

ENVIRONMENTAL PROTECTION ACT

Prom. SG. 91/25 Sep 2002, corr. SG. 98/18 Oct 2002, amend. SG. 86/30 Sep 2003, amend. SG. 70/10 Aug 2004, amend. SG. 74/13 Sep 2005, amend. SG. 77/27 Sep 2005, amend. SG. 88/4 Nov 2005, amend. SG. 95/29 Nov 2005, amend. SG. 105/29 Dec 2005, amend. SG. 30/11 Apr 2006, amend. SG. 65/11 Aug 2006, amend. SG. 82/10 Oct 2006, amend. SG. 99/8 Dec 2006, amend. SG. 102/19 Dec 2006, amend. SG. 105/22 Dec 2006, amend. SG. 31/13 Apr 2007, amend. SG. 41/22 May 2007, amend. SG. 89/6 Nov 2007, amend. SG. 36/4 Apr 2008, amend. SG. 52/6 Jun 2008, amend. SG. 105/9 Dec 2008, amend. SG. 12/13 Feb 2009, amend. SG. 19/13 Mar 2009

Chapter one. GENERAL PROVISIONS

Section I. Application field and scope of the law

Art. 1. This law shall provide the public relations, connected with:

1. the preservation of environment for the present and the future generations and the protection of human health;
2. the preservation of the biological diversity in compliance with the natural bio-geographic characteristic of the country;
3. the preservation and the use of the components of environment;
4. the control and the management of the factors, damaging the environment;
5. the implementing of control over the status of environment and the sources of pollution;
6. the prevention and the restriction of pollution;
7. the creating and the functioning of the National system for monitoring of the environment;
8. the strategies, the programmes and the plans for preservation of environment;
9. the collecting and the access to the information about environment;
10. the economic organisation of the activities for preservation of environment;
11. the rights and the obligations of the state, the municipalities, the corporate bodies and the individuals for preservation of environment.

Art. 2. The objectives of the law shall be achieved by:

1. regulating of the regimes for preservation and use of the components of the environment;
2. control over the status and the use of the components of the environment

and sources for its pollution and damaging;

3. establishing of admissible standards for emissions and for quality of the environment;

4. management of the components and the factors of the environment;

5. implementing of environmental impact assessment (EIA);

6. issuing of permissions for prevention, restriction and control of the pollution;

7. announcing and management of territories with special regime of protection;

8. development of the system of monitoring of the components of the environment;

9. introduction of economic regulators and financial mechanisms for management of the environment;

10. regulation of the right and the obligations of the state, the municipalities, the corporate bodies and the individuals.

Art. 3. The preservation of environment shall be based on the following principles:

1. sustainable development;

2. prevention and reduction of the risk for human health;

3. priority of the prevention of pollution to follow-up removal of the damages, caused by it;

4. participation of the public and transparency in the process of decision taking in the field of environment;

5. informing of the citizens about the status of the environment;

6. the polluter shall pay for the caused damages;

7. preservation, development and protection of the ecosystems and their intrinsic biological diversity;

8. restoration and improvement of the quality of environment in the polluted and damaged regions;

9. prevention of pollution and damaging of the clean regions and other unfavourable impacts on them;

10. integration of the policy for preservation of environment in the sector and the regional policies for development of economy and public relations;

11. access to justice on issues, referring to environment.

Art. 4. The components of environment are: the atmospheric air, the atmosphere, the waters, the soil, the earth bowels, the landscape, the natural sights, the mineral diversity, the biological diversity and its elements.

Art. 5. The factors, polluting or damaging the environment, can be: natural and anthropogenic substances and processes; different kinds of waste and their location; risk energy sources – noises, radiation, as well as some genetically modified organisms.

Art. 6. The management, preservation and control of the components of environment and of the factors, influencing them, shall be implemented by an order, determined by this law and the special laws for the components and the factors of the environment.

Art. 7. At cross-border pollution shall be applied the requirements, contained in agreements and contracts, to which the Republic of Bulgaria is a party.

Section II. State policy and bodies for management of environment

Art. 8. The state policy for preservation of environment shall be implemented by the Minister of Environment and Waters.

Art. 9. The state policy for preservation of environment shall be integrated in the sector policies – transport, power generation, construction, agriculture, tourism, industry, education etc., and shall be implemented by the competent bodies of the executive power.

Art. 10. (1) Competent bodies in the sense of the law shall be:

1. the Minister of Environment and Waters;
2. the executive director of the Executive Agency for Environment;
3. the directors of the Regional inspectorates for environment and waters (RIEW);
4. the directors of the basin directorates;
5. the mayors of the municipalities, and in the towns with district division – also the mayors of the districts;
6. the regional governors.

(2) Competent to undertake the actions and activities, provided in the law, shall be:

1. on the territory of one municipality – the director of RIEW
2. on the territory of one region – the regional governor or the director of RIEW;
3. on the territory of several municipalities within the scope of one RIEW – the director of the respective inspectorate;
4. on the territory of several municipalities within the scope of different RIEW – the Minister of Environment and Waters.

Art. 11. (1) (prev. text of Art. 11 – SG 65/06, in force from 11.08.2006) The Minister of Environment and Waters shall:

1. develop with the bodies of art. 9 the policy and the strategy for preservation of environment in the Republic of Bulgaria;
2. manage through the Executive agency for Environment the National system for monitoring of environment;
3. control the status of environment on the territory of the country;

4. co-ordinate the control authorities of the other bodies of the executive power with regard to the environment;
5. issue orders, permissions, instructions and approve methods;
6. together with the interested bodies of the executive power:
 - a) issue standards for maximum admissible emissions from kinds of pollutants and standards for maximum admissible concentrations of harmful substances for components of the environment in regions;
 - b) approve methods for EIA;
 - c) issue standards for rational use of renewable and not renewable natural resources;
 - d) ensure the collecting and the conceding of information about the status of the environment;
 - e) approve methods for control of the components of the environment;
7. implement other activities, connected with the preservation of environment in compliance with the special laws;
8. prepare the annual report about the status of environment;
- 8a. (new – SG 52/08) organize and coordinate the activities related to collection, preliminary assessment and forwarding of project proposals to the European Commission pursuant to the Regulation (EC) No. 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the financial instrument for the environment (LIFE+) (OB, L 149/1 of 9 June 2007) and implement other powers, arising out of application of the Regulation;
9. (new – SG 65/06, in force from the date of entering into force of the Contract for accession to the European Union) prepare and submit to the European Commission reports on application of legal acts of the European Union legislation in environmental field.
 - (2) (new – SG 65/06, in force from 11.08.2006). The procedure and the requirements of reporting to the European Commission regarding the application of legal acts under par. 1, item 9 shall be set out in an Ordinance, adopted by the Council of Ministers.

Art. 12. (1) With the Minister of Environment and Waters shall be created:

1. High expert ecological council;
2. consultative councils for the policy for management of the components of the environment.

(2) (suppl. SG 77/05) At the RIEW and the Executive agency on environment shall be created expert ecological councils.

(3) The functions, the tasks and the members of the councils of para 1 and 2 shall be determined with a regulation by the Minister of Environment and Waters.

Art. 13. (1) The Executive agency for environment at the Minister of Environment and Waters shall implement the management of the National system for monitoring of the environment.

(2) The Executive agency for environment shall be a corporate body.

(3) The Executive agency for environment shall be represented by an executive director.

(4) The activity, the structure, the organisation of work and the staff of the Executive agency for environment shall be determined with a structural regulation, approved by the Council of Ministers.

Art. 14. (1) The regional inspectorates for environment and waters, the directorates of the national parks and the basin directorates shall ensure the conducting of the state policy for preservation of environment at regional level.

(2) The bodies of para 1 shall be corporate bodies at the Minister of Environment and Waters at budget maintenance and shall be represented by the respective directors or officials, authorised by them.

(3) The chiefs of the bodies of para 1 shall be secondary administrators with budget credits at the Minister of Environment and Waters.

(4) (suppl. SG 77/05) The directors of RIEW, the directors of the national parks and the directors of the basin directorates shall compile warning and fact finding records, issue prescriptions, orders for implementation of compulsory administrative measures and penalty provisions.

(5) The number, the territorial scope of activity, the functions and the structure of RIEW, the authorities of their directors, as well as the activity of the directorates of the national parks and of the basin directorates shall be determined with regulations, issue by the Minister of Environment and Waters.

Art. 15. (1) The mayors of municipalities shall:

1. inform the population about the status of the environment about the requirements of the law;
2. develop and control together with the other bodies plans for liquidation of the consequences of accident and volley pollution on the territory of the municipality;
3. organise the management of waste on the territory of the municipality;
4. control the construction, the maintenance and the correct exploitation of the treatment stations for waste water in the urban territories;
5. organise and control the purity, the maintenance, the preservation and the expansion of the local green systems in the settlements and the surrounding territories as well as the preservation of the biologic divergence, of the landscape and of the natural and the cultural heritage in them;
6. determine and announce publicly the persons, responsible for the maintaining of clean streets, pavements and the other places for public use on the territories of the settlements, and control the fulfilment of their obligations;
7. organise the activity of eco-inspectorates, created with a decision of the municipal council, including these, having right to compile acts for establishing administrative offences;
8. determine the officials, who can compile acts for establishing administrative violations under this law;
9. implement their authorities according to the special laws inn the sphere of environment.
10. determine the persons of the municipal administration, having the necessary professional qualification for implementation of the activities for management of environment.

(2) The mayors of municipalities can assign the fulfilment of the functions of para 1 to the mayors of mayoralities and regions.

Art. 16. The regional governor shall:

1. ensure the conducting of the state policy for preservation of the environment on the territory of the region;
2. co-ordinate the work of the bodies of the executive power and their administrations on the territory of the region with regard to the conducting of the state policy for preservation of environment;
3. co-ordinate the activities for conducting of the policy for preservation of environment between the municipalities on the territory of the region;
4. issue punitive decrees for acts, compile by the order of art. 15, para 1, item 8.

Chapter two. INFORMATION ABOUT ENVIRONMENT

Art. 17. Everyone shall have right to access to the available information about environment without being necessary to prove concrete interest.

Art. 18. The information about the environment shall be:

1. existing primary information;
2. existing preliminary processed information;
3. intentionally processed information.

Art. 19. Information about environment is any information in written, visual, audio, electronic or other material form about:

1. the status of the components of art. 4 and the interaction between them;
2. (suppl. SG 77/05) the factors of art. 5, as well as the activities and/or the measures, including the administrative measures, international agreements, policy, legislation, including reports about applying of the legislation in the field of environment, plans and programmes, which render or are able to render impact over the components of environment;
3. the status of human health and the safety of people, as far as they are or can be affected by the status of the components of environment or, through these components, by the factors, the activities or the measures, pointed out in item 2;
4. sites of the cultural – historic heritage, buildings and facilities, as far as they are or can be affected by the status of the components of environment or, through these components, by the factors, the activities or the measures, pointed out in item 2;
5. analysis of the expenses and the benefits and other economic analyses and assumptions, used within the measures and the activities, pointed out in item 2;
6. emissions, discharges and other harmful impacts over environment.

Art. 20. (1) The access to information about environment may be denied in the cases, when is required:

1. classified information, which constitutes state or official secret;
2. information, which constitutes production or commercial secret, defined with a law;
3. information, which is intellectual property;
4. information, which constitutes personal data, if the individual, with whom this information is connected, does not agree to reveal it, and in compliance with the requirements, provided in the Law of protection of the personal data;
5. information, which would influence negatively the interests of a third person, who has conceded the required information without having legal obligation to do this and without being possible such obligation to be imposed and when the person does not agree with the conceding of the information;
6. information, which will influence adversely the components of environment.

(2) The information about environment shall be conceded up to 14 days after the date of informing of the applicant about the decision of the competent body about conceding of access to the required information.

(3) The persons, who give information about the environment to the competent bodies, shall be obliged to mark the information, about which some of the restrictions for conceding of para 1 exist.

(4) The competent body shall take into account the public interest in revealing of this information at taking decision for denying the conceding of information under para 1.

(5) In the cases of restricted access the existing information about environment shall be conceded in its part, which is possible to be separated from the information of para 1.

(6) The restriction of the right to access to information shall not refer to the emissions of harmful substances in the environment as value of the indices, defined in normative acts.

Art. 21. (1) The competent bodies of this chapter shall be the central and the territorial bodies of the executive power, which collect and dispose of information about the environment.

(2) Competent bodies in the sense of para 1 shall also be the other bodies and organisations, which dispose of the resources of the consolidated state budget and collect and dispose of information about environment, except the bodies of the legislative and the judicial power.

(3) (new – SG 77/05) Obligated to concede information about the environment by the order of this chapter shall be also any individual or corporate body rendering public services connected with environment and implementing this activity under the control of the bodies and the organizations of para 1 and 2.

Art. 22. (1) (amend. SG 77/05) The Council of Ministers shall submit every year to the National Assembly a National report about the status and the preservation of environment, proposed by the Minister of Environment and Waters, which after its approval shall be published as annual report about the status of environment.

(2) The report of para 1 shall be submitted to the National Assembly in three

months term after conceding the data and the information by the National Statistics Institute.

(3) (new – SG 77/05) The Regional inspectorates for environment and waters shall every year till April 30 prepare regional report about the status of environment on their respective territory for the previous year. The content and the scope of the regional report shall be determined with instructions of the Minister of Environment and Waters.

Art. 22a. (new – SG 52/08) (1) The operators, carrying out activities under Attachment I to Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European pollutant release and transfer register and amending Council Directives 91/689/EEC and 96/61/EC, herein after referred to as “Regulation (EC) No. 166/2006”, report to the regional environment and waters inspection office in compliance with Art. 5 of the said Regulation.

(2) (amend. - SG 105/08) The operators holding granted environmental permits as per Art. 117 shall report according to par. 1 through the annual report of Art. 125, Para 1, Item 5. The operators carrying out activities under Attachment I to Regulation (EC) No. 166/2006 beyond the scope of Attachment No. 4 to Art. 117, par. 1 shall report under par. 1 through the report of Art. 125a.

(3) The reports of par. 1 shall be submitted by 31st March of the respective year, the subsequent year for the one, to which the information is related.

(4) The regional environment and waters inspection offices shall verify the credibility of the data obtained from the operators and shall send them to the Environmental Implementation Agency by 31st May of the respective year the subsequent year for the one, to which the information is related.

(5) The Minister of Environment and Waters shall issue directions on the implementation of the verification under par. 4.

Art. 22b. (new – SG 52/08) The Executive Director of the Environmental Implementation Agency shall:

1. summarize the information of Art. 22a, par. 4;
2. maintain a public pollutant release and transfer register and provide access to it through the Environmental Implementation Agency internet site.

Art. 22c. (new – SG 52/08) The Minister of Environment and Waters is the competent body to report the information under Regulation (EC) No. 166/2006.

Art. 23. (1) (amend. - SG 102/06; amend. – SG 52/08) Upon accident or other pollutions, when are breached the standards, established with normative or individual administrative act, of discharge of polluting substances in environment, the persons, implemented the violation as well as the persons, in charge for the observing of the standards, shall be obliged to immediately inform the respective regional governors, the mayors of the respective municipalities, RIEW, the basin directorates and the bodies of the Ministry of Emergency Situations and upon change of the radiation

situation – also the Agency for nuclear regulation.

(2) The competent bodies of para 1 shall be obliged immediately to inform the Ministry of Health and the influenced population about the occurred pollution over the standards, proposing measures for protection of human health and property.

Art. 24. Each chief of administrative structure in the system of the executive power shall publish every year the data about the information massifs and resources of processed information about the environment under art. 18, item 2.

Art. 25. (1) The Minister of Environment and Waters shall determine with an order the description of the information massifs and resources of art. 15, para 1, item 3 of the Law of access to public information, when they contain information of art. 19.

(2) The order of para 1 shall be promulgated in State Gazette.

(3) The description of the information massifs of para 1 and art. 24 shall be published in the Internet site of the Ministry of Environment and Waters.

Art. 25a. (new – SG 77/05) (1) The competent bodies and the persons of art. 21 shall create Internet site and maintain through it information data base about environment which is free of charge and publicly accessible.

(2) The data base of para 1 shall contain at least the following information:

1. texts of international agreements, conventions or accords and legislation connected with environment;
2. strategies, plans and programs connected with the environment;
3. reports of the progress or the implementation of the acts and the documents of items 1 and 2 if such have been worked out or maintained in electronic form;
4. the national and the regional reports about the status of environment as well as other reports about the status of environment provided in the law or in by-law normative act;
5. data or summarized data incoming from the monitoring of the activities which render or can render impact over environment;
6. public registers by the order of this law or other special laws in the field of environment.

(3) The information of para 2 shall be periodically updated.

Art. 26. (1) The procedure, provided in chapter three "Procedure for conceding of access to public information" of the Law of access to public information shall be applied for conceding of information about the environment.

(2) In the decision about conceding of information under art. 34, para 1 of the Law of access to public information shall be pointed out whether intentionally processed information or other kind of information is conceded.

Art. 27. (amend. - SG 30/06, in force from 12.07.2006) The refusals to be conceded information, necessary for the persons for preparation of their protection in some of the productions, provided in this law or in another law, shall be appealed by

the order, provided in the Administrative procedure code.

Art. 28. The information of art. 18, items 1 and 2, shall be paid for under the conditions and by the order of art. 20 – 22 of the Law of access to public information.

Art. 29. The payment for conceding of intentionally processed information shall be contracted for each concrete case.

Art. 30. (1) (suppl. SG 77/05; prev. text of Art. 30, suppl. – SG 65/06, in force from 11.08.2006) The competent bodies shall concede free of charge available primary and preliminary processed information about environment to each other, as well as to the municipalities, when this information is necessary for them to take decisions within their competence, and for the preparing of the reports of art. 22 and of Art. 11, par. 1, item 9.

(2) (new – SG 65/06, in force from 11.08.2006). Natural and legal persons shall provide to the competent bodies of the executive power information, required for the preparation and submission of reports to the European Commission following a procedure set in the Ordinance under Art. 11, par. 2, unless otherwise provided in another legal act.

Art. 31. The national public radio and TV operators shall in their programmes:

1. disseminate information about preservation and management of environment;
2. ensure protection of the right to information about the status of environment;
3. promote the knowledge and the scientific – technical achievements in the field of preservation of environment by transmitting of Bulgarian and foreign educational programmes.

Chapter three. PRESERVATION AND USE OF THE COMPONENTS OF ENVIRONMENT AND WASTE MANAGEMENT

Section I. General provisions

Art. 32. The use of the components of environment for satisfying of own needs with non commercial objective shall be gratuitous except in the cases, defined in this law and in the special laws in the field of environment.

Art. 33. The use of natural resources with objective economic activity, defined with a law, shall be against consideration.

Art. 34. The persons, implementing activity under art. 32 and 33, shall be obliged to preserve and restore the environment.

Section II. Preservation and use of the waters and the water sites

Art. 35. (1) The preservation and the use of waters and water sites are based on long term state policy.

(2) The long term policy for preservation of the waters and the water sites shall be based on the rational management of the waters at national and basin level with basic objective to be achieved good status of all the waters – underground and surface, for ensuring of the necessary water as quantity and quality for:

1. the drinking – household needs of the present and the future generations;
2. the favourable status and development of the eco – systems and the humid zones;
3. the economic and the social activities.

Art. 36. (1) (amend. – SG 65/06, in force from 11.08.2006) The use of the waters and the water sites shall include water taking right and use of the water sites.

(2) The use of the waters and the water sites shall be implemented:

1. without permission;
2. with permission;
3. with granting of concession.

(3) when the right to use of the waters and the water sites is granted under different regimes to one and the same titulary, the heavier regime shall be applied.

(4) (amend. – SG 65/06, in force from 11.08.2006) The water taking and the use of water sites shall be bound with the ensuring of the minimum allowable run off in the rivers.

