

## QUESTIONNAIRE to be used for biennial reporting on the application of the IUU Regulation

**Member State: BULGARIA**

**Organisation: NATIONAL AGENCY FOR FISHERIES AND AQUACULTURES**

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**May the Commission provide a copy of this questionnaire to other Member States?**

**Yes: ✓**

**Yes except for questions (list):**

**No:**

### **Section 1: Legal framework**

1.1 Has your country transposed into national law or issued any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

YES: NO: ✓

If yes, please detail and provide copies.

*No guidelines are put in place in the national legislation. With last amendments, entered into force in August 2012, the size of administrative sanctions was increased, in order to ensure effective, preventive and dissuasive administrative sanctions in accordance with article 44 from the IUU Regulation.*

### **Section 2: Administrative Organisation**

2.1 How has your country organised its services to deal with the implementation of the IUU Regulation (verification of catch certificates, validation of catch certificates for own vessels, etc.)?

a) internal co-operation (between local/regional Fisheries authorities and head-quarter);

*The National Agency for Fisheries and Aquacultures (NAFA) is notified as a competent authority for verification and validation of catch certificates. Catch certificates are verified in two points – in the NAFA headquarters in Sofia and in FMC in Varna.*

*For each NAFA directorate there are internal rules and instructions for work, approved by the Executive Director. The procedure for catch certificates verification is based on the Handbook for the practical implementation of the IUU Regulation. The cooperation and communication between different officials is carried out by NAFA documentary system, e-mail and telephone.*

b) co-operation with other authorities and allocation of tasks for various authorities in the implementation of the IUU Regulation (Health, Customs, Navy, etc.);

*The main national authorities involved in implementation of the IUU Regulation are:*

- NAFA – the Agency is contact point for the implementation of the IUU Regulation. Its main activities are fisheries control, granting fisheries permissions, verification and validation of catch certificates, designating of ports for landing and transshipments for third countries fishing vessels.
- Customs Agency, which is competent authority for customs control, authorization, suspension and denial of importation or exportation.
- Bulgarian Food Safety Agency, Directorate “Border Control” which carries out state veterinary control of imported/exported animal products.
- Directorate General “Border Police” at the Ministry of Interior, which implements control in National waters and EEZ;
- Maritime administration Agency and Bulgarian Ports Infrastructure Company – these authorities are responsible for port access and granting of port services.

*The activities of all authorities are coordinated by Instruction for co-operation. All concerned authorities have designated contact points in order to facilitate the communication between them.*

c) how many persons are involved in the implementation of the catch certificate?

If different, please distinguish between direct landings of 3<sup>rd</sup> country fishing vessels and other imports (processed products)

*Three officials are involved in catch certifications scheme – two in Sofia and one in Varna. There is possibility for involvement of one more official if needed.*

2.2 Do the authorities of your country have the possibility to audit/verify a company for the purposes laid down in the IUU Regulation? If yes, have they undertaken such audits/verifications yet? Please detail.

*There is possibility for verifications from our Customs Agency. Up to now there are not cases for audits of operators involved in fisheries.*

2.3. Does your country have freezones/freeports in which activities relevant to importation/exportation/processing of fishery products are authorised?

*There are no free zones / free ports for the mentioned activities.*

### **Section 3: Direct landings of third country fishing vessels** (only applicable if designated ports)

*Please list your designated ports:*

*In implementation of Article 5 of the IUU Regulation, Bulgaria has designated the following ports, where landings and transshipments from third countries vessels are authorized:*

- Varna;
- Burgas.

*In these ports there are Border Inspection Points (BIP) where the importation of animal products is authorized.*

3.1 How many landings and transshipments of third country vessels have been recorded by your country since 1 January 2012 until 31 December 2013?

Port name*	No. of landings	Comments	No. of transhipments	Comments
Burgas	0		0	
Varna	0		0	
Total	0	--	0	--

\* If the port is designated also for an RFMO, please indicate which RFMO in brackets.

