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CHAPTER 9: TRANSPORT POLICY

ANNEX D1

NEW DEVELOPMENTS AND MEASURES TO IMPROVE THE LEVELS OF
MARITIME SAFETY

MARITIME TRANSPORT

NEW DEVELOPMENTS AND MEASURES TO IMPROVE THE LEVELS OF MARITIME SAFETY

I. Alignment with the EU acquis:

The main legal acts in the sector are the Law on Maritime Spaces, Inland Waterways and Ports and the Merchant Shipping Code.

The Law on Maritime Spaces, Inland Waterways and Ports has been adopted in February 2000 and fully complies with the EU standards and requirements.

A Law to amend and supplement the Merchant Shipping Code has been approved by the Council of Ministers and submitted to the National Assembly for adoption. The Draft incorporates many EC Directives and Regulations.

Additionally a number of By-laws have recently been developed or are currently in process of development, which provides for further alignment. *(List of the by-laws is attached at Annex to this document)*

Further in this direction the Bulgarian Maritime Administration (BMA) has recently submitted proposals for two projects. Both projects have a legal harmonization component and have to ensure that the acquis is properly transposed in the Bulgarian legislation. The projects are briefly outlined below:

- ◆ A proposal for a **Twinning project**, entitled “Maritime Safety: Legal Harmonization and Institution Building” has been recently submitted through the Ministry of Foreign Affairs. It is expected that the financing Memorandum for the project will be signed in December this year.
- ◆ A proposal for project within the 2001 Programme of the Netherlands government **PSO – Pre-accession**. The project aims to strengthen the capacity of the BMA to achieve compliance with the standards laid down in the following EC legislative acts: Council Directive 93/75/EEC of 13.09.1993 concerning the minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods, as amended; Council Directive 98/41/EC of 18.06.1998 on the registration of persons sailing on board of passenger ships, as amended; and the proposal for a Council Directive concerning the establishment of a European vessel reporting system in the maritime zones of the Community Member States.

II. STRENGTHENING THE BULGARIAN MARITIME ADMINISTRATION (BMA):

To create the administrative capacity to implement the legislation in the maritime sector, an Executive agency “Maritime Administration” was established at the Ministry of Transport and Communications.

The BMA is the competent national authority responsible for the safety of navigation and pollution prevention, executing control on the compliance of Bulgarian and foreign flag vessels with the requirements for the safety of navigation and pollution prevention, keeping register of the ships flying Bulgarian flag, issuing of certificates of competency to seafarers, executing search and rescue of people, vessels and aircraft, etc.

The Maritime Administration in Sofia, which performs the executive functions, hosts the State Shipping Inspectorate, and its four regional offices on the Black Sea coast and on the River Danube. These regional offices are responsible for implementing the tasks associated with Flag State Implementation, Port State Control, and Coastal State Control.

Although the legal framework is either adopted or planned, the capacity of the BMA effectively to implement this legislation is currently limited, by a lack of effective enforcement of international standards and lack of sufficient number of trained inspectors, mainly because of lower wage possibilities compared to sea-service wages.

To remedy the situation the BMA has proposed the two projects outlined in the above item. The institution building components of the two projects address the issues related to the implementation of the existing and planned legislation and standards to give full effect to the acquis. Specifically, these projects will enhance Bulgaria’s performance in maritime safety, by developing a sustainable management capability at the BMA and by introducing a comprehensive series of training programmes for sufficient numbers of Bulgarian Flag, Port and Coastal State Control inspectors to achieve accelerated progress in the execution of their duties. The projects are expected to have a significant impact on Bulgaria’s commitment to improving its performance in Flag State Implementation, and will contribute to progress to improvements in implementing Port and Coastal State Control.

II. IMPROVING THE SAFETY RECORD OF THE BULGARIAN FLEET:

The safety performance of the Bulgarian flag vessels is a matter of concern for the EC (source – 2000 Regular Report by the European Commission on Bulgaria’s progress towards accession) and the indicator used to evaluate the performance is the detention rate within the Paris MoU.