Art. 37. The preservation of the waters and the water sites shall ensure:

1. the balance between the exploitation of the waters and their natural restoration;
2. the preservation and the improvement of the surface and the underground waters.

Art. 38. (amend. SG 77/05) The preservation and the use of the waters and the water sites shall be implemented under the conditions and by the order of this law and the special laws.

Section III. Preservation, sustainable use and rehabilitation of the soils (Title amend. – SG 89/07)

Art. 39. (amend. SG 77/05) (1) The preservation, the sustainable use and the restoration of the soils guarantee effective protection of human health and the

functions of the soil accounting that the soil is a limited, irreplaceable and practically irrecoverable natural resource.

(2) The preservation, the sustainable use and the restoration of the soil shall have as objective:

1. (amend. – SG 89/07) prevention of its deterioration;
2. durable preservation of its multifunctional ability;
3. ensuring of effective protection of human health;
4. preservation of its qualities as medium for normal development of the soil organisms, the plants and the animals;
5. implementing of preventive control for prevention of unfavorable changes of the soil and applying of good practices for land use;
6. (amend. – SG 89/07) removal and/or reduction of harmful changes of its quality caused by processes, damaging soils, according to the requirements of the types of land use.

Art. 40. (amend. SG 77/05) The corporate bodies and the individuals, owners and/or users of landed properties shall be obliged to not cause harmful changes on the soil in their and in the neighbouring landed properties.

Art. 40a. (new – SG 77/05; amend. – SG 36/08; amend. – SG 52/08) The norms regarding the admissible content of harmful substances in the soil shall be determined with an ordinance of the Minister of Environment and Waters, the Minister of Health and the Minister of Agriculture and Food.

Art. 41. The owners and the users of landed properties shall be obliged to undertake measures for prevention of harmful changes, threatening the soil.

Art. 42. (1) (amend. SG 77/05; amend. – SG 52/08) Who causes harmful changes of the soil shall be obliged to restore for his account its status preceding the damaging.

(2) The owners and the users of underground and over-ground networks and facilities of the technical infrastructure shall be obliged to maintain them in technical fitness and to not admit pollution or other harmful change of the soil around them.

Art. 43. (1) The humus layer of the soil shall be under special protection.

(2) (amend. – SG 36/08; amend. – SG 52/08) Before starting of construction, investigation and achieving of underground resources the humus layer of the soil shall be taken, deposited and utilised for its function under the conditions and by the order of an ordinance by the Minister of Agriculture and Food, the Minister of Environment and Waters and the Minister of Regional Development and Public Works.

(3) The activities of para 2 shall be implemented not admitting pollution or damaging of the soil in the neighbouring landed properties.

(4) After finishing the activities of para 2 the investor or the initiator of the project shall be obliged to implement reclamation of the damaged terrain.

Art. 44. The owners and the operators of deposits of waste, including tailings, solid waste deposits as well as facilities for preservation of waste and/or dangerous chemical substances shall organise and exploit them in a way, excluding pollution and damaging of the soil and the other components of environment.

Art. 44a. (new – SG 77/05) The inventory and the investigations of areas with polluted soil, the necessary restoration measures as well as the maintenance of the realized restoration measures shall be implemented according to ordinance approved by the Council of Ministers.

Art. 44b. (new – SG 77/05) The preservation, the sustainable use and the restoration of the functions of the soil shall be implemented under the conditions and by the order of this law and a special law.

Section IV. Preservation and use of the earth bowels

Art. 45. The preservation of earth bowels shall be basic obligation of those, who implement activities for their investigation and use.

Art. 46. The preservation of earth bowels shall be ensured by:

1. the preserving and the rational use of the underground natural resources and the underground waters;
2. the ecological management and use of the waste;
3. revoked – SG 77/05
4. the restoration and/or the reclamation of the damaged terrains upon their investigation and use;
5. effective protection from natural disasters, catastrophes and other damaging processes in result of human activity.

Art. 47. The earth bowels shall be used for:

1. searching, investigation and achieving of underground natural resources;
2. investigation and achieving of underground waters and geo-thermal energy;
3. civil engineering, construction of sites, connected with the defence of the country; storage of waste; economic, tourist, scientific investigation activities etc.

Art. 48. (amend. SG 77/05) The preservation and the use of the earth bowels at searching, investigation and achievement of natural underground resources, shall be implemented by an order, defined in this law and in the Law of underground resources.

Art. 49. The preservation of the earth bowels at the investigation and the use of the underground waters shall be implemented by a order, determined in the Law of the waters.

Art. 50. (amend. SG 77/05) The preservation of the earth bowels at using them for other purposes shall be implemented by order of this law or of special laws.

Section V. Preservation and use of the biologic diversity

Art. 51. (1) The species, the habitats of the species and the natural habitats with their intrinsic biological diversity shall be subject to preservation and protection.

(2) The preservation of diversity of natural habitats and species of wild flora and fauna shall be implemented under the conditions and by the order of a special law.

(3) (new – SG 77/05) The preservation and the use of natural landscape shall be implemented in a way and with means not admitting harmful impact, irrecoverable changes and/or damaging of its elements.

Art. 52. The wild flora and fauna species shall be used in a way and by means, guaranteeing the favourable development of their populations in their natural environment.

Art. 53. (1) Long term and annual plans and programmes shall be worked out for the preservation and the use of the forests, the game, the fish, the herbs and the other renewable resources of wild nature.

(2) The plans and the programmes of para 1 shall be worked out under the conditions and by the order of the respective special laws.

Art. 54. Fees according to the respective special laws shall be paid for the use of the forests, the game, the fish, the herbs, the mushrooms and the other renewable biological resources from lands and the waters – ownership of the state and the municipalities.

Section VI. Preservation of the atmospheric air

Art. 55. The preservation of the atmospheric air shall ensure:

1. protection of human health, of living nature, of the natural and the cultural valuables from the harmful impacts and prevention of occurrence of dangers and damages for society at change of the quality of the atmospheric air, damaging of the ozone layer and the changes of the climate as result of the different human activities;

2. preservation of the quality of the atmospheric air in the regions, where it has not been damaged and its improvement in the other regions

Art. 56. The preservation of the atmospheric air shall be based on the principles of the sustainable development and it shall be implemented under the conditions and by the order of chapter seven of the Law of the purity of the atmospheric air.

Art. 56a. (new – SG 52/08) (1) The persons, owning motor vehicles, which due to their design, operation or used fuel cause pollution of the atmosphere air, damaging of the ozone layer and climate changes, shall pay a single at the time of first registration eco-fee in an amount and following a procedure, determined in an act of the Council of Ministers.

(2) The eco-fee of par. 1 shall go to the enterprise for environmental protection activities management.

Section VII. Waste management

Art. 57. The management of waste shall be implemented with objective to be prevented, reduced or restricted the harmful impact of waste over human health and environment and it is implemented by:

1. the prevention or the reduction of the formation of waste and of degree of their danger by:

a) the development and the application of technologies, ensuring rational utilisation of the natural resources;

b) the technical development and the release on the market of products, which are so designed, that their production, use and defusing to have no or possibly least share for increase of the quantities or the danger of the waste and the risks of pollution with them;

c) the development of appropriate techniques for ultimate defusing of the dangerous substances, contained in the waste, designated for utilisation, recycling or processing;

2. utilisation of the waste by recycling, second use or regeneration or by another process of extracting of scraps or use of the waste as energy source;

3. safe storage of the waste, not fit for utilising at the present stage of development.

Art. 58. The persons, whose activity is connected with formation and/or treatment of waste, shall be obliged to ensure the processing, the recycling and their defusing in a way, which does not threaten human health and to use methods and modern technologies, which:

1. do not lead to damaging or risk for the components of environment;

2. do not cause additional burdening of the environment, connected with noise, vibrations and smells.

Art. 59. (Amend. - SG 86/03) The management of waste shall be implemented under the conditions and by the order of this Law for waste management.

Section VIII. Protection of the Environment Against Asbestos Pollution (new, SG 70/04)

Art. 59a. (new, SG 70/04) (1) The Minister of environment and waters, in coordination with the Minister of Health shall determine by an ordinance:

1. the requirements and the measures for prevention and reduction of the pollution of the air and water with asbestos;

2. the methods and procedures for establishing asbestos in dust emissions;

3. the methods and procedures for determining the concentration of insoluted substances in waste waters containing asbestos;

4. the cases admitting exceptions from the requirements and measures under item 1.

(2) The Minister of environment and waters may permit the using of methods and procedures, other than those determined by the ordinance under para 1, if they provide the obtaining of equivalent data and results.

Chapter four. ECONOMIC ORGANISATION OF THE ACTIVITIES FOR PRESERVATION OF ENVIRONMENT

Art. 60. (1) Enterprise for management of the activities for preservation of environment shall be created with statute of state enterprise in the context of art. 62, para 3 of the Commercial Law, celled hereinafter "the enterprise".

(2) The enterprise shall be a corporate body with headquarters in Sofia.

(3) The enterprise shall not be a commercial company and it shall not form and distribute profit.

Art. 61. (1) Basic subject of activity of the enterprise shall be realisation of ecological projects and activities of national and municipal strategies and programmes in the field of environment.

(2) The enterprise shall implement also other activities, which ensure or supplement the basic subject of activity.

(3) The Council of Ministers can concede with a decision for use and management property – public and private state property.

(4) The enterprise shall not have right to conclude contracts for credits with commercial banks and other financial institutions except here is an explicit decision of the Council of Ministers for this.

(5) The activity of the enterprise for fulfilment of the tasks, connected with the basic subject of activity, shall be financed from:

1. the fees, determined with the special laws in the field of environment;

2. purposed conceded resources from the state budget for ecological programmes, when there is a decision of the competent bodies for this;

3. grants from local and foreign individuals and corporate bodies;

4. receivables from interests on deposits;

5. (suppl. SG 77/05; suppl. – SG 89/07; amend. – SG 52/08) fines and proprietary sanctions for administrative violations of this law, the Law of the waters, the Law of the soils, the Law of waste management, the Law of medical plants, the Law of the protected territories, the Law of the purity of atmospheric air, the Law of underground resources, the Law of biological diversity and the Law of protection from

the harmful impact of chemical substances and preparations, imposed by the Minister of Environment and Waters or by individuals, authorised by him;

6. incomes from portfolio investments with short term state securities and bonds

7. incomes from services and activities, connected with the preservation of environment;

8. other receivables, defined with a normative act.

(6) The structure and the activity of the enterprise shall be provided with a regulation, approved by the Council of Ministers.

Art. 62. (1) The enterprise shall submit every year till October 30 to the Ministry of Environment and Waters a plan for its activity during the following calendar year.

(2) The plan of para 1 shall include the activities of art. 61 contain at least the following elements:

1. objectives and expected results;

2. activities, which will be implemented for achievement of the results, including investment plan of the enterprise;

3. plan for management of the resources of art. 61, para 5, developed on the basis of expected expenses and revenues from the activity of the enterprise.

(3) Every year till February 28 of the current year the enterprise shall submit to the Ministry of Environment and Waters annual account about its activity during the previous year.

(4) (amend. – SG 52/08) The Minister of Environment and Waters shall approve the action plan of the enterprise of para 1 and the annual account of para 3, which shall be public.

(5) The resources for administrative expenses of the enterprise shall be approved by the Minister of Environment and Waters simultaneously with the plan of para 1.

(6) (new - SG 105/05, in force from 01.01.2006) The enterprise shall keep accountancy reporting and cash and calculated base under the order as provided for the budget enterprises.

(7) (new - SG 105/05, in force from 01.01.2006; amend. - SG 105/06, in force from 01.01.2007) The reported data about the assets, liabilities, incomes and expenses of the enterprise shall be consolidated under the order of Art. 33, Para 6 of the Accountancy Law.

(8) (new - SG 105/05, in force from 01.01.2006) The monetary funds of the enterprise, including the amounts for Value Added Tax, shall be collected, kept, spent and reported under a separate accumulation bank account at the Bulgarian National Bank following a procedure defined by the Minister of Finance and the Governor of the Bulgarian National Bank.

Art. 63. (1) The enterprise shall be managed by a management council.

(2) The enterprise shall be represented by an executive director.

(3) The management council shall be comprised by 7 members, including a chairman.

- (4) Members of the management council shall be:
1. chairman – the Minister of Environment and Waters;
 2. representative of the Ministry of Environment and Waters;
 3. the director of the Executive agency for environment;
 4. representative of the Ministry of Finance;
 5. representative of the National association of the municipalities in the Republic of Bulgaria;
 6. representative of the business, proposed by the non profit corporate bodies for public benefit activity, which in their statutes or in their foundation act include activities, connected with the preservation of environment;
 7. the executive director of para 2.
- (5) The members of the management council and the executive director shall be appointed by the Minister of Environment and Waters.

Art. 64. (1) (corr. SG 98/02) The spending of the resources from:

1. twenty percent of the sanctions of art. 69;
2. the fees, collected by the Ministry of Environment and Waters under art. 71;
3. revenues from conceding of information about environment by the Ministry of Environment and Waters, shall be implemented according to the Unified budget classification for maintenance and improvement of the material base, for training, and material stimulation of the Ministry of Environment and Waters under conditions and by order, determined with an ordinance by the Minister of Environment and Waters.

(2) The resources for material stimulation of para 1 without the due social insurance payments shall be defined in extent up to 25 percent of the annual amount of the resources for salary in the budget of the Ministry of Environment and Waters.

(3) (new – SG 52/08) The decisions of the managing body concerning provision of financial resources under projects shall be public and shall be published on the website of the Ministry of Environment and Waters within 14 days after their adoption.

Art. 65. (1) Eighty percent of the sanctions for damaging or pollution of environment above the admissible standards of art. 69 shall be received by the budget of the municipality, on which territory is located the sanctioned subject.

(2) The revenues from fines and sanctions under the law, imposed by the mayors of municipalities, shall be received in the budget of the respective municipality.

(3) The revenues of para 1 and 2, as well as the revenues from fines for violating of the ordinances, approved by the municipal councils in connection with the preservation of environment, shall be spent for ecological projects and activities according to priorities, defined in the municipal programmes for environment.

Art. 66. (1) The National trust eco-fund shall be a corporate body with headquarters in Sofia for management of the resources, coming from swap

transactions "Debt against environment" and "Debt against nature" and from governments and international financial institutions, and other grantors, designated for preservation of the environment in the Republic of Bulgaria.

(2) Bodies of the National trust eco-fund shall be:

1. the management council;
2. the consultative council;
3. the executive bureau.

(3) The management council shall consist of seven members, including chairman and two deputy chairmen and four members.

(4) The consultative council shall consist of the representatives of the governments and of the financial and the other institutions, which have conceded resources or render co-operation to the National trust eco-fund.

(5) The management council and the consultative council shall approve rules for their work.

(6) The executive bureau shall organise the activity of the National trust eco-fund.

Art. 67. The Council of Ministers shall determine with an ordinance the way of management, the structure and the activity of the National trust eco-fund, the order and the way for collecting, spending and control of the resources in it after co-ordination procedure with the grantors.

Art. 68. (1) Sources of revenues in the National trust eco-fund shall be:

1. purposed resources, conceded from the state budget, in this number in connection with agreements of transactions "Debt against environment" and "Debt against nature";

2. grants from international financial institutions, governments, international funds and external corporate bodies, conceded for ecological programmes and projects;

3. grants from international foundations and foreign citizens for support of the state policy in the field of environment;

4. redemption and interests for loans, conceded by the fund;

5. interests from the resources of the National trust eco-fund in the servicing bank;

6. incomes from portfolio investments with short term state securities and bonds;

7. other external revenues, compliant with the character of the activity of the National trust eco-fund.

(2) (suppl. – SG 52/08) The resources of the National trust eco-fund shall be spent for ecological projects and activities in compliance with the conditions of the grantors and with the priorities of the national ecological strategies and programmes. The decisions for provision of financial resources under projects shall be public and shall be published on the website of the National trust eco-fund.

Art. 69. (amend. SG 77/05) (1) Upon damaging or pollution of environment

above the admissible norms and/or upon not observing of the emission norms and restrictions, determined in the permits or in the complex permits, to the sole entrepreneurs and the corporate bodies sanctions shall be imposed.

(2) (amend. – SG 52/08) The sanctions of para 1 shall be imposed with punitive decree by the Minister of Environment and Waters or individuals authorized by him.

(3) The kind and the extent of the sanction shall be determined with the punitive decree of para 2.

(4) The punitive decree of para 2 shall be subject to appeal by the order of the Law of the administrative violations and penalties.

(5) The sanctions of para 1 shall be one time or current.

(6) The extent of the sanction of para 1 shall be determined by the order of the ordinance of para 8.

(7) The sanction of para 1 shall be imposed from the date of implementing the change by the control bodies of the Ministry of Environment and Waters.

(8) The kind, the extent and the order for imposing of sanctions upon damaging or pollution of the environment above the admissible standards and/or upon not observing of the emission norms and restrictions, determined in the permits or in the complex permits, shall be regulated with an ordinance of the Council of Ministers.

Art. 69a. (new – SG 77/05) (1) (amend. – SG 52/08) In the cases of art. 69, para 1 the Minister of Environment and Waters or individuals authorized by him shall impose sanction on the basis of:

1. record from check by the control officials of the Ministry of Environment and Waters;

2. records from laboratory tests/analyses for establishing of the pollution or damaging of environment and/or not observing of the emission norms and restrictions, determined in the permits or in the complex permits, issued by the laboratories in the system of the Ministry of Environment and Waters or by accredited laboratories, including accredited laboratories for own periodical or permanent measurements of the persons of art. 69, para 1;

3. fact finding record compiled on the basis of the records of item 1 and/or item 2 by the controlling officials of the Ministry of Environment and Waters;

4. proposal by the control officials of the Ministry of Environment and Waters for imposing of sanction, including the kind, the duration and the reasons for the pollution or the damage of environment as well as the kind and the extent of the sanction.

(2) (amend. – SG 52/08) When the damage or the pollution of environment above the admissible norms and/or the not observing of the emission norms and restrictions, determined in the permits or in the complex permits, is established on the basis of implemented own periodic or permanent measurements, the Minister of Environment and Waters or an individual authorized by him shall impose sanction without implementing the check of para 1, item 1.

(3) The Minister of Environment and Waters shall approve with an order models of the record for check, the fact finding record, the proposal for imposing of sanction and the punitive decree.

Art. 69b. (new – SG 77/05) (1) Sanctioned person who terminates or reduces the damage or the pollution of environment and/or the not observing of the emission norms and restrictions, determined in the permits or in the complex permits, may file motivated application for revoking or reduction of the sanction of art. 69, para 1 to the body issued the punitive decree.

(2) in the cases of para 1 the control bodies of the Ministry of Environment and Waters shall implement check in term up to 5 working days after receiving of the application of para 1.

(3) When the termination or the reduction of the pollution or the damaging of environment is established through tests/analyses, they shall be implemented by laboratories in the system of the Ministry of Environment and Waters or by accredited laboratories including accredited laboratories for own periodic or permanent measurements.

(4) When the termination or the reduction of the pollution or the damaging of environment above the admissible norms and/or the not observing of the emission norms and restrictions, determined in the permits or in the complex permits is established on the basis of implemented own periodical or permanent measurements the body issued the punitive decree shall revoke or reduce the imposed sanction without implementing the check of art. 69a, para 1, item 1.

(5) The body issued the punitive decree shall revoke the sanction with an order when on the basis of record for check, the records from the laboratory tests/analyses, fact finding record and the proposal by the control official of the Ministry of Environment and Waters for revoking of the sanction it is established that the damage or the pollution of environment and/or the not observing of the emission norms and restrictions, determined in the permits or in the complex permits, has been terminated.

(6) The body issued the punitive decree shall reduce the sanction with an order when on the basis of record for check, the records from the laboratory tests/analyses, fact finding record and the proposal by the control official of the Ministry of Environment and Waters for reduction of the sanction it is established that the damage or the pollution of environment and/or the not observing of the emission norms and restrictions, determined in the permits or in the complex permits, has been reduced.

