

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

**THE PEOPLE'S REPUBLIC OF BULGARIA
SEA SPACES ACT¹**

Promulgated State Gazette No. 55/17.07.1987

**Chapter One
GENERAL PROVISIONS**

Subject

Article 1

The present Act establishes the legal regime of the sea spaces of the People's Republic of Bulgaria in the Black Sea, over which it exercises sovereignty, certain sovereign rights, jurisdiction and control in conformity with its internal legislation, as well as with the international agreements, in which it is a party and with the generally agreed rules and principles of international law.

Sea Spaces of the People's Republic of Bulgaria

Article 2

- (1) The sea spaces of the People's Republic of Bulgaria include the internal sea waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone.
- (2) The internal sea waters and the territorial sea, as well as the air space over them, the sea-bed and the subsoil are part of the territory of the People's Republic of Bulgaria, over which it exercises its sovereignty.
- (3) The People's Republic of Bulgaria exercises sovereign rights, jurisdiction and control, as defined by the present Act over the contiguous zone, the continental shelf and the exclusive economic zone.

Aims

Article 3

The aims of the present Act are: to protect the legitimate rights and interests of the People's Republic of Bulgaria in the sea spaces, its sovereignty and security as well as to use the Black Sea for peaceful purposes and in the interest of cooperation with the Black Sea and other countries; to facilitate maritime communications and guarantee the safety of navigation; to develop scientific research and exploit marine resources; protect the marine environment and maintain the ecological balance.

**Control on the Compliance with the Legal Regime Governing
the Sea Space of the People's Republic of Bulgaria**

Article 4

The control on the compliance with the legal regime governing the country's sea spaces is organized and carried out by competent state authorities according to the provisions of the present Act and of the other normative acts.

**Chapter Two
INTERNAL SEA WATERS**

Scope

Article 5

The internal sea waters of the People's Republic of Bulgaria include:

¹ According to the Bulgarian Constitution, accepted by the Grand National Assembly on the 12 July 1991 the official name of the country is Republic of Bulgaria.

1. The waters between the coastal line and the baselines, from which the breadth of the territorial sea is measured;
2. The waters of the ports, bounded on the seaward side by the line, joining the outermost points in the sea of the mooring grounds, water supply installations and other permanent port facilities;
3. The waters of:
 - a) Varna Bay between the coast-line and the straight line, linking the cape St. Konstantine to the cape Ilandjik;
 - b) Bourgas Bay between the coast-line and the straight line linking the cape Emine to the cape Maslen Nos;
4. The waters between the coast-line and the straight baselines, linking the cape Kaliakra to the cape Touzlata, the cape Touzlata to the cape Ekrene and the cape Maslen Nos to the cape Rohi.

Visit by a Foreign Ship Operated for Commercial or Humanitarian Purposes

Article 6

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

Visit by a Foreign Warship or Submarine

Article 7

- (1) A foreign warship or submarine may enter the internal sea waters and may visit open ports and roadsteads with the authorization of the Council of Ministers, unless otherwise agreed by the Peoples Republic of Bulgaria and the flag State.
- (2) The authorization must be requested at least 30 days in advance in the case of ships of Black Sea Coastal States and 45 days in advance in the case of ships of other States, unless otherwise agreed by the Peoples Republic of Bulgaria and the flag State.

Visit by a Foreign Government Ship Operated for Non-Commercial Purposes

Article 8

A foreign government ship operated for non-commercial purposes may enter the internal sea waters and may visit open ports and roadsteads with the authorization of the Council of Ministers or a body authorized by it; such authorization shall be requested at least 30 days in advance, unless otherwise agreed by the Peoples Republic of Bulgaria and the flag State.

Visit by a Foreign Nuclear-Powered Ship

Article 9

- (1) A foreign nuclear-powered ship may enter the internal sea waters and may visit open ports and roadsteads in accordance with the provisions of Article 7.
- (2) Before the ship enters the port area, competent authorities shall conduct an inspection of its safety records, a dosimetric inspection and other inspections, relating to the protection of the environment. The place of the inspection shall be determined by the authorities of the Ministry of Transport.
- (3) Additional inspections may be performed while the ship is lying in port or the roadstead.
- (4) If the inspection reveals, that the presence of the ship may have dangerous consequences, the authorities of the Ministry of Transport shall order the ship to leave the internal sea-waters or the territorial sea within a specified period. The People's Republic of Bulgaria shall not be liable for any damages resulting from the ship's early departure.
- (5) The foregoing paragraphs shall also apply to ships, carrying nuclear, radioactive, toxic or other hazardous substances.

Visit by a Foreign Nuclear-Powered Warship

Article 10

- (1) A foreign nuclear-powered warship may enter internal sea waters and may visit open ports and roadsteads in accordance with the provisions of Article 7. The inspection of the ship's safety records, the dosimetric control and other inspections, relating to the protection of the environment, shall be carried out by the authorities of the Ministry of Defense at a place to be determined by them.
- (2) The provisions of Article 9, Paragraphs 3 and 4 shall also apply to a foreign nuclear-powered warship. In such a case the inspections shall be conducted, and the order to leave issued by the authorities of the Ministry of Defense.