It has to be pointed out that although the detention rate for Bulgarian flag vessels is still higher than for those flying the flags of the MS there is a positive trend during the three-year rolling period 1997 – 1999 during which Bulgaria has moved to the bottom of the Black List of the Paris MoU. In 1999 the detention rate for the Bulgarian flag ships was 8.1%, which is below the average (*extracts attached at Annex to this document*). Although the 2000 Paris MoU statistics is not published yet the Bulgarian flag is expected to be again below the average detention rate.

In the opinion of the Bulgarian Maritime Administration (BMA) there are two major tools which can be used to remedy the situation. The first is associated with improving the capacity of the BMA to effectively discharge flag State responsibilities and the second is related to strengthening of the Bulgarian fleet. Some measures have already been taken in these two directions.

It is believed that in order to **improve the capacity of the BMA** as flag State authority it is crucial to create robust organisational structures with effective human resource management, especially training, required to achieve a change in culture and attitude at the implementing level.

Having this in mind the BMA has put forward the proposals for the two projects:

- ◆ The proposal for project entitled “Maritime Safety: Legal Harmonization and Institution Building”. Although the project focuses mainly on the institution building the safety performance of the vessels under Bulgarian flag is one of the key issues.
- ◆ The proposal for project within the 2001 Programme of the Netherlands government PSO – Pre-accession.

It is expected that the successful completion of the tasks and initiatives described under the above two items will lead to improvement of the safety record of the Bulgarian fleet.

Another task for the BMA in the same direction is to take measures to ensure compliance of the Bulgarian Classification Society (BKR) with the requirements of Council Directive 94/57/EC on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations, as proposed to be amended. The problem BKR encounters results from one of the requirements of the Directive, which stipulates that a classification society can be recognized only if it belongs to a Member State. A way out of this situation could be to initiate the evaluation process as soon as possible in order to enable immediate formal recognition of BKR upon the accession of Bulgaria to the EU. The BMA will seek support and guidance from the competent EC Offices with this regard.

Measures related to **strengthening of the Bulgarian fleet:**

- ◆ in 1995 the ISM Code was introduced through Order RD-08-139 of the Minister of Transport, dated 16 June 1995, published in the State Gazette, issue 58/1995;
- ◆ in 1998 the national maritime operator “NAVIBULGAR”, owner of more than 90% of the Bulgarian tonnage, was certified under the ISM Code by Germanischer Lloyd;
- ◆ A procedure for privatization of “NAVIBULGAR” was opened with the aim to attract investment and know-how in the company and thus, among other, to improve its safety record.
- ◆ State Aids in the form of Tonnage tax regime and crew wages/social securities tax exemptions have to be applied to the sector in accordance with the EC Guidelines for State Aid to maritime sector. This will improve the fiscal framework and conditions for Bulgarian based shipowners and operators and will enable them to invest in new ships, which will improve the safety performance of the Bulgarian fleet.

III. Other information

- ◆ As of December 2000, on the grounds of Decision of the Council of Ministers, Bulgaria became Member to the Memorandum of Understanding on Port State Control in the Black Sea region (BS MoU). The text of the MoU is based on the text of the Paris MoU. In May 2001 BMA will host a meeting of the BS MoU Committee in Varna. Some of the important issues that will be dealt with during the meeting are: the establishment of Information Center and Information System of the Memorandum, incl. proposal for information exchange with the Paris MoU; development of a BS MoU port State control (PSC) Manual (based upon the Paris MoU Manual); possibilities for co-operation with other regional Memoranda on PSC; development of training programmes for PSC inspectors.
- ◆ A project for the establishment of vessel traffic system (VTS) and GMDSS A1 Zone along the Bulgarian Black Sea coast was launched. The project is jointly financed by the Government of the Netherlands, the PHARE Programme and the Bulgarian Ministry of Transport and Communications. The total cost of the project is evaluated at 11.5 million Euro. It will be implemented at three stages and shall be completed by 2008. The first stage of the project is the establishment of the Varna Initial System (VIS) which is a VTS for the region of the Varna bay. This first stage has already been completed and is in trial operation.