(7) The sanction of art. 69, para 1 shall be revoked or reduced from the date of receiving of the application of the sanctioned person by the competent body.

(8) When on the basis of the record for check, the records from the laboratory tests/analyses, the fact finding record and the proposal by the control official of the Ministry of Environment and Waters for imposing of sanction is established increase of the damage or the pollution of environment or not observing of the emission norms and restrictions, determined in the permits or in the complex permits, the body issued the punitive decree shall revoke with an order the initially imposed sanction.

(9) (amend. – SG 52/08) In the cases of para 8 the Minister of Environment and Waters or an individual authorized by him shall impose with punitive decree new sanction by the order of art. 69a.

(10) The kind, the extent and the order for revoking or reduction of sanctions upon damage or pollution of environment above the admissible norms and/or upon not

observing of the emission norms and restrictions, determined in the permits or in the complex permits, shall be provided with the ordinance of art. 69, para 8.

Art. 69c. (new – SG 77/05) (1) At temporary or permanent termination of the activity caused the person of art. 69, para 1 may file motivated application for stopping of the imposed sanction to the body issued the punitive decree or the order of art. 69b, para 6.

(2) In the cases of para 1 the control bodies of the Ministry of Environment and Waters shall implement check in term up to 5 working days after receiving of the application of para 1 and compile fact finding record establishing the termination of the activity.

(3) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall with an order stop the sanction when on the basis of the fact finding record of para 2 is established that the activity caused the damaging or the pollution of environment above the admissible norms and/or not observing of the emission norms and restrictions, determined in the permits or in the complex permits, has been stopped.

(4) The imposed sanction shall be stopped from the day of receiving of the application of the sanctioned person by the competent body.

(5) The sanctioned person shall be obliged not later than three days before the date of renewal of the activity of para 1 to notify in writing the body issued the order of para 3.

(6) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall with an order renew the sanction of art. 69, para 1 or of art. 69b, para 6 from the date of renewal of the activity according to the notification of para 5.

(7) If the sanctioned person does not notify the body issued the order of para 3 about the renewal of the activity and after check by the control bodies of the Ministry of Environment and Waters it is established that the activity has been renewed the Minister of Environment and Waters shall impose with a punitive decree sanction for the period from the stopping of the sanction of para 3 till the date of the check by the control bodies of the Ministry of Environment and Waters.

(8) The sanction of para 7 shall be imposed in triple extent of the stopped under para 3 initial sanction.

(9) In the cases of para 7 the body issued the order of para 3 shall renew the sanction from the date of the check of the control bodies of the Ministry of Environment and Waters.

(10) At renewal of the activity the sanctioned person may file motivated application for revoking or reduction of the sanction subject to renewal to the body issued the order of para 3.

(11) The reduction or the revoking of the sanction subject to renewal shall be implemented by the order of art. 69b.

(12) The Minister of Environment and Waters shall approve with an order model of the fact finding record of para 2.

(13) The order for stopping and renewal of a sanction upon damage or pollution of environment above the admissible norms and/or at not observing of the

emission norms and restrictions, determined in the permits or in the complex permits, shall be provided with the ordinance of art. 69, para 8.

Art. 70. (1) If the persons, sanctioned under art. 69, para 1, undertake activities for achieving of the established standards in compliance with investment programmes, approved by the Minister of Environment and Waters, they shall pay 10 percent of the due sanctions.

(2) (amend. SG 77/05) The conditions and the order for reduction of the due sanctions of para 1 shall be determined with the ordinance of art. 69, para 8.

(3) The Minister of Environment and Waters shall decree payment in tripple amount of the due monthly sanction for the whole initial period upon not fulfilment of the investment programmes of para 1.

(4) No extension of the terms for fulfilment of the investment programmes, approved by the Minister of Environment and Waters under para 1 shall be admitted.

Art. 71. (1) (prev. Art. 71 – SG 52/08) The Ministry of Environment and Waters shall collect fees for the issuing of decisions about EIA, permissions, statements, licenses and registration.

(2) (new – SG 52/08) The Minister of Environment and Waters shall not issue permits of permissions to individuals who have financial liabilities to the state or to the municipality pursuant to Art. 162, par. 2 of the Code of Tax Insurance Procedure, identified by an enforced act of a competent body, or liabilities to the enterprise for environmental protection activities management, determined by special environmental laws.

Art. 72. The order for determining and collecting of fees by art. 71 shall be determined by a tariff approved by the Council of Ministers.

Art. 72a. (new – SG 77/05) (1) (suppl. – SG 89/07; amend. – SG 12/09, in force from 01.05.2009) The fines and sanctions not paid in time under this law, the Law of the waters, the Law of the soils, the Law of waste management, the Law of medical plants, the Law of the protected territories, the Law of the purity of atmospheric air, the Law of underground resources, the Law of biological diversity and the Law of protection from the harmful impact of chemical substances and preparations shall be collected together with the interests for the sanctions and the expenses by the National Revenue Agency by the order of the Code of Tax Insurance Procedure.

(2) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall issue act for establishing of public state taking under para 1.

Art. 73. Resources shall be determined from the republican budget for fulfilment of priority ecological projects and activities, included in the national ecological strategies and programmes, every year upon proposal by the Minister of

Environment and Waters, co-ordinated with the Minister of Finance.

Art. 74. Resources shall be determined for fulfilment of priority ecological projects and activities, included in the municipal programmes for protection of environment, upon proposal by the mayor of the municipality with the approval of the municipal budget.

Chapter five. STRATEGIES AND PROGRAMMES FOR ENVIRONMENT

Art. 75. (1) The national strategy for environment and the municipal programmes for environment shall be means for achievement of the objectives of the law and they shall be developed in compliance with the principles for preservation of environment of art. 3.

(2) (amend. SG 88/05; amend. – SG 36/08; amend. – SG 52/08) The Minister of Environment and Waters shall, in co-ordination with the Minister of Health, the Minister of Regional Development and Public Works, the Minister of Transport, the Minister of Agriculture and Food and the other interested ministers and chiefs of state agencies, develop the National strategy for environment and submit it for approval to the Council of Ministers.

(3) In the process of development and public discussion the National strategy for environment shall participate also representatives of the scientific circles and non government ecological and branch organisations.

(4) The Council of Ministers shall submit to the National Assembly for approval the National strategy for environment and after this publish it.

Art. 76. (1) The National strategy for environment shall be developed for a period of 10 years and it shall contain:

1. analysis of the status of environment with components, of the factors, influencing them, of the tendencies, the reasons and the sources of pollution and damaging of environment in sectors of the national economy as well as the institutional framework, the administrative and the economic means for implementation of the policy;

2. assessment of the opportunities and the restrictions in international and internal aspect;

3. objectives and priorities;

4. means for achieving of the objectives;

5. variants for realisation of the strategy with assessment of the possible positive and negative impacts and consequences in international and internal aspect;

6. five year action plan with concrete institutional, organisational and investment measures, terms, responsible institutions, necessary resources and sources of financing;

7. scheme of organisation, monitoring and accounting of the fulfilment of the action plan, for assessment of the results, for undertaking of correction activities if

necessary;

8. others.

(2) Basic criteria for determining the priorities of the National strategy for environment shall be:

1. observing of the principle for sustainable development;
2. prevention and reduction of the risk for human health and environment;
3. prevention and reduction of the risk for the biological diversity;
4. reduction of the harmful consequences on the components of environment as result of natural processes and phenomena;
5. optimal use of natural resources and energy.

(3) The Minister of Environment and Waters shall submit to the Council of Ministers account of the fulfilment of the action plan of para 1, item 6.

(4) The amendments, the supplements and the updating of the National strategy for environment and the five year plans shall be approved by the National Assembly upon proposal by the Council of Ministers.

Art. 77. National plans and programmes for components of environment and factors, influencing them, shall be developed on the basis of the principles, the objectives and the priorities of the National strategy for environment and in compliance with the requirements of the special laws for environment.

Art. 77a. (new – SG 77/05) (1) The Minister of Environment and Waters together with the Minister of Finance, the Minister of Economy and Energy, the Minister of Regional Development and Public Works and other interested ministers shall develop National plan for distribution of quotas for trade with emissions of greenhouse gases.

(2) The National plan for distribution of quotas for trade with emissions of greenhouse gases shall be approved by the Council of Ministers for a period of 5 years.

(3) With the plan of para 1 shall also be determined:

1. the total quantity of quotas which will be distributed for the respective period;
2. the way for distribution of the quotas among the operators of installations;
3. the list of the installations and the respective quantities of quotas provided for each installation;
4. the share of units reduced emissions and certified units reduced emissions which can be used for fulfillment of the obligation of the operator of art. 131h.

Art. 78. The plans and the programmes for regional development, for development of economy or separate sectors of it at national and regional level shall ensure integrated preservation of environment in compliance with the principles and the objectives of the law and the National strategy for environment.

Art. 79. (1) The mayors of municipalities shall develop programmes for preservation of environment for the respective municipality in compliance with

instructions by the Minister of Environment and Waters.

(2) The programmes of para 1 shall cover a period for fulfilment not less than 3 years.

(3) The territorial administrative units of the respective ministries and state agencies, which collect and dispose with information about environment, shall support the development of the programmes by participation of their experts and conceding of information. At the development, the supplement and the updating of the programmes shall be attracted also representatives of non government organisations, of companies and branch organisations.

(4) The programmes shall be approved by the municipal councils, who shall control their fulfilment.

(5) The mayor of the municipality shall submit every year to the municipal council account of the fulfilment of the programme for environment, and if necessary – also proposals for its supplement and updating.

(6) The accounts of para 5 shall be presented for information to RIEW.

Art. 80. Projects of the municipalities can be financed by the state budget or national funds only if they have been supported as priority in the municipal programmes for environment.

Chapter six. ECOLOGICAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

Section I. General provisions

Art. 81. (1) Ecological assessment and environmental impact assessment shall be implemented for plans, programmes and investment proposals for construction, activities and technologies or their changes, upon which implementation are possible significant impacts over environment as follows:

1. (suppl. SG 77/05) ecological assessment shall be implemented for plans and programmes, which are in process of preparation and/or approval by central and territorial bodies of the executive power, bodies of the local government and the National Assembly;

2. environmental impact assessment shall be implemented for investment proposals for construction, activities and technologies according to appendices No 1 and 2.

(2) With the ecological assessment and EIA is aimed integration of the predictions with regard to environment in the process of development as a whole and the introduction of the principle of sustainable development in compliance with art. 3 and 9.

(3) ecological assessment of plans and programmes shall be implemented simultaneously with their preparation, taking into consideration their objectives, the territorial scope and the degree of detail, so that to be identified, described and assessed in appropriate way the possible impacts of the application of the investment

proposals, included in these plans and programmes.

(4) (new – SG 77/05) plans and programs developed only for the objectives of the national defense or the civil protection as well as financial plans and budgets with independent significance shall not be subject to ecological assessment.

(5) (prev. (4) – SG 77/05) The environmental impact assessment of para 1, item 2 shall determine, describe and assess in appropriate way and according to each concrete case the direct and the indirect impacts of the investment proposals for construction, activities and technologies over man, the biologic diversity and its elements, including flora and fauna, the soil, the water, the air, the climate and the landscape, the earth bowels, the material and the cultural – historic heritage and the interaction between them.

(6) (prev. (5), amend. SG 77/05) Implementing of EIA of investment proposals for construction, activities and technologies according to appendices No 1 and No 2, when they are for the purposes of the national defense shall be assessed for each concrete case. The assessment shall be implemented with decision of the Council of Ministers upon motivated proposal of the Minister of Defense and the Minister of Environment and Waters. At the assessment shall be taken into consideration the expected unfavorable impact which the implementing of EIA would render to the objectives of the national defense.

(7) (prev. (6) – SG 77/05) The procedure for EIA for investment proposals shall not be carried out when by the order of a special law they are approved according to a procedure, including similar assessment and upon ensured public access to information.

Art. 82. (1) The assessment of art. 81, para 1, item 1 shall be combined entirely with the procedures for preparation and approval of plans and programmes in effect.

(2) (amend. SG 77/05) The assessment of art. 81, para 1, item 2 can be combined entirely at the working out of the preliminary (pre-investment) studies or the terms of reference for designing, being implemented before the act of the earliest approval by the order of special law with which are defined the essence, the place and the capacity of the investment proposal.

(3) (suppl. SG 77/05) When for the implementation of the investment proposal must be developed also other auxiliary or supporting activities, connected with the basic subject of assessment, for which the implementing of EIA or the assessment of the necessity of EIA is compulsory, the assessments of the separate investment proposals shall be combined.

(4) The ecological assessment of plans and programmes shall finish with statement by the Minister of Environment and Waters or the director of the respective RIEW, which form and content are determined with the ordinance of art. 90. The bodies, responsible for approval and application of the plan or the programme, shall comply with the statement.

(5) (amend. SG 77/05) The assessment of the investment proposals shall finish with a decision, issued by the competent body of art. 94, para 1, which is compulsory for the investor. The decision shall be compulsory condition for the further approval of the investment proposal made by the order of a special law.

Art. 83. (1) (amend. SG 77/05) The assessment of art. 81, para 1 shall be assigned to a team of registered experts – Bulgarian and foreign individuals, who must declare, that they are not personally interested in the realisation of the investment proposals.

(2) (amend. SG 77/05) The assessment shall be assigned to the experts by the assignor of the plan or the programme, or by the investor of the proposal of art. 81, para 1, item 2.

(3) The experts shall give conclusion, being lead by the principles for reduction of the risk for human health and ensuring of sustainable development according to the standards for quality of environment in effect for the country.

(4) The Ministry of Environment and Waters shall register in a public register the persons of para 1, who have educational – qualification degree in speciality, acquired in higher schools, and have implemented for at least five years during the last ten years some of the following activities, connected with the preservation of environment:

1. design activity;
2. practice in production enterprises;
3. expert activity, in this number also working out of expertise, written consultations, reports about EIA, ecological audits or ecological analyses;
4. lecturing activity in higher schools and/or scientific activity;
5. control activity.

(5) The experts, about who is proven, that in their practice for EIA:

1. three times have been authors of sections of EIA reports, which have been returned for re-working at assessment of the quality of the report of art. 96, para 6;
2. have presented untrue declaration of para 1 and this has been proven by the due order, shall be excluded from the register.

(6) The certificate for entering in the register or the motivated written refusal shall be issued in 14 days term by the Minister of Environment and Waters.

(7) certificate of para 6 shall have validity for five years.

(8) (new – SG 77/05) The excluding from the register of para 5 shall be for term of 5 years. After the elapse of this term the persons of para 5 may apply for new entering by general order defined with the ordinance of para 10.

(9) (prev. (8) – SG 77/05) The refusal, as well as the silent refusal of para 6 shall be subject to appeal before the Supreme Administrative Court in 14 days term after announcing it or respectively the expiry of the term of para 6.

(10) (prev. (9) – SG 77/05) The order for creating and maintaining of the register and the order for applying of the persons for entering in the register shall be determined with an ordinance by the Minister of Environment and Waters.

Section II. Ecological assessment of plans and programmes

Art. 84. (1) The Minister of Environment and Waters or the director of the respective RIEW shall be the competent body for issuing of statement about ecological assessment of plans and programmes according to art. 82, para 4.

(2) The statement of para 1 shall be based on the report about ecological

assessment, worked out by registered experts.

Art. 85. (1) (amend. SG 77/05; amend. - SG 41/07) The ecological assessment shall be obligatory for plans and programmes in the fields agriculture, forestry, fisheries, transport, power generation, waste management, water resources management and industry, including production of underground resources, electronic communications, tourism, development planning and land use, when these plans and programs outline the framework for the future development of investment proposals of appendices No 1 and 2.

(2) (amend. SG 77/05) Plans and programmes of para 1 at local level for small territories and changes of plans and programmes of para 1 shall be assessed when at their application are expected significant impacts over environment.

(3) revoked – SG 77/05

(4) (amend. SG 77/05) The Minister of Environment and Waters or the director of the respective RIEW shall assess with decision the need for the ecological assessment for proposed plan and programme or about their change according to the procedure, determined with the ordinance of art. 90, according to the following criteria for determining their significance and impact:

1. the characteristics of the plans and the programmes with regard to:

a) the degree, to which the plan or the programme determines the framework for investment proposals and other activities according to their location, character, scale and exploitation conditions or according to their estimates for distribution of the resources;

b) (amend. – SG 52/08) significance of the plan or the program for the integration of the ecological considerations, especially with regard to promotion of a sustainable development;

c) (new – SG 52/08) environmental problems of an importance for the plan or the program;

d) (new – SG 52/08) the importance of the plan or the program for the implementation of the community environmental laws;

2. (amend. – SG 52/08) the characteristics of the consequences and in the territory, which might be possibly affected with regard to: feasibility, duration, frequency, reversibility and cumulative character of the expected impacts; potential cross-border impact, potential effect and risk for human health or for environment, including due to accidents, extent and spatial scope of the consequences (geographical region and number of residents, which might possibly be affected), value and vulnerability of the affected territory (as a consequence of specific natural characteristics or cultural and historical heritage; exceeding environmental quality standards or allowable norms, intensive land usage) ; impact on regions or landscapes of a recognized national, communal or international status and protection;

3. (suppl. – SG 52/08) the extent, to which the plan or the programme influences other plans and programmes, including those in a given hierarchy.

(5) (amend. SG 77/05) motivated decision of para 4 shall be issued in term up to two months after the submitting of request by the assignor of the plan or the programme depending on the specific characteristics and their complexity and it shall be announced publicly.

(6) (new – SG 77/05) The plans and the programs for which the implementing of ecological assessment is obligatory and for which is assessed the need of ecological assessment shall be determined with the ordinance of art. 90.

Art. 86. (1) (amend. SG 77/05) The ecological assessment shall be assigned under the conditions and by the order of art. 83, para 1 – 3 after announcing the decision of art. 85, para 4.

(2) The report about the ecological assessment shall include information, corresponding to the degree of detail of the plan and the programme and to the used methods for assessment.

(3) The report about ecological assessment shall obligatory contain:

1. (suppl. – SG 52/08) description of the content of the basic objectives of the plan or the programme and their connection with other relevant plans and programmes;

2. (suppl. SG 77/05; (amend. – SG 52/08) the respective aspects of the current environmental status and their possible development without the application of the plan or the programme;

3. (amend. – SG 52/08) the characteristics of environment for territories, which will be possibly significantly affected;

4. (suppl. – SG 52/08) the existing ecological problems, established at different level, having relation to the plan or the programme, including these, referring to regions with particular ecological significance, such as protected areas as per the Law on the biological diversity;

5. the objectives of preservation of environment at national and international level, having reference to the plan and the programme, and the way in which these objectives and all ecological considerations are taken into account during the preparation of the plan or the programme;

6. (suppl. SG 77/05; amend. – SG 52/08) probable significant impacts over environment, including the biological diversity, population, human health, flora, fauna, soils, waters, air, climate factors, tangible assets, cultural and historical heritage, including architectural and archeological heritage, landscape and the links between them; these impacts must include secondary, cumulative, simultaneous, short-term, medium-term and long-term, permanent and provisional, positive and negative consequences;

7. (amend. – SG 52/08) the measures, which are provided for prevention, reduction and the most comprehensive possible compensation of the unfavourable consequences of the implementation of the plan or the programme over the environment;

8. (amend. – SG 52/08) a description of the motives for selection of the considered alternatives and of the methods for accomplishing of ecological assessment, including the difficulties for collecting the information, necessary for this, such as technical disadvantages and lack of know-how;

9. description of the necessary measures in connection with the monitoring during the application of the plan or the programme;

10. not technical resume of the ecological assessment.

(4) (new – SG 77/05) Observing para 1, 2 and 3 ecological assessment shall

not be assigned as independent report when by the order of special law similar assessment to be part of the plan or the program as well as when the plan or the program is worked out and/or approved by the bodies of art. 84, para 1.

