Country	
1. Member State:	Bulgaria
General information	
2. Responsible authority:	Ministry of Environment and Water
3. Contributing agencies, organisations and other authorities:	Ministry of Agriculture, Food and Forests Ministry of Economy
4. Reporting period	*12 October 2014 – 31 August 2017*

Parties to the Nagoya Protocol on Access and Benefit-sharing	
5. Is your country a Party to the Nagoya Protocol?	☒ Yes OR ☐ No └ *If selected*, please indicate if there is any national process in place towards becoming a Party? ☐ Yes └ *Please provide a summary of the status of the process:* <Text entry> OR ☐ No └ *Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol*: <Text entry>

Institutional structures and resources for the implementation of the Regulation	
6. Has your country designated one or more competent authorities as provided in Article 6?	☒ Yes └ *Please identify the designated competent authority/-ies1:* 1. Ministry of Environment and Water 2. Ministry of Agriculture, Food and Forests 3. Ministry of Economy └ *If selected*, please fill in also section 7 OR ☐ No

1 If more than one competent authority established, please number them in point 6.

	└ *Please provide explanation why not:* <Text entry> └ *If selected*, please move to section 8
7. Is (one of) the competent authority (authorities) in your country responsible for: - receiving due diligence declarations under Article 7(1) and 7(2)	☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for receiving due diligence declarations2*:* Ministry of Environment and Waters └ *If no,* please indicate which other institution is responsible for receiving due diligence declarations*:* 1, 2 and 3
- transmitting information to the ABS Clearing House under Article 7(3)	☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for transmitting information to ABS CH: 1 └ *If no,* please indicate which other institution is responsible for transmitting information: <Text entry>
- carrying out checks on compliance in line with Article 9	☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for carrying out checks: 1, 2 and 3 └ *If no,* please indicate which other institution is responsible for checking compliance: <Text entry>
- recognition and verification of registered collections	☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for recognition and verification of collections: 1, 2 and 3. Draft legislation is proposed to further specify the responsibilities of the CAs. └ *If no,* please indicate which other institution is responsible for recognizing and verifying registered collections: <Text entry>

2 In all point 7, if the first option is selected, it is sufficient to refer to a number/(s) corresponding to the authority indicated under point 6

- cooperation with third countries under Article 7(3) - implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.)	☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for cooperation with third countries: 1 └ *If no*, please indicate which other institution is responsible for the cooperation: <Text entry> ☒ Yes OR ☐ No └ *If yes and more than one competent authority established,* please indicate which institution is responsible for implementation of complementary measures: 1, 2 and 3 └ *If no*, please indicate which other institution is responsible for implementation of complementary measures: <Text entry>
8. Has your country designated any checkpoints beyond those envisaged in Article 7(1) –7(2) of the Regulation?	☒ No OR ☐ Yes └ *Please provide information about the additional checkpoints:* <Text entry>
9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?[3]	☒ Yes *If selected*, please indicate how many (person-months per year): 7 P-M per year combined. Involved in enforcement of the Regulation (person-months per year[4]): still there are no enforcement measures. Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-months per year): for all internal experts who participated the combined result is approximately 2 P-M per year. OR ☐ No └ *Please provide a summary of the main difficulties and challenges encountered in assigning specific staff to administer functions related to the implementation of the Regulation:*
10. An estimate of external annual budget for implementation of the Regulation	An estimate for total external[5] annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting: _____zero___ EUR

[3] This information could be useful for the evaluation of the effectiveness of the Regulation under Article 16.

[4] Note that this information can be provided in a aggregated format (average per year for the reporting period);

[5] Such as public procurement procedures, consultancies, studies, outsourced communication campaigns, etc.

11. Additional information	*Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges encountered when establishing the institutional structure for the implementation of the Regulation:* Due to budgetary restrictions the administrative functions were allocated to the existing personnel. At present in the Bulgarian CAs the administrative tasks are allocated to one to tree internal experts per CA, in addition to their other duties. The extra responsibilities are creating extra work load for the staff. For most of the experts usually there is not enough time to engage at a full extent in the ABS issues. This creates difficulties in communication between CAs and policy making.

Legislative measures	
Penalties (Article 11)	
12. Has your country set up a penalty system as required by Article 11?	☒ Yes └ *If selected,* please fill in sections 12-14 OR ☐ No └ *If selected,* please explain why not and provide a timetable for adoption of penalties: <Text entry>
13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?	☒ Notice of remedial action ☒ Administrative fines ☐ Criminal sanctions ☐ Others └ *If selected,* please specify: A notice of remedial action issued under article 122, paragraph 2 sub-paragraph 4 of the Biodiversity Act (BDA) is issued for the purpose of prevention and cessation of any administrative violations under this act (acc. Article 121 paragraph 1 of the BDA). Administrative fines are aplicable in case of failure to provide information, or for provision of false information under Articles 4 and 7 of Regulation (EU) No. 511/2014 to the competent authorities.

