

EXECUTIVE ORDER No. I-275

of April 7, 1995

ON ESTABLISHING THE FISHING REGIME
IN THE COUNTRY'S WATERS

*Issued by the Minister of Agriculture and the Food Industry,
the Minister of the Environment,
the President of the Forests Committee with the Council of Ministers
and the President of the the Bulgarian Hunters' and Fisherman's Union,
SG No. 36 of April 18, 1995.*

On the grounds of Art. 6, 9, 10, 11 and 25 and Art. 4 of the Fish Husbandry Act (FHA), Art. 2 and 11 of the Environment Protection Act, Art. 14 and 18 of the Statistics Act, Art. 2, 3, 17-22, 32 and 33 of the Veterinary Act, the International Convention on Fishing in the River Danube and the Black Sea, the Berne Convention on Protecting the European Wild Flora and Fauna (SG no. 13 of 1991) in connection with Art. 3, 4, 16, 30-33 of the FHA, the Regulation on the Amount of Compensation for Harms Caused to Fishing (Decree of the Council of Ministers No. 202 of 1994 on adopting tariffs for fees collected by the Forests Committee, SG. No. 82 of 1994), Art. 2 and 3 of the Regulation on the Organization and Operation of the State Fishing Inspectorate with the Ministry of Agriculture and the Food Industry (SG, no. 67 of 1991) on protecting the genetic fund and biological balance and fishing waters of the country and the establishment of optimal conditions for natural reproduction of fish and other water animals, we hereby establish the following fishing regime:

Section I

FISHING REGIME FOR THE BLACK SEA

Article 1

The following shall be prohibited during the reproductive period:

1. the catching of brill with any kind of fishing gear and means for a period of two months as of May 1 thru June 30. During the remaining period of the year fishing will be permitted with nets with openings exceeding 180mm;
2. the fishing of goby as follows:
 - a) with net equipment for one month from May 1 thru May 31;
 - b) for the entire year with nets with openings smaller than 22mm in all aquatories;
 - c) for the entire year with all types of fishing gear in the aquatories of ports and jetties up to 1 km away from the shore line, with the exception of registered fishing sites and sports fishing with single fishing lines.

Article 2

- (1) The catching of sea snail by any kinds of methods, means and equipment for a period of twenty days during their reproductive period from August 1 thru August 20, 1995.
- (2) By the end of the year the State Fishing Inspectorate with the Ministry of Agriculture and the Food Industry and the Fishing Resources Institute with the Agricultural Academy in Varna shall prepare a report and evaluation of the result and effect of the ban with recommendation for its application during the coming years.

Article 3

It shall be banned to use all kinds of bottom trawling and dragging fishing equipment and means for catching fish and other aquatic animals in the entire Bulgarian aquatory.

Article 4

It shall be banned to catch fish and other aquatic animals with any kind of pelagic trawling fishing gear in the shoreline zone as from the shoreline as follows:

1. from cape Sivribouroun to the mouth of the river Kamichia - within a three-mile zone;
2. from the mouth of the river Kamichia to cape Emine - within a one-mile zone;
3. up to the cape Emine - Nessebur Lighthouse line;
4. up to the Nessebur Lighthouse - village of Chernomorets - southern cape line;
5. from the village of Chernomorets to the mouth of the Rezovska river - within a one-mile zone.

Article 5

During the Mediterranean scad fishing season from September 15 thru November 15 the zones prohibited for fishing under Art. 4 shall be open for fishing of Mediterranean scad only with admissible side catch of other kinds of fish, including small fish, not exceeding 10 per cent. It shall be banned to use covers of pelagic trawls during the catch of Mediterranean scad with an opening diameter of less than 16mm.

Article 6

It shall be prohibited to fish with any kind of equipment and means within a radius of 500 m from the point of entry of the warm waters of the Varna Power Station in the Varna Lake.

Article 7

It shall be banned to catch fish and other kinds of aquatic animals using any means whatsoever within zones of clam farms and any of their structures within 100 meters thereof, including by any organizations managing or guarding such installations.

Section II

FISHING REGIME FOR THE RIVER DANUBE

Article 8

Fishing in the Bulgarian section of the river shall be prohibited in line with the Fishing Agreement for the River Danube as follows:

1. General and full ban for all kinds of fish for a period of 30 days during the April 20 - May 19, 1995 period with the exception of *Alosa Pontica* during the April 20 - May 1 period;
2. partial stage ban for Danube Mackerel (*Alosa Pontica*) for a period of 30 days during the May 2 - May 31, 1995 period;

Article 9

It shall be prohibited all year round to close off the pre-mouth spaces of the rivers flowing into the River Danube by any kinds of means that may prevent the passage of fish.