Art. 87. (1) The assignor of the plan or the programme shall:

1. ensure the necessary support for the registered experts for carrying out consultations with the interested and the affected bodies, especially with these, responsible for the preparation and the application of the plan or the programme, which are subject of the ecological assessment;

2. organise consultations with the public and with interested persons, affected by the application of the plan or the programme;

3. send a copy of the plan or the programme and of the report of art. 86, para 2 to each state, for which there is probability to be affected by the application of the plan or the programme, which are subject to ecological assessment;

4. organise consultations with the state, for which there is probability to be affected.

(2) The results of the consultations shall be reflected in the report about ecological assessment and they shall be taken into account in the statement of the Minister of Environment and Waters or the director of the respective RIEW.

Art. 88. (1) The statement of art. 82, para 4 and the motives for it shall obligatory include rationale of the conclusion about preferred alternative from point of view of environment and the measures of art. 89, which should be undertaken.

(2) (suppl. SG 77/05) Access shall be ensured to the statement of para 1 for the public, the affected and the interested parties and each state for which there is probability to be affected by the application of the plan or the programme by order defined with the ordinance of art. 90, para 1.

Art. 89. The measures for monitoring and control at the application of the plan or the programme shall be co-ordinated between the Minister of Environment and Waters or the director of the respective RIEW and the body, responsible for the application of the plan or the programme.

Art. 90. (1) (amend. SG 77/05) The conditions and the order for implementing of ecological assessment shall be determined with an ordinance by the Council of Ministers.

(2) In the ordinance of para 1 shall be determined also the requirements to:

1. (amend. SG 77/05) the assessment of the need and the scope of the ecological assessment of the possible impacts from the application of the plan or the programme as well as to the way of public announcement of the decision of art. 85, para 4;

2. the obligations of the bodies, assigning or applying the plan or the programme, which are subject to ecological assessment;

3. the scope, the contents and the form of the report about the ecological assessment;

4. the terms, the conditions and the order for implementing of consultations with the public and with third persons, for which there is probability to be affected by the plan or the programme;

5. the form and the contents of the statement of the Minister of Environment and Waters or the director of the respective RIEW;

6. the conditions for including of the results of the consultations of item 4 in the statement of the Minister of Environment and Waters or the director of the respective RIEW;

7. the monitoring and the control of the fulfilment of the conditions, determined in the statement of the Minister of Environment and Waters or the director of the respective regional inspectorate for environment and waters in the process of application of the plan or the programme;

8. the monitoring and the control of the impact over the environment at application of the plan or the programme with objective to be undertaken measures for prevention or reduction of ecological damages as result of this application.

Art. 91. (1) The ecological assessment of the plan or the programme shall be implemented independently from EIA under section III of this chapter.

(2) (new – SG 77/05) When for an investment proposal included in appendix No 1 or No 2 is required also the working out of independent plan or program of art. 85, para 1 and 2 the competent body for environment may upon requirement of the assignor or upon own discretion admit the implementing of only one of the assessments of chapter six.

(3) (prev. (2) – SG 77/05) The collected information, the analyses made at the preparation of the ecological assessment of plans and programmes and the statement of the Minister of Environment and Waters or the director of the respective RIEW shall be used at working out of the reports and decreeing of the decision about EIA for investment proposals of appendices No 1 and 2.

Section III. Assessment of the environmental impact of investment proposals

Art. 92. Assessment of the environmental impact shall obligatory be made for:

1. the investment proposals for construction, activities and technologies according to appendix No 1;

2. the investment proposals for construction, activities and technologies with cross-border impact on environment according to appendix No 1 of art. 2 of the Convention for environmental impact assessment in cross-border context.

Art. 93. (1) The need for implementing of EIA shall be assessed for:

1. the investment proposals for new construction, activities and technologies according to appendix No 2;

2. (amend. SG 77/05) the investment proposals for expansion and/or change

of the production activity according to appendix No 2;

3. (amend. SG 77/05) the investment proposals for expansion and/or change of the production activity according to appendix No 1 of this law and appendix No 1 of art. 2 of the Convention for environmental impact assessment in cross-border context;

4. each investment proposal for new construction, activities and technologies according to appendix No 1, developed exclusively or primarily for development and trial of new methods or products with term of effect not more than two years;

5. (amend. SG 77/05) investment proposals for new construction, activities and technologies in protective territories according to appendix No 2 for investment proposals for expanding and/or change of the production activity in protected territories.

(2) The necessity for implementing of EIA of para 1, items 3, 4 and 5 shall be assessed by the Minister of Environment and Waters for each concrete case and according to the criteria of para 4, who shall pronounce a motivated decision.

(3) The necessity for implementing of EIA of para 1, items 1 and 2, shall be assessed by the director of the respective RIEW for each concrete case and according to the criteria of para 4, who shall pronounce a motivated decision.

(4) The necessity for implementing of EIA of para 1 shall be assessed on the basis of:

1. (amend. SG 77/05) the characteristics of the proposed construction, activities and technologies: amount, production capacity, scale, inter-relation and accumulation with other proposals, use of natural resources, generated waste, pollution and discomfort of environment, as well as risk from incidents;

2. the location, in this number sensibility of the environment, the existing use of the land, the relative existing of appropriate territories, the quality and the regenerative ability of the natural resources in the region;

3. the ability for assimilation of the eco-system in the natural environment of:

a) the territories, protected with law and the habitats;

b) the mountain and the forest localities;

c) the humid and the coastal zones;

d) (amend. SG 77/05) the regions, where the norms of quality of environment are breached;

e) the strongly urbanised territories;

f) (amend. – SG 19/09, in force from 10.04.2009) the protected territories of sole and group cultural valuables, determined by the order of the Law of the cultural heritage;

g) the territories and/or the zones and the sites with specific sanitary statute or subject to health protection;

4. the characteristics of the potential impacts – territorial scope, affected population, including cross-border impacts, essence, amount, complexity, probability, duration, frequency and reversibility;

5. the public interest to the proposal for construction, activities and technologies.

(5) The bodies of para 2 and 3 shall pronounce about the need for implementing of EIA in one month term after the submitting of the request by the

investor of the proposal of art. 81, para 1, item 2, announcing publicly the motives for their assessment.

Art. 94. (1) The competent bodies for taking decision about EIA of art. 81, para 1, item 2 shall be:

1. the Minister of Environment and Waters – for the investment proposals of art. 92, item 1 according to the criteria for competence of appendix No 1, of art. 92, item 2 and in the cases of assessment of the necessity for implementing of EIA of art. 93, para 2;

2. the directors of RIEW – for the investment proposals of art. 92, item 1 according to the criteria of competence of appendix No 1 and in the cases of assessment of the necessity for implementing of EIA of art. 93, para 3.

(2) (suppl. SG 77/05) In the cases, when the investment proposal refers to protected territory or territory, controlled by two or more RIEW, competent body for assessment of the necessity for implementing of EIA and for taking decision about EIA shall be the Minister of Environment and Waters.

Art. 95. (1) (amend. SG 77/05) The investor of the investment proposal shall inform at the earliest stage of his investment intention the competent bodies and the affected population, announcing it in writing.

(2) (new – SG 77/05) The investor shall ensure working out of terms of reference for scope and content of EIA for the investment proposals from appendix No 1 and for these for which with a decision has been assessed EIA to be implemented.

(3) (prev. (2) – SG 77/05) The investor shall carry out consultations with the competent bodies for taking decision on EIA with other specialised departments and the affected public with regard to:

1. the specific characteristics of the offered construction, activities and technologies, degree of development of the design solution and its mutual relation with existing or other planned construction, activities and technologies;

2. the characteristics of the existing environment and all its components;

3. the importance of the expected impacts;

4. the terms of reference for scope and contents of EIA;

5. the limits of the investigation in connection with EIA;

6. the alternatives for investment proposals;

7. the affected public – interests and opinions;

8. the sources of information;

9. the methods for prognoses and environmental impact assessment;

10. measures for reduction of the expected negative impacts on environment.

Art. 96. (1) The investor of the proposal of art. 81, para 1, item 2 shall present to the competent body for taking decision a report about EIA, containing:

1. abstract of the investment proposal for the construction, the activities and the technologies;

2. (amend. SG 77/05) the investigated by the investor alternatives for location (with sketches and co-ordinates of the characteristic points in the approved co-ordinate

system for the country) and/or alternatives of the technologies and the motives of the choice made for the investigation, having in mind the impact over environment, including "zero alternative";

3. description and analysis of the components and the factors of environment of art. 4 and 5 and of the material and cultural heritage, which will be affected to a big extent by the investment proposal, as well as the interaction between them;

4. description, analysis and assessment of the expected significant impacts over the population and the environment as result of:

a) the realisation of the investment proposal;

b) the use of the natural resources;

c) the emissions of harmful substances at normal exploitation and at extraordinary situations, the generation of waste and the creating of discomfort;

5. information about the used methods for prognosis and environmental impact assessment;

6. description of the measures, provided to prevent, reduce or, where possible, to terminate the significant harmful impacts over environment, as well as plan for the fulfilment of these measures;

7. statements and opinions of the affected public, of the competent bodies for taking of decision about EIA and other specialised departments and interested states in cross-border context, as result of the carried out consultations;

8. (amend. SG 77/05) conclusion in compliance with the requirements of art. 83, para 3;

9. not technical resume;

10. description of the difficulties (technical reasons, insufficient or lacking data) at the collecting of information for working out of the report about EIA;

11. other information upon discretion of the competent body.

(2) The expenses for EIA shall be for the account of the investor of the proposal of art. 81, para 1, item 2.

(3) The investor of the proposal of art. 81, para 1, item 2 shall ensure to necessary information for implementing of EIA as well as any additional information, connected with the investment proposal.

(4) Other bodies, disposing with information, which has relation to the EIA being made, shall be obliged to concede this information in compliance with chapter two.

(5) If there is state, official or other secret, protected by a law, the information shall be conceded observing the requirements for confidentiality of art. 20.

(6) (amend. SG 77/05) The competent body shall assess the quality of the report for EIA for taking decision about EIA according to the conducted consultations of art. 95, para 3 and the compliance with the requirements of the normative provisions for environment in 14 days term after the submitting of the report.

Art. 97. (1) After a positive assessment under art. 96, para 6 the investor shall organise together with the affected municipalities, mayoralties and regions, determined by the competent body, public discussions of the report about EIA.

(2) In the discussion of para 1 can participate all interested individuals and corporate bodies, in this number representatives of the competent body for taking

decision about EIA, the territorial administration of the executive power, public organisations and citizens.

(3) The investor of the proposal of art. 81, para 1, item 2 shall inform the persons of para 2 about the place and the date of the discussion through the mass media or in another appropriate way at least 30 days before the meeting for public discussion.

(4) (suppl. SG 77/05) The investor of the proposal of art. 81, para 1, item 2 and the competent bodies of art. 94, para 1 shall ensure public access to the documentation about EIA for a period of 30 calendar days before the beginning of the discussion of para 1.

(5) The representatives of the public shall present in writing their statements at the meeting for public discussion or send them to the competent body for taking decision about EIA not later than 7 calendar days after the discussion.

Art. 98. (1) About investment proposals for construction, activities and technologies on the territory of the Republic of Bulgaria, expected to have significant impact on the environment on the territory of other state or states, the Minister of Environment and Waters shall:

1. notify the affected states at the possible earliest stage of the investment proposal, but not later than the date of notifying the own population;

2. upon consent for participation in the procedure for EIA concede to the affected state a description of the investment proposal and the possible information about eventual cross-border impact on environment, as well as information about the character of the decision, which is expected to be taken.

(2) In the cases of notification about expected significant impact on environment on the territory of the Republic of Bulgaria – result of proposed activity on the territory of other state, the Minister of Environment and Waters shall ensure:

1. public access to the conceded information about EIA;

2. the timely sending of all statements about the information of item 1 before taking of decisions by the competent body of the other state.

Art. 99. (1) For taking of decision the investor shall present to the competent body in 7 days term after the discussion of art. 97 its results, including the statements and the record of its carrying out.

(2) The competent body shall take decision about EIA in 3 months term after the public discussion, accounting for its results.

(3) The decision about EIA shall contain:

1. the name of the body, issuing it;

2. the name of the investor, the residence/headquarters;

3. the legal and the factual grounds for taking the decision;

4. motives;

5. regulatory part;

6. conditions for fulfilment, in this number measures for prevention, reduction or liquidation of significant negative impacts on environment, terms for fulfilment, where necessary;

7. the body and the term, within which can be appealed;

8. the responsibility upon not fulfilment of the conditions, defined in the decision;

9. date of issuing and signature.

(4) (suppl. SG 77/05) In 7 days term after decreeing of the decision on EIA the competent body shall:

1. concede the decision to the investor of art. 81, para 1, item 2;

2. (amend. – SG 52/08) announce the decision on EIA through the central mass media, on its website and/or in another appropriate way.

(5) (suppl. SG 77/05) The competent body of para 1 shall ensure access to the contents of the decision on EIA after decreeing it, including the appendices to it.

(6) (suppl. SG 77/05; amend. - SG 30/06, in force from 12.07.2006) The interested persons can appeal the decision on EIA by the order of the Administrative procedure code in 14 days term after the announcing of para 4.

(7) (suppl. SG 77/05) Upon change of the investor of para 3, item 2 the new investor of the proposal of art. 81, para 1, item 2 shall obligatory notify the competent body, issued the decision on EIA.

(8) (amend. SG 77/05) The decision about EIA shall lose legal effect if in 5 years term from the date of issuing it the implementation of the investment proposal has not started which shall be established with check of the control bodies for environment.

(9) (new – SG 77/05) In the cases there is no change in the investment proposal and there are no changes in the conditions of environment re-certification of decision on EIA that has lost legal effect shall be implemented on request of the assignor in one year term after the elapse of the term of para 8.

Art. 99a. (new - SG 105/08) (1) In the cases under Art. 118, Para 2 the implementation of the best available practices shall be determined by an assessment of:

1. the consumption (quantity and type) of water, energy and basic resources for manufacturing of a production unit;

2. the use of hazardous substances for the manufacturing of a production unit;

3. the quantity and type of harmful substances released in the atmosphere (including parameters of the releasing equipment), in waste water and water sites (including the spots of discharge);

4. the quantity and type of the manufacturing and/or harmful waste produced during the manufacturing activity.

(2) The assessment under Para 1 shall be presented by the assignor of the investment proposal as part of the required documentation as follows:

1. in case of procedure for determining the need of EIA - to the information determined in the ordinance referred to in Art. 101;

2. in case of EIA procedure - to the EIA report referred to in rt. 96, Para 1.

(3) On grounds of the assessment under Para 1 and the opinions and proposals received in the course of the EIA procedure, in the decision under Art. 93, Para 2 and 3, respectively in the decision under Art. 99, Para 3 shall be included reasons for approving or disapproving the implementation of best available practices and shall be specified requirements to the facilities, equipment and technologies.

(4) In case of disapproval of the implementation of best available practices, in the decision under Art. 93, Para 2 and 3, respectively in the decision under Art. 99, Para 3 shall be specified a requirement for filing an application for granting a complex permission in compliance with Art. 118, Para 1.

Art. 100. (suppl. SG 77/05) The competent bodies of art. 94 or officials authorized by them shall implement control for the fulfilment of the measures of art. 96, para 1 and for the fulfilment of the conditions from the decision about EIA.

Art. 101. (1) The conditions and the order of implementing of EIA shall be determined with an ordinance of the Council of Ministers.

(2) With the ordinance for EIA of para 1 shall be determined the requirements for:

1. assessment of the necessity for implementing of EIA for the investment proposals of appendix No 2;

2. the conditions and the order for implementing of consultations with the bodies, the public and the persons, for whom there is probability to be affected by the realisation of the investment proposal;

3. the scope, the contents and the form of the report about EIA;

4. the criteria for assessment of the report about EIA;

5. the order and the way for organising of the public discussion of the report about EIA;

6. the motives for taking of decision about EIA, including the way, in which the public opinion is taken into account;

7. the order and the way for implementing control over the fulfilment of the conditions from the decision about EIA.

8. (new – SG 77/05) the order of art 99, para 9 for re-certification of decision on EIA lost legal effect.

Art. 102. The Ministry of Environment and Waters shall keep a public register with data about implementing of the procedure about EIA, including about the public discussion, the issued decision about EIA and the implemented control for fulfilment of the decision about EIA.

Chapter seven. PREVENTION AND RESTRICTION OF THE INDUSTRIAL POLLUTION

Section I. Prevention of big accidents

Art. 103. (amend. SG 77/05) (1) With objective prevention of big accidents with dangerous substances and restriction of the consequences from them for human life and health and environment each operator of new or acting enterprise and/or facility in which dangerous substances are used or preserved shall be obliged to

classify it as "enterprise and/or facility with low risk potential" or as "enterprise and/or facility with high risk potential" about which he shall notify the Minister of Environment and Waters.

(2) The form and the content of the notification of para 1 shall be determined with the ordinance of art. 104, para 6.

(3) The classification of para 1 shall be implemented according to the criteria of appendix No 3.

(4) Para 1 shall not apply for;

1. military enterprises, facilities and storehouses;

2. dangers created by ionizing radiation;

3. transportation of dangerous substances or preparations and immediate temporary storing during the transportation on roads, railways, internal waterways, sea or air out of the enterprises as well as loading, unloading and transportation to and from other transport vehicle at docks, quays or distribution railway stations;

4. transportation of dangerous substances or preparations along pipelines and pump stations out of the enterprises;

5. the activities for searching, prospecting, obtaining and processing of underground resources in underground mines, quarries and boring developments, except the activities including chemical or thermal processing at which are used or preserved dangerous substances;

6. searching, prospecting, obtaining and processing of underground resources including petrol and natural gas in the continental shelf and the exclusive economic zone;

7. waste depots except acting facilities for defusing of liquid wastes, sludge ponds or slug heaps containing dangerous substances.

Art. 104. (1) (amend. SG 77/05) The construction and the exploitation of new and the exploitation of operating enterprises and/or facility classified as "enterprise and/or facility with low risk potential" or as "enterprise and/or facility with high risk potential" shall be implemented after issuing of permit under the conditions and by the order of this section.

(2) (amend. SG 77/05) The permit of para 1 shall be obligatory for issuing permission for construction.

(3) (new – SG 77/05) The permit of para 1 shall be with no time limit.

(4) (prev. (3), amend. SG 77/05) Para 1 shall not be applied in the cases of art. 103, para 4.

(5) (prev. (4) – SG 77/05) At change of the operator the new operator – corporate body or individual, shall take the rights and the obligations according to the permission.

(6) (new – SG 77/05) The Council of Ministers shall approve ordinance for prevention of big accidents with dangerous substances and for restriction of the consequences from them.

Art. 105. (revoked – SG 77/05)

Art. 106. (amend. SG 77/05) (1) The Minister of Environment and Waters shall issue the permit of art. 104, para 1.

(2) In the permit of art. 104, para 1 the Minister of Environment and Waters may determine conditions connected with the construction and the exploitation of the enterprise and/or the facility.

Art. 107. (revoked – SG 77/05)

Art. 108. (amend. SG 77/05) (1) For issuing of permission under art. 104, para 1 the operator shall submit application to the Minister of Environment and Waters in term till:

1. four months after the submitting of the notification of art. 103, para 1 – for enterprise and/or facility with low risk potential;

2. seven months after the submitting of the notification of art. 103, para 1 – for enterprise and/or facility with high risk potential.

(2) The form and the content of the application of para 1 shall be determined with the ordinance of art. 104, para 6.

Art. 109. (revoked – SG 77/05)

Art. 110. (amend. SG 77/05) (1) To the application of art. 108, para 1 the operator of an enterprise and/or facility with low risk potential shall attach:

1. report about the policy for prevention of big accidents which to guarantee high level of protection of man and environment through appropriate means, structures and management systems;

2. document for paid fee of art. 71.