- ◆ As a result of the proper implementation of the STCW 78/95 Convention, Bulgaria has been included in the IMO White List. (*letter of the Secretary General of the IMO is attached at Annex to this document*)
- ◆ For the purpose of the efficient flag State control the BMA started establishing a database (DB) system. The DB will incorporate all the information contained currently in the register of ships, incl. the register of fishing vessels (as per EC Directive) and the register of seafarers. The DB system is designed in a way, which allows generating of the information required by different EC legislative acts. Special attention has been placed on the fishing vessel register. The following EC Regulations and Directives have been transposed into the Bulgarian legislation:
 - Council Regulation (EEC) No.2847/93 establishing a control system applicable to the common fisheries policy, as amended. The BMA is responsible only for the flag State control of fishing vessels. The control on the catches and the fishing equipment is a responsibility of Executive Agency “Fishing and Aquaculture” at the Ministry of Agriculture and forestry.
 - Council Directive 97/70/EC setting up a harmonized safety regime for fishing vessels of 24 meters in length and over, as amended by Commission Directive 1999/19/EC;
 - Council Regulation No.2847/93 as regards satellite based vessel monitoring system (VMS) and Commission Regulation No.1489/97 on the application of the former;
 - Commission Regulation No. 2090/98 concerning the fishing vessel register of the Community;
 - Commission Regulation No. 2091/98 concerning the segmentation of the Community fishing fleet
 - Commission Regulation No. 2930/86 defining the character of fishing vessels, as amended;
 - Commission Regulation No. 1381/87 establishing detailed rules concerning the marking and documentation of fishing vessels.

These have been transposed in the following Bulgarian legal acts:

- Ordinance No. 5 on the ships documents;
- Order No. 68/2000 of the Head of the State Shipping Inspectorate;
- Draft Law on the Fishing and Aquaculture (submitted for adoption to the National Assembly);

- Draft Law to amend and supplement the Merchant Shipping Code (submitted for adoption to the National Assembly);
- Contract for co-operation with Executive Agency “Fishing and Aquaculture” at the Ministry of Agriculture and forestry;
- Proposals for amendment of Ordinance No. 1 on the entry of vessels in the registers of vessels in Bulgarian ports and Ordinance No.2 for measurement of the seagoing vessels.

LIST OF ATTACHED DOCUMENTS

- D1.1 TRANSPOSITION TABLES**
- D1.2 REGULATION No. 1 ON THE ENTRY OF VESSELS ON THE
REGISTERS OF VESSELS IN THE BULGARIAN PORTS**
- D1.3 PARIS MoU STATISTICS**
- D.1.4 SELF-ASSESSMENT FORM OF THE BULGARIAN MARITIME
ADMINISTRATION AND LETTER OF THE SECRETARY GENERAL OF
IMO ON THE RECEIPT THEREOF**
- D1.5 PROJECT FICHE FOR TWINNING PROJECT “MARITIME SAFETY:
LEGAL HARMONIZATION AND INSTITUTION BUILDING”**
- D1.6 PROPOSAL FOR PROJECT WITHIN THE 2001 PSO PRE-
ACCESSION PROGRAMME OF THE GOVERNMENT OF THE
NETHERLANDS**
- D1.7 IMPLEMENTATION CHART FOR PROJECT VESSEL TRAFFIC
MANAGEMENT AND INFORMATION SYSTEM (VTS)**
- D1.8 LETTER OF THE SECRETARY GENERAL OF IMO ON THE ENTRY OF
THE REPUBLIC OF BULGARIA IN THE IMO WHITE LIST –
COUNTRIES GIVING FULL AND COMPLETE EFFECT TO THE
PROVISIONS OF THE INTERNATIONAL CONVENTION ON
STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING
FOR SEAFARERS (STCW 78/95)**

