

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

Member State:	BULGARIA
Organisation:	Executive Agency for Fisheries and Aquacultures
Date:	21.04.2016
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May the Commission provide a copy of this questionnaire to other Member States?	
Yes:	X
Yes except for questions (list):	
No:	

Section 1: Legal framework

Since the last reporting exercise in 2014, has your country modified national law or any administrative guides for the application of Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing (IUU Regulation)?

YES _____ NO X

If yes, please detail and provide copies.

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);

Verification and validation of catch certificates take place in Sofia, Varna, and since June 2015 in Burgas. The main quantities of fishery products are imported through Burgas and Varna. The internal coordination is carried out by NAFA documentary system, e-mail and phone.

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

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

- *Executive Agency for Fisheries and Aquacultures – 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.

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

By order of the Executive Director of NAFA, a total of 5 officials are dealing with the implementation of the catch certification scheme - 3 - in Burgas, 1 - in Varna and 1 - in Sofia.

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

Not applicable, due to the lack of direct landings of 3rd countries fishing vessels.

- 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, which audits/verifications have they undertaken since the last reporting exercise in 2014? Please detail.

There is possibility for verifications from our Customs Agency. Up to now there is not case 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 country's 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.

3.1 How many landings and transhipments of third country vessels have been recorded by your country between 1 January 2014 until 31 December 2015?

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?

Not applicable.

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 X

If yes, please detail:

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

3.4 Since January 2014, has your country refused access to its port services to a fishing vessel for activities of landing or transhipment of fishery products? Was this refusal based on the conditions of the IUU Regulation?

YES _____ NO X

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 country's 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.

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

4.1 Between 1 January 2014 and 31 December 2015, how many fishing vessels of third countries had access to the designated ports for landing or transhipment of fishery products?

0.

4.2 How many fishing vessels were inspected between 1 January 2014 and 31 December 2015?

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

4.3 In accordance with Article 9.1, has your country carried out inspections in its designated ports of at least 5% of landing and transhipment operations by third country fishing vessels each year?

There is not any case of landing and/or transhipment by third country fishing vessels in Bulgarian ports, and for this reason the 5% benchmark could not be reached.

If yes, please detail.

If no, please explain.

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

YES _____ NO **X**

If yes, please detail.

4.5 Has your country detected any infringements between 1 January 2014 and 31 December 2015?

YES _____ NO **X**

If yes,

– how many and of what nature? Please specify.

- did your country apply the procedure in case of infringements as foreseen in Article 11?
- **Section 5: Catch certification scheme for importation for the purpose of the IUU Regulation¹**

Please state your country's notified authorities under Articles 17.8 and 21.3.

In both cases the notified competent authority is the Executive Agency for Fisheries and Aquacultures.

5.1 How many catch certificates were presented to the authorities of your country from 1 January 2014 until 31 December 2015?

If possible, please provide details per flag State (FS).

Flag State \ Year	2014	2015
USA	42	63
CANADA	35	24
INDONESIA	108	20
ICELAND	3	31
ARGENTINA	15	21
NEW ZEALAND	10	8
FAROE ISLANDS	6	20
RUSSIA		7
TURKEY	5	5
NORWAY	33	56
PERU	27	3
MOROCCO	14	25
CHINA	39	30
BELARUS		1
CHILE	1	4
ECUADOR	2	1
GREENLAND	18	
INDIA	6	
KOREA		11
MAURITANIA	3	1

¹ Article 2.11 of the IUU Regulation – "importation means the introduction of fishery products into the territory of the Union, including for transshipment purposes at ports in its territory"

Flag State \ Year	2014	2015
TAIWAN	4	2
THAILAND	20	9
VIETNAM		5
Total	391	347

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.

RFMO \ Year	2014	2015
ICCAT BFT		
Dissostichus spp. (CCAMLR)		
CCSBT CDS		
Total		

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.

Processing State \ Year	2014	2015
CHINA	18	20
THAILAND	4	8
INDONESIA		97
NEW ZEALAND	6	4
RUSSIA	9	
NORWAY	10	13
TURKEY		1
UKRAINE		3
BELARUS		6
Total	47	152

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

Information of all processing statements is dully recorded and it corresponds to the relevant catch certificate.