(2) To the application of art. 108, para 1 the operator of an enterprise and/or facility with high risk potential shall attach:

1. report about safety;

2. emergency plan of the enterprise and/or facility;

3. document for paid fee of art. 71.

(3) The form and the content of the documents of para 1 and 2 shall be determined with the ordinance of art. 104, para 6.

(4) The operator may require from the Minister of Environment and Waters part of the information in the documents of para 1 and 2 to be announced confidential when it is production or trade secret.

(5) When the information of para 1 or 2 is state or official secret or contains personal data the provisions of the Law of protection of the classified information, respectively the Law for protection of the personal data shall be applied.

(6) The operator shall, in 5 days term after the notification that his request is partially or fully respected, concede to the Minister of Environment and Waters re-worked version of the documents which does not include the information accepted as confidential.

Art. 110a. (new – SG 77/05) (1) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall in 14 days term after receiving the documents of art. 110 notify the operator about admitted mistakes and incompleteness in them and determine term up to one month for removing them.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 82/06; amend. – SG 102/06; amend. – SG 52/08) In three days term after the elapse of the term of para 1 for check of the documents or for removal of the admitted mistakes and incompleteness the Minister of Environment and Waters or an individual authorized by him shall send the documents of art. 110 for statement to the Minister of Health, the Minister of Emergency Situations and Accidents, the director of National service "Fire safety and civil protection", the chairman of the State agency for metrological and technical supervision, the regional governor and the mayor of the municipality on which territory is located the enterprise and/or the facility.

(3) (amend. – SG 52/08) The Minister of Environment and Waters, the bodies of para 2 or individuals authorized by them may implement checks at the place with objective assessment of the compliance of the documents of art. 100 with the provided by the operator measures for prevention of big accidents and for restriction of the consequences from them.

(4) The bodies of para 2 shall send to the Minister of Environment and Waters their statements in term up to two months after receiving the documents of art. 110.

(5) The lack of statement of some of the bodies of para 2 in the lawfully fixed term shall be considered sufferance.

(6) (amend. – SG 52/08) When on the basis of statement of para 2 it is established that with the documents of art. 110 the operator has not provided the necessary measures for prevention of big accidents and for restriction of the consequences from them in 10 days term after the elapse of the term of para 4 the Minister of Environment and Waters or an individual authorized by him shall give term to the operator for removing the established non compliance and incompleteness.

Art. 111. (amend. SG 77/05) (1) (amend. – SG 52/08) Within the term of art. 110a, para 2 the Minister of Environment and Waters or an individual authorized by him shall publish the documents of art. 110 on the Internet site of the Ministry of Environment and Waters and ensure during one month access of the public to them.

(2) In three days term after receiving the documents of art. 110a, para 2 the mayor of the respective municipality shall inform the public through the local mass media about this and ensure access to the documents in one month term.

(3) In the cases in which there is respected request for announcing of confidential information the Minister of Environment and Waters shall concede to the public the documents of art. 110, para 6.

(4) The representatives of the public may present to the Minister of Environment and Waters motivated written statement on the documents not later than the elapse of the one month term of para 1.

Art. 112. (amend. SG 77/05) The Minister of Environment and Waters shall issue the permit of art. 104, para 1 in one month term after elapse of the term of art. 110a, para 4 or receiving of the corrected and completed documents of art. 110a, para

6.

Art. 112a. (new – SG 77/05; amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall in 7 days term from the date of issuing of the permit:

1. notify in writing the operator and the bodies of art. 110a, para 2 and
2. (amend. – SG 52/08) announce the issuing of the permit through the website of the Ministry of Environment and Waters and a central daily paper.

Art. 112b. (new – SG 77/05) (1) The Minister of Environment and Waters shall with a motivated decision refuse the issuing of permit in term up to one month after the elapse of the term of art. 110a, para 4 or from receiving of the corrected and completed documents of art. 110a, para 6 when:

1. the operator has not provided in the documents of art. 110 the necessary measures or the provided measures are not sufficient for prevention of big accidents or for restriction of the consequences from them, and/or
2. the operator has not presented the documents of art. 108, 110 or art. 110a, para 6 in the provided terms.

(2) The Minister of Environment and Waters may in the term of para 1 refuse with motives with decision the issuing of permit for construction of new enterprise and/or facility at receiving of motivated objection due to lawfulness by some of the bodies of art. 110a, para 2 against the realization of the project.

(3) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall in 7 days term after the date of issuing of the decision of para 1 or 2:

1. notify in writing the operator and the bodies of art. 110a, para 2, and
2. (amend. – SG 52/08) announce the issuing of the decision through the website of the Ministry of Environment and Waters and a central daily paper.

Art. 113. (amend. SG 77/05; amend. - SG 30/06, in force from 12.07.2006) The permit and the refusal of issuing may be appealed by the order of the Administrative procedure code in 14 days term after the announcement of art. 112a, item 2 or of art. 112b, para 3, item 2.

Art. 114. (amend. SG 77/05) (1) The Minister of Environment and Waters shall keep a public register of the issued permits under art. 112 and of the refusals of art. 112b, para 1 and 2.

(2) The form and the content of the register shall be determined with the ordinance of art. 104, para 6.

Art. 115. (amend. SG 77/05) The operator of enterprise and/or facility for which there is issued permit under art. 104, para 1 shall be obliged to:

1. undertake all necessary measures for prevention of big accidents with dangerous substances and restricting of the consequences from them for the life and

the health of people and for the environment;

2. inform the Minister of Environment and Waters about planned essential change of the enterprise and/or the facility.

Art. 116. (amend. SG 77/05) (1) Upon occurrence of big accident the operator of enterprise and/or facility for which there is issued permit under art. 104, para 1 shall immediately notify the chairman of the regional council for security and crisis management.

(2) After occurrence of big accident the operator shall timely concede to the bodies of para 1 information about:

1. the circumstances at the occurrence of the accident;
2. the dangerous substances caused the occurrence of the accident or aggravating the consequences from it;
3. the available data allowing to be assessed the consequences from the accident for the life and the health of people and for the environment;
4. the activities undertaken immediately after occurrence of the accident;
5. the measures provided for preventing second occurrence of accident;
6. the measures provided for restricting the consequences from the accident.

(3) The operator shall be obliged to update the information of para 2 and to present it to the body of para 1 at receiving of new data connected with the reasons for the occurrence of the accident and the consequences from it.

Art. 116a. (new – SG 77/05) (1) The operator of enterprise and/or facility with high risk potential shall concede to the affected public:

1. information about the planned measures for safety and the ways of behavior and action in cases of accident;
2. the report about safety of art. 110, para 2, item 1 or the reworked documents of art. 110, para 6;
3. list of the dangerous substances of art. 103, para 1 except these announced as confidential information under art. 110, para 4 and of the information of art. 110, para 5;
4. information about the possibility of occurring the "domino effect".

(2) The operator shall concede the information of para 1, item 1 also to the sites with public designation which in case of big accident may be affected.

(3) The operator shall reconsider and if necessary update the information of para 1, item 1 every three years as well as in the cases of essential changes of the enterprise and/or the facility.

(4) The information of art. 1, item 1 shall be updated every 5 years.

(5) The minimum requirements to the content of the information of para 1, item 1 as well as the ways of conceding it shall be determined with the ordinance of art. 104, para 6.

Art. 116b. (new – SG 77/05) (1) At planned essential changes in the enterprise and/or the facility the operator shall reconsider and update the report on the policy for prevention of big accidents or the report on safety.

(2) The operator shall send the updated report of para 1 to the Minister of Environment and Waters.

(3) In the cases of para 1 the operator shall submit to the Minister of Environment and Waters application for reconsidering of the permit of art. 104, para 1 at the earliest possible moment but not later than 4 months before the provided date for implementing the changes.

(4) To the application of para 3 the operator shall attach the updated documents of para 1.

(5) The form and the content of the application of para 3 and the documents of para 1 shall be determined with the ordinance of art. 104, para 6.

Art. 116c. (new – SG 77/05) (1) The operator of enterprise and/or facility with high risk potential shall reconsider and if necessary update the report on safety of art. 110, para 2, item 1:

1. every 5 years;

2. on own initiative or at request by the Minister of Environment and Waters, at existence of new data or scientific information connected with the safe exploitation of the enterprise and/or the facility.

(2) The operator of para 1 shall be obliged to reconsider and if necessary update the emergency plan of art. 110, para 2, item 2:

1. every 3 years;

2. on own initiative or at request by the Minister of Environment and Waters when there are new data or scientific information connected with the measures for safety in the enterprise and/or the facility.

(3) In the cases of para 1 and/or para 2 the operator shall notify the Minister of Environment and Waters submitting application for reconsidering of the permit of art. 104, para 1 and attaching the updated documents of para 1 and/or para 2 or written declaration that there is no need of updating the documents.

(4) The form and the content of the application of para 3 and the documents of para 1 and 2 shall be determined with the ordinance of art. 104, para 6.

Art. 116d. (new – SG 77/05; amend. – SG 52/08) In the cases of art. 116b and art. 116c the Minister of Environment and Waters or an individual authorized by him shall reconsider the issued permit by the order of art. 110a and art. 111.

Art. 116e. (new – SG 77/05) (1) The Minister of Environment and Waters shall in one month term after the elapse of the term for receiving statements from the bodies of art. 110a, para 2 or from receiving the corrected and completed documents from the operator reconsider the issued permit:

1. leaving into force the issued permit

or

2. changing the issued permit.

(2) In the cases of para 1 the Minister of Environment and Waters shall with a decision leave into force or change the issued permit.

(3) (amend. – SG 52/08) The Minister of Environment and Waters of an

individual authorized by him shall in 7 days term after the date of issuing of the decision of para 2:

1. notify in writing the operator and the bodies of art. 110a, para 2 and
2. announce the issuing of the permit through a central daily newspaper.

Art. 116f. (new – SG 77/05) (1) The Minister of Environment and Waters within the term of art. 116e, para 1 may with a motivated decision refuse to permit the realizing of the change of art. 116b when:

1. the operator has not provided in the documents of art. 116b and art. 116c the necessary measures or the provided measures are not sufficient for preventing of big accidents or for restricting of the consequences from them and/or

2. some of the bodies of art. 110a, para 2 has given motivated objections doe to lawfulness against the realization of the change of art. 116b.

(2) (amend. – SG 52/08) The Minister of Environment and Waters of an individual authorized by him shall in 7 days term after the date of issuing of the decision of para 1:

1. notify in writing the operator and the bodies of art. 110a, para 2 and
2. announce the issuing of the decision through a central daily newspaper.

Art. 116g. (new – SG 77/05; amend. - SG 30/06, in force from 12.07.2006) The decisions of art. 116e, para 2 and of art. 116f, para 1 may be appealed by the order of the Administrative procedure code in 14 days term after their announcement under art. 116e, para 3, item 2 and art. 116f, para 2, item 2.

Art. 116h. (new – SG 77/05) (1) When on the basis of the documents of art. 110, para 2 the Minister of Environment and Waters identifies enterprises and/or facilities or group of enterprises and/or facilities for which exists danger from occurrence of "domino effect" he shall notify the operators of these enterprises and/or facilities.

(2) In the cases of para 1 the operators shall be obliged:

1. to exchange information about the character and the degree of danger from occurrence of big accident in the enterprises and/or facilities;

2. to update the documents of art. 110, para 2 with the information of item 1.

(3) In the cases of para 1 the operators may cooperate upon:

1. conceding of the information of art. 116a to the public;

2. conceding of information necessary for the working out of external emergency plan.

Art. 116i. (new – SG 77/05) The Minister of Environment and Waters shall notify the potentially affected parties when in an enterprise and/or facility with high risk potential danger from occurrence of big accident with cross border impact exists.

Section II. Complex permissions

Art. 117. (1) The construction and the exploitation of new and the exploitation of operating installations and facilities for the categories of industrial activities of appendix No 4 shall be permitted after the issuing of complex permission according to the provisions of this chapter.

(2) (amend. SG 77/05) The requirement of para 1 shall be applied also at essential change of operating installations and facilities.

(3) The complex permissions of para 1 and 2 can be issued for installations and facilities out of the scope of appendix No 4 on the basis of written application by the respective operators.

(4) Upon change of the operator the new operator – corporate body or individual, shall take the rights and the obligations according to the permission.

(5) (amend. SG 77/05) The submitting of application for issuing of complex permit or the existing of complex permission for construction and exploitation of new and/or for exploitation of operating installations and facilities shall repeal the requirements for issuing and receiving of the following permissions, permits, licenses, expertise and assessments:

1. (Amend. SG - 86/03) under art. 37 in connection with art. 12 of the Law for waste management;

2. under art. 46, para 1, item 1, item e) and item 3 of the Law of the waters.

(6) (new – SG 77/05) The operators of installations and facilities within the scope of appendix No 4 may submit documents for receiving of the permit of para 5, item 1 or for the permit of para 5, item 2 till the beginning of the term for submitting application for issuing of complex permit, determined with the ordinance of art. 119.

(7) (prev. (6) – SG 77/05) The installations or the parts of installations, used for research work, development and trials of new products and processes, shall not be subject to the provisions of this chapter.

Art. 118. (1) (prev. text of Art. 118 - SG 105/08) The complex permission of art. 117 shall be obligatory for issuing of permission for construction.

(2) (new - SG 105/08) An exception under Para 1 shall be made for facilities and equipment in respect of which an EIA procedure is completed with a decision confirming the implementation of the best available practices in compliance with Art. 99a.

(3) (new - SG 105/08) In the cases under Para 2 the complex permission shall be compulsory in order to put the facilities and equipment into operation.

Art. 119. (1) The conditions and the order for issuing of complex permissions of art. 117 shall be determined with an ordinance by the Council of Ministers.

(2) With the ordinance of para 1 shall be determined also respective requirements to:

1. the contents and the form of the applications for issuing of complex permissions;

2. the order and the way for determining of the best available techniques;

3. (amend. SG 77/05) the order and the way for reconsidering, changing and updating of issued complex permits;

4. the order and the way for accounting of the emissions of harmful

substances;

5. the contents of the monitoring of art. 123, para 1, item 3, including to the procedures for monitoring and the obligation for conceding of the respective information to the bodies, responsible for imposing of the compliance under art. 128.

Art. 120. (1) (suppl. SG 77/05) The Minister of Environment and Waters or a person, authorised by him, shall be the competent body for issuing, re-considering and change and updating of the permissions of art. 117, para 1 and 2.

(2) (suppl. SG 77/05) The director of the respective RIEW shall be the competent body for issuing, re-considering and change and updating of the permissions of art. 117, para 3.

(3) The competent body of para 1 shall co-ordinate the conditions and the procedures for issuing of the permissions in the cases, when in them participate more than one competent body.

(4) (amend. SG 77/05) The competent body of para 1 and 2 shall ensure the using of any received information and conclusion made by EIA at the issuing of complex permits.

(5) The Ministry of Environment and Waters shall follow the development of the best available techniques and maintain information system about them.

Art. 121. At the exploitation of the installations and the facilities the operator shall control:

1. the application of all possible measures for prevention of pollution by applying the best available techniques;

2. the application of systems for management of environment;

3. not admitting of pollution of environment according to the standards for admissible emissions and the standards for quality of environment;

4. the avoiding of formation of waste; in adverse case the waste shall be utilised; when this is technically or economically impossible, they shall be defused in a way, avoiding or reducing their impact on environment;

5. the efficient use of energy;

6. the application of all possible measures for prevention of industrial accidents and restriction of the consequences from them;

7. the undertaking of the necessary measures for avoiding of possible risks from pollution and bringing the territory, on which is located the installation, in satisfactory status after termination of the activity.

Art. 122. (1) For issuing of complex permission the operator of the installation and the facility shall submit application to the respective competent body.

(2) The application of para 1 shall include description of:

1. (suppl. SG 77/05) the installation and the different regimes of its exploitation, in this number description of the basic alternatives if there are such;

2. the used raw materials and materials (including auxiliary);

3. the used and/or the generated energy;

4. the characteristic of the plot, on which is located the installation;

5. (amend. SG 77/05) the kind and the quantity of the expected emissions from the installation with different components of art. 4 and factors of art. 5, as well as defining of their possible significant impacts over environment;

6. the proposed technologies and other techniques for prevention or in the cases, when this is impossible – for reduction of the emissions from the installation;

7. the measures for prevention, utilisation and/or defusing of the waste, generated by the installation;

8. the planned additional measures for achieving of compliance with the general principles, determining the basic obligations of the operator according to art. 121;

9. monitoring of the emissions of harmful substances in the environment.

(3) The application for issuing of complex permission shall contain also non technical abstract of the description of para 2.

Art. 122a. (new - SG 105/08) (1) Within 45 days from filing the application the competent authority under Art. 120, Para 1 and 2 shall check the compliance of its contents and its form with the requirements of the ordinance under Art. 119, Para 1 and, where necessary, perform a check on-the-spot.

(2) Where incompleteness or incompatibilities are found within the term under Para 1, the competent authority under Art. 120, Para 1 and 2 shall notify the operator under Art. 122, Para 1 in writing, providing instructions for the necessary corrections and additional information and giving the reasons thereof.

(3) In the cases of Para 2 the operator under Art. 122, Para 1 shall file an additional application within one month.

(4) In case the instructions under Para 2 or the term under Para 3 have not been complied with, the competent authority under Art. 120, Para 1 and 2 shall refuse to issue a complex permission.

(5) Within 14 days from conclusion of the checks under Para 1 or from the second filing of the application under Para 3 the competent authority under Art. 120, Para 1 and 2, jointly with the municipalities, shall announce and grant the interested parties equal access to the application for a month, including to the states affected by the operation of the installation in the conditions of transborder impact.

(6) Within 45 days from expiration of the term under Para 5 the competent authority under Art. 120, Para 1 and 2 shall draw up and coordinate with the relevant RIEW and/or basin directorate a project for complex permission and shall notify the operator under Art. 122, Para 1 in writing.

(7) Within one month from the notification under Para 6 the competent authority under Art. 120, Para 1 and 2 shall carry out the necessary consultations with the operator and, if necessary, shall update the project of the complex permission.

(8) Within 14 days from expiration of the term under Para 7 the competent authority under Art. 120, Para 1 and 2 shall issue the complex permission or shall make a reasoned refusal to issue it.

Art. 123. (1) The complex permission of art. 117 shall contain:

1. (amend. SG 77/05) the emission standards and their measures, in this number such for the extra-normal conditions of exploitation;

2. the obligatory measures for preservation of air, water and soil;
3. the requirements for monitoring;
4. the conditions for restriction of the cross-border pollution;
5. additional measures for achieving of the standards for quality of environment in effect,

(2) (amend. SG 77/05) The standards and the measures of para 1, item 1 for the installations and the facilities of art. 117, para 1 and 2 shall be based on the applying of the best available techniques without prescribing the use of defined technique or technology but accounting for the technical characteristics of the installation, its geographic location and the local characteristics of environment.

(3) The permission shall contain also the necessary conditions, which guarantee the compliance of the installation with the requirements of the law.

(4) (amend. - SG 105/08) In the cases, when the compliance of para 3 cannot be achieved, complex permission shall be refused.

(5) In the cases, when the respective standards for quality of environment require more strict conditions from these, achievable through the use of the best available techniques, in the complex permissions of art. 117, para 1 and 2 the competent body can require the application of additional measures of para 1, item 5, which do not refer to the effect of measures, eventually undertaken for achieving compliance with other standards for quality of environment.

(6) (new – SG 77/05) In the complex permit shall not be included norms for admissible emissions of greenhouse gases unless it is necessary to be guaranteed that the quality of the atmospheric air will not be breached.

Art. 124. (1) The complex permissions of art. 117 shall be termless.

(2) (amend. SG 77/05; amend. and suppl. - SG 105/08) The competent body shall reconsider periodically every eight years the permission and shall draw up a summary version of the permission as a result of the reconsideration, which shall include all changes of its terms during the period adopted in decisions of the competent body.