Entry into Internal Sea Waters without a Prior Authorization

Article 11

Prior authorization for entry into internal sea waters under Articles 7-10 is not required in the following cases:

1. For an official visit, when a head of state, of a government or of a foreign affairs authority is on board of a ship and the ships escorting it;
2. When the ship is damaged or in order to avoid a storm or other natural calamities, for which the captain of the ship is obliged to report immediately and by all possible means to the harbour-master and is obliged to follow his instructions.

Exemption from Taxes

Article 12

Foreign warships and ships referred to in Article 11, Paragraph 1 shall be exempted from taxes while visiting ports, but shall pay for services rendered.

Use of Radio Equipment

Article 13

- (1) Foreign ships lying in internal sea waters, in ports and roadsteads shall be prohibited from using radio navigational aids, hydro-acoustical and radio communication equipment, electronic and optical surveillance systems, except for the purpose of ensuring the safety of navigation and of the anchorage. They may use their ultra short-wave radio stations only for communicating with the port authorities.
- (2) Ships having on board earth stations of the satellite telecommunications system may use them on the basis of the principle of reciprocity during their stay in the internal sea waters and in the territorial sea.

Regime Governing Visit and Stay

Article 14

- (1) The regime governing the visit and stay of ships in ports and roadsteads for loading and unloading, for embarkment and disembarkment on shore of the crew, of passengers or of other persons, as well as the communications between the ship and the shore shall be determined by the legislation of the People's Republic of Bulgaria.
- (2) Visits and stays in open ports and nautical bases, and sailing in the internal sea waters and in the territorial sea of Bulgarian and foreign yachts, boats and other vessels for sport, tourism and entertainment shall be governed by the regulations on the application of the present Act.

Closed Ports and Roadsteads

Article 15

The ports and roadsteads, which are closed to visits by foreign ships shall be designated by the Council of Ministers and duly published in the bulletin "Notice to Mariners" ("Izvestie do Moreplavatelite").

Chapter Three TERRITORIAL SEA

Scope

Article 16

- (1) The territorial sea of the People's Republic of Bulgaria includes the belt of sea, adjacent to the coast and the internal sea waters, having a breadth of 12 nautical miles measured from the baselines.
- (2) The baselines are the low-water line along the coast or the straight baselines, joining the two outermost points of the bays and spaces referred to in Article 5.

Delimitation of the Territorial Sea of Bordering States

Article 17

The territorial sea of the People's Republic of Bulgaria shall be delimited from the territorial sea of the bordering states by the geographic parallel of the point where the land frontier reaches the sea-coast.

State Maritime Frontier

Article 18

The external and lateral limits of the territorial sea shall constitute the state frontier of the People's Republic of Bulgaria.

The Right of Innocent Passage

Article 19

- (1) Ships of all states shall enjoy the right of innocent passage through the territorial sea in accordance with the provisions of the present Act and of international law.
- (2) The right of innocent passage is exercised in order to traverse the territorial sea without calling in the internal sea waters, to enter internal sea waters or to proceed therefrom. The ship must traverse without interruption the zones open for navigation at a speed not less than the speed normal for the type of ship in question and must use established sea lanes, traffic separation schemes, navigable channels and recommended sea lanes without disturbing the peace, good order or breaching security of the country.
- (3) During the innocent passage stopping or anchoring shall not be authorized, save in case of navigational needs, damage, casualty, force majeure or for purpose of rendering assistance to persons, vessels or aircraft.

Violation of the Provisions Regarding Innocent Passage

Article 20

Passage of a foreign ship through the territorial sea shall be prejudicial to the peace, good order and security of the country, when the foreign ship commits one of the following actions:

1. Any threat by force or use of force against the sovereignty, territorial integrity or political independence of the People's Republic of Bulgaria or by any other means in violation of the principles of international law, embodied in the Charter of the United Nations;
2. Any practice or exercise with weapons of any kind;
3. Any activity, aiming at collecting information to the prejudice of the country's defense or security;
4. Any act of propaganda to the prejudice of the interests of the country's defense or security;
5. The launching, landing or accepting on board of any aircraft;
6. The launching, landing, accepting on board or letting down of any military device;
7. Transfer from or to the ship of any commodity, currency or persons in violation of the customs, fiscal, immigration or sanitary regulations;
8. Any willful and serious pollution of the marine environment;
9. Any fishing activity;

10. Any scientific research or hydrographic survey activity;
11. Any activity, which may interfere with the operation of any communications or of radio electronic or another type of equipment or installations of the country;
12. Any other activity, not having direct bearing on passage of the ship.

Exemption from Charges Relating to Passage

Article 21

The foreign ship shall be exempt from charges relating to passage through the territorial sea save in the case of payment for services rendered to it.