Section III

FISHING REGIME IN INTERNAL RESERVOIRS CONSTITUTING INDUSTRIAL FISHING WATERS

Article 10

- (1) In state-owned dams constituting industrial fishing waters under Art. 3, item 1 of the Fishing Husbandry Act sports fishing may be conducted apart from industrial fishing under Chapter Three of the Fish Husbandry Act and within zones dedicated to that purpose.
- (2) Three zones shall be established for every reservoir under para 1 as follows:
 1. zone/s for industrial fishing where fishing shall be conducted by the organizations under Art. 19, para 1 of the Fish Husbandry Act or by other persons authorized to do so in a manner established by the Minister of Agriculture and the Food Industry after consultation with the Minister of the Environment and the President of the Forests Committee, unless provided otherwise by an act of the Council of Ministers;
 2. zone/s for sports fishing within which angling is permitted under Chapter Three of the Fish Husbandry Act, this Executive Order and other acts regulating sports fishing;

3. zones for natural reproduction of fish (places where fish mate and reproduce) where during their reproductive period the fish is protected by the authorities and organizations under Art. 9, 10, 11 and 31, para 1 of the Fish Husbandry Act and where fishing is carried out under the terms established by this Order during the rest of the year.
- (3) The zones under para 2 shall be established for each reservoir individually by authorized representatives of the organizations and persons managing state-owned dams for their primary purpose or for fish husbandry, jointly with the local hunting and fishing unions and with the participation of representatives of the competent local authorities of the Ministry of Agriculture and the Food Industry and the Forests Committee by April 15, 1995, who shall mark such zones using lasting markers. These zones shall be located as follows:
 1. the natural reproduction zone shall include the mouths of rivers running into reservoirs within a radius of 200 meters, other appropriate locations for natural reproduction (bays, shallows) and/or places earmarked for building artificial nesting grounds. These zones shall cover no less than 20 per cent of the length of the reservoir shore line and adjacent aquatory subject to its specific hydrologic and hydrobiological characteristics;
 2. the sports fishing zone and industrial fishing zone shall cover 40 per cent each of the remaining length of the shoreline and adjacent aquatory, which shall be established, marked and mapped by the persons and authorities described in this paragraph. The area of the industrial fishing zone shall not cover more than 60 per cent of the total area of the reservoir and may not coincide with the zone under item 1.
 - (4) Industrial fishing in reservoirs under para 1 shall be permitted for organizations determined by the Minister of Agriculture and the Food Industry under Art. 19, para 1 of the Fish Husbandry Act or persons managing such reservoirs as part of their main object of corporate activity or persons to whose chartered capital such reservoirs are listed. They shall carry out this activity within industrial fishing zones under this Order and on terms set by the Council of Ministers or an authority duly authorized by it, including payment of a license fee and breeding fish in the reservoir.
 - (5) Following the procedure under Art. 4 and 13 in connection with Art. 3 of the Fish Husbandry Act and after consultation with the Minister of Agriculture and the Food Industry individual reservoirs under para 1 may be re-graded on the proposal of interested parties managing fishing in such reservoirs or by officers of the Hunters' and Fishermen's Union in Bulgaria for a respective category of waters submitted to competent authorities of the Ministry of Agriculture and the Food Industry.
 - (6) The fulfillment of obligations assumed under this article shall be controlled by competent authorities of the departments and organizations under Art. 31, para 1 of the Fish Husbandry Act. All disputes in connection with the

determination of the zones shall be settled by the competent authorities of the Ministry of Agriculture and the Food Industry who shall examine the arguments of the interested parties and shall issue a final decision. For making such decision consultation and opinion of experts of socialized research and educational institutions shall be sought.

Article 11

In all reservoirs which are the property of former cooperatives and are currently managed by liquidation boards, municipalities or agricultural cooperatives, which are not used for intensive fish breeding (annual release of fish suitable for industrial fishing, feeding of the fish, catching and marketing it) the fishing regime outside the reproductive period of the fish shall be established and controlled by the organizations managing fishing in such reservoirs.

Article 12

In all state-owned reservoirs under Art. 10 it shall be prohibited to carry out industrial or sports fishing during the reproductive period of the fish as follows:

1. from May 16 to June 15 in the following dams: Alino, Antonivanovtsi, Bakurdere, Bebreesh, Belmeken, Dolna Dikanya, Domlyan, Dospai, Karadja Dere, Krasnoseltsi, Lenovo, Oslome, Pamporovo, Poletkovtsi, Pchelina (Lobosh), Teshel, Ticha, Batak, Yastrebinno, Yarlovtsi;
2. from March 20 to April 14 in the Ovcharitsa Dam, the cooling facility of the Maritsa Iztok 2 Power Station;
3. from April 15 to May 15 in all dams not listed in items 1 and 2;
4. during reproductive periods under item 1 and 2 it shall be prohibited to close off the mouths of rivers running into reservoirs with any kind of equipment or means that may hamper the passage of fish.