(3) Reconsidering of the permission shall be undertaken at any time when:

1. (amend. – SG 52/08) due to caused by the installation significant pollution of environment modification of the indicated in the permit emissions limitations are required, or including in the permit conditions new emissions limitations;

2. (amend. SG 77/05) the operator has planned changes in the work of the installation;

3. significant changes have occurred in the best available techniques, allowing significant reduction of the emissions in environment without imposing excessive expenses to the operator;

4. change has occurred in the requirements for exploitation safety of the installation, imposing the use of other techniques;

5. changes have occurred in the normative provisions about environment.

(4) (new – SG 77/05) At the reconsidering of the permit under para 2 and 3 the competent body shall assess the need of change of the conditions in the permit or its updating.

Art. 125. (1) (prev. text of Art. 125 - SG 105/08) The operator of the installation shall be obliged to:

1. inform the competent body about each planned change in the work of the installation;

2. fulfil the conditions in the complex permission at exploitation of the installation;

3. inform regularly the body, responsible for the imposing of the results of the monitoring and immediately inform it about all incidents or accidents with significant negative impact on environment;

4. ensure conditions for the representatives of the body, responsible for the imposing of all necessary checks of the installation, for taking of samples and the collecting of the necessary information about the fulfilment of their obligations under the law;

5. (amend. – SG 52/08) prepare and submit to the control body an annual report about the fulfilment of the activities, for which complex permission has been conceded, containing information, required for reporting in compliance with the Regulation (EC) No. 166/2006.

(2) (new - SG 105/08) Within one month from receiving the information under Para 1, Item 1 the competent body shall consider the availability if substantial changes and shall notify the operator of the need of issuing a new permission in compliance with the provision of Art. 117, Para 2.

(3) (new - SG 105/08) In case of changes of the operation of the installation under Art. 124, Para 3, Item 2, the competent body shall request from the operator, within the term under Para 2, information containing description of the changes and also evidence about the implementation of the best available practices.

(4) (new - SG 105/08) Within one month from providing the information under Para 3, the competent body shall reconsider the complex permission and shall decide on the need of updating it.

(5) (new - SG 105/08) Within one month from conclusion of the reconsideration under Para 4 the competent body shall update the complex permission, if necessary.

Art. 125a. (new- SG 52/08) Operators, carrying out activities under Attachment I of the Regulation (EC) No. 166/2006 beyond the scope of Attachment No. 4 to Art. 117, par. 1, shall draw up a report, containing information, required for reporting on the regulation.

Art. 126. (revoked - SG 105/08)

Art. 127. (1) (revoked, prev. text of Para 02, suppl. - SG 105/08) The decision for granting, refusal, modification or updating of a complex permission shall be announced through the mass media in 14 days term after the date of issuing it, in the same time sending it to the states affected by the operation of the installation in case of cross border transfer. In this term the applicant shall also be notified in writing.

(2) (amend. - SG 30/06, in force from 12.07.2006; prev. text of Para 03,

amend. - SG 105/08) The interested persons can appeal the decision by the order of the Administrative procedure code in 14 days term after its announcement of para 1.

Art. 128. (1) The control over the fulfilment of the conditions in the issued permission of art. 117 shall be implemented by the respective RIEW.

(2) The regional inspectorates for environment and waters shall be responsible for the periodical sending of information about the monitoring, provided in the complex permissions to the Executive agency for environment.

Art. 129. (amend. SG 77/05) The Minister of Environment and Waters shall keep public register with data about the results of the issuing, reconsidering, changing and updating of the complex permissions.

Art. 130. (1) The Executive agency for environment shall maintain public register about the results of the monitoring of the emissions, provided in the complex permissions.

(2) (revoked – SG 52/08)

Art. 131. Till the receiving of the complex permission shall be applied the requirements for issuing and receiving of permissions, licenses, expertise and assessments according to the legislation in effect.

Section III. Schemes for improvement of the results in preservation of environment (title amend. SG 77/05; amend. – SG 52/08)

Art. 131a. (new – SG 77/05) (1) Scheme for trade with quotas for emissions of greenhouse gases shall be created.

(2) The scheme for trade with quotas for emissions of greenhouse gases shall be opened for participation of Bulgarian individuals and corporate bodies as well as of individuals and corporate bodies of the member countries of the European Union and such from third countries in compliance with the international contracts and agreements to which the Republic of Bulgaria is a party.

Art. 131b. (new – SG 77/05) The distribution of quotas for emissions of greenhouse gases shall be implemented in compliance with the National plan for distribution of quotas for trade with emissions of greenhouse gases.

Art. 131c. (new – SG 77/05) (1) (amend. – SG 65/06, in force from 11.08.2006) The construction and the exploitation of new and the exploitation of operating installations for the categories industrial activities from appendix No 4, items 1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.3, 3.5, 6.1, item "a", 6.1, item "b" shall be permitted after the issuing of permit for emissions of greenhouse gases, according to a schedule,

set out in the Ordinance under Art. 131l, item 1.

(2) The construction and the exploitation of new and the exploitation of operating combustion installations with nominal heat power from 20 to 50 MW, except the installations for incineration of dangerous or household waste, shall be permitted after the issuing of permit for emissions of greenhouse gases according to the provisions of this chapter.

(3) At change of the operator the new operator – corporate body or individual, shall take the rights and the obligations according to the permit.

Art. 131d. (new – SG 77/05; amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall be the competent body for issuing and reconsidering of the permits of art. 131c, para 1 and 2.

Art. 131e. (new – SG 77/05) (1) For issuing of permit for emissions of greenhouse gases the operator of the installation shall submit application to the competent body.

(2) The application of para 1 shall include description of:

1. the installation and the different regimes of its exploitation including the used technology;
2. the raw materials and the auxiliary materials which use can lead to emissions of greenhouse gases;
3. the sources of emissions of greenhouse gases from the installation;
4. the planned measures for monitoring and reporting in compliance with the requirements of the ordinance of art. 131k, item 1.

(3) The application of para 1 shall include also not technical abstract of the description of para 2.

Art. 131f. (new – SG 77/05) (1) The permit for emissions of greenhouse gases shall contain:

1. name and address of the operator – individual, respectively name, headquarters and address of management of the operator – corporate body;
2. description of the installation, its basic parameters and of the emissions of greenhouse gases emitted from it;
3. the requirements for monitoring in which are indicated the methodology and the frequency of observation in compliance with the ordinance of art. 131k, item 1;
4. the requirements for reporting in compliance with the ordinance of art. 131k, item 2;
5. obligation for delivering of quotas equal to the total quantity of emissions from the installation for each calendar year, verified in compliance with the ordinance of art. 131k, item 2 within the framework of 4 months after finishing the respective calendar year.

(2) The competent body shall issue the permit of para 1 in 6 months term after the date of receiving the application of the operator under art. 131e.

(3) The competent body shall refuse to issue the permit of para 1 when:

1. the operator of the installation has submitted incomplete application of art. 131e and in 14 days term does not complete it according to the instructions of the competent body;

2. according to the content of the submitted application the operator cannot ensure the necessary monitoring and reporting.

Art. 131g. (new – SG 77/05) (1) The competent body shall reconsider the permit in case of change in the work of the installation.

(2) After the reconsidering of the permit the competent body shall confirm or change the permit.

Art. 131h. (new – SG 77/05) (1) The operators of installations having permit for emissions of greenhouse gases shall be obliged till April 30 to deliver to the competent body defined number of quotas equal to the total quantity of emissions emitted from this installation during the previous calendar year by presenting the verified report of art. 131i.

(2) Operator who has not fulfilled his obligation to deliver quotas under para 1 shall be obliged to deliver to the competent body the insufficient quantity of quotas during the following year.

(3) The quotas shall be valid for emissions emitted during the period of effect of the respective National plan for distribution.

(4) The quotas issued by the competent body to a member country of the European Union or third country according to contract or agreement to which the Republic of Bulgaria is a party shall be recognized as fulfillment of the obligation of the operator of para 1.

(5) (suppl. - SG 99/06, in force from 09.01.2007) Units reduced emissions and certified units reduced emissions issued according to the Framework convention of the United Nations on climate changes and the Kyoto Protocol shall be recognized as fulfillment of the obligations of the operator of para 1, except those generated as a result of:

1. (new - SG 99/06, in force from 09.01.2007) the functioning of nuclear facilities;

2. (new - SG 99/06, in force from 09.01.2007) activities regarding land usage, change in the land usage and forestry.

(6) In 4 months term from the beginning of each 5 year period the quotas which are not valid and are not delivered or revoked shall be revoked by the competent body of art. 131j.

(7) The competent body of art. 131j shall issue quotas to the operators of installations having permit for emissions of greenhouse gases, for the current period in exchange of all quotas possessed by them which have been revoked by the order of para 6.

(8) (in force before 31.12.2012) (new - SG 99/06, in force from 09.01.2007) Projects activities leading to generation of units reduced emissions and certified units reduced emissions shall be carried out under the following conditions:

1. in the cases of direct reduction or limitation of emissions resulting from project activities in installations under Art. 131c, Para 1 and 2, upon revocation of the

same number of quotas from the total quantity of quotas of the installation;

2. in the cases of indirect reduction or limitation of emissions resulting from project activities in installations under Art. 131c, Para 1 and 2, upon revocation of the same number of quotas from the National Register.

Art. 131i. (new – SG 77/05) (1) The operators of installations of art. 131c, para 1 and 2 shall be obliged to work out annual report on the emissions emitted from the installation during the previous year and present it to the competent body of art. 131j immediately after its verification.

(2) The reports shall be verified in compliance with the ordinance of art. 131k, item 2.

(3) Operator whose report is not verified till March 31 for the emissions during the previous calendar year cannot implement transfers of quotas till verification of his report.

(4) The operators shall be obliged to inform the competent body about any change in the work of the installation.

Art. 131j. (new – SG 77/05) (1) (suppl. - SG 99/06, in force from 09.01.2007; amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall maintain National register for accounting the issuing, possession, delivery, transfer and revoking of quotas for emissions of greenhouse gases in compliance with the requirements of Regulation (EC) No. 2216/2004 of the European Commission.

(2) The data from the register of para 1 shall be sent to the European independent register of the transactions of quotas.

(3) (new - SG 99/06, in force from 09.01.2007) The participants in the scheme referred to in Art. 131a shall pay a fee for being entered into the register referred to in Para 1 according to the Tariff referred to in Art. 72.

Art. 131k. (new – SG 77/05) The Council of Ministers shall issue ordinances for:

1. the order and the way for issuing and reconsidering of permits for emissions of greenhouse gases and implementing of monitoring by the operators of installations participating in the scheme of trade with quotas for emissions of greenhouse gases;

2. the conditions, the order and the way for working out the reports and for verifying of the reports of the operators of installations participating in the scheme of trade with quotas for emissions of greenhouse gases;

3. the order and the way of functioning of the National register for accounting the issuing, possessing, delivery, transfer and revoking of quotas for emissions of greenhouse gases.

Art. 131l. (new - SG 99/06, in force from 09.01.2007) (1) (in force before 31.12.2012) The Minister of Environment and Water shall approve activities on projects generating reduced emissions according to the Framework convention of the

United Nations on climate changes and the Kyoto Protocol and shall keep an account of the reduced greenhouse gas emissions generated by them in the National Register referred to in Art. 131j, Para 1.

(2) The Minister of Environment and Water shall issue instruction on approval of projects generating units reduced emissions and certified units reduced emissions in compliance with:

1. the decisions adopted according to the Framework convention of the United Nations on climate changes and the Kyoto Protocol;

2. the law of the European Union in the field of the climate change;

3. international criteria and instructions of installations for production of hydro-electric energy of capacity above 20 MW, especially those contained in the report of the World Commission on Dams "Dams and Development – A new framework for decision-making";

4. non-admission of negative ecological and social impact in the cases of activities on projects with installations for production of hydro-electric energy of capacity above 500 MW.

(3) The Minister of Environment and Water shall keep an account in the National Register referred to in Art. 131j, Para 1 of the reduced greenhouse gas emissions generated by approved project activities in compliance with Regulation (EC) No. 2216/2004.

Art. 132. (1) The organisations can undertake voluntary engagements with regard to preservation of environment at:

1. the implementation of their activity;

2. the development, the production, the offering and the use of products of their activity.

(2) (amend. – SG 52/08) The voluntary engagements under par. 1 shall be applied through:

1. the Community scheme for environmental management and auditing according to Regulation (EC) No. 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organizations in a Community eco-management and audit scheme (EMAS), herein after referred to as "Regulation (EC) No. 761/2001";

2. the community scheme for awarding eco-marking according to the Regulation (EC) No. 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme, herein after referred to as "Regulation (EC) No. 1980/2000".

(3) (revoked – SG 52/08).

Art. 133. (amend. – SG 52/08) (1) Each organization may apply for a registration according to Regulation (EC) No. 761/2001 under the following conditions:

1. filled in application in an approved form;

2. confirmed environmental report by an accredited inspection person under Art. 135, par. 1;

3. positive justification by the respective RIEW for conformity with the

requirements of the environmental legislative provisions;

4. paid registration fee.

(2) Within 75 days after the opening of the registration procedure the competent body shall issue a certificate of registration to the organization or rejects for good reasons the registration according to Art. 6 of Regulation (EC) No. 761/2001.

Art. 134. (amend. – SG 52/08) (1) The Minister of Environment and Waters or an individual authorized by him shall be the competent body, organizing and managing the entire activity under Regulation (EC) No. 761/2001.

(2) In fulfillment of the activities under par. 1 the competent body shall:

1. open a registration procedure for the organization;

2. carry out an assessment for conformity with the requirements for registration of the organization, having submitted an application for participation in the community eco-management and audit scheme;

3. register the organizations, issuing a registration certificate thereof or reject registration, providing reasons thereof;

4. maintain a register of the organizations, having got a registration;

5. carry out control for conformity with the requirements of the registered organizations;

6. terminate the registration and delete from the register an organization, which does not comply with the requirements for registration with justified decision;

7. develop and apply rules, procedures and directions, related to the activity under the scheme.

Art. 135. (amend. – SG 52/08) (1) The Executive agency "Bulgarian accreditation office" shall accredit the environment inspectors.

(2) The inspectors under par. 1 shall provide the documents according to Attachment V, item 5.3.2 of Regulation (EC) No. 761/2001 before the Executive agency "Bulgarian accreditation office", where they are accredited by a body in another European Union Member State.

(3) The Executive agency "Bulgarian accreditation office" shall keep a public register of the accredited environmental inspectors and shall update monthly the competent body on any occurring changes.

(4) The Executive agency "Bulgarian accreditation office" shall carry out supervision for assessment of the conformity of the inspectors with the requirements for accreditation.

Art. 136. (amend. – SG 52/08) The procedure of registration, control for conformity with the requirements for registration, the content of the register and provision of information to the community and to other interested parties under Regulation (EC) No. 761/2001 shall be determined by an ordinance of the Minister of Environment and Waters.

Art. 137. (1) (revoked – SG 52/08).

(2) (amend. – SG 52/08) An eco-marking sign under the Community eco-

label award scheme may obtain products by product groups , for which there are specific criteria, adopted by a decision of the European Commission, published in the “Official Journal” of the European Union.

Art. 138. (amend. – SG 52/08) (1) The Minister of Environment and Waters or an individual authorized by him shall be the competent body, organizing the entire activity related to setting up and functioning of the Community eco-label award scheme.

(2) In fulfillment of the activities under par. 1 the competent body shall:

1. open a procedure of awarding of the eco-label;
2. pronounce a decision for awarding of the eco-label;
3. conclude a contract with the person having acquired the right to use the eco-label in compliance with the Decision 2000/729/EU of the Commission of 10 November 2000 on a standard contract for the conditions of application of the Community eco-label;
4. maintain a data base of the products having an eco-label in compliance with the Community eco-label award scheme;
5. carry out control for the conformity of the product, being awarded an eco-label under the Community eco-label award scheme;
6. cease the right of application of an eco-label and delete from the data base those products, which do not meet the criteria for its awarding, by a justified decision;
7. set up an inter-organizational work group, where this is appropriate in view of the objectives of the activities of the Community eco-label award scheme;
8. develop and apply rules, procedures and directions, related to the activity of the Community for eco-label awarding.

Art. 139. (amend. – SG 52/08) (1) To open the procedure under Art. 138, par. 2, item 1 the applicant shall submit an application to the competent body.

(2) To the application of par. 1 shall be attached also all documents from the accomplished tests and checks of the product in compliance with the specific criteria, determined in the respective decision of the European commission.

(3) Within 45 days after the receipt of the documents under par. 1 and 2 the competent body shall pronounce a decision for awarding the eco-label under the provisions of Art. 7 of Regulation (EC) No. 1980/2000.

(4) In cases of identified errors and incompleteness in the documentation, the competent body shall require within 30 days supplementation of the information, whereas the time for provision of the additional information shall not be included into the term under par. 3.

(5) Within 30 days after entering of the decision of par. 3 into force, the competent body shall conclude the contract under Art. 138. par. 2, item 3.

Art. 140. (amend. – SG 31/07, in force from 13.04.2007; amend. – SG 52/08) Upon concluding of the contract referred to in Art. 138, par. 2, item 3 the applicant shall notify the competent body about all essential modifications of the product, having occurred after the date of conclusion of the contract, but not later than 30 days

prior to release of the modified product on the market.

Art. 141. (amend. – SG 52/08) For opening the procedure of Art. 136, par. 2, item 1 a fee shall be paid according to a tariff approved by the Council of Ministers.

Art. 142. (amend. – SG 52/08) The participation of the organisations in the Community eco-management and audit scheme and in the Community eco-label award scheme shall be optional.

Chapter eight. NATIONAL SYSTEM FOR MONITORING OF ENVIRONMENT

Art. 143. The National system for monitoring of environment shall comprise the territory of the whole country.

Art. 144. (1) The National system for monitoring of environment shall include:

1. the national networks for:

- a) monitoring of the atmospheric air;
- b) monitoring of the precipitation and the surface waters;
- c) monitoring of the underground waters;
- d) monitoring of the sea waters;
- e) monitoring of the geologic environment;
- f) (amend. – SG 89/07) monitoring of the soils;
- g) monitoring of the forests and the protected territories;
- h) (amend. SG 77/05) monitoring of the biological diversity;
- i) radiological monitoring;
- j) monitoring of the noise pollution in environment;
- k) monitoring of the non ionising radiation;
- l) monitoring of the waste deposits and the old pollution with waste;

2. control – information system for emissions in the air and the status of the waste waters;

3. the exploitation, the communication and information ensuring and the laboratory servicing of the networks of items 1 and 2.

(2) The National networks for monitoring of environment shall be designed and established in compliance with the national, the European and the international standards.

(3) For the information ensuring of the National system for monitoring of environment a national automated system for monitoring of environment shall be established.

(4) The national automated system for monitoring of environment shall be organised at national, basin and regional level.

(5) The measuring and the laboratory trials shall be implemented by accredited laboratories.

(6) The Minister of Environment and Waters shall approve with an order the networks of para 1, item 1.

Art. 145. The tasks of the National system for monitoring of environment shall be:

1. conducting of observations of the national networks for determining the status of the components of environment;
2. processing, analysis, visualisation and preservation of the information from the networks of item 1 and from the own monitoring;
3. ensuring of information for operational control;
4. prognoses of the status, assessment of the risk for the environment and development of proposals for its improvement;
5. information ensuring of the bodies of the executive power and of the public;
6. creating and maintaining of specialised maps and registers of the components of environment and of the factors, influencing them;
7. exchange of information about the status of environment with the European system for monitoring.

Art. 146. (1) (Amend. - SG 86/03, suppl SG 74/05; suppl. – SG 89/07) For conducting of own monitoring the persons, obliged under the Law of waters, the Law of the soils, the Law of the purity of atmospheric air, Law of the underground resources, Law of protection from noise in environment and the Law for waste management, shall develop a plan, complied with the conditions of the permission or in the decision about EIA.