- 5.5 How many requests to authorise APEO²s has your country received and how many APEOs have been 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 all in conformity with EU rules.

- 5.7 How many re-export certificates were validated by your country for imported products from 1 January 2014 until 31 December 2015? Please detail per year and, if possible, per destination country.

In 2015 one re-export certificate was verified and validated. The origin of the products is from the USA/BG.3029.364927.15-CC/ and they have been imported in EU on 08.06.2015. On 17.08.2015 part of quantity was exported to Ukraine.

- 5.8 Does your country monitor if the catches for which your country has 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 X

If yes, please detail.

- 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 procedures for verification and validation of catch certificates for fishery products which are placed under the transit regime and are designated for another Member State are performed at the point of final destination.

Section 6: Catch certification scheme for exportation

Please state your notified authorities under Article 15.2.

The National Agency for Fisheries and Aquacultures.

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

YES _____ NO X

² Approved Economic Operators – IUU Regulation, Article 16 and Implementing Regulation (EC) 1010/2009, Chapter II

If yes, please explain briefly the established procedure and answer questions 6.2 to 6.5.

6.2 How many catch certificates did your country validate from 1 January 2014 to 31 December 2015? If possible, please provide details per requesting country/country of destination in the following table.

Destination State	IUU Regulation (Art. 14.2 / Art. 15)	Year	
		2014	2015
Third Country			

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

If yes, please detail.

No.

6.4 Does your country monitor that the catches for which your country has validated Catch Certificates actually leave the EU?

If yes, please detail.

No.

6.5 Has your country refused the validation of a catch certificate between 1 January 2014 and 31 December 2015?

If yes, please detail.

No.

Section 7: Verifications of catch certificates for importation

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

The activities of verification and validation of catch certificates are based entirely on Regulation 1005/2008 and Regulation 1010/2009.

If yes, please detail.

7.2 How many catch certificates have been verified from 1 January 2014 until 31 December 2015?

937

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

YES _____ NO X

If yes, please detail.

7.4 Does your country also physically verify the consignments?

YES X NO

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

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

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.

Nine requests to third countries authorities have been sent for verification. For more information, please see the table below:

THIRD STATE	REASON	REFERENCE WITH ART. 17 OF THE IUU REGULATION
NORWAY	clarification of fish species	Art. 17, (4), a
NORWAY	clarification of authenticity of catch certificate	Art. 17, (4), a
CHINA	clarification of authenticity of catch certificate	Art.17 (5)
RUSSIA	clarification of authenticity of catch certificate	Art.17 (5)
MOROCCO	clarification of authenticity of catch certificate	Art.17 (5)
NORWAY	clarification of data fishing vessel	Art. 17, (4), a
ARGENTINA	problem with the name of the authorized person	Art. 17, (4), a
ICELAND	clarification of authenticity of catch certificate	Art. 17, (4), a
CHINA	mismatch date of catch with date of export and discrepancies in quantities	Art. 17, (4), a

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 replies for all requests within the statutory period.

8.3 Was the quality of the answers provided overall sufficient to satisfy the request?

Yes, in view of received replies the importation procedures were authorized.

Section 9: Refusal of Importations

9.1 Has your country refused any imports from 1 January 2014 until 31 December 2015?

In last two years are not registered refusals of importation.

If yes, please provide details in the table below:

Reason for refusal of importation	2014		2015	
	Flag State	No.	Flag State	No.
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?

Not Applicable.

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

Not Applicable.

If yes, please detail.

Section 10: Trade flows

Did your country note a change of imports of fishery products since the last reporting exercise in 2014? Please provide information, deriving from your country's statistical data, concerning change of trade patterns in imports of fishery products into your country.

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-GMB-001

- MA-ECU-001
- MA-KOR-011
- MA-TUR-01
- MA-PHL-02
- MA_THA_007

We have also replied to another MS requests regarding catch certificates.

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

YES _____ NO X

If yes, please detail.