Temporary Suspension of Innocent Passage

Article 22

In the interest of the country's security, including military exercises with the use of weapons, the Ministry of Defense in coordination with the Ministry of Transport and the Ministry of the Interior may temporarily suspend innocent passage in certain areas of the territorial sea and prohibit navigation in certain areas of the internal sea waters. These measures shall be published in the bulletin "Notice to Mariners".

Obligations of the Foreign Ship

Article 23

- (1) The foreign ship during its innocent passage through the territorial sea and during its stay in the internal sea waters, ports and roadsteads shall be obliged to respect the navigational requirements, the immigration, customs, financial, health, phytosanitary, veterinary and port regulations, as well as any regulations relating to the protection of the environment.
- (2) During its innocent passage through the territorial sea and during its stay in the internal sea waters, the foreign ship is obliged to show its State flag; ships other than warships shall also show the flag of the People's Republic of Bulgaria.
- (3) In the territorial sea and in the internal sea waters, the foreign ship is forbidden to:
 1. Use its boats, save in the case of a casualty - for searching and rescuing persons;
 2. Carry out diving and underwater activity;
 3. Maintain its fishing gear in working order;
 4. Transmit sound or light signals, other than those established under international rules for the prevention of collision at sea;
 5. Take photographs, samples or measurements in the coastal zones and ports;
 6. Be run aground or scuttled deliberately;
 7. Carry out activity, which might cause damage to cables, pipelines or any kind of installations and equipment, related to navigation and exploitation of marine resources.

Obligations of a Foreign Nuclear-Powered Ship and a Ship Carrying Dangerous Substances

Article 24

Foreign nuclear-powered ships and ships carrying nuclear, radioactive, toxic or other dangerous substances shall, when passing through the territorial sea, carry the necessary documents and observe precautionary measures, prescribed for such of ships by appropriate international agreements.

Obligations of a Foreign Submarine

Article 25

- (1) In the territorial sea and the internal sea waters the foreign submarine shall be required to navigate only on the surface.

- (2) The foreign submarine, navigating in a submerged position shall be invited to surface. In the case of a damage, preventing it to navigate on the surface, the ship shall be required by all possible means to signal about that.

Use of Radio Electronic Devices

Article 26

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

Underwater Activity

Article 27

Diving and any other underwater activity shall be carried out in the territorial sea and in the internal sea waters under the order, established by the Minister of Defense, the Minister of Interior and the Minister of Transport.

Notification in Case of Distress or Force Majeur

Article 28

A foreign ship obliged to stop or anchor in the event of distress or force majeure shall be required immediately and by all possible means to report this to the harbour-master of the nearest port.

Protection of the State Maritime Frontier

Article 29

- (1) Protection of the State maritime frontier and the control of compliance with the regime governing the frontier in the territorial sea and the internal sea waters shall be carried out by the authorities of the Ministry of the Interior.
- (2) The regime governing navigation in the internal sea waters and the territorial sea shall be consistent with the requirements of the country's national security.

Measures with Respect to Foreign Non-Military Ship

Article 30

- (1) To the extent that they are competent to do so, the authorities of the Ministry of the Interior, the Ministry of Defense and the Ministry of Transport may in respect to a foreign non-military ship within the limits of the internal sea waters or the territorial sea:
 1. Require it to show its State flag;
 2. Request appropriate information if there is a reason to suspect that the ship has breached the rules of innocent passage;
 3. Propose to the ship to change its course, if it leads to a zone closed to navigation;
 4. Stop the ship and inspect it or arrest it if it fails to the request and violates the provisions of Article 19, Paragraph 2 and Articles 20, 22, 23 and 24 or if provision is made for such measures are in an international agreement, in which the People's Republic of Bulgaria is a party;
 5. Stop the ship and arrest it in the cases provided for in Article 31, Paragraphs 3 and 4;
 6. Remove the perpetrators of the crimes specified in Article 32 from the ship, arrest them and hand them over to the investigating authorities, with notification given to the public prosecutor within 24 hours.
- (2) Unless the foreign non-military ship refuses to stop, resists arrest, or resorts to violent actions, the authorities of the Ministry of the Interior and of the Ministry of Defense may take the appropriate coercive measures, including the use of force and military weapons.

Civil Jurisdiction

Article 31

- (1) In cases of damage, caused by an act of quasi delicty occurring in the internal sea waters and the territorial sea, as well as in the case of damage resulting from violation of the rights and jurisdiction of the People's Republic of Bulgaria in the contiguous zone, on the continental shelf and in the exclusive economic zone, Bulgarian legislation shall be applicable and the Bulgarian courts shall be competent in matters of litigation.
- (2) A foreign non-military ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in respect to a person on board the ship.
- (3) In respect to a foreign non-military ship, which is in the internal sea waters, at anchor in the territorial sea or passing through it after leaving the internal sea waters, actions can be undertaken for laying a claim or an execution levied against it.
- (4) Actions can be undertaken for laying a claim or an execution in respect to a foreign non-military ship passing through the territorial sea only concerning the ship's liabilities, incurred during its passage through the territorial sea, as well as for damages under Paragraph 1.