3.2 Approximately, what percentage of the third country fishing vessel landings arrives in transit in your country?

3.3 Has your country had any problems with third country fishing vessels when implementing Articles 6 (prior notice) and 7 (authorisation) of the IUU Regulation.

YES: NO: ✓

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.);

3.4 Since January 2012, have you refused access to your port services to a fishing vessel for activities of landing or transhipment of fishery products? Was this refusal based on the conditions of the regulation?

YES: NO: ✓

If yes, please detail:

- a) in which ports;
- b) the nature of problem;
- c) vessel details (name, flag, master, etc.);

3.5 Do third country fishing vessels accessing your ports use the templates for prior notifications and pre-landing/pre-transhipment provided by the Implementing Regulation 1010/2009 or those used in RFMOs? Please detail, when RFMO forms are used.

*Not applicable due to the lack of direct landings of third countries vessels in Bulgarian ports.*

#### **Section 4: Port inspections in accordance with Section 2 of the IUU Regulation**

4.1 Between 1 January 2012 and 31 December 2013, how many fishing vessels of third countries had access to the designated ports for landing or transhipment of fishery products?

*For this period no notifications have been submitted and thus there is no case for authorization or refusal of access for landing or transhipment.*

4.2 How many fishing vessels were inspected between 1 January 2012 and 31 December 2013?

Reason for inspection :	Flag State
Sighted at sea in activities that may be considered illegal, unreported and unregulated	0
Based on the EU IUU vessel list	0

Other (please detail)	0
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4.3 How many fishing vessels were inspected between 1 January 2012 and 31 December 2013?

No port inspections were carried out due to the above mentioned facts.

4.4 Does your country use risk assessment criteria for the port inspections?

YES: NO: ✓

If yes, please detail.

*Taking into account that there are no direct landings from third countries' fishing vessels we do not apply risk assessment criteria for port inspections.*

*Out of the scope of Title II of the regulations, NAFA is using risk based methodology for port inspections applicable for turbot landings from Bulgarian vessels.*

4.5 Has your country detected any infringements?

YES: NO: ✓

- If yes, how many and of what nature? Please specify.
- If yes, did your country apply the procedure in case of infringements as foreseen in article 11?

## Section 5: Catch certification scheme for importation

*Please state your notified authorities under articles 17.8 and 21.3:*

*In both cases the notified authority is NAFA*

5.1 How many catch certificates were presented to the authorities of your country from 1 January 2012 until 31 December 2013?

If possible, please provide details per flag State.

Flag State \ Year	2012	2013
Argentina	15	19
Canada	15	17
Chile	15	7
China	35	38
Ecuador	6	2
Faroe Islands	6	0
Iceland	6	11
India	0	10
Indonesia	57	96
Rep. Korea	7	0
Morocco	49	24
New Zealand	5	15
Norway	28	41
Peru	9	24

Sri Lanka		34
Taiwan	4	7
Thailand	0	35
Turkey	17	13
USA	48	49
Vietnam	2	1
<b>Total</b>	<b>324</b>	<b>443</b>

5.2 From the number above, how many recognised RFMO catch certificates accompanied imports into your country? Please detail per type of RFMO certificate and year.

<b>RFMO \ Year</b>	<b>2012</b>	<b>2013</b>
ICCAT BFT (Swordfish)		1
Dissostichus spp. (CCAMLR)	1	
CCSBT CDS		
<b>Total</b>	<b>1</b>	<b>1</b>

5.3 How many processing statements under Article 14.2 accompanied imports into your country?

If possible, please provide details per year and per processing country.

<b>Processing State \ Year</b>	<b>2012</b>	<b>2013</b>
China	29	14
Thailand	4	5
New Zealand	4	11
Norway	15	7
Indonesia	2	3
<b>Total</b>	<b>54</b>	<b>40</b>

5.4 Please explain if the information in processing statements referring to the corresponding catch certificates is retained and recorded.

