act, "National Veterinary Service" shall be replaced by "Bulgarian Food Safety Agency".

.....

§ 30. This Act shall enter into force as of its date of promulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS
to the Amendment and Supplement Act to the Civil Servants Act
(SG No. 38/2012, effective 1.07.2012)

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on

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salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS
to the Amendment and Supplement Act to the Fisheries and Aquaculture Act
(SG No. 59/2012, amended, SG No. 102/2012,
SG No. 109/2013, effective 20.12.2013, SG No. 107/2014,
supplemented, SG No. 102/2015)

§ 119. (1) (Amended, SG No. 102/2012, SG No. 109/2013, effective 20.12.2013, SG No. 107/2014, supplemented, SG No. 102/2015) A person who on the date of entry into force of this Act performs commercial fishing by a fishing vessel 10 meters or more, breeding and cultivation of fish and other aquatic organisms as a registered buyer or a first sale center, should register as a legal person or a sole trader under the Commerce Act within December 31, 2015.

(2) Upon completion the registration under Paragraph 1, the legal person or sole trader shall file in NAFA or the respective regional office thereof an application conforming to a template for issuance of a new commercial fishing licence and making new registration. For the issuance of the new license no fee shall be paid.

(3) (Amended, SG No. 102/2012, SG No. 109/2013, effective 20.12.2013, SG No. 107/2014) The issued licences and registrations for commercial fishing to persons who are not registered as legal persons and sole traders within the term under Paragraph 1, shall be terminated as of 1 January, 2016.

§ 120. The owner of a vessel registered in the Fishing Vessels Register as of the date of entry into force of this Act shall, within 6 months from the entry into force of this Act, submit to NAFA or the respective regional office thereof a declaration that his/her fishing vessel is registered under the Foodstuffs act.

§ 121. A person who on the date of entry into force of this Act holds a commercial fishing licence in fisheries sites under Article 3, Paragraph 1, item 2, shall be registered in accordance

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with Article 25 - 25d not later than 31 December, 2012.

.....

§ 124. The Minister of Agriculture and Food and the Minister of Environment and Water shall, within 6 months of the entry into force of this Act, issue the implementing regulations for this Act.

TRANSITIONAL PROVISION

to the Amendment and Supplement Act to the Fisheries and Aquaculture Act

(SG No. 102/2015)

§ 10. (1) Pending the entry into force of the sampling plan under Article 19, Paragraph 10, the masters of fishing vessels up to 10 meters shall transmit to NAFA the completed declarations of origin under Article 20 until the 5th day of the month following the month to which the data relate.

(2) Any person who fails to provide a declaration of origin in violation of Paragraph 1, shall be sanctioned with a fine of BGN 200 to 500, a pecuniary sanction from BGN 600 to 1200, respectively.

(3) Acts for ascertaining the violations shall be drawn up, and the penal provisions shall be issued pursuant to Article 91.

CONCLUDING PROVISIONS

to the Act to Amend the Bulgarian Food Safety Agency Act

(SG No. 58/2017, effective 18.07.2017)

.....

§ 63. In the Fisheries and Aquaculture Act (promulgated, SG No. 41/2001; amended, Nos 88, 94 and 105 of 2005, Nos 30, 65, 82, 96 and 108 of 2006, Nos 36, 43 and 71 of 2008, Nos 12, 32, 42, 80 and 82 of 2009, Nos 61 and 73 of 2010, Nos. 8 and 19 of 2011, Nos. 38, 59, 77 and 102 of 2012, Nos. 15 and 109 of 2013, Nos. 53 and 107 of 2014, Nos. 12 and 102 of 2015 and No. 105 of 2016) everywhere in the text the words "The Ministry of Agriculture and Food", "The Minister of Agriculture and Food" shall be replaced by "The Ministry of Agriculture, Food and Forestry", "The Minister of Agriculture, Food and Forestry", respectively.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act

(SG No. 7/2018)

.....