Criminal Jurisdiction

Article 32

- (1) The criminal jurisdiction of the People's Republic of Bulgaria shall not extend to crimes, committed on board foreign non-military ship passing through the territorial sea, save in case of:
 1. A crime, committed by a Bulgarian citizen;
 2. A crime, disturbing the peace of the country or the good order in the territorial sea;
 3. A crime of ordinary law, which is prejudicial to the interests of the People's Republic of Bulgaria or of a Bulgarian citizen;
 4. Illicit trafficking in narcotic drugs or psycho tropic or radioactive substances;
 5. Unlawful detention;
 6. A crime against peace and mankind.
- (2) The criminal jurisdiction of the People's Republic of Bulgaria shall extend to any crime, committed on board a foreign non-military ship during its lying in Bulgarian ports or in the internal sea waters. This jurisdiction shall extend to the ship even after it leaves the internal sea waters and enters the territorial sea.

Procedures in Respect to Other Crimes in the Territorial Sea

Article 33

The competent Bulgarian authorities may, at the request of the master of the ship, a diplomatic agent or consular officer of the flag State, conduct a preliminary investigation and take coercive measures in connection with crimes other than those set out in Article 32, Paragraph 1, committed on board a foreign non-military ship during its passage through the territorial sea.

Notification of a Diplomatic Agent

Article 34

When criminal proceedings are initiated in the cases under Article 32, Paragraph 1, as well as when investigation is opened under the terms of the preceding Article at the request of the master of the ship, the diplomatic agent or the consular officer of the flag State are notified if requested by the master of the ship.

Measures with Respect to Foreign Warship and a Government Ship Used for Non-commercial Purposes

Article 35

A foreign warship or a foreign government ship operated for non-commercial purposes which, lying in the internal sea waters or in the territorial sea violates the present Act or another normative instrument and disregards the requirements addressed to it shall be warned to leave the internal sea waters and the territorial sea immediately.

Compensation for Damages

Article 36

The flag State shall be liable for compensations for damages caused by a foreign warship or a foreign government ship operated for non-commercial purposes passing through the territorial sea or lying in the internal sea waters.

Chapter Four CONTIGUOUS ZONE

Scope

Article 37

The contiguous zone of the People's Republic of Bulgaria is the belt of sea, adjacent to the territorial sea and extending to a distance of 24 nautical miles from the baselines, from which the breadth of the territorial sea is measured.

Rights of the People's Republic of Bulgaria in the Contiguous zone

Article 38

In the contiguous zone the People's Republic of Bulgaria shall exercise the control necessary to prevent infringement of its customs, financial, immigration and sanitary regulations within its borders, territorial sea, and shall also exercise its criminal jurisdiction with a view to prosecuting perpetrators of violations of such regulations.

Measures with Respect to Violations in the Contiguous zone

Article 39

When data exists, that a foreign non-military ship lying in the contiguous zone has violated or intends to violate the provisions of the preceding Article, the authorities of the Ministry of the Interior and the Ministry of Defense shall have the right to stop the ship, conduct an inspection and take the necessary measures to prevent the violation or arrest the ship with the view to prosecuting the guilty persons.

Chapter Five CONTINENTAL SHELF

Scope

Article 40

The continental shelf of the People's Republic of Bulgaria comprises the sea-bed and subsoil of the submarine area that constitute a natural prolongation of the land territory and extend beyond the territorial sea to the limits established by the continental shelf of the other adjacent and opposite states.

Delimitation of the Continental Shelf of Bordering States

Article 41

The outer limits of the continental shelf shall be established by an agreement between states with adjacent and opposite Black Sea states in accordance with international law, in order to achieve an equitable solution.

Rights of the People's Republic of Bulgaria over the Continental Shelf

Article 42

- (1) The People's Republic of Bulgaria shall exercise over the continental shelf sovereign rights of exploration, development, exploitation, protection and management of its natural resources, including the energy, mineral and other non-living resources of the sea bed and subsoil, together with living organisms belonging to sedentary species.
- (2) The People's Republic of Bulgaria shall exercise exclusive rights over the continental shelf in respect of:
 1. The execution, authorization and regulation of drilling works irrespective of their purposes;
 2. The construction, authorization of the construction and regulation of the construction and use of artificial islands, installations and structures, which are under Bulgarian jurisdiction.

Exploration, Development and Exploitation

Article 43

Exploration, development and exploitation by Bulgarian scientific or economic organizations of the natural resources and every other activity, related to the continental shelf shall be carried out with the authorization of the Geological Committee, in coordination with the Ministry of Defense and with the Committee for Preservation of the Natural Environment .

Laying of Cables and Pipelines

Article 44

- (1) Laying of cables and pipelines on the continental shelf by other states shall be performed under the condition that the country's interests pertaining to exploration, development and exploitation of the shelf's natural resources and with preserving the marine environment are not prejudiced.
- (2) The permanent bed of the cables and pipelines shall be determined by an agreement between the People's Republic of Bulgaria and the State concerned.

