



**RECOGNIZED ORGANIZATIONS
EXPERIENCE OF BULGARIA
IMPLEMENTATION OF THE EU
APPROACH
THE MONITORING IDEA**

**Bulgarian Maritime Administration
Silvina Zhivkova Bakardzhieva – Senior Expert Directorate
“European Union, International Relations and Projects”
silvina.bakardzhieva@marad.bg**



PRESENTATION HIGHLIGHTS

- **Overview of the Executive Agency “Maritime Administration” (EAMA), Bulgaria**

• **Third Maritime Safety Package –**

The legislative texts on classification societies (a Directive and a Regulation)

- **Transposition of Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations into Bulgarian legislation**



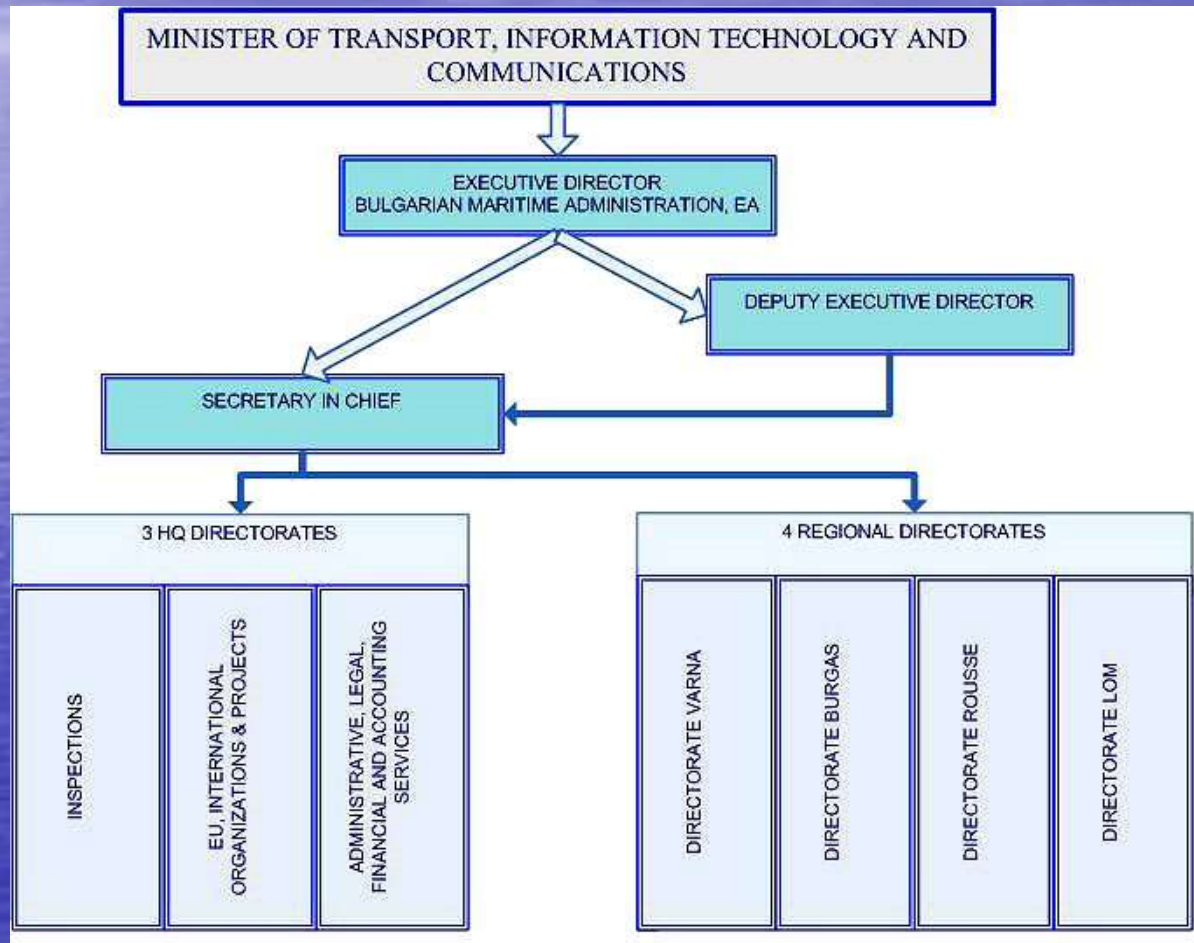
- **List of Recognized Organizations authorized by Bulgarian Maritime Administration to conduct inspections and surveys of ships flying Bulgarian flag**