14. What is the level of penalties established for breaches of the Regulation?	*Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.* Acc. Art. 127a of BDA the adminsitrative fine is 1000 to 6000 BGN for natural persons and from 5000 to 2000 BGN for legal persons for not having and not providing the documents issued under art. 4 and 7 of the EU Regulation. Acc. Art. 128c of BDA any other violations of this Regulation, if the perpetration does not constitute a crime, shall be punishable by a fine of BGN 50 or exceeding this amount but not exceeding BGN 2,000, in the case of natural persons, or by a pecuniary penalty of BGN 100 or exceeding this amount but not exceeding BGN 5,000, in the case of legal persons and sole traders. Acc. Art. 129 paragraph 1 of the BDA any property, including live animals and plants, subject to a violation and any corporeal moveables which have served for commission of any such violation shall be confiscated, regardless of whose property they are. **EXAMPLES:** Minor offence will be if the user does not provide the CA with proofs for exersising due dilligence as required under Reg.(EU) 511/2014, but anyway he did exercise it and presents all issued documents upon request from the CA. If the CA decides that the potential damage to the provider country is minor a user who can not provide sufficient proof for exercised due dilligence shall be sanctioned with the minimum penalty. Major offence will be if the user does not provide the CA with the information under article 7 par. 1 and 2 of the Regulation and is not able to provide proofs even after being issued upon request from the CA. For the strongest cases a confiscations of property, biological samples and specimen subject to the violation are forceen. Medium offence is any case in between the ones mentioned in the previous two paragraphs. Generally the level of sanction will vary depending on the already inflicted damage or the potential damage to the interests of the provider state. Other criteria will be the quality of the provided evidences for exercised due dilligence as well as whether the user contacted the CAs first or the infringement was detected after a compliance check initiated by the CA.
15. Additional information	*Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place*: The main challenge is to get the penalty sistem working as for the moment we do not have any relevant practical experience. *Please provide link(s) to the relevant legislation:* *ABSCH: https://absch.cbd.int/database/record/ABSCH-MSR-BG-208570*

Administrative measures put in place for implementation of the Regulation
Monitoring of user compliance (Article 7)

16. Has your country put in place measures to ensure that a request is made to all recipients of research funding involving utilisation of genetic resources and traditional knowledge associated with genetic resources, to declare that they exercise due diligence?	☐ Yes └*If selected,* please fill in section 16 below OR ☒ No └*If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1):* Untill the end of 2017 the CAs will contact the institutions and entities which provides funding for research projects. The probable outcome is that the CAs will receive information from the funding institutions about the applicants and request to those of them who are planning to use genetic resources in the scope of the Nagoya Protocol to exercise due dilligence according art. 7.1 of the EU Regulation.
17. How is the request under Article 7(1) made?	☐ By law or other legislative measures └*If selected, please provide reference to relevant legal provisions:* <Text entry> OR/ AND ☒ By direct requests to applicants for funding └ *If selected, specify which organization is responsible for making the request:* 1, 2 and 3 └*If selected, please indicate how many requests have been made so far:* zero OR/ AND ☐ By means of a website └*If selected, please provide URL and explain the reasons for the choice of that site:* <Text entry> OR/ AND ☐ By other means └*If selected, please specify:* <Text entry>
18. Additional information	*Please provide any additional relevant information, including – where relevant – a summary of the main difficulties related to implementing a request referred to in Article 7(1):* The number of potential aplicants for funding who are inteding to use foreighn genetic resources was estimated as wery limited. In addition the great majority of the research projects in Bulgaria are completely or partially publicly funded and information for them is easily accessable in public sources. For that reasons it has been decided that there is no need for the adoption of extra legislative measures, beyong the scope of the Regulation. The CAs will contact those users at latest in the beginning of 2018.
Risk-based plan for checks on user compliance (Article 9(3)(a))	
19. Has your country developed a plan	☐ Yes

as referred to in Article 9(3)(a)?	└*If selected*, please fill in sections 19 to 21 below OR ☒ No └ *Please explain why not and provide a timeline for when the plan is expected to be developed:* The draft document is in a process of addoption. It is expected to be adopted in the end of October 2017.
20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development?	Please describe the risk factors: <Text entry> Please describe any other criteria: <Text entry>
21. Which period does the current plan cover? When and how often will the plan be revised?	<Text entry>
22. Additional information concerning development of the plans	*Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges when preparing the plan*: The main challenge in developing the document was the shortage of practical experience (including shared) in implementing the Protocol and the Regulation. Other obstacle were the remaining and still unresolved practical issues concerning the material scope of the documents. Even if the number of probable users of foreighn GR in Bulgaria was comparatively low it still remained a challenge to sift trough all the potential users and to decide which of them are of high probability to use GR and have to be checked. The risk criteria need to be further refined on the basis of practical experience. *Please provide link to the plan:* <URL and website name> *and/or* <Attachment>

Enforcement and compliance measures

Monitoring of user compliance (Article 7)[6]	
23. How many due diligence declarations have been received based on Article 7(1)?	none
24. How many due diligence declarations have been received based on Article 7(2)?	none
25. Number of checkpoint communiques transferred to the ABS Clearing House	none
26. Number of checkpoints communique transferred to the competent authority referred to in Article 13(2) of the Protocol for confidentiality reasons	none
27. Additional information	*Please provide a summary of the main difficulties related to monitoring of user compliance as per Article 7(1), if any: <Text entry>* *Please provide a summary of the main difficulties and challenges in relation to implementation of Article 7(2), if any: <Text entry>*
Checks on users (Article 9)	
28. How many checks have been carried out during the reporting period?	No checks have been carried out.
29. What types of checks were carried out?	☐ Examination of documents provided upon request ☐ On-site visits ☐ Inspections ☐ Other └ *Please specify:* <Text entry>

[6] With regard to Questions 23 to 25, information needs to be provided for the current reporting period, while in the future it will need to be provided only if the DECLARE system was not used.