Measures with Respect to Violations on the Continental Shelf

Article 45

- (1) When data exists, that a foreign non-military ship situated within the limits of the continental shelf has violated or intends to violate the sovereign rights and jurisdiction of the People's Republic of Bulgaria, the authorities of the Ministry of the Interior, the Ministry of Defense and of the Ministry of Transport shall take the necessary measures to prevent or stop the violation. They may carry out inspections on board and arrest the ship with the view to prosecuting the guilty persons.
- (2) When measures are taken under the preceding paragraph, the diplomatic agent or the consular officer of the flag State shall be duly notified thereof.

Chapter Six

EXCLUSIVE ECONOMIC ZONE

Scope

Article 46

The exclusive economic zone of the People's Republic of Bulgaria extends beyond the limits of the territorial sea to a distance up to 200 nautical miles from the baselines, from which the breadth of the territorial sea is measured.

External Limits

Article 47

The external limits of the exclusive economic zone shall be established by an agreement with the neighboring states with adjacent and opposite coasts in accordance with international law in order to achieve an equitable solution.

Rights of the People's Republic of Bulgaria

Article 48

In the exclusive economic zone the People's Republic of Bulgaria shall exercise:

1. its sovereign rights for the purpose of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the sea-bed, its subsoil and the waters superjacent to the sea-bed, as well as for the performance of other activities, relating to the exploration and exploitation of the zone;
2. its exclusive rights and its jurisdiction with regard to:
 - a) the construction and use of artificial islands, installations and structures;
 - b) conduct of marine scientific research;
 - c) protection of the marine environment;
3. other rights, deriving from the international agreements, to which the People's Republic of Bulgaria is a party and from the generally agreed principles and rules of international law.

Rights of Other States

Article 49

In the exclusive economic zone all states shall enjoy the freedoms of navigation, over flight, the laying of cables and pipelines and other admissible by international law ways for the use of the sea for these purposes.

Regime Governing Fishing

Article 50

- (1) A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between the People's Republic of Bulgaria and the flag State.
- (2) While passing through the exclusive economic zone the foreign fishing ship may not maintain its fishing gear in working order.

Measures with Respect to Violations of the Regime, Governing the Exclusive Economic Zone

Article 51

When data exists, that a foreign non-military ship situated within the limits of the exclusive economic zone has violated or intends to violate the sovereign rights and jurisdiction of the People's Republic of Bulgaria, the relevant provisions of Article 45 shall be applicable.

Control of the Compliance with the Regime

Article 52

The control of compliance with the regime governing the exclusive economic zone shall be carried out in accordance with the conditions and following the order, established by the Council of Ministers.

Chapter Seven
MARINE SCIENTIFIC RESEARCH

Scientific Research Conducted out by Bulgarian Organizations

Article 53

The scientific research and exploration activity in the sea spaces of the People's Republic of Bulgaria shall be conducted by Bulgarian organizations through programs, coordinated and approved by the competent authorities.

Scientific Research Conducted by Foreign Nationals and Organizations in the Internal Sea Waters and the Territorial Sea

Article 54

Scientific research and exploration activities in the internal sea waters and in the territorial sea may be conducted by foreign nationals and organizations only with the authorization of the Council of Ministers and under the conditions, determined by the Council of Ministers.

Scientific Research Conducted by Foreign Nationals and Organizations on the Continental Shelf and in the Exclusive Economic Zone

Article 55

- (1) Foreign nationals and organizations may conduct scientific research and exploration activity on the continental shelf and in the exclusive economic zone with the authorization of the Council of Ministers. The authorization shall be issued, provided that the research is intended exclusively for peaceful purposes and for increasing the knowledge of the marine environment.. Such research shall be conducted by non-dangerous methods and means and without interfering with the exercise of the country's sovereign rights and jurisdiction.
- (2) When requesting authorization, foreign nationals and organizations shall submit through official channels full information concerning the nature, purposes and location of the proposed research, the envisaged methods, means to be used and other relevant data.
- (3) The Council of Ministers may deny authorization when:
 1. The scientific research is of direct significance for the exploration and exploitation of natural resources of the continental shelf and of the exclusive economic zone;
 2. The scientific research involves drilling into the sea-bed or the use of explosives or of substances, harmful to the marine environment;
 3. The scientific research involves the construction and use of artificial islands, installations and structures;
 4. The information submitted is inaccurate or if outstanding obligations arising from previously authorized project have not been fulfilled.

**Obligations of Foreign Nationals and Organizations
during the Conduct of Scientific Research on the Continental Shelf
and in the Exclusive Economic Zone**

Article 56

When conducting scientific research foreign nationals and organizations shall be bound to:

1. ensure the right of participation of Bulgarian organizations in the execution of the scientific research project;
2. offer an access of Bulgarian organizations to the preliminary data and to the final results and conclusions of the research, as well as an access to all samples, test results and other data, obtained in the process of research and an information about them;
3. immediately inform the Council of Ministers for each significant change in the research programme;

4. dismantle in due course and remove from the region the scientific research equipment when research is over, unless otherwise agreed upon.