Section IV

SPORTS FISHING

Article 13

- (1) The catching of fish and other aquatic animals shall be prohibited in sports fishing waters (rivers, lakes and the state-owned dams Beglika, V. Kolarov, Djenevra, Iskur, Kaval Tepe, Koula, Mechka, Ogosta, Topolnitsa, Toshkov Chark, Shiroka Polyana and the Kokalyane and Pancharevo Tanks) as follows:

1. for trout family fish (brown and rainbow trout, char, crayling) and Coregonus fishes (peleg and white fish) - for a period of 4 months during the period from October 1 to January 31;
2. for all other kinds of fish - for a period of 2 months during the April 15 - June 15 period;

3. for the large water frog (*Rana Ridibunda*) - during the March 15 - May 31 period;
 4. for lake crab (*Astacus leptodactylus*) from October 1 to June 15;
 5. catching river crab (*Astacus astacus*) shall be prohibited all year round;
 6. the ban under items 3, 4 and 5 shall extend to all industrial fishing waters in the country.
- (2) The sports fishing regime of trout family fish (river and rainbow trout, char, crayling) shall be established as follows:
1. days of the week permitted for sports fishing: Saturday, Sunday and public holidays with the exception of the period set in para 1, item 1;
 2. permitted fishing means: one fishing rod with one hook;
 3. permitted bait - artificial bait only (one artificial fly or one fishing unit with up to three flies, or one lure, or one artificial fish). The use of all other kinds of bait, including caviar, shall be prohibited;
 4. during one-day outings sports fishermen may catch and retain for their own use no more than 8 trout fish with a total weight not exceeding 2 kg with the exception of a single fish whose weight may exceed that limit.
- (3) During one-day trips sports fishermen may catch and retain for their own use up to 15 lake crabs and up to 50 frogs.
- (4) Industrial fishing in the dams under para 1 shall be prohibited all year round.

Section V

GENERAL PROVISIONS

- § 1. The bans imposed hereby shall remain valid each year with the exception of the bans under Section II and the period specified as valid for 1995 only.
- § 2. (1) The catching, transportation, selling and purchasing of young fish used for fish breeding of a size smaller than the admissible norms specified in the Annex (pursuant to the provision contained in Art. 2 of the Regulation for compensation for damages and harms caused to fishing approved by Council of Ministers Decree No. 202 of 1994).
- (2) The ban under § 1 shall not apply to the transportation of fish-breeding material for use by fish farms and other industrial fishing waters and reservoirs. In such cases transportation shall be conducted pursuant to documents certifying: the sender (seller) and recipient (buyer); place of origin and destination of the material; quantity; size (mean single weight) and kinds; veterinary certificate of health of the fish.
- § 3. (1) The purchasing, transportation and sale of fish and other aquatic animals, including import of such, shall be carried out only if documents are available certifying origin and a veterinary certificate containing data about

the seller, buyer, carrier, quantity, kinds of fish and state of the fish at the time of purchase (fresh, cooled on ice, frozen, live).

- (2) It shall be prohibited to sell fish and other aquatic animals at places and by persons which/who do not comply with the requirements of the Veterinary Act, the Regulation of the State Veterinary and Sanitary Control and the acts related to their application.

§ 4. (1) Except for the methods and equipment banned under Art. 28 of the Fish Husbandry Act it shall be prohibited to catch fish and other aquatic animals by using a technique that does not employ bait and other similar methods and means.

- (2) It shall be banned to fish under ice.

§ 5. The catching of fish and other aquatic animals that constitute new objects of corporate activity, including using the means described in Art. 3^o may be conducted in a manner and under terms established by an act of the Minister of Agriculture and the Food Industry and the Minister of the Environment issued after examination and evaluation of the impact over the environment carried out in the manner established by the law.

§ 6. Sports fishermen may fish as follows:

1. using one rod with up to two hooks attached to the line, with natural or artificial bait, with the exception of the cases described in Art. 16, para 2, item 3 for catching trout fish;
2. sports fishermen may catch and retain for their own use under the terms of Chapter Three of the Fish Husbandry Act during a one-day fishing outing up to 2 kg of fish in internal waters and reservoirs for industrial and sports fishing and up to 3 kg in Black Sea waters and the river Danube, with the exception of single fish whose weight may exceed such limits, and the cases under Art. 16, para 2, item 4 regarding the catching of trout. Fish caught in excess of such quantities or young fish described in § 1 shall be released immediately irrespective of its condition.

§ 7. It shall be prohibited to use boats and any other kinds of boating and rafting equipment for sports fishing in all fishing waters with the exception of the river Danube and the Black Sea.