Section 12: Cooperation with third countries

Apart from verifications and refusals under Articles 17 and 18, has your country had information exchange with third countries on issues related to the implementation of the IUU Regulation, such as follow-up of cases concerning nationals, consignments, trade flows, operators, private fishing licencing, as well as the investigation of criminal activities and serious infringements (Article 42).

YES _____ NO X

If yes, please detail.

Section 13: Nationals

Please state your country's notified authorities under Article 39.4.

The notified national authority under Article 39.4 is the Executive Agency for Fisheries and Aquacultures.

13.1 Since the last reporting exercise in 2014, has your country implemented or modified existing measures to ensure that your country can take appropriate action with regards to nationals involved in IUU fishing?

No. The now existing measures have not been amended during last two years.

13.2 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 IUU regulation, as well as the importance of the fight against IUU fisheries.

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

There is not information for reflagging of our vessel with third country.

13.4 If yes to any of the above, how many cases has your country dealt with and which administrative or penal follow-up was given?

Not applicable.

13.5 Has your country made use of Article 40.3 and removed public aid under national aid regimes or under Union funds to operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list? If yes, please detail.

YES _____ NO X

Section 14: Infringements (Chapter IX of the IUU Regulation) and Sightings (Chapter X of the IUU Regulation)

14.1 How many infringements did your country record from 1 January 2014 until 31 December 2015? Please detail.

We have detected 7 cases for presumed IUU activities:

NAME OF VESSEL	FLAG	PRESUMED INFRINGEMENT	FOLLOW-UP ACTIONS BY FLAG STATE	Sanction imposed
РК БС 171 - "Тригона"	BG	Fishing without authorization	АУАВ № 9601/15.04.2014г.	3000 lv.
-	BG	Unregulated transportation of fisheries products	АУАВ № 0012969/22.03.2014 г.	1000 lv.
РК БС 141 „Корсар“	BG	There is not records in the fishing logbook and undersized fish	АУАВ № 17668/22.08.2014 г.	2570 lv.
РК ВН 7198 „Гънър“	BG	Fishing without special authorization for target of turbot	АУАВ № 13282/04.02.2015 г.	1500 lv.
РК ПМ 008	BG	Fishing without special authorization for target of turbot and untagged gear	АУАВ № 9553/26.03.2015 г.	2268,35 lv.
РК КВ 6245	BG	Fishing without special authorization for target of turbot, untagged gear and undersized fish	АУАВ № 9001/19.08.2015 г.	4815,50 lv.
РК КВ 6245	BG	Fishing without special authorization for target of turbot, untagged gear and undersized fish	АУАВ № 9002/19.08.2015 г.	4815,50 lv.

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

In the Law of Fisheries and Aquacultures there are provisions for responsibility for physical and legal persons. In case of infringement done by a legal person – a material sanction may be imposed.;

There are not specific provisions in the national legislation in regards with the economic benefit derived from the infringement. To some extent this rule is covered by the ordinance for compensation for damage of fish resources where additional fee shall be

paid depending of the quantity of catch. The criteria for serious infringements are laid down in Ordinance 3 from 19.02.2013 for applying point system for serious infringements as laid down in Council Regulation 1005/2008. In the same ordinance the serious infringements are pointed.

14.3 How many sighting reports were issued by your country from 1 January 2014 until 31 December 2015?

0

Please detail.

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

YES _____ NO X

If yes, please detail.

Section 15: General

15.1 What have been the main difficulties that your country has encountered in implementing the catch certification scheme?

The difficulties are mainly related to contacts with the authorized bodies from third countries, lack of current email addresses of authorized persons from third countries, non-use of a unified template for the catch certificate from certain third countries (USA), time difference, language barrier.

15.2 What improvements would your country suggest to the Regulation that would make implementation smoother?

At the moment we have not concrete proposals.

Section 16: Any other comments

In order to facilitate the process of verification of catch certificates and ensure traceability of all quantities imported in EU we could make the following comments:

1. Encourage (recommend) the third countries, which wishing to trade with the EU to introduce an option of electronic verification of their catch certificates.

2. Developing of an EU common register (database) of the validated catch certificates presented to member states by third countries and opportunity for online access to it.

3. Automatic coverage of depleted quantities of fish of each catch certificate