ATTACHMENT D1.1

TRANSPOSITION TABLE OF THE EC LEGAL ACTS

**COMPARISON TABLE
OF THE EC LEGAL ACTS, TRANSPOSED IN
THE BULGARIAN LEGISLATION**

I. SAFETY AT SEA

EC Legislative Act	Bulgarian Legislative Act
Council Regulation (EEC) No. 613/91 of 4 March 1991 on the transfer of ships from one register to another within the Community	Ordinance No. 1 on the entry of vessels in the registers of vessels in Bulgarian ports
Council Recommendation 78/584 (EEC) of 26 June 1978 on the ratification of Conventions on safety of shipping	All Laws for ratification of IMO Conventions, Ordinance No. 5 on ships documents and Ordinance No.6 on competency of seafarers.
Council Recommendation 79/114 (EEC) of 21 Dec 1978 on the ratification of STCW'78	Law on the ratification of STCW'78 and Ordinance No.6 on competency of seafarers
Council Directive 93/75/EEC of 13 Sept. 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods	Art. 99 of the Law on the Maritime Spaces, Inland Waterways and Ports and Regulation on the order of approach, stay and leave of ships from the ports, of loading and unloading, of embarkation and disembarkation of crew and passengers on board and communication between the shore and the ships.
Council Regulation (EEC)No. 2158/93 of 28 July 1993 concerning the application of amendments to SOLAS'74 and to MARPOL'73 for the purpose of Council Regulation (EEC) No. 613/91	Ordinance No. 5 on ships documents
Council Directive 94/57/EC of 22 Nov. 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations	Merchant Shipping Code and Statute of Executive Agency "Maritime Administration"
Council Regulation (EC) No. 2978/94 of 21 Nov. 1994 on the implementation of IMO Resolution A.747 (18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers	Ordinance No. 5 on ships documents

Council Resolution of 22 Dec. 1994 on the safety of Ro-Ro passenger ferries	Ordinance No. 5 on ships documents
Council Directive 95/21/EC of 19 June 1995 concerning enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the MS, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)	Merchant Shipping Code and Black Sea Memorandum of Understanding on port State Control
Council Regulation (EC) No. 3051/95 of 8 Dec. 1995 on the safety management of Ro-Ro passenger ferries	Ordinance No. 5 on ships documents and Order No. RD-08-249 dated 16 June 1995 for the introduction of the ISM Code
Commission Directive 96/40/EC of 25 June 1996 establishing a common model for identity card for inspectors carrying out PSC	Statute of Executive Agency "Maritime Administration" and Order of Director of Executive Agency "Maritime Administration"
Council Directive 96/98/EC of 25 Dec. 1996 on marine equipment	Ordinance No. 5 on ships documents
Council Directive 97/70/EC of 11 Dec. 1997 setting up a harmonized safety regime for fishing vessels of 24 meters in length and over	Ordinance No. 1 on the entry of vessels in the registers of vessels in Bulgarian ports and Ordinance No. 5 on ships documents
Council Directive 98/18/EC of 17 March 1998 on the safety rules and standards for passenger ships	Merchant Shipping Code and Ordinance No. 5 on ships documents
Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships, operating to or from ports of the MS of the Community	Ordinance No. 1 on the entry of vessels in the registers of vessels in Bulgarian ports

II. MARKET OPERATION

Council Regulation (EEC) No. 613/91 of 4 March 1991 on the transfer of ships from one register to another within the Community	Ordinance No. 1 on the entry of vessels in the registers of vessels in Bulgarian ports
Council Directive 95/64/EC of 8 Dec. 1995 on statistical returns in respect of carriage of goods and passengers by sea	Art. 94 of the Law on the Maritime Spaces, Inland Waterways and Ports and Ordinance on the provision of statistical information from port operators.

ATTACHMENT D1.2

**REGULATION No. 1 ON THE ENTRY OF VESSELS ON THE REGISTERS OF
VESSELS IN THE BULGARIAN PORTS**

REGULATION No. 1
on
entry of vessels on the Bulgarian Ports' Registers of vessels

SECTION I
General Provisions

Article 1. (1) Every vessel entitled to fly the Bulgarian flag shall be entered on the register of one Bulgarian port.