Suspension or Cessation of Scientific Research

Article 57

The Council of Ministers or a body authorized by it may order the suspension or cessation of scientific research activities, carried out by foreign nationals and organizations, if such activities are conducted in violation of the conditions under which the authorization is granted.

Chapter Eight

PROTECTION OF THE MARINE ENVIRONMENT

Prohibition Regarding Pollution of the Marine Environment

Article 58

- (1) The discharge, disposal of and dumping shall be forbidden by ships, aircraft, platforms and other artificial structures and from land-based sources of any kind of solid or liquid wastes and of other substances, harmful to the health or to the living resources of the sea, as well as any other pollution of the marine environment in the internal sea waters and in the territorial sea.
- (2) It shall be forbidden to pollute the marine environment in the exclusive economic zone, which may harm the interests of the country, as well as the discharge and the disposal of wastes and substances, referred to in the preceding paragraph, in amounts exceeding the admissible international rules and standards, recognized by the People's Republic of Bulgaria.

Measures with Respect to Non-military Ship in Cases of Pollution of the Sea Spaces

Article 59

- (1) If there are serious grounds for believing, that a non-military ship, while passing through the internal sea waters, the territorial sea or the exclusive economic zone has violated the provisions of the present Act, of another normative act or the provisions of an international agreement concerning the prevention of pollution of the marine environment, the authorities of the Committee for Preservation of the Natural Environment, of the Ministry of Transport and of the Committee on the Utilization of Atomic Energy for Peaceful Purposes may take the appropriate actions, including:
 1. requesting the master of the ship to provide necessary information in order to find out whether the violation has been committed;
 2. inspecting the ship, if they consider, that the information was incomplete;
 3. seizing the ship for prosecuting the guilty persons.
- (2) When necessary the authorities referred to in the preceding paragraph may request the collaboration of the authorities of the Ministry of the Interior and the Ministry of Defense.

Legal Assistance in Cases of Pollution of the Marine Environment of Another State

Article 60

- (1) In the event of serious pollution of the marine environment in the internal sea waters, the territorial sea or the exclusive economic zone of another State, the People's Republic of Bulgaria shall provide legal assistance at the request of that other State by undertaking interrogations of persons, inspecting the documents or technical condition of the ship, responsible for the pollution, when it is lying in a port or in the internal sea waters of Bulgaria. Such assistance shall also be provided at the request of the flag State.
- (2) The legal assistance referred to in the preceding paragraph shall be provided on the basis of reciprocity.

Measures in the Event of Maritime Casualties

Article 61

In the event of a breakdown, damage or other maritime casualty in the sea spaces of the country, which creates a danger for pollution of the marine environment, of the coastline or which might harm related interests, the Ministry of Transport in collaboration with the interested authorities and organizations shall take all necessary measures to prevent, reduce and eliminate the danger.

Prohibition for Sailing off of a Ship, Creating a Danger of Pollution of the Marine Environment

Article 62

The authorities of the Ministry of Transport shall prohibit the sailing off of a ship, lying in the internal sea waters, in a port or a roadstead, if the technical condition of the ship does not ensure the observation of the rules and standards, adopted by the People's Republic of Bulgaria for prevention and reduction of the pollution of the marine environment.

Control for Prevention of Accidents and Release of Pollutants

Article 63

In the event of exploratory work, drilling and other activities relating to the development and exploitation of natural resources in the sea spaces of the People's Republic of Bulgaria the Committee for Preservation of the Natural Environment together with the Ministry of Transport shall control compliance with the necessary measures for the prevention of accidents, the release of oil and other pollutants, as well as of the timely elimination of their effects.

Notification in the Event of Pollution

Article 64

When there is a real danger that pollution in the sea spaces of the country might spread in the waters of another Black Sea coastal State, the latter shall be notified thereof through diplomatic channel.

Chapter Nine SAFETY OF NAVIGATION

Sea Lanes and Traffic Separation Schemes

Article 65

With the view to ensure safety of navigation in accordance with the requirements of national security and with the generally recognized international rules by an order established by the Council of Ministers shall be established, altered or canceled separation schemes, sea lanes, navigable channels and recommended routes in the territorial sea - for transit passage and for calling at open ports, which shall be mandatory for ships and published in the bulletin "Notice to Mariners".

Safety of Navigation

Article 66

- (1) Safety of navigation in the internal sea waters and in the territorial sea shall be ensured by the Ministry of Defense, and by the Ministry of Transport - in ports and canals.
- (2) Hydrotechnical and navigational facilities may be built by other agencies with the authorization of the Ministry of Defense and the Ministry of Transport.

Disposal of Loads of Earth and of Sediments

Article 67

The disposal of loads of earth and of sediments in the sea spaces of the country shall be authorized solely in places designated by the Ministry of Defense in coordination with the Ministry of Transport and the Committee for Preservation of the Natural Environment.