*In all processing statements the information referring to the corresponding catch certificate is dully recorded.*

5.5 How many requests to authorise APEOs have you received and how many APEOs have you authorised?

*There are not submitted requests for APEO authorization.*

5.6 Please explain briefly the administrative rules referring to the management and control of APEO.

*The procedure is in conformity with EU rules.*

5.7 How many re-export certificates were validated by your country for imported products from 1 January 2012 until 31 December 2013? Please detail per year and, if possible, per destination country.

*No re-export certificates have been validated.*

5.8 Do you monitor if the catches for which you validated a re-export certificate actually leave the EU?

*The process is under monitoring. The control is carried out at customs.*

5.9 Has your country established any IT tools to monitor the catch certificates and processing statements accompanying imports? Does it include a module for re-exportation of imported catches?

YES: NO: ✓

5.10 Does your country implement the provisions regarding transit under Article 19.2 at the point of entry or the place of destination?

The provisions regarding the verification of the catch certificate (Art. 16), inspections (Art. 17) and refusal of importation (art. 18) are implemented on the entry in EU.

## **Section 6: Catch certification scheme for exportation**

*Please state your notified authorities under article 15.2:*

6.1 Has your country established a procedure for validation of catch certificates for exportation of catches from own vessels?

YES: NO: ✓

If yes, please explain briefly the established procedure.

6.2 If yes: How many catch certificates did your country validate from 1 January 2012 to 31 December 2013? If possible, please provide details per requesting country/country of destination in the following table.

NAFA did not issue any catch certificate for exportation of fisheries products.

Destination State	IUU Regulation	Year	
	(art. 14.2 / art. 15)	2012	2013
Third Country 1			
Third Country 2			
Third Country 3			
Third Country x			
Total	--		

6.3 Has your country establish any IT tool to monitor the catch certificates validated for exports stemming from own vessels?

YES: NO: ✓

6.4. Do you monitor that the catches for which you validated Catch Certificates actually leave the EU?

*The products are monitored by customs officers. After final completion of the documents, the customs declaration is signed and validated by the competent authority, after that the products are loaded on the transport mean under surveillance of custom officer.*

6.5. Have you ever refused the validation of a catch certificate?

*We have not refused catch certificate validation.*

## **Section 7: Verifications of catch certificates for importation**

7.1 Has your country established a procedure for verification of catch certificates for importation?

YES: NO: ✓

7.2 How many catch certificates have been verified from 1 January 2012 until 31 December 2013?

7.3 Does your country use a risk assessment approach for verification of catch certificates?

YES: NO: ✓

If yes, please detail.

7.4 Does your country also physically verify the consignments?

YES: ✓ NO:

If yes, please detail (reason, method of selection, number, etc.).

*The physical verifications are carried out by customs officers. The consignments are verified on random principle.*

## **Section 8: Verification requests to flag States**

8.1 How many requests for verifications have been sent to third country authorities?

What were the main reasons for these requests? Please specify by using the reasons provided in articles 17.4 and 17.6 of the IUU Regulation.

*Total 5 requests for verification have been sent to the authorities of the following flag states:*

- *Norway – 3 requests;*
- *USA – 1 request*
- *Greenland – 1 request*

*All requests were based on article 17.4 (a) from the IUU Regulation.*

8.2 How many requests for verification were not replied to by the third country authorities within the deadline provided in article 17.6 of the IUU Regulation? Does your country in these situations send a reminder to the third country authorities?

*We received answers of all requests.*

8.3. Was the quality of the answers provided overall sufficient and satisfactory enough to satisfy the request?

*The quality of the answers was sufficient and satisfactory enough for proceeding with the importation.*

## **Section 9: Refusal of Importations**

9.1 Has your country refused any imports from 1 January 2012 until 31 December 2013? If yes, please provide details in the table below:

*No refusals of importation have been registered last two years.*

<b>Reason for refusal of importation</b>	<b>2012</b>		<b>2013</b>	
	<b>Flag State</b>	<b>No.</b>	<b>Flag State</b>	<b>No.</b>
Non-submission of a catch certificate for products to be imported.				
The products intended for importation are not the same as those mentioned in the catch certificate.				
The catch certificate is not validated by the notified public authority of the flag State				
The catch certificate does not indicate all the required information.				
The importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2).				
A fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the Community IUU vessel list or in the IUU vessel lists referred to in Article 30.				
Further to the request for verification (Article 18(2))				