(2) The registers of vessels are kept by the State Shipping Inspectorate (SSI).

(3) Shipowners are to determine the port where registration shall be performed.

Article 2. A vessel entitled to fly the Bulgarian flag is one which is owned by:

1. The state;
2. Bulgarian citizen;
3. Corporate bodies registered in the Republic of Bulgaria;
4. Corporate bodies with participation of Bulgarian shareholders registered abroad, if it is allowed by the local law and the constitutive agreement.

Article 3. (1) Vessels entitled to fly the Bulgarian flag are those chartered by the entities stipulated in Art.2, provided that a clause for purchase is included in the contract.

(2) In cases under para.1, entry shall be made on a separate page of the vessels' register with the explicit rider that the entry shall be made under the provisions of this Article.

Article 4. (1) The registers of vessels include a register of small vessels (Appendix No.1) and a register of large vessels (Appendix No. 2).

(2) The registers of vessels are public. Interested parties may request abstracts thereof.

Article 5. (1) Seagoing vessels with a capacity in excess of 40 GRT shall be entered on the register of large vessels, whereas vessels with a capacity not exceeding 40 GRT shall be entered on the register of small vessels.

(2) Vessels operating on the inland waterways that are not small vessels shall be entered on the register of large vessels, and small vessels – in the register of small vessels.

(3) Floating equipment such as lifeboats, liferafts, etc. which are accessories to vessels are not subject to entry.

Article 6. Any change in the data entered on the register of vessels is also subject to entry.

Article 7. The registers under Art. 5, para.1 and 2 are kept by the Regional offices of the SSI. Namely, in the ports of Varna and Bourgas - for sea-going

ships, in the ports of Rousse and Lom – for ships operating on the inland waterways and for vessels (undertaking either sea- and river shipping) – in any of the abovesaid ports as chosen by the shipowner. The rest ports shall keep only respective registers of small vessels.

SECTION II

Entry

Article 8. (1) Entry of vessels on the register shall be made upon an application by the shipowner to the Head of the respective regional office of the SSI - Harbour master.

(2) The application for registration shall be made within 6 weeks from the date on which the ship has been acquired. When a ship has been acquired abroad, the time limit is 6 weeks from the date on which the ship has for the first time arrived in a Bulgarian port.

(3) When persons that are due to apply for registration fail to do so, the authorities of the SSI shall make the entry ex officio following an investigation.

Article 9. For the purpose of the registration, the following shall be enclosed to the application:

1. A document establishing the grounds of the ship's acquisition. When the document is a purchase/sale contract, it shall be legalized by a notary public;

2. A document – description providing data for the ship's hull, machinery, equipment and dimensions, communication and navigational devices, loading facilities, sailing equipment, etc.

3. Document issued by a classification society, certifying that the ship's class, if any, is obtained therefrom.

Article 10. The following shall be entered in the register:

1. Port of registry;

2. Consecutive number and date of entry;

3. Type, name or number of the vessel in Bulgarian and in Latin transcription;

4. Year and place of building the vessel, date of the keel laying or of a similar phase of her building;

5. The material out of which the hull has been built;

6. Basic dimensions of the ship, indicated by the Bulgarian State Standard, namely: maximum length, maximum project length, length between the perpendiculars, width, depth moulded, maximum summer draft, empty vessel draft, summer freewater board;

7. Ship's technical and operational particulars according to the BK Form;

8. Name and seat and nationality of the owner;

9 Grounds of acquiring the ship, title, number and date of issue of the relevant document, issuing authority;

10. Marine mortgages or any other encumbrances or limitations on the right of dealing with the vessel;

11. The date of terminating previous registration (if any);

12. Name and seat and nationality of the ship's charterer or operator, in cases when ship is not operated by the owner;

12. The date and grounds of the registration.

Article 11. (1) Registration of vessel that has been previously entered on a foreign register may only be made, if some of the terms under Articles 2 and 3 are fulfilled and upon submission of a document certifying that the vessel has been struck off the foreign register. That document shall also contain data on any mortgages, and other maritime claims and encumbrances imposed on the vessel (if any), as well as the order thereof.