(2) The plan for own monitoring shall be approved by the body, obliged the person of para 1.

(3) At the approval of the plan for own monitoring the body of para 2 shall determine the information, which the persons, carrying out own monitoring, are obliged to concede for including in the national automated system for ecological monitoring, as well as the order and the way for conceding it.

Art. 147. (1) (suppl. SG 74/05) The National system for monitoring of environment, except the national system for monitoring of noise in the urbanized territories, shall be organised and managed by the Minister of Environment and Waters.

(2) (suppl. SG 74/05) The creating, the functioning, the material – technical and the information – software ensuring of the national automated system for ecological monitoring, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(3) revoked – SG 77/05

(4) (suppl. SG 74/05) The methodical management of the monitoring activity, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(5) The assessments of the status of environment shall be implemented at

regional and at national level by RIEW and the Executive agency for environment.

(6) The data and the assessments about the status of environment shall be published in quarterly and annual bulletin about the status of environment.

(7) The data from the observations and the assessments, obtained as result of the activity of the National system for monitoring of environment as well as of own monitoring, shall be basis for implementing of control and for imposition of sanctions upon violation of the normative requirements.

Chapter nine. CONTROL

Section I. General conditions

Art. 148. (1) The Ministry of Environment and Waters shall implement control over the components of environment and the factors, which influence them.

(2) The control shall be preventive, current and follow-up.

(3) (amend. – SG 52/08) The control shall be implemented at national level by the Minister of Environment and Waters or by individuals, authorised by him, and at regional level – by the directors of RIEW, the directors of the basin directorates, the directors of the national parks, the regional governors and the mayors of the municipalities or officials, authorised by them.

Art. 149. (1) (suppl. SG 77/05) The individuals and the corporate bodies shall be obliged to ensure immediate access and to render co-operation to the bodies of art. 148, para 3 for all sites and territories for implementing check, for measuring or for taking samples from present or potential sources of pollution and/or damaging of environment.

(2) The access to sites and territories of the Ministry of Interior and of the Ministry of Defence shall be permitted by the respective chief of structural unit of the ministry.

(3) The bodies of the executive power and the administrations, subordinated to them, the organisations, the corporate bodies and the individuals shall be obliged to render co-operation to the bodies, implementing control over the fulfilment of their functions.

Art. 150. The individuals and the corporate bodies, who have and use cleaning facilities and facilities for treatment of waste, shall be obliged to ensure their functioning according to the provisions of the normative acts and the conditions in the permissions about EIA, in the permits and the other individual administrative acts, referring to them.

Art. 151. (amend. SG 77/05) (1) For the administrative breaches established during the control activity the control bodies shall compile acts for establishing the breaches.

(2) In the cases of para 1 the control bodies may issue written prescriptions and orders for imposing compulsory administrative measures.

Section II. Preventive control

Art. 152. (amend. SG 77/05) The preventive control for preservation of environment shall be implemented through the ecological assessment at the approval of plans and programmes, through EIA as condition in the development of the investment process, as well as through issuing of complex and other permissions, provided in the law.

Art. 153. (1) The preventive control shall have as objective not admitting of pollution and/or damaging of environment above the admissible measures before the implementing of the proposed and/or the planned activity.

(2) In implementation of their functions and with regard to the achieving of the objective of the preventive control the bodies of art. 148, para 3 shall compile warning records to the individuals, the management bodies of the corporate bodies and the sole traders, who are subject to control.

(3) In the records, compiled on the basis of para 2, shall be reflected the facts or the circumstances, who can lead to damaging and/or pollution of the environment, and obligatory recommendations for not admitting the reflected facts and/or circumstances shall be given.

(4) The recommendations from the record of para 3 shall be compulsory for the checked person.

Section III. Current and follow-up control

Art. 154. (1) The current control shall comprise:

1. the control over the quality of the components of the environment and the factors, which influence it;

2. the control over the fulfilment of the permissions, decisions on environmental impact assessment and the measures, provided in the programmes, issued by the Minister of Environment and Waters, the basin directorates, the directors of the national parks and the regional inspectorates for environment and waters.

(2) (suppl. SG 77/05) The current control shall be implemented through implementing of checks by documents and at the place, observations and measurements.

(3) (new – SG 77/05) When at check by documents or at the place is established lack of documents certifying the observing of the established requirements the checked person shall present them in 7 days term from the check.

(4) (prev. (3) – SG 77/05) The current control shall include access to:

1. the data from own monitoring of the site, implemented by the operator;

2. the information, connected with the production activities at the site;

3. the properties and the facilities, which are state, municipal and private

property.

Art. 155. (1) During the implementing of the current control officials, determined by the bodies of art. 148, para 3, shall compile fact finding records.

(2) In the records of para 1 shall be reflected the established facts and circumstances and obligatory recommendations shall be given with pointing out of terms and persons, responsible for their fulfilment.

Art. 156. The follow-up control shall be implemented through following of:

1. the results of the fulfilment of the measures, provided in the decisions about EIA and the permissions, as well as the fulfilment of the investment projects;
2. the fulfilment of the recommendations, given to the controlled persons during the implementation of the preventive and the follow-up control.

Art. 157. The compiling of acts for admitted administrative violations and the issuing of punitive decrees shall be part of the current and the follow-up control.

Art. 157a. (new – SG 77/05) (1) The Minister of Environment and Waters shall control the fulfilment of the obligations of the operator to whom permit has been issued under art. 104, para 1.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 82/06; amend. – SG 102/06; amend. – SG 52/08) The control of para 1 shall be implemented by joint checks by commissions defined with an order of the Minister of Environment and Waters, comprised by representatives of the territorial and the regional structures of the Ministry of Environment and Waters, the Ministry of Health, the Ministry of Emergency Situations, the National service " Fire safety and civil protection ", the State agency for metrological and technical supervision and authorized representatives of the regional governors and of the mayors of the municipalities.

(3) The commissions of para 2 shall control:

1. the fulfilment of the conditions in the permits of art. 104, para 1 and art. 116e, para 1;
2. the fulfilment of the obligations of the operator of art. 115, item 1, art. 116a, art. 116c, para 1, item 1 and para 2, item 1 and art. 116h, para 2.

(4) The joint checks shall be implemented:

1. on the basis of annual plan for control activity of the commissions;
2. upon appeals and signals.

(5) The joint checks shall be implemented at least once in the year for enterprises and/or facilities with high risk potential.

(6) With the order of para 2 the Minister of Environment and Waters shall determine the personal staff and the chairman of the commission as well as the sites and the scope of the check.

(7) The Minister of Environment and Waters shall authorize the chairman of the commission of para 2 to compile fact finding records for the implemented checks, to give obligatory prescriptions and to compile acts for established at the check administrative breaches.

(8) The Minister of Environment and Waters shall approve with an order the annual plan for control activity.

(9) The organization of the work of the commission of para 2 and the form of the annual plan of para 4, item 1 shall be determined with the ordinance of art. 104, para 6.

Art. 157b. (new – SG 77/05) (1) During the implementing of the joint check the chairman of the commission of art. 157a, para 2 shall compile fact finding record which shall be signed by all its members.

(2) In the record of para 1 shall be reflected the established facts and circumstances and obligatory prescriptions shall be given with terms and persons responsible for their fulfillment.

(3) The chairman of the commission of art. 157a, para 2 shall compile act for established breaches upon established breaches.

(4) The Minister of Environment and Waters shall issue punitive decree with which imposes to the operator the respective administrative penalty.

Art. 157c. (new – SG 77/05) (1) At implementing the check the members of the commission of art. 157a, para 2 shall have right to require the necessary data, information, references and explanations from the checked persons and from third persons connected with implementation of the controlled activity.

(2) The operator of the enterprise and/or the facility shall be obliged to ensure for the representatives of the control commission of art. 157a, para 2 the necessary cooperation for the fulfillment of all checks of the enterprise and/or the facility, taking of samples and collecting of the necessary information about fulfillment of their obligations under this law.

(3) The members of the commission of art. 157a, para 2 shall be obliged not to divulge the official, the production and the trade secret which has become known to them at or on occasion the implementing of the control activity.

Chapter ten. COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE-PUNITIVE RESPONSIBILITY

Art. 158. (amend. – SG 52/08) The Minister of Environment and Waters or individuals, authorised by him, the directors of RIEW, the directors of the national parks and the directors of the basin directorates shall apply compulsory administrative measures in the cases of:

1. accident situations, caused by actions or lack of actions of owners or users of sites and territories;
2. calamity situations;
3. occurrence of immediate danger for pollution or damaging of environment or for damaging of the health or the possessions of people;
4. prevention or termination of administrative violations, connected with the preservation of environment, as well as prevention and/or removal of the harmful

consequences of these violations.

Art. 159. (1) The compulsory administrative measures shall be preventive, terminating and restoring.

(2) (amend. – SG 52/08) At the application of the compulsory measures the Minister of Environment and Waters or individuals, empowered by him, the directors of RIEW, the directors of the national parks and the directors of the basin directorates shall, with the co-operation of the regional governor, stop with a motivated order the production activity of owners or users of territories, as well as the access to territories, as well as the access to territories of the owners and the users, including through stamping or sealing.

(3) The mark or the seal and the way of stamping or sealing of para 2 shall be approved with an order by the Minister of Environment and Waters.

Art. 160. (1) The application of compulsory administrative measures shall be implemented with a motivated order by the body of art. 158.

(2) In the order of para 1 shall be determined the kind of the compulsory administrative measure and the way of its application.

(3) In the order of para 1 shall be handed over to the interested person by the order of the Civil Procedure Code.

(4) (amend. - SG 30/06, in force from 12.07.2006) The order of para 1 can be appealed by the interested persons by the order of the Administrative procedure code.

(5) The appeal against the order shall not stop its effect.

Art. 161. (1) (suppl. SG 77/05; amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall appeal the acts of the administrative bodies, which contradict with the normative acts in the field of preservation of environment.

(2) The appealing of para 1 shall not stop the effect of the act, being appealed.

Art. 162. (1) For violations of this law, which do not constitute crimes, the individuals, the regional governors, the mayors of municipalities, the mayors of quarters, the mayors of mayoralties and the officials shall be punished with fines from 100 to 6000 levs, and to the corporate bodies and the sole traders shall be imposed proprietary sanctions from 1000 to 20 000 levs.

(2) At second violation the amount of the fine or the proprietary sanction shall be double of para 1.

(3) For obviously insignificant cases of violations, committed by individuals, the fine shall be 100 levs.

Art. 163. (1) (prev. art. 163 – SG 77/05) An independent expert in environmental impact assessment, who violates art. 83, para 3, shall be punished with fine from 1000 to 10 000 levs if he is not subject to heavier penalty.

(2) (new – SG 77/05; amend. – SG 52/08) Who uses the sign of the

Community eco-label award scheme for his products and for connected with him technical or advertising materials without having received right to this shall be punished with fine, respectively proprietary sanction in extent from 1000 to 5000 levs.

(3) (new – SG 77/05) At repeated breach the fine, respectively the proprietary sanction shall be in double extent.

Art. 164. (1) (prev. Art. 164, SG – 52/08) For no fulfilment of the requirements of art. 125 to the operator of the installation – corporate body or sole trader, shall be imposed proprietary sanction from 10 000 to 100 000 levs.

(2) (new – SG 52/08) For non-fulfillment of the requirements of art. 125a to the operator of the installation – corporate body or sole trader, shall be imposed proprietary sanction from 2 000 to 5 000 levs.

Art. 164a. (new – SG 77/05) For non fulfilment of the requirements of art. 131h, para 1 to the operator of the installation – corporate body or sole entrepreneur, shall be imposed proprietary sanction of 200 levs for each ton equivalent carbon dioxide for which the operator has not delivered quotas.

Art. 164b. (new – SG 52/08) For non fulfilment of the requirements of art. 56a, para 1 the natural person or a corporate body shall be fined or imposed a proprietary sanction in a double amount of the non-paid eco-fee for the motor vehicle.

Art. 165. (1) An official, who does not admit in the site or on the territory a control body, implementing check, measurement or taking sample, shall be punished with fine from 2000 to 20 000 levs.

(2) Proprietary sanction from 2000 to 20 000 levs shall be imposed to the corporate body or the sole trader in the cases, when its worker or employee commits violation of para 1, regardless of whether the control body can establish the identity of the worker or the employee.

Art. 166. With the penalties of art. 165 shall be punished the persons, who:

1. do not concede to the control bodies the existing data from own monitoring;

2. do not observe the conditions, provided in the permissions and in the decisions about EIA;

3. (amend. SG 77/05) do not fulfil the recommendations, given in the individual administrative acts and the fact finding records of art. 155, issued by the Minister of Environment and Waters, the directors of RIEW, the directors of the basin directorates, the directors of national parks or by officials, authorised by them.

Art. 166a. (new – SG 77/05) (1) Individual or corporate body who implements activity without permit of art. 104, para 1 or without decision for change of the permit of art. 116e, para 1, item 2 in the cases when such is required, if not subject to graver penalty shall be punished with fine, respectively proprietary sanction

from 30 000 to 100 000 levs.

(2) For not observing the conditions provided in the permit of art. 104, para 1 or in the decision under art. 116e, para 2 and also for non fulfillment of the obligations of art. 115, item 1 and art. 116h, para 2 the individual, if not subject to graver penalty, or the corporate body shall be punished with penalty, respectively proprietary sanction, from 10 000 to 20 000.

(3) For non fulfillment of the obligations under art. 116a, para 1 and 2 the individual, if not subject to graver penalty, or the corporate body shall be punished with fine, respectively proprietary sanction, from 5000 to 10 000 levs.

(4) For not observing the terms provided in art. 108, para 1, art. 116a, para 3 and 4, art. 116c, para 1, item 1 and para 2, item 1 the individual or the corporate body shall be punished with fine, respectively proprietary sanction, from 2000 to 5000 levs.

Art. 167. (suppl. SG 77/05) The acts, with which are established administrative violations under this law, shall be compiled by officials, determined by the Minister of Environment and Waters, respectively by the directors of RIEW, the directors of the basin directorates or the directors of the national parks.

Art. 168. (suppl. SG 77/05; amend. – SG 52/08) The punitive decrees under the law shall be compiled by the order of the Law of the administrative violations and penalties and shall be issued by the Minister of Environment and Waters or individuals, authorised by him, by the directors of RIEW, the directors of the basin directorates or the directors of the national parks.

Art. 169. (1) Acts for establishing of administrative violations under this law can compile also representatives of the public and of non government ecological organisations, determined by the Minister of Environment and Waters.

(2) (amend. – SG 52/08) The punitive decrees of para 1 shall be issued by the Minister of Environment and Waters or individuals, authorised by him.

Chapter eleven. CIVIL RESPONSIBILITY

Art. 170. (1) Who guiltily inflicts to other man damages from pollution or damaging of environment, shall be obliged to indemnify him.

(2) In the cases, when is damaged property – state ownership, authorised to present a claim of para 1 shall be:

1. the Minister of Environment and Waters – if the damages have occurred on the territory of more than one region;

2. the regional governor – if the damages have occurred on the territory of more than one municipality.

(3) In the cases, when is damaged property – municipal ownership, the mayor of the municipality shall be authorised to present the claim of para 1.

Art. 171. The damaged persons and the persons of art. 170, para 2 and 3, can

present claim against the violator for terminating the violation and for removal of the consequences from pollution.

Art. 172. The liquidation of the consequences, cause by cross-border pollution of environment, shall be implemented on the basis of international agreement, to which the Republic of Bulgaria is a party.

Additional provisions

§ 1. In the context of this law:

1. "Environment" is a complex of natural and anthropogenic factors and components, which are in status of mutual dependence and influence the ecological equilibrium and the quality of life, human health, the cultural and the historic heritage.

2. "Preservation of environment" is a complex of activities, which are directed to prevention of the degradation of environment, to its restoration, protection and improvement.

3. "Natural resources" are the parts of the organic and non organic nature, which are used or can be used by man for satisfying his needs.

4. "Renewable resources" are these, which restore themselves naturally or can be entirely or partially restored and about which is considered proven, that they are restored with rate, compatible with the rate of their exploitation. All other resources are not renewable.

5. "Pollution of environment" is the change of its qualities due to occurrence and introduction of physical, chemical or biologic factors from natural or anthropogenic source in the country or out of it, regardless whether the standards in effect in the country are exceeded.

6. "Damaging of environment" is such change of one or more of the components, comprising it, which leads to degradation of the quality of life of the people, to decrease of the biologic diversity or to impaired restoration of the natural ecosystems.

7. "Available primary information" is the information, representing the results of measurements, trials, observations and like, not accompanied by analyses, prognoses and explanations, collected within the framework of the obligations of the competent administration, without for this to be necessary request by an interested person.

8. "Available preliminary processed information" is the information, processed, summarised and analysed within the framework of the obligations of the competent administration, without for this to be necessary request by an interested person.

9. "Purposely processed information" is the information, collected or processed, summarised and analysed on request of an interested person.

10. "Collecting of information" are the actions of the competent administrations and of the obliged individuals and corporate bodies, with which are implemented the measurements, the fact findings and the observations of the factors, being primary information and with which is implemented the processing of the

information.

11. "Giving of information" is the act of giving of the information by the obliged person to the competent administration or to the competent body.

12. "Conceding of information" is the act, with which is implemented the access of the interested persons to the available information.

13. "Landscape" is territory, which specific image and elements have emerged as result of actions and interactions between natural and/or human factors.

14. "Soil" is the upper layer of the earth cover, as far as it is carrier of soil functions, including the liquid ingredients (soil solution) and the gas components (soil air), without the underground waters, the river beds and the bottoms of the water basins.

15. "Soil functions" are:

a) basis for life and living space for people, animals, plants and soil organisms;

b) component of the natural balance, especially with its turnover of waters and nutrient substances.

16. "Harmful changes of the soil" are damages of the soil functions, which cause significant damages and harms to the separate individual and for the community as a whole:

a) chemical pollution above utmost admissible quantities with heavy metals and metalloids, stable organic pollutants, pesticides and petrol products, in this number salination and harmful acidity;

b) pollution with fresh manure waste and concentrated mineral fertilisers, as well as with different kinds of waste;

c) physical degradation as water and wind erosion with its anthropogenic aspects, over-moisture and marshing, consequences of burning of stubble and plant remains.

17. (amend. SG 77/05) "Investment proposal" are:

a) the preliminary (pre-investment) investigations or the terms of reference for design in connection with request for admitting of investment designing of new construction, activity, technology or construction of installations or schemes;

b) other interference in the natural environment and landscape, including obtaining of natural resources.

18. "Impact" is each impact over environment, which may be caused by the realisation of the investment proposal for construction, activity or technology, including over health and safety of people, flora, fauna, soil, air, water, climate, landscape, historic monuments and other material valuables or the interaction between these factors.

19. "Cross-border impact" is any impact of not only global character in a region, being under the jurisdiction of certain state, caused by proposed activity, which physical source is located entirely or partially in a region under the jurisdiction of other state.

20. (amend. SG 77/05) "Assignor of investment proposal" is public body, individual or corporate body who by the order of special law, normative or administrative act has rights to initiate or to apply for approval of investment proposal.

21. (amend. SG 77/05) "Assignor of plan or programme" is the person or the

body, who is authorized to assign the working out of the plan or the programme.

22. "Plans and programmes" are plans, programmes, strategies and similar documents, as well as their amendments, which:

a) are required by law, normative or administrative provisions;

b) are subject to preparation and/or approval by a public body of the national, the regional or local level or which are prepared by certain body for approval through a procedure, approved by the Council of Ministers or the National Assembly.

23. "Interested states in cross-border context" are the state, source of impact on environment, and the other states, affected by this impact, parties to the Convention for environmental impact assessment in cross-border context.

24. "Public" is one or more individuals or corporate bodies and their associations, organisations and groups, created in compliance with the national legislation.