The Executive Agency “Maritime Administration”, hereinafter referred to as the Agency, is a specialized administrative structure under the Minister of Transport, Information Technology and Communications of the Republic of Bulgaria. It was established by the Council of Ministers on the 29th November, 1999. The Agency is a legal entity with its headquarters in Sofia with regional offices in Burgas, Varna, Lom and Russe. The Agency is regulated by the Bulgarian Merchant Shipping Code - Art. 360, para. 1. The Bulgarian Maritime Administration organizes and coordinates activities related to the shipping and ports in the sea spaces and inland waterways of the Republic of Bulgaria and provides the actual liaison between the government and the ships flying the Bulgarian flag.





ORGANIZATIONAL STRUCTURE OF THE AGENCY





Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

The legislative texts on classification societies seek to achieve a radical improvement in the quality of the work undertaken by classification societies. In fact, these bodies represent a fundamental element of the maritime safety chain: better performing class means less room for sub-standard shipping at no additional cost for safety-conscious owners.



Therefore, a specialised body is set up in order to audit and certify the quality management systems of EU-recognised organisations, to which Member States can delegate the inspection and statutory certification of their ships. In addition, the recognition criteria are stricter and a system of financial penalties for those organisations that do not do their job properly is established.

If the shortcomings of a recognised organisation are such that safety is no longer guaranteed, their license will be withdrawn. Furthermore, recognised organisations will now be required to agree to mutual recognition of their certificates whenever they are issued on the basis of equivalent technical standards.

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations



The Regulation has direct effect. It establishes measures to be followed by organisations entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This includes the development and implementation of safety requirements for hull, machinery and electrical and control installations of ships falling under the scope of the international conventions.

Member States which wish to grant an authorisation to any organisation which is not yet recognised shall submit a request for recognition to the Commission together with complete information on, and evidence of, the organisation's compliance with the minimum criteria set out in Annex I and on the requirement and its undertaking that it shall comply with the provisions of Articles 8(4), 9, 10 and 11.

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations



The Commission, together with the respective Member States submitting the request, shall carry out assessments of the organisations for which the request for recognition was received in order to verify that the organisations meet and undertake to comply with the requirements referred to in the previous paragraph. The Commission shall, in accordance with the regulatory procedure referred to in Article 12(3), refuse to recognise organisations which fail to meet the requirements or whose performance is considered an unacceptable threat to safety or the environment on the basis of the criteria laid down in accordance with Article 14.



The Bulgarian Legislation and Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

Directive 2009/15/EC is transposed into Bulgarian legislation with:

- **Merchant Shipping Code (promulgated in State Gazette 55 from 1970, last amended in December 2013), and**
- **Regulation № 4 from 15 of December 2011 for granting authorization and revocation of authorization for survey of ships and shipowners (promulgated in State Gazette 104 from 2011);**



Merchant Shipping Code (promulgated in State Gazette 55 from 1970, last amended in December 2013)

According to Art. 4 of the Merchant Shipping Code “A merchant ship in the sense of the Code shall be any self-propelled or non-self-propelled vessel or vessel unit intended for sailing and for carrying out the following activities: carriage of passengers, luggage, cargoes and post by ships, rental, other deals with ships, towing and pushing of ships and cargoes, search, salvage and helping people and ships suffering accidents, carrying on maritime and river services related to shipping, farm fishery, exploitation of maritime and river resources and other economic activities involving usage of ships. (Art. 2, a of the Directive).