§ 8. (i) All organizations and persons which carry out fishing shall collect regularly and submit by the end of each calendar year to the competent authorities of the Ministry of Agriculture and the Food Industry, the Forests Committee and the National Statistical Institute summarized statistical information on their catch of fish and other aquatic animals by quantities and kinds. The information thus collected shall be used only for the purposes of national and international fishing statistics.

- (2) The public organizations and sports fishermen shall collect and submit the information under para 1 and shall complete in their fishing licenses the data about the catch per fishing outing.
- (3) The organizations and persons who have not submitted in time the information under para 1 and 2 shall be subject to sanctions under the Statistics Act and the Fish Husbandry Act, including by revoking the fishing license for a period of at least one year. The same sanctions shall be imposed also for furnishing false information.
- § 9. (1) Industrial fishing in the waters described in Art. 3, item 1 of the Fish Husbandry Act shall be conducted by the persons under Art. 19, para 1 of the Fish Husbandry Act and other persons who have obtained permission to carry out such activity in a manner established by the Minister of Agriculture and the Food Industry until the adoption of a respective act by the Council of Ministers.
- (2) The persons who have obtained permits for industrial fishing under para 1 shall keep and carry on them at any time a diary of the catch of fish and other aquatic animals listed in the permit. The diary shall be with numbered and certified pages and shall be checked and certified by the competent authorities of the Ministry of Agriculture and the Food Industry and the other authorities described in Art. 31, para 1 of the Fish Husbandry Act. It shall be an inalienable part of the fishing permit and shall be used to denote the catch during each fishing day by quantity (in kilograms) and kinds, reported in the manner described in § 8.
- § 10. Violators of this provision shall be subject to sanctions under Chapter Five of the Fish Husbandry Act and Decree of the Council of Ministers No. 202 of 1994, Annex 8 (SG no. 82 of 1994) by the authorities described in Art. 31 of that Act.
- § 11. By the end of 1995 authorized departments and authorities shall grade into categories all state-owned dams by name in the manner established by the Fish Husbandry Act.
- § 12. This Executive Order shall enter into force as of its promulgation in the State Gazette and shall revoke the following acts: Orders no. 580 of April 20, 1983, 1510 of September 30, 1983 and 60 of March 26, 1992 of the President of the Forests Committee; Orders no. I-307, I-308, I-309 of March 22, 1994 of the Minister of Agriculture (SG no. 33 of 1994); Orders no. I-369 of April 14, 1993 (SG no. 34 of 1993) and I-366 and I-367 of March 31, 1992 of the Minister of Agriculture, the President of the Forests Committee and the Minister of the Environment.

The execution of this Executive Order is assigned to the authorities described in Art. 31, para 1 of the Fish Husbandry Act.

For the purposes of § 1 of the General Provisions of Executive Order no. I-275 of April 7, 1995 of the Minister of Agriculture and the Food Industry, the Minister of the Environment, the President of the Forests Committee and the President of the Hunters' and Fishermen's Union in Bulgaria fish and other aquatic animals shall be considered young (fish-breeding material) and their catch, transportation, sale and purchase shall be banned all year round (with the exception of the cases under Art. 24, para 2 of the Fish Husbandry Act and § 2 of that Order) whenever their sizes for the respective kinds shall be smaller than the following:

Russian sturgeon (Beluga)	140 cm
Sturgeon	80 cm
Mercin, Star Sturgeon (Servuga)	75 cm
Eel, Wels	50 cm
Brill, hybrid between Beluga and Sturgeon	40 cm
Pike, Ctenopharyngodon Idella, Hypophtalmichthys	
Molitrix Val. Hypophtalmichthys Nobilis	35 cm
Sturgeon	33 cm
Pikeperch	30 cm
Aspius Aspius, Carp, Ictiobus Ictiobus	25 cm
Common bream	20 cm
Rainbow trout, Coregonus Peled	22 cm
Crey mullet	20 cm
Chub, Tench, Chondrostoma Nasus	20 cm
Brown trout, char, barbel, grayling	18 cm
Alosa Kesleri Pontica	17 cm
Heckel	15 cm
Mediterranean scad	10 cm
Black Sea anchovy, sprat	6 cm
Astakus Fluvialilis	8 cm
Astakus Astakus	9 cm
Rana Rana	5 cm (30 gr)
Sea snail	60 gr

Fish shall be measured from the tip of the face to the base of the tail fin, crab from the eye to the end of the tail fin, frogs from the tip of the face to the anal opening or in grams. The weight of clams, sea snails (Đařařie) and similar molluscs shall be measured together with the shells (in uncleaned state). Young fish and other aquatic animals shall be released in the water irrespective of their condition.

Changes in this list may be made in the manner described in Art. 2 of Annex 8 of Decree no. 202 of 1994 of the Council of Ministers.