§ 59. The Fisheries and Aquaculture Act (promulgated in the State Gazette No. 41 of 2001; amended in Nos. 88, 94 and 105 of 2005, Nos. 30, 65, 82, 96 and 108 of 2006, Nos. 36, 43 and 71 of 2008, Nos. 12, 32, 42, 80 and 82 of 2009, Nos. 61 and 73 of 2010, Nos. 8 and 19 of 2011, Nos. 38, 59, 77 and 102 of 2012, Nos. 15 and 109 of 2013, Nos. 53 and 107 of 2014, Nos. 12 and 102 of 2015, No. 105 of 2016 and Nos. 58, 63 and 92 of 2017) shall be amended as follows:

.....

2. In the Act, the words "the Conflict of Interest Prevention and Ascertainment Act" shall be replaced passim by "the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act".

.....

CONCLUDING PROVISIONS

to the Act to Amend and Supplement the Fisheries and Aquaculture Act

(SG No. 55/2018)

.....

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§ 21. The ordinance referred to in Article 54, Paragraph 8, shall be adopted within six months after the entry of this Act into force.

§ 22. Paragraph 18, item 6, letter "a", subletter "bb" shall enter into force on 20 June 2018.

TRANSITIONAL AND FINAL PROVISIONS
to Act to Amend and Supplement
the Fisheries and Aquaculture Act
(SG No. 91/2018, effective 2.11.2018)

§ 10. Interbranch organisations which, at the date of entry into force of this Act, have entered into force orders for recognition under Article 10c, may allocate individual quotas under Article 30 within 6 months of the entry into force of this Act.

§ 11. The Minister of Agriculture, Food and Forestry shall issue the Ordinance referred to in Article 10d, paragraph 1 within three months of this Act's entry into force.

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Amendment and Supplement Act to the Fisheries and Aquaculture Act
(SG No. 98/2019, effective 13.12.2019)

§ 5. The provision of § 1, item 1 regarding Article 6, Paragraph 4 shall also apply to decisions for imposing financial corrections issued prior to the entry into force of this Act.

.....

TRANSITIONAL AND FINAL PROVISIONS
to the Act to Amend and Supplement
the Agricultural Producers Support Act
(SG No. 102/2022, effective 1.01.2023)

.....

§ 92. In the Fisheries and Aquaculture Act (promulgated, SG No. 41/2001; amended, Nos 88, 94 and 105 of 2005, Nos 30, 65, 82, 96 and 108 of 2006, Nos 36, 43 and 71 of 2008, Nos 12, 32, 42, 80 and 82 of 2009, Nos 61 and 73 of 2010, Nos. 8 and 19 of 2011, Nos. 38, 59, 77 and 102 of 2012, Nos. 15 and 109 of 2013, Nos. 53 and 107 of 2014, Nos. 12 and 102 of 2015 and No. 105 of 2016, Nos. 58, 63, 92 and 103 of 2017, Nos 7, 17, 27, 55, 77, 91 and 98 of 2018, SG No. 98/2019 and SG No. 52/2020) everywhere in the text the words "The Ministry of Agriculture, Food and Forestry", "The Minister of Agriculture, Food and Forestry", "Minister of Agriculture, Food and Forestry" shall be replaced by "The Ministry of Agriculture", "The Minister of Agriculture" and "Minister of Agriculture", respectively.

.....

Appendix No. 1
to Article 32, Paragraph 1
(Supplemented, SG No. 94/2005, effective 1.01.2006,
amended, SG No. 59/2012)

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Terms of the prohibitions for catching of fish and other aquatic organisms during the reproduction period		
No.	Species of fish and other aquatic organisms Fishery sites and zones	Term/period of the prohibition
A. Trout and other coldblooded fish breeding in winter and in spring		
1.	Balkan trout, brook, whitefish, peled and atlantic salmon	from 1 October to 31 January
2.	European grayling	from 1 January to 31 March
3.	Pike	from 15 February to 30 April
4.	Asp	from 1 March to 30 April
B. Carps, sheatfishes and other warmblooded fish breeding in spring and summer		
5.	Fish breeding in spring and summer	according to the altitude and time limits specified in Item D
6.	Pike perch	from 15 March to 15 May
7.	Sturgeons in the waters of the Danube River and the Black Sea in accordance with the international agreements for fishing in the river	60 days
8.	Black-backed shed in the waters of the Danube River in accordance with the international agreements for fishing in the river	30 days
9.	Turbot in the waters of the Black Sea – with all types of fishing gears	60 days, as of 15 April
10.	Goby in the waters of the Black Sea – only with net fishing gears	from 15 April to 15 May
11.	Goby in the waters of the Black Sea with net fishing gears in	All year round,

