



1<sup>st</sup> Steering Committee Meeting of the EU-funded  
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# **The Bulgarian Maritime Administration Experience in Integration of Acquis Communautaire in Maritime Transport**

Mrs. Anna Natova

Director of European Union, International Relations and Projects  
Directorate

Bulgarian Maritime Administration





# summary of the paper

- ⇒ Bulgarian Maritime Administration – structure, overview of the main responsibilities and legal framework
- ⇒ International treaties
- ⇒ National procedure for EU legislation
- ⇒ Overview of the main BMA activities for EU accession
- ⇒ Conclusion





# Bulgarian Maritime Administration (1)

BMA is the National  
Competent Authority  
for:

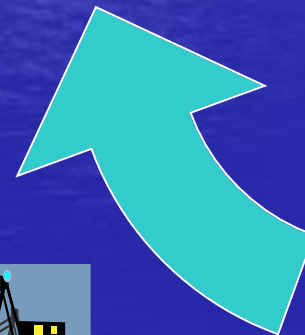
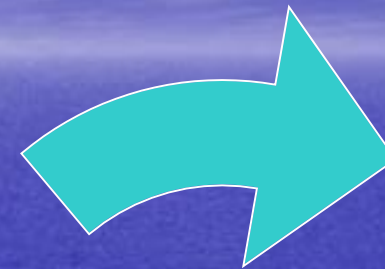
PORT STATE  
CONTROL

FLAG STATE  
CONTROL

and also exercises  
control on port  
development and  
operation

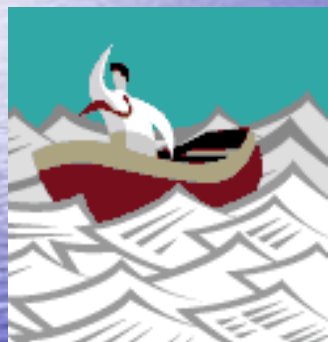


COASTAL STATE  
CONTROL





# Bulgarian Maritime Administration (2)



Executive Director

Deputy Executive Director

Chief Secretary

Inspection Activities Directorate, HQ

European Union, International Relations and Projects Directorate, HQ

Administrative, Legal, Financial and Economical Services Directorate, HQ

4 Regional Directorates





# Bulgarian Maritime Administration (3) – LEGAL FRAMEWORK

## ⇒ **International**

IMO Conventions and Codes (SOLAS, COLREG, SAR, CSC, SUA, LL, MARPOL, OPRC, LC, CLC, AFS, STCW, FAL, Tonnage etc)

MLC

International PSC Agreements (Paris MoU, BS MoU)

## ⇒ **EU**

EU Maritime Safety Package and EU environmental legislation

## ⇒ **National**

(Merchant Shipping Code, Law on maritime spaces, inland waterways and ports of the Republic of Bulgaria, Statutory Regulation, Ordinances and Orders of the Executive Director)





## International treaties – ratified in the past 10 years (1)



<b>International treaties</b>	<b>Ratification</b>	<b>in force as of</b>
CLC Protocol from 1992	2 October 2003	28 November 2004
LOAD LINES Protocol 88	4 February 2004	2 September 2004
SOLAS Protocol 88	4 February 2004	13 July 2004
AFS Convention	13 October 2004	17 September 2008
NUCLEAR Convention	13 October 2004	3 March 2005
SALVAGE Convention 89	13 January 2005	14 March 2006



## International treaties – ratified in the past 10 years (2)



<b>International treaties</b>	<b>Ratification</b>	<b>in force as of</b>
MARPOL Protocol 97	4 February 2005	19 May 2005
LLMC Convention 76	11 May 2005	1 November 2005
LLMC Protocol 1996	11 May 2005	2 October 2005
London Convention 72	2 December 2005	24 February 2006
BUNKER Convention	11 May 2007	21 November 2008
MLC Convention 2006	27 May 2009	20 August 2013
SUA Protocol 2005	21 July 2010	5 January 2011



## International treaties - observations

- ⇒ Planned ratifications for Republic of Bulgaria  
Ballast Water Convention
- ⇒ Different application of international treaties  
and EU legislation (RO Code and III Code)
- ⇒ Cases when the EU legislation is developed  
before the entry into force of an international  
treaty (Ship Recycling Convention)