(2) After the vessel is entered on the Bulgarian register, all prior registrations of the same vessel in foreign registers are null and void.

Article 12. Registered vessels are issued documents according to Regulation No.5 on ship's documents (State Gazette No.54/1991).

Article 13. (1) Foreign-going vessels shall have durably marked on their hull the following:

1. On either side of the bow - the ship's name or number in Bulgarian transcription, the letters' height being not less than 30 cm; under the latter - the same shall be marked in Latin transcription, the letters' height being not less than 20 cm;

2. On the stern (in cases of sharp stern – on both sides) – the ship's name or number in Bulgarian transcription, the letters' height being not less than 20 cm; under the latter – the port of registry in Bulgarian and Latin transcription, the letters' height being not less than 15 cm.

(2) Vessels engaged on coastal voyages shall have the same marking as specified above, though only in Bulgarian transcription and the letters' height being not less than 20 cm.

(3) On rowing boats, motor boats, sailing boats and yachts, when their construction does not allow marking as specified in paragraphs 1 and 2, marking shall be done in the middle of the hull.

(4) Shipowners are obliged to maintain the marking under paragraphs 1, 2 and 3 duly and properly.

SECTION III

Entry of new data on the registers

Article 14. All changes in the data entered on a register in respect of a vessel shall be given notice of by the shipowner, within six weeks from the date of taking into effect thereof.

Article 15. In cases of changing the ownership, the new shipowner shall submit a document establishing the grounds of acquisition.

Article 16. (1) The notary public or the consul before whom the transfer of ownership, the raising or withdrawal of maritime mortgage, other encumbrances or limitations have been effected, shall report that ex officio to the authorities of the respective regional office of the SSI where the vessel has been registered, whereby any new data is being duly entered on the register.

(2) The shipowner alone shall also give notice under para.1.

(3) Any new data shall be entered in the ships' documents, after the vessel has reached the first Bulgarian port of call.

Article 17. (1) In case of changing any of the technical, operation and other data in respect of a ship, the shipowner shall submit to the respective regional office of the SSI where the ship is registered all relevant documents certifying these changes.

(2) Following an investigation about the submitted documents and of the facts, the SSI makes the necessary entries on the register.

Article 18. The facts subject to entry in the register have legal force with regard to third parties only after their actual registration.

SECTION IV

Striking off the register

Article 19. Any vessel shall be struck off the register in the following cases:

1. When the grounds for sailing under the flag of the Republic of Bulgaria no longer exists;
2. When she has sunk, disappeared or has been destroyed ;
3. When she has been found unfit for repair or economically not worth repairing;
4. Changing the port of registry.

(2) In cases under paragraphs 1, items 1, 3 and 4 the striking off shall be effected with the consent of the creditor whose real right ship has been entered on the register.

Article 20. (1) In case of terminated right to sail under the flag of the Republic of Bulgaria, the shipowner shall declare that in written and shall submit all ship's documents in the regional office of the SSI where the vessel is registered, within 6 weeks from the date of terminating that right.

(2) The term specified in para.1 commences from the time when the shipowner has taken cognizance of the facts under Art.19.

Article 21. A vessel shall be presumed missing when no news of her has been received during one month in the Black Sea or the Mediterranean, and during three months when sailing on the ocean. When receipt of the news could be delayed by military operations, the above stated period is six months.

Article 22. A vessel that is found unfit for repairing or economically not worth repairing shall be struck off the register, on the grounds of the provisions made out therefor.

Article 23. (1) Any vessel may, at the request of the shipowner, be struck off the register in the port where she is registered and entered on the register of another Bulgarian port.

(2) Change of the port of registry where a mortgaged vessel is registered, or a change of her name shall not be allowed without the mortgage creditor's written consent, the latter being enclosed (as a document) to the register.

Article 24. (1) New registration shall be performed according to Articles 8 and 11.