9.2 If the answer to 9.1 is yes, what did your country do with the fishery products?

9.3 In case of refusal of importation, did the operators contest the decision of the authorities of your country?

YES \_\_\_\_\_ NO \_\_\_\_\_

## **Section 10: Trade flows**

10.1 Did you note a change of imports of fishery products since the introduction of the IUU regulation? Please provide information, deriving from your statistical data, concerning change of trade patterns in imports into your country of fishery products.



*There is not significant change in trade flows of fisheries products in comparison with previous years.*

## **Section 11: Mutual Assistance**

11.1 How many mutual assistance messages of the Commission has your country replied to?

*We have replied to following Mutual Assistance messages from the Commission:*

- *MA-ECU-001;*

11.2 Has your country sent any mutual assistance message to the Commission/other Member States?

YES:                      NO: ✓

## **Section 12: Nationals**

*Please state your notified authorities under Article 39.4:*

*The notified national authority under Article 39.4 is the National Agency for Fisheries and Aquacultures*

12.1 What measures has your country implemented since 1 January 2012 or already had in place on 1 January 2012 to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

*As it was stated, one of the main goals of the last amendments of the national legislation was to set appropriate measures against IUU actions and in particular – increasing of the amount of administrative sanctions. In addition we organized informational campaigns in order to improve the awareness of the fishermen and other citizens.*

12.2 What measures has your country taken to encourage nationals to notify any information on interests in third country vessels (Article 40.1)

*We have organized numerous meetings with NGO's, fishermen, producer's organizations etc. in order to present the requirements and rules of CFP, as well as the importance of the fight against IUU fisheries.*

12.3 Has your country endeavoured to obtain information on arrangements between nationals and third countries allowing reflagging of their vessels? If yes, please list of vessels.

*There is no information for reflagging of our vessel with third country.*

## **Section 13: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)**

13.1 How many infringements did your country record from 1 January 2012 until 31 December 2013?

*16 infringements done by Bulgarian vessels have been detected between 1 January 2012 and 31 December 2013.*

*The type of infringements is as follows:*

- *Fishing in closed area – 2 infringements;*
- *Fishing without authorization – 7 infringements;*
- *Keeping on board of prohibited fishing gears – 2 infringements;*
- *Fishing during closed period – 3 infringements.*

- *Undersized fish and non-respecting the rules of pre-notification – 1 infringement;*
- *Exceeding the margin of tolerance between caught and landed fish – 1 infringement.*

13.2 Has your country applied or adapted its levels of administrative sanctions in accordance with Article 44?

*In 2012 the national legislation has been modified in order to comply with EU rules. In general, the amendments relating to the penalty system are:*

- *Significant increase of the size of sanctions for infringements;*
- *Enter into force of point system for serious infringements.*

*The administrative inquiry held in the beginning of this year showed the necessity of revising of the national legislation. We have done initial steps in this matter.*

13.3 How many sighting reports were issued by your country from 1 January 2012 until 31 December 2013?

0

13.4 Has your country received any sighting reports for its own vessels from other competent authorities?

YES: NO: ✓

## **14. General**

14.1 What have been the main difficulties that you have encountered in implementing the catch certification scheme?

*One of the main difficulties is the practical impossibility to trace the number of the processing statements under art. 14, referring to a single catch certificate. The lack of a common database does not allow monitoring of the submission of the processing statements in different Member States.*

*Some difficulties occur during the communication with the flag states' authorities (time difference, language barrier). Nevertheless we have received replies of all our requests in the deadline set in the IUU regulation, the delay of the procedure leads to dissatisfaction of the operators.*

14.2 What changes would you suggest to the regulation that would make implementation smoother?

## **15. Any other comments**

**Thank you for your cooperation!**