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	the aquatories of the ports and the groins located at a distance of 1 km from the coastal line	with the exception of the catch from the pound nets located in these areas
C. Other aquatic organisms		
12.	Marsh frog (Pelophylax ridibundus)	from 1 April to 31 May
13.	Danube Crayfish (Astacus leptodactilus)	from 15 October to 15 May
14.	Crab (Eriphia verrucosa)	from 1 April to 31 May
15.	European green crab (Carcinus maenas)	from 1 April to 31 May
D. Fishery sites depending on altitude		
16.	In fishery sites located more than 1,500 m above sea level	From 31 October to 31 January
17.	In fishery sites located from 500 up to 1,500 m above sea level	From 15 April to 31 May
18.	In fishery sites located up to 500 m above sea level	From 15 April to 31 May

Appendix No. 2

to Article 38, Paragraph 1

(Amended, SG No. 94/2005, effective 1.01.2006, SG No. 59/2012)

	A list of minimum allowable sizes for catching fish and other	

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	aquatic organisms	
No	Common and local names and scientific name (in Latin)	Size (in cm)/ Weight (in g)
	Freshwater fish	
	Acipenseridae	
1.	Sterlet *(Acipenser ruthenus*)	50 cm
	Salmonidae	
2.	Brown trout (*Salmo trutta fario*)	23 cm
3.	Macedonian trout (Salmo macedonicus)	23 cm
4.	Rainbow trout (*Oncorhynchus mykiss/Salmo gairdneri irideus*)	22 cm
5.	Brook trout (*Salvelinus fontinalis*)	20 cm
	Coregonidae	
6.	Common whitefish (*Coregonus lavaretus*)	22 cm
7.	Northern whitefish (*Coregonus peled*)	20 cm
	Thymallidae	
8.	Grayling (*Thymallus thymallus*)	25 cm
	Esocidae	
9.	Northern pike (*Esox lucius*)	35 cm
	Cyprinidae	
10.	Chub *(Leuciscus cephalus*)	22 cm
11.	Aegean chub *(Squalius orpheus)*	22 cm

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12.	Ide (*Leuciscus idus*)	22 cm
13.	Asp (*Aspius aspius*)	25 cm
14.	Tench (*Tinca tinca*)	20 cm
15.	Danube bleak (*Chalcalburnus chalcoides*)	20 cm
16.	Bleak (*Alburnus alburnus*)	15 cm
17.	Common Bream (*Abramis brama*)	20 cm
18.	White-eye bream (*Abramis sapa*)	20 cm
19.	Zope (Blue bream) (*Abramis ballerus*)	25 cm
20.	Vimba bream (*Vimba vimba*)	25 cm
21.	Macedonian vimba (Malamida) (*Vimba melanops*)	20 cm
22.	Sabre carp (Ziege) (*Pelecus cultratus*)	20 cm
23.	Nase (*Chondrostoma nasus*)	20 cm
24.	(Chondrostoma vardarense) [no common name in English]	20 cm
25.	Barbell (*Barbus barbus*)	25 cm
26.	Mediterranean barbel (Southern barbel) (*Barbus petenyi*)	17 cm

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27.	(*Barbus cyclolepis*) [no common name in English]	17 cm
28.	Bulgarian barbel *(Barbus bergi)*	17 cm
29.	Carp (*Cyprinus carpio*)	30 cm
30.	Crucian carp (*Carassius carassius*)	15 cm
31.	Silver crucian carp (*Carassius gibelius*)	15 cm
32.	Silver carp (*Hypophthalmichthys molitrix*)	40 cm
33.	Bighead carp (*Aristichthys nobilis*)	40 cm
34.	Grass carp (White amur) (*Ctenopharyngodon idella*)	40 cm
35.	Black Carp (*Mylopharyngodon piceus*)	40 cm
Catostomidae		
36.	Buffalo (*Ictiobus spp*.)	30 cm
Sluridae		
37.	Wels catfish (*Silurus glanis*)	65 cm
Ictaluridae		
38.	Channel Catfish (*Ictalurus punctatus*)	25 cm
Gadidae		