# National procedure for EU legislation (1)

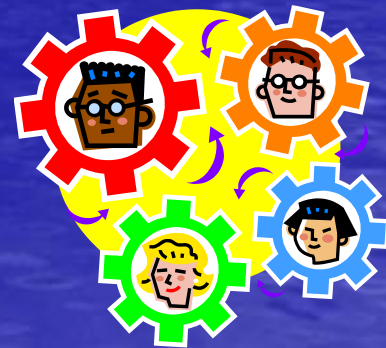
Decree No.85 of the Council of Ministers for coordination of matters related to the European Union

Overview of the main functions of the Council of Ministers in the Republic of Bulgaria in line with the Decree No.85

Annual Programme for participation of the Republic of Bulgaria in the decision making process of EU

Council for European Affairs to the Council of Ministers

36 Interministerial Working Groups – BMA actively participates in WG 9 Transport Policy and WG 20 Environment





# National procedure for EU legislation (2)

**New EU legislation** ⇒ preparation of a draft of a legal act ⇒ co-ordination within the different ministries ⇒ approval of the act ⇒ transposition into the national legislation ⇒ notification to the Commission

**EU monitor and control** of implementation and application of the relevant legislation

⇒ Obligation to report to the Commission

⇒ Audit by the Commission/the European Maritime Safety Agency audit







# National procedure for EU legislation (3)

## Table of Concordance with EU acquis

Table of Concordance for draft of /name of the national legislative act/

Name of the EU act	Draft of /name of the national legislative act/	Degree of compliance
Art.1	Art. X	Full compliance
Art.2	Art. Y	Partial compliance (comment)
Art.3	Art. Z	No transposition is required (comment)
Art.4 	Art. T 	The Republic of Bulgaria will not take advantage of the proposed option (comment)



# Overview of the main BMA activities for EU accession (1)

2000 – 2006 BMA participated in the negotiations for accession of the Republic of Bulgaria to the EU Chapter 9 Transport policy of the EU acquis (maritime safety part)

## **Tasks fulfilled:**

- ⇒ Alignment of the national legislation
- ⇒ Revision of national legislation
- ⇒ Drafting and adoption of relevant national legislation
- ⇒ Quality Management System in place for proper implementation and application of legislation





# Overview of the main BMA activities for EU accession (2)

## ⇒ **Twinning project BG 01 TR01 Marine Safety Institution Building - between the Republic of Bulgaria and the Netherlands**

Duration – 2 years

Budget – 800 000 Euro

Gap analysis of the Bulgarian national legislation on maritime safety and the EU acquis;

Result – fully harmonized national legislation and more than 20 ordinances drafted and adopted

## ⇒ **Twinning project BG 03/IB-TR-02 Strengthening the administrative capacity of BMA by introduction of European standards with respect to the safety of navigation by sea and river**

Duration - February 2005 to June 2006

Budget - 697 000 Euro

Introduction of computerized Quality Management System (QMS) based on the ISO 9001:2000 standard

Result - Review of BMA structure





# Overview of the main BMA activities for EU accession (3)

- ⇒ PSO Project 2006 PPA 04/BG/8/17  
Reorganization of BMA expectation system
- ⇒ PSO Project 2006 04/BG/8/18 Implementation  
of maritime safety legislation by BMA
- ⇒ Twinning light project BG 2006/018-  
164.04.01.22 Capacity building for enhanced  
control and prevention of marine pollution  
generated by ships in the Black Sea
- ⇒ Trainings of BMA staff within the projects





# Overview of the main BMA activities for EU accession (4)

## Results:

- ⇒ Fully harmonized national maritime safety legislation
- ⇒ ISO certified Quality Management System in place for proper implementation and application of legislation
- ⇒ Review of BMA structure
- ⇒ Trained BMA experts and inspectors





# Conclusion (1)

## ...after EU accession



Participation in EU decision making process

Participation in EU legislative process

**New EU legislation**  $\Rightarrow$  preparation of a draft of a legal act  $\Rightarrow$  transposition into the national legislation  $\Rightarrow$  notification to the Commission  $\Rightarrow$  in case of non-conformities - infringement procedure/ penalties







## Conclusion (2)



The **international character** of the international commercial shipping requires international approach in development and implementation of regulatory and legislative measures ⇒

The legislative measures developed **at EU level** on the basis of already accepted international measures:

- ⇒ Facilitate the entry into force of the relevant international treaty and
- ⇒ Facilitate the implementation and application of the relevant regulations at regional and at national level and
- ⇒ Sometimes impose more stringent requirements and criteria

The implementation and application of these measures are subject to monitor and control.



Thank you for your attention!

Mrs. Anna Natova  
anna.natova@marad.bg