30. Were all the checks carried out in line with the plan developed based on Article 9(3)(b)?	☐ Yes OR ☐ No └ *Please specify what were the reasons/triggers for carrying out the other checks:* <Text entry>
31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?	<Text entry>
32. In how many cases were shortcomings identified?	<Text entry>
33. Additional information	*Please provide a summary of the main types of shortcomings identified:* <Text entry> *Please provide a summary of the main difficulties and challenges in relation to checks*: <Text entry>
Penalties (Article 11)	
34. Penalties imposed during the reporting period	*Please specify if your country imposed any penalties* ☐ Notice of remedial action └ *If selected,* please specify how many: <Text entry> ☐ Fines └ *If selected,* please specify how many: <Text entry> ☐ Criminal sanctions └ *If selected,* please specify how many: <Text entry> ☐ Others └ *If selected,* please specify how many: <Text entry>
35. If penalties were applied during the reporting period, which types of infringements were penalised?	Infringement of duties stemming from: ☐ Article 4 – due diligence ☐ Article 7 – duty to file due diligence declaration ☐ Other └ *Please specify:* <Text entry>
36. Additional information:	*Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any)*: No enforcement measures has been applied yet. Within the reporting period the CA did not receive signals from CAs from provider coutries or third parties for alleged violations commited by users of GR based in Bulgaria.

Register of collections (Article 5)	
37. Are you aware of any interest by institutions in your country to become a registered collection?	☐ Yes └ *Please indicate how many collections expressed their interest:* <Text entry> OR ☒ No
38. Number of applications received	<Text entry>
39. Number of verifications carried out	<Text entry>
40. Additional information	*Please provide any additional information, including on what might explain the level of interest in becoming a registered collection:* The issue was discussed with representatives of some of the biggest collections of GR in the coutry. At that point the prevailing opinnion was that more time is needed to evalue the positives and the negatives of either possible registration or remaining unregistered. The extra administrative burden and potential loss of applicants was stated as a drawback. On the other hand a potential exclusion from the international exchange of samples and again loss of applicants, if not register, was contemplated.

Cooperation and complementary measures	
Cooperation (Article 12)	
41. Has your country[7] cooperated with competent authorities or other relevant organizations in other EU Member States?	☐ Yes └ *Please specify countries with which the cooperation was undertaken:* <Text entry> └ *Please provide examples of such cooperation:* <Text entry> OR ☒ No
42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol?	☐ Yes └ *Please specify the countries with which the cooperation was undertaken:* <Text entry> └ *Please specify areas of cooperation:* <Text entry> Was the cooperation related to any identified shortcomings? ☐ Yes OR ☐ No └ *If yes, please specify the shortcomings:* <Text entry> OR ☒ No
Complementary measures (Article 13)	
43. Has your country carried out any training and awareness-raising activities to assist the stakeholders and interested parties in building understanding of their obligations arising from the EU ABS Regulation and relevant provisions of the Protocol and the Convention? [8]	☒ Yes └ Please specify type and number of activities carried out: Training sessions: <Text entry> Workshops: Presentations were given on two workshops in 2016. International conferences: Terra Madre Bulgaria "Plant and Fungi diversity towards Society" "135 years Agricultural Science in Sadovo and 40 years Institute of Plant Genetic resources – Sadovo**".** "Conservation of Bulgaria's genetic resources and policies for the effective implementation of the Nagoya Protocol" └ Please estimate the number of users that participated in the activities carried out or that received other assistance (e.g. in the form of responses to requests for clarification etc.): 40

7 When reference to "country" is made in this part, it shall be understood as covering activities carried out by the authorities, or carried out on their behalf;

8 See also response to question 54 from the Nagoya Protocol reporting format

	OR ☐ No
44. Has your country organized any activities addressed specifically to academic, university and non-commercial researchers, and small and medium enterprises?	☒ Yes └ Please specify type and number of activities carried out: Training sessions: <Text entry> Workshops: <Text entry> Conferences: <Text entry> Others: Some representatives from academia and universities are members of the multilateral working group on ABS to the minister of environment and water. └ Please estimate number of users that participated in the activities carried out/ that received assistance: Could not be astimated as some of the prarticipants are representatives and as such they should also pass information to other interested parties. OR ☐ No
45. Have any complaints been received from users in relation to implementation of the EU ABS Regulation?	☐ Yes └Please summarise the nature of complaints received: <Text entry> OR ☒ No

Submission addresses:

This form should be completed and sent ***by email*** *to* ENV-F3-NAGOYA-ABS@ec.europa.eu