According to Art. 27, Para. 1 The flag of the Republic of Bulgaria shall be flown only by ships: 1. which are property of the state; 2. which are property of Bulgarian natural or legal persons; 3. more than the half of which is property of a Bulgarian natural or legal person; 4. which are property of natural or legal persons from a Member State of the European Union, provided that, for the performance of the technical, administrative and other requirements of the Bulgarian legislation regarding the ships, Bulgarian natural or legal persons or natural or legal persons from a Member State of the European Union resident in the Republic of Bulgaria have been authorized; 5. rented in a bareboat charter contract by the persons referred to in Items 1 – 4, for the term of effect of the contract.

(2) The natural and legal persons from a Member State of the European Union shall be granted a treatment not less favourable than that granted to the Bulgarian natural and legal persons regarding the registration of ships. (Art. 2, b of the Directive).



Regulation № 4 from 15 of December 2011 for granting authorization and revocation of authorization for survey of ships and shipowners (promulgated in State Gazette 104 from 2011)

Regulation № 4 from 15 of December 2011 comprises 5 Sections, 3 Additional Provisions and 1 Final Provision;

The Titles of the Sections are as follows:

General Provisions;

Granting authorization and revocation of authorization for survey of seagoing ships and shipowners;

Granting authorization and revocation of authorization for survey of river going ships (ships for inland waterways navigation) and carrying dangerous goods;

Special requirements to the organizations for survey of river going ships (ships for inland waterways navigation);

Monitoring and control.



Section I General Provisions

Art. 1 and 2 of the Regulation determine the Scope of application
(Art. 3, item 2 and 3 of the Directive).



Section II Granting authorization and revocation of authorization for survey of seagoing ships and shipowners

In Section II is stipulated the procedure to be followed for granting authorization and revocation of authorization for survey of seagoing ships and shipowners;

What steps shall be taken?;

What shall contain the contract for authorization?;

What is the purpose of contract for authorization?;

How the contract shall be terminated?;

What happens in case the organization is not recognized according to Regulation (EC) No 391/2009?;

What are the obligations of Bulgarian Maritime Administration?
(Art. 2, g and h, Art. 3, Para. 1 and 2, Art. 4, 5 and 8 of the Directive).



Section III Granting authorization and refusal of authorization for survey of river going ships (ships for inland waterways navigation) and carrying dangerous goods;

In Section II is stipulated the procedure to be followed for granting authorization and refusal of authorization for survey of river going ships (ships for inland waterways navigation) and carrying dangerous goods;

What is the purpose of contract for authorization?;

How the contract shall be terminated?;

What happens in case the organization is not recognized according to The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);

What are the obligations of Bulgarian Maritime Administration?.



Section IV Special requirements to the organizations for survey of river going ships (ships for inland waterways navigation) ;

This Section determines the special requirements applicable to the organizations for survey of river going ships.

Mainly what are the obligations of the organization?



Section V Monitoring and control

What are the obligations of Bulgarian Maritime Administration in respect of monitoring and control?

What are the obligations of the recognized organizations?

(Art. 1, 9 and 11 of the Directive).



Additional provisions

The Additional Provisions stipulates the terms used in the Regulation.

The obligations of the Bulgarian Maritime Administration in respect of reporting to the European Commission.

(Art. 10 of the Directive).



Final Provisions

What is the legal basis for issuing Regulation № 4 from 15 of December 2011 for granting authorization and refusal of authorization for survey of ships and shipowners?



List of Recognized Organizations authorized by Bulgarian Maritime Administration to conduct inspections and surveys of ships flying Bulgarian flag

Lloyd Register (LR), Germanischer Lloyd (GL), Bulgarian Register of Shipping (BRS), Russian Maritime Register of Shipping (RMRS), Bureau Veritas, RINA Bulgaria Ltd.

Functions Delegated by the Administration to the ROs

Survey is delegated to all the Recognized Organizations.

Certificate to none.



Thank you for your attention!
Any questions?