25. (suppl. SG 77/05) "Affected public" is the public of item 24, which is affected or with probability to be affected, or which has interest in the procedures for approval of plans, programmes, investment proposals and in taking decisions for the issuing or updating of permissions by the order of this law or the conditions in the permission, including the ecological non government organizations created in compliance with the national legislation.

26. "Zero alternative" is the possibility not to be implemented the activity, provided in the investment proposal.

27. "Non technical abstract" is a short presentation of the information in the report about EIA in a language, understandable for the public, in amount not less than 10 percent of the amount of the report, containing the necessary illustrative material (maps, photos, schemes).

28. (amend. SG 77/05) "Expansion" is additional construction, activity, technology or the construction of installations or schemes on the territory of a site in exploitation, in process of construction or coordination which may lead to significant negative impact over the environment.

29. (amend. SG 77/05) "Facility" is immovable technical unit within the enterprise, in which are used, produced or preserved dangerous substances and preparations. It includes the whole equipment: pipes, machines and devices, which service the facility and are necessary for its exploitation.

29a. (new – SG 77/05) "Preservation of dangerous substances" is storing or safe keeping of dangerous substances in the enterprise and/or the facility.

29b. (new – SG 77/05) "Dominoes effect" is increase of the risk or aggravation of the consequences of big accident in enterprise and/or facility or in group of enterprises and/or facilities, which is consequence of geographic closeness to other enterprise and/or facility or to group of enterprises and/or facilities or is consequence of the dangerous substances which are produced, used and/or preserved on the territory of the enterprise and/or the facility.

29c. (new – SG 77/05) "Sites with public designation" are:

a) crèches and kindergartens and specialized institutions for social services for children and pupils, schools and higher schools, students' hostels, schools – music, language, sport, and centers for work with children;

b) medical and health establishments, health rooms, services for labor

medicine;

- c) sport sites – stadiums and sport halls;
- d) theatres, cinema halls, concert halls;
- e) railway stations, airports, ports, bus stations;
- f) administrative and public buildings.

29d. (new – SG 77/05) "Necessary measures for prevention of big accidents" are the technical, the organizational and the managerial measures necessary for the safe exploitation of the enterprise and/or the facility.

30. "Decision on environmental impact assessment" is individual administrative act of the competent body of art. 94, with which is approved the admissibility for designing of investment proposal of item 17 through assessment of the location (plot, track) of sites and the expected impact on environment on the basis of report about EIA, accounting for the public opinion and the expressed statements of the affected public.

30a. (new – SG 77/05) "Discomfort" are the irritation and the inconveniences created by the factors of the environment, determined by investigations in this area.

31. "Enterprise" is the whole territory and the sites over it, which are under the control of an operator, in which there are dangerous chemical substances or preparations in one or more facilities, including common or connected infrastructures or activities.

32. "Substance" is each chemical element or compound except the substances, sources of ionising radiation in the context of § 1, item 15 of the Law of safe use of nuclear energy.

33. "Industrial pollution" is each direct or indirect introduction as result of human activity in the air, the waters or the soils of substances, vibrations, heat radiation or noises, which may render certain harmful impact on human health or environment, cause damaging of the material valuables, restrict or prevent the opportunities for use of the useful qualities of environment and the other lawful use of it.

34. "Installation" is:

a) each separate installation according to appendix No 4, including the separate technological facilities, which are in direct technical relation with it and can render influence over the pollution, the emissions and the waste, formed as result of the exploitation of the installation;

b) each technological facility, including one or more installation, according to appendix No 4;

c) other installation or facility, which operator has submitted application for issuing of complex permission for its exploitation in compliance with the provisions of chapter seven.

The installations and the facilities, designated for research, development or investigation activity, shall not be included in this definition.

35. "Operating installation" is each installation, which is entered into operation or has received positive decision about EIA in compliance with the legislation in effect before the date, when the law enters into force, under the condition, that the entering into operation is implemented not later than one calendar year after the date of the decision.

36. "Emission" is the direct emitting of substances, vibrations, heat radiation or noises in the atmospheric air, the waters or the soils from organised or not organised sources within one installation.

37. "Standard for admissible emissions" is determined value of mass of certain substance, expressed in the respective specific parameters as concentration and/or level of the emissions, which cannot be exceeded during one or more preliminary set periods. The standards for admissible emissions can be determined also for certain groups, classes or categories of substances.

38. "Standards for quality of environment" are the specific requirements, determined in the normative acts for environment, which should be met at certain moment in environment as standards for content of harmful substances in the atmospheric air, standards for quality of the waters in the water sites, standards for the quality of the other components of environment and standards for the admissible values of the factors, which pollute or damage the environment.

39. (amend. SG 77/05) "Complex permission" is an individual administrative act, conceding permission for exploitation of certain installation or certain part of it under determined conditions, which guarantee the compliance of the installation with the requirements of chapter seven. One permission can refer to one or more installations (or parts of different installations), which are located on one and the same plot, are exploited by one and the same operator and some of which may be not in the scope of appendix No 4.

40. "Change in the work of the installation" is each reconstruction with change of the nature of the production activity, the functioning or the expansion of the installation, which can render certain impact on the environment.

41. (amend. SG 77/05) "Significant change" is change in the work of an installation which by discretion of the respective competent body can have significant negative impact over human health or environment. Each change or increase of the capacity are considered significant if the change or the increase of the capacity themselves reach the threshold values defined in appendix No 4.

42. (amend. SG 77/05) "Best available techniques" is the most effective and the most advanced stage in the development of the activities and the methods for their realisation, showing the practical applicability of the respective techniques for ensuring in principle on the basis of the respective standards for admissible emissions and designed with objective prevention and in the cases, when this is practically impossible - for reduction of the emissions and their impact over environment in its entity:

a) "techniques" is the used technology and the way of designing, construction, maintenance, exploitation and liquidation of the installation;

b) "available techniques" are the techniques, develop in scale, allowing their application in the respective industrial sector at viable in economic and technical sense conditions and accounting for the expenses, connected with them and the advantages, regardless of whether they are used or produced in the respective member country under the condition, that they are accessible in reasonable extent for the operator;

c) "best techniques" are the most effective techniques for achieving of high degree of preservation of environment in its entity.

43. (amend. SG 77/05) "Operator" is individual or corporate body, who is

owner of given enterprise, facility and/or installation or implements control over its exploitation.

44. "Organisation" is a company, partnership, enterprise, body of the authorities or institution, part or combination of them with limited liability or with other statute in the public or the private law, which has its own function and administrative structure. In the organisations with more functional units each one of them can be determined as one organisation.

45. "System for management of environment" is the part of the general system for management, including the organisational structure, the activities for planing, the responsibilities, the practices, the procedures, the processes and the resources for development, introduction, achieving, review and maintenance of the policy for environment.

46. "Audit of the system for management of environment" is a systematic and documented process of checks for objective receiving and assessment of proofs in order to be determined whether the system for management of environment of given organisation complies with the criteria, defined by the organisation, for audit and notification of the management of the organisation about the results of this process.

47. "Sealing" is the restriction of the access of persons to properties and facilities by putting of lead seal by the control bodies.

48. "Stamping" is the restriction of the access of persons to properties and facilities by putting of wafer with a wet stamp, put on it y the control bodies.

49. "Damage of environment, occurred from past actions or lack of action" is an old pollution or terrains or constructions on industrial plots with dangerous substances and waste, caused by industrial, agricultural, commercial or transport activity, due to which is threatened human health or environment.

50. "Sustainable development" is development, which meets the needs of present, without restricting and damaging the ability and the opportunity of future generations to satisfy their own needs. The sustainable development united two basic strives of society:

a) achieving of economic development, ensuring increasing living standard;

b) preservation and improvement of environment now and in future.

51. "Accident" is sudden technological damage of machines, facilities and units, accompanied by stopping or serious impairing of the technological process, explosions, occurrence of fires, pollution of environment over the standards, distraction, casualties or threat for the life and the health of the population.

52. "Monitoring of environment" is the collecting, the assessment and the summarising of the information about environment through continuous or periodic observing of certain qualitative and quantitative indices, characterising the status and the components of environment and their change as result of the impact of natural and anthropogenic factors.

53. "National system for monitoring of environment" is a complex of measuring, analytical and information activities, which objective is to ensure timely and reliable information about the status of the components of environment and the factors, impacting on them, on the basis of which are made analyses, assessments and prognoses for rationale for the activities for preservation and protection of environment and human health from harmful impacts.

53a. (new – SG 77/05) "Essential change of enterprise and/or facility" are;

a) planned by the operator changes or modifications in the work of the enterprise including the stopping or the modification of operating or the construction of new facilities leading to new scenarios for big accidents and changes are necessary in the submitted documentation;

b) increase of the quantity of each one of the dangerous substances available in the enterprise with more than 5 percent, the introduction of new dangerous substances in quantities bigger than 10 percent of the threshold quantities pointed out in appendix No 3, table 1 and table 3;

c) changes in the normative requirements for exploitation safety of the enterprise imposing the use of other techniques;

d) changes in the normative provisions on environment.

54. (amend. SG 77/05) "Dangerous substance" is each substance, preparation or mixture, enumerated namely in appendix No 3, table 1, or which has been classified in at least one of the categories of danger, pointed out in table 3 of appendix No 3, and is raw material, product, by-product, sediment and intermediate product, including a substance, which is possible to occur as result of side reaction or at the occurrence of a big accident.

54a. (new – SG 77/05) "Big accident" is each accident in which are included dangerous substances from table 1 of appendix No 3 or dangerous substances classified in at least one of the categories of danger pointed out in table 3 of appendix No 3, and as result of which occur death or injuries of people in or out of the enterprise and/or the facility, damage or pollution of the components of environment or essential damages of the property and the engineering infrastructure in the region around the enterprise and/or the facility, in compliance with the criteria of appendix No 5.

54b. (new – SG 77/05) "Danger from big accident" is each action or event with the participation of dangerous substance from table 1 of appendix No 3 or dangerous substance classified in at least one of the categories pointed out in table 3 of appendix No 3 which can cause damages of human health and/or environment.

55. "Integration of the state policy for environment in the sector policies" means the complying and the including of the requirements for preservation of environment in the process of development, application and the control of the application of the sector policies, determined in art. 9.

56. "Good agricultural practice" is the agricultural practice, which is based on the principles of the sustainable development.

57. "Territories with special regime of protection" are territories, in which are introduced measures for preservation of rare species of flora and fauna and their habitats.

58. (new – SG 77/05) "Quota" is permission for emitting of one ton equivalent of carbon dioxide within defined period, which is valid only for the purposes of the scheme for trade with quotas for emissions of greenhouse gases.

59. (new – SG 77/05) are the six gases regulated by the Kyoto Protocol: carbon dioxide (CO₂), methane (CH₄), di-nitrogen oxide (N₂O), fluor-hydrocarbons (HFCs), perfluor-hydrocarbons (PFCs) and sulphur hexafluoride (SF₆).

60. (new – SG 77/05) "Ton equivalent of carbon dioxide" means one metric

ton of carbon dioxide (CO₂) or quantity of any other greenhouse gas with equivalent potential for global warming.

61. (new – SG 77/05) "Unit reduced emissions" is equal to one ton equivalent carbon dioxide, achieved as result of project "joint fulfillment" under art. 6 of the Kyoto Protocol.

62. (new – SG 77/05) "Certified unit reduced emissions" is equal to one ton equivalent carbon dioxide achieved as result of project "pure development" under art. 12 of the Kyoto Protocol.

63. (new – SG 77/05) "Verification" is process of independent check and confirmation of the reliability, the authenticity and the precision of the system for monitoring and of the reported data and information connected with emissions of greenhouse gases.

64. (new - SG 99/06, in force from 09.01.2007) "Project activity" means any activity according to a project in compliance with Art. 6 (joint performance) and Art. 12 (clean development mechanism) of the Kyoto Protocol.

§ 2. In the cases, when the law requires notification or announcing and when for this no explicit rules or the application of defined procedure, are provided, the notification, respectively the announcing, shall be implemented by the order of the Civil Procedure Code.

Transitional and concluding provisions

§ 3. The Law of preservation of environment (prom. SG 86/91, corr, SG 90/91, amend. SG100/92, SG 31, 63/95, SG 13, 85, 86/97, SG 62/98, SG 12, 67/99, SG 26, 27, 28/00, SG 1, 26/01) shall be repealed.

§ 4. The by-law normative acts for the implementation of the law shall be issued in six months term after it enters into force.

§ 5. The by-law normative acts, issued on the basis of the revoked Law of preservation of environment, shall be implemented till the issuing of new by-law normative acts, as far as they do not contradict with this law.

§ 6. Till the approval of normative acts for the activities under art. 144, para 1 shall be applied methods and instructions of the Minister of Environment and Waters.

§ 7. In six months term after the law enters into force the operators of the installations, which are within the scope of the activities of appendix No 4, shall be obliged to inform in writing about this the Ministry of Environment and Waters.

§ 8. (Amend. - SG 86/03; amend. - SG 105/05, in force from 01.01.2006) The fees, fines and sanctions, not paid in time under this law, the Law of waters, the Law

for waste management, the Law of the medical plants, the Law of the protected territories, the Law of purity of the atmospheric air shall be collected together with the interests of taxes, fees and other similar state receivables by the order of the Tax-insurance Procedure Code.

§ 9. (amend. – SG 52/08) (1) In case of privatisation, the responsibility for the damages, caused to environment, occurred due to past actions or lack of actions, shall be born by the respective privatized companies or owners of stand-alone parts and the rehabilitation of the environment shall be at their expense.

(2) The contracts for implementation of programs for repairing of the caused damages to the environment, having occurred as a result of past actions or omissions in case of privatization, having been concluded until 15 December 2007, shall be implemented following the current procedure in compliance with the approved implementation schedules.

§ 10. (1) In one year term after the law enters into force the mayors of the municipalities shall develop the programmes of art. 79, para 1.

(2) Art. 81, para 1, item 3 and para 3, art. 82, para 1 and 4 and section II of chapter six shall enter into force on July 1, 2004.

(3) Till the provisions, pointed out in para 2. EIA of the national, the district and the regional plans and programmes for development and their amendments shall be implemented by order, determined with an ordinance by the Minister of Environment and Waters.

§ 10a. (new – SG 77/05) The classification of operating enterprises and/or facilities for defusing of liquid wastes, tailings ponds or slag heaps, containing dangerous substances as well as the classification of operating enterprises and/or facilities at which activity is implemented prospecting, investigation, obtaining and processing of underground resources by chemical and/or thermal processing at which are used dangerous substances, shall be implemented till December 31, 2006.

§ 11. (1) The requirement for issuing of complex permission under chapter seven shall be applied for:

1. new installations and facilities and at change of the production activity – from January 1, 2003;
2. operating installations and facilities – from January 1, 2003 till October 30, 2007.

(2) (amend. SG 77/05) The final term for fulfilment of the conditions, established with the issued complex permits for operating installations, shall be October 31, 2007 except the cases when other special law in the field of environment or the Agreement for accession of the Republic of Bulgaria to the European Union provides other.

(3) (new – SG 77/05) For separate blocks of given big combustion installation upon request of the interested person the term of fulfilment of the conditions established with the issued complex permits may be extended till December 31, 2014

when this big combustion installation does not burn local lignite coal and with decision of the Minister of Economy and Energy or the official authorized by him it is obliged to compensate part or the whole production of the decommissioned nuclear facilities and when the observing of the term of para 2 would lead to insurmountable difficulties for fulfillment of its production obligations for maintaining the energy balance of the country.

§ 11a. (new – SG 77/05) Till the issuing of complex permit for their exploitation under chapter seven to the respective operating installations and facilities shall be applied the conditions established with the decisions for assessment of their impact over environment by the order of the revoked Law of preservation of environment (prom. SG 86/91; corr. SG 90/91; amend. SG 100/92, SG 31, 63/95, SG 13, 85, 86/97, SG 62/98, SG 12, 67/99, SG 26, 27, 28/00, SG 1, 26/01, revoked SG 91/02).

§ 12. (new - SG 99/06, in force from 09.01.2007) Art. 131h, Para 8 and Art. 131i, Para 1 shall apply before 31 December 2012.

§ 13. In the Law of protection from the harmful impact of the chemical substances, preparations and products (SG 10/00) the following changes shall be made:

1. Chapter four is repealed.
2. Art. 31 shall be repealed.

§ 14. In the Law for the purity of the atmospheric air (prom. SG 45/96, corr. SG 49/96, amend. SG 85/97, SG 27/00, SG 102/01) the following changes shall be made:

1. In art. 27:
 - a) I para 1 the words "the municipal bodies shall prepare and approve" shall be substituted by "the mayors of the municipalities shall develop and the municipal councils shall approve";
 - b) para 2 shall be changed to:

"(2) The programmes of para 1 shall be integral part of the municipal programmes for environment under art. 79 of the Law of preservation of environment."
2. In the title of chapter six the words "National fund for preservation of environment" shall be substituted by "the Enterprise for management of the activities for preservation of environment."
3. In art. 31, para 1, item 3 the words "National fund for preservation of environment" shall be substituted by "the Enterprise for management of the activities for preservation of environment."
4. In art. 32, para 1, item 3 the words "National fund for preservation of environment" shall be substituted by "the Enterprise for management of the activities for preservation of environment."
5. In art. 33, para 1 and 2 the words "National fund for preservation of

environment" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

6. In art. 44 the words "National fund for preservation of environment" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

7. Paragraph 4b shall be repealed.

§ 17. In the Law of the protected territories (prom. SG 133/98, amend SG 98/99, SG 28, 48, 78/00, SG 23/02) the following amendments shall be made:

1. In art. 74:

a) the words "the National fund for preservation of environment at the Ministry of Environment and Waters" shall be substituted by "the Enterprise for management of the activities for use of the environment";

b) para 4 shall be changed to:

"(4) The resources of para 1 shall be spent according to the rules for work of the Enterprise for management of the activities for protection of environment at the Ministry of Environment and Waters."

2. In para 86:

a) in para 2, item 1 the words "National fund for preservation of environment" shall be substituted by "Enterprise for management of the activities for preservation of environment";

b) in para 4 the words "National fund for preservation of environment" shall be substituted by "Enterprise for management of the activities for preservation of environment".

§ 16. In art 25, para 1 of the Law of medical plants (prom. SG 29/00, amend. SG 23/02) the following amendments shall be made:

1. In item 2 the words "National fund for preservation of environment" shall be substituted by "Enterprise for management of the activities for preservation of environment".

2. In item 3 the words "the respective municipal fund for preservation of environment" shall be substituted by "the budget of the respective municipality".

§ 17. In the Law of the waters (prom. SG 67/99, amend SG 81/00, SG 34, 41, 108/01, SG 47/02) the following amendments shall be made:

1. In art. 196:

a) the words "In special item of the National fund for preservation of environment shall be received" shall be substituted by "In the Enterprise for management of the activities for preservation of environment shall be received";

b) item 6 shall be revoked.

2. In item 197:

a) in para 1 the words "The resources for the item shall be spent for" shall be substituted by "The resources of art. 196 shall be spent for";

b) para 2 shall be changed to:

"(2) The resources of art. 196 shall be spent according to the rules for work of

the Enterprise for management of the activities for preservation of environment."

3. In art. 199, para 4 the words "National fund for preservation of environment" shall be substituted by "Enterprise for management of the activities for preservation of environment".

§ 18. (1) The provisions of art. 60 – 64, § 12, items 1 and 4 and § 14-17 shall enter into force from January 1, 2003.

(2) Till the provisions of para 1 enter into force the activity of the National fund for preservation of environment shall be implemented in compliance with the provisions of § 9 and the appendix No 7 of § 9 of the Law of the state budget of the Republic of Bulgaria for 2002.

The law was passed by the 39th National Assembly on July 23, 2002 and on September 19, 2002 and was stamped with the official seal of the National Assembly.

Transitional and concluding provisions TO THE LAW OF THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR THE YEAR 2006