(2) After a new registration has been performed, the respective SSI regional office notifies in written the regional office where the vessel has been previously registered.

(3) The SSI regional office of the port where the vessel has previously been registered, after receipt of the new registration shall strike that vessel off its register and shall note the name, date and number under which the new registration has been made.

Article 25. (1) A vessel which is sold abroad shall be struck off the register on the grounds of submitted sale contract made out in accordance with the law of the state where the sale has been completed and certified by the respective Bulgarian diplomatic or consular mission.

Article 26. (1) When the SSI has taken cognizance that grounds for striking off the register are existing, and the shipowner has not duly notified and submitted the relevant documents, the Harbour master - Head of the respective SSI shall seek responsibility accordingly.

(2) When the shipowner's permanent residence is not known, the SSI shall summon him by means of a single notice in the "State Gazette" to submit within six weeks evidence that the vessel is not subject to striking off the register.

(3) In cases stipulated in paragraphs 1 and 2, when the shipowner has not submitted within the established term the documents required, or in cases under para.2 when the evidence is insufficient, the SSI authorities shall undertake an investigation and shall ex officio strike the vessel off the register, if sufficient grounds have been found.

Article 27. Registration of a Bulgarian vessel in a foreign register shall not create any legal consequences if it has not been struck off the Bulgarian.

ADDITIONAL PROVISIONS

§ 1. The present regulation shall not apply to warships and military men.

§ 2. For the purpose of this Regulation the following terms used throughout shall have the following meaning:

1. "*inland waterways*" shall mean rivers, lakes and canals of Europe used for navigation;

2. "*small vessel*" sailing on the inland waterways shall mean a vessel whose hull length is less than 20 m, excluding those small vessels that tow, push or tow alongside vessels that are not "small vessels", as well as ferries and vessels allowed to transport on board more than 12 persons.

TRANSITIONAL AND FINAL PROVISIONS

§ 3. For the purpose of registration of a vessel as well as for rendering services under this Regulation, charges shall be collected according to "Tariff No.5 for charges collected within the system of the Ministry of Transport (publ., State Gazette No.79/1991, as amended in No.15/1992).

§ 4. For any infringement of this Regulation shall be imposed a penalty according to Art.368 of the Bulgarian Merchant Shipping Code and Art.36 and the following Articles of the Administrative Infringements and Penalties Act.

§ 5. This Regulation is issued on the grounds of Art.45 of the Merchant Shipping Code and Art.13 in relation to Art.91 of Decree on the Merchant Shipping (publ., State Gazette No.79/1953, as amended in State Gazette No.56/1970, No.56/1975, No. 36/1986 and No.55/1991).

§ 6. (amended - State Gazette No.90/1993) The Regulation on the registration of vessels in the Black Sea ports in the Peoples' republic of Bulgaria (State Gazette No.43/1973) and the Rules for the entry of merchant vessels in the Bulgarian ports (State Gazette No.50/1956).

Appendix No.1 to art.4

THE REPUBLIC OF BULGARIA

Ministry of Transport

State Shipping Inspectorate

REGISTER OF VESSELS

Register of small vessels

Port of

No Date

Vessel

Other data and requisites under Art.10

Other entries: Acts and contracts, enforceable at law, or such replacing the
aforementioned, entries in regard with purchase/sale, co-ownership and
participating in the use of a vessel, or for waiver of rights, changes as to
ownership, sequester, abandonment, capture, maritime lien, etc.

(five consecutive pages per vessel)

Appendix No.2 to art.4

THE REPUBLIC OF BULGARIA

Ministry of Transport

State Shipping Inspectorate

REGISTER OF VESSELS

Register of large vessels

Port of

No Date

Vessel

Other data and requisites under Art.10

Other entries: Acts and contracts, enforceable at law decisions, or such replacing the aforementioned, entries in regard with purchase/sale, co-ownership and participating in the use of a vessel, or for waiver of rights, changes as to ownership, sequester, abandonment, capture, maritime lien, etc.

(five consecutive pages per vessel)