**Guaranteeing Safety of Navigation
during the Construction of Artificial Islands and Other Structures**

Article 68

- (1) Artificial islands, installations and structures on the continental shelf and in the exclusive economic zone may be built outside established sea lanes of essential importance to international navigation. The sea lanes shall be marked by lighted and other signals.
- (2) Safety zones shall be established around artificial islands, installations and structures at a distance of 500 meters from their outer edge. These zones shall include the water column as well from the sea surface to the bottom of the sea. They may extend further, if their dimensions are admissible by the generally accepted international standards.
- (3) Installations no longer in use must be dismantled and removed in due time by the organization which operates them in such a way as to ensure safety of navigation.

Notification of Changes in Navigational Conditions

Article 69

Any changes in navigational conditions in the internal sea waters and the territorial sea, and the exclusive economic zone in the cases provided for in the preceding Article shall be published in the bulletin "Notice to Mariners".

Organization of Rescue Efforts

Article 70

In the search and rescue zone, for which the People's Republic of Bulgaria is responsible, the Ministry of Transport shall maintain organization for rendering assistance and rescue individuals, vessels or aircraft in distress.

Chapter Ten

RIGHT OF HOT PURSUIT

Conditions for Hot Pursuit

Article 71

A foreign non-military ship may be pursued and arrested for indicting if there is sufficient reason to consider that the ship:

1. has violated Bulgarian laws while lying in the internal sea waters or territorial sea;
2. has committed or intends to commit a violation of the financial, customs, immigration and sanitary regulations in the contiguous zone.
3. has violated the regulations regarding the protection of the marine environment from pollution and the regime governing the continental shelf and the exclusive economic zone, including safety zones around artificial islands and other structures.

Rules for Hot Pursuit

Article 72

- (1) Hot pursuit may be commenced, when a foreign ship or one of its boats is: within the internal waters or the territorial sea in violation under Article 71, Paragraph 1; within the contiguous zone in violation under Article 71, Paragraph 2; within the exclusive economic zone or in the continental shelf in violation under Article 71, Paragraph 3.
- (2) Hot pursuit shall be commenced when the foreign ship does not obey the signal to stop given to it.
- (3) The right to hot pursuit shall be exercised by ships or aircraft of the Ministry of the Interior and of the Ministry of Defense or by other authorized for the purpose government ships and aircraft, bearing the appropriate external markings. The pursuit shall continue until the ship pursued enters the territorial sea of its own or of another State.

Escort to a Bulgarian Port

Article 73

In accordance with the provisions of this Chapter, the ship arrested may be escorted into the nearest Bulgarian port for the purposes of inquiry and amenability.

Compensation for Damages

Article 74

Where a foreign non-military ship has been arrested without justification outside the territorial sea it shall be compensated for the damages sustained by the ship.

Chapter Eleven

ADMINISTRATIVE AND PENAL PROVISIONS

Monetary Penalties

with Respect to Scuttling and Abandonment of a Ship

Article 75

- (1) The master of a foreign non-military ship who scuttles or abandons a ship in the territorial sea or in internal sea waters shall be fined between 20 000 and 1 000 000 Leva.
- (2) The penalty referred to in the preceding Paragraph shall apply to a ship owner who orders or permits the scuttling of such ship or its abandonment on shore.

Monetary Penalties with Respect to Pollution and Commercial Fishing

Article 76

- (1) A fine of between 500 and 100 000 Leva shall be imposed on:
 1. anyone committing or permitting a violation of the provisions of Article 58, Paragraph 2;
 2. a master of a foreign non-military ship, who orders or permits commercial fishing in the exclusive economic zone.
- (2) The penalty provided for in the preceding Paragraph shall be imposed also on a master of a foreign non-military nuclear-powered ship as well as on a master of a foreign non-military ship carrying nuclear, radioactive or other dangerous or toxic substances, who enters without authorization the internal sea waters or does not submit to the inspection of documents, to dosimetric inspection or any other inspection on board the ship, in connection with protection of the environment.

Monetary Penalties for Violations Committed in the Internal Sea Waters During Innocent Passage and in the Course of Marine Scientific Research

Article 77

- (1) A fine of between 200 and 50 000 Leva shall be imposed on a master of a foreign non-military ship, who:
 1. enters into a closed port or a roadstead;
 2. keeps submarine submerged in the internal sea waters and the territorial sea.
 3. orders or permits a violation of the provisions of Article 13 and Article 20, Paragraphs 5, 6 and 11.
 4. commits a violation of the provisions of Article 19, Paragraph 2, Article 23, Paragraph 3, subparagraphs 1-5 and 7, Articles 24 and 26.
- (2) The penalty provided for in the preceding paragraph shall be imposed on any person, conducting scientific research and exploration activity in the sea spaces of the People's Republic of Bulgaria without due authorization or in violation of the authorization granted.

Monetary Penalties for Other Violations

Article 78

Anyone who violates other provisions of the present Act or the Rules for its Application shall be punished by a fine of 50 to 5000 Leva, if not subject to a heavier penalty.