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39.	Burbot (*Lota lota*)	25 cm
	Percidae	
40.	Pike–perch (Zander) (*Sander lucioperca/Stizostedion lucioperca*)	45 cm
41.	Perch (*Perca fluviatilis*)	12 cm
42.	Zingel (*Zingel zingel*)	25 cm
	B. Anadromous fish	
	Acipenseridae	
43.	Beluga, European sturgeon, Giant sturgeon, Great sturgeon (*Huso huso*)	180 cm
44.	Star sturgeon, Stellate sturgeon (*Acipenser stellatus*)	120 cm
45.	Russian sturgeon (*Acipenser gueldenstaedtii*)	120 cm
	Anguillidae	
46.	European eel (*Anguilla anguilla*)	50 cm
	Clupeidae	
47.	Pontic shad, Danube herring (*Alosa immaculata*)	22 cm
	C. Marine fish	
	Sualidae	
48.	Cape shark, Piked dogfish, Spurdog (*Squalus acanthias*)	90 cm

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Clupeidae		
49.	Pontic sprat, European sprat (*Sprattus sprattus sulinus*)	7 cm
Engraulidae		
50.	Anchovy (*Engraulis encrasicolus ponticus*)	8 cm
Belonidae		
51.	Garfish (*Belone belone*)	25 cm
Gadidae		
52.	Whiting (*Merlangius merlangius euxinus*)	8 cm
Mugilidae		
53.	Striped Mullet (*Mugil cephalus*)	25 cm
54.	So-iuy mullet (*Mugil soiuy*)	30 cm
55.	Golden grey mullet (*Liza aurata*)	25 cm
56.	Leaping mullet (*Liza saliens*)	22 cm
Atherinidae		
57.	Hardyhead, Sand smelt (*Atherina spp.*)	10 cm
Serranidae		
58.	European seabass (*Dicentrarchus labrax/Morone labrax*)	28 cm

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	Carangidae	
59.	Horse mackerel (*Trachurus mediterraneus ponticus*)	12 cm
	Centracanthidae	
60.	Picarel (*Spicara spp.*)	12 cm
	Mullidae	
61.	Red Mullet (*Mullus barbatus ponticus*)	8 cm
62.	Atlantic mackerel (*Scomber scombrus*)	22 cm
63.	Common bonito (*Sarda sarda*)	28 cm
	Gobiidae	
64.	Grass goby (*Gobius ophiocephalus*)	12 cm
65.	Neogobius cephalargoides [no common name in English]	12 cm
66.	Round goby (*Neogobius melanostomus*)	12 cm
67.	Knout goby (*Mesogobius batrachocephalus*)	15 cm
68.	Ginger goby *(Neogobius euricephalus)*	12 cm
	Scophthalmidae	

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69.	Turbot (*Psetta maxima)*	45 cm
	Pleuronectidae	
70.	Black Sea flounder (*Platichthys flesus luscus*)	20 cm
	D. Aquatic animals	
	Amphibia	
71.	Marsh Frog (*Rana ridibunda*)	30 g
	Crustacea	
72.	Prawns (*Leander spp.*)	5 cm
73.	Caridean shrimp (*Crangon sp.*)	5 cm
74.	Danube crayfish (*Astacus leptodactylus*)	8 cm
75.	Crab (*Eriphia spinifrons*)	8 cm
76.	European green crab (*Carcinus maenas*)	4 cm
	Bivalvia	
77.	Fresh water mussels (*Unio spp.*)	8 cm
78.	Freshwater clams (*Anodonta spp.*)	10 cm
79.	Mediterranean mussel (*Mytilus galloprovincialis*)	7 cm
80	Sand Gaper (*Mya arenaria*)	2 cm

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