Special Rules Governing Administrative and Penal Procedure

Article 79

- (1) Violations of the provisions of this Chapter shall be determined by acts, drawn up by officials of the respective ministries and other agencies, to whom the exercise of control in the sea spaces of the country is entrusted.
- (2) The statement drawn up shall be issued to the offender, who may submit his objections at the moment of signing it, or later in front of the administrative and penal authority within 48 hours after the handing of the statement. The statement together with the written objections and the evidence gathered shall be transmitted to the administrative and penal authority, which must make a decision on the case within 24 hours of the expire of the time-limit set for entering objections. If the case is complicated factually or legally or further collection of new evidence is needed, the administrative and penal authority may pass judgment later.
- (3) The ordinances imposing penalties for violations with respect to protection of the marine environment are issued by the chairman of the Committee for Preservation of the Natural Environment or by the Minister of Transport, or by officials authorized by them. Penalties for all other violations shall be imposed by the Minister of Transport or by officials authorized by him.
- (4) Ordinance imposing penalties may provide for monetary compensation covering the entire amount of any damage caused.
- (5) The ordinance relating to compensation may be appealed by the ship owner as well. The date on which the ordinance is delivered to the master of the ship shall be considered to be the date it is delivered to the ship owner.
- (6) Ordinances imposing penalties consisting of a fine compensation exceeding 20 000 Leva may be appealed before the regional court. In these cases the verdicts of the regional court are, in turn, subject to supervision by the Supreme Court within a year after the verdicts were issued. Proposals for re-opening law-suits may be heard by the Supreme Court as well.

Application of General Legislation

Article 80

The official recording of violations, issuing ordinances, adjudging pecuniary compensations for damages caused, appealing ordinances and their enforcement shall be regulated by the order, established by the Administrative Violations and Penalties Act, unless otherwise provided in the present Act.

Providing Measures (Internal Precautionary Measures)

Article 81

- (1) For the provision of the collection of fines and compensations, imposed under this Chapter, the foreign non-military ship, regardless of its legal ownership, may be arrested at the time the statement for the violation is drawn up.
- (2) A foreign non-military ship may be arrested also in order to guarantee recovery of the sum due by reason of an act quasi delicty under Article 31, Paragraph 1. The arrest shall be made by the State Inspection on Navigation and shall end within 72 hours, unless until then a decree is not issued by the competent court according to the location of the ship for securing the claim.
- (3) In the cases referred to in the preceding paragraphs the ship shall be released after lodgment in a Bulgarian bank of a monetary or bank guarantee to the amount of the sums, determined by the ordinance, imposing penalties and corresponding to the amount of the claim, giving rise to the interim precautionary measures.

SUPPLEMENTARY PROVISIONS

- § 1. The provisions of Article 9, Paras. 2-5, Article 23, Paragraph 3, subparagraphs 4-7, Articles 24, 26, 28, 30, 39, 58, 59, 62 and 65 shall apply also to Bulgarian ships.
- § 2. For the purposes of the present Act:
1. A "warship" means any vessel, which belongs to the armed forces of a State, bearing the external marks distinguishing its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in appropriate service list of officers of the navy of the State or in another equivalent document and manned by a crew, which is under regular armed forces discipline.
 2. A "foreign government ship operated for non-commercial purposes" means a vessel, belonging to the State whose flag it flies and intended for activities of scientific research, exploration or other non-economic activities.
 3. A "non-military ship" means a vessel other than those referred to in subparagraphs 1 and 2.
 4. A "submarine" means a vessel, intended to navigate under water;
 5. A "foreign nuclear-powered ship" means a vessel as referred to in subparagraphs 2, 3 and 4, equipped with nuclear-powered devices.
 6. A "foreign nuclear-powered warship" means a vessel as referred to in subparagraph 1, equipped with nuclear-powered devices or armed with nuclear weapons.
- § 3. For the purposes of the present Act:
1. "Port" means a coastal zone with a contiguous area of water, equipped with facilities for berthing ships and for loading and unloading operations and with other structures and in which is established a port authority.
 2. "Roadstead" means a given area of the sea space situated outside the port, in which ships can lie at anchor;
 3. A "maritime base" means a guarded area of the sea coast with the contiguous area of water, equipped with facilities and structures where vessels can anchor and be protected;
 4. "Underwater dive" means each penetration by man under water involving the use of respiratory equipment and lasting longer than one held respiration;
 5. "Sedentary species" means organisms, which at the harvestable stage either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;
- § 4. For the purposes of the present Act, "pollution of the marine environment" means a direct or indirect introduction by man of substances or energies into the marine environment, including estuaries, which results or is likely to cause harm to living marine resources and hazardous to human health and which hinders legitimate use of the sea, including impairment of quality of the sea water and deterioration of the conditions for tourism and leisure activities.
- § 5. For the purposes of the present Act one nautical mile equals 1852 meters.

FINAL PROVISIONS

- § 6. The present Act shall enter into force on September 1, 1987 and shall replace the Decree on the Territorial Sea and Internal Waters of the People's Republic of Bulgaria (Promulgated Izv. No. 85/1951, amended SG No. 7/1978).
- § 7. The Council of Ministers issues Rules for Application of the present Act.
- § 8. The implementation of the present Act is assigned to the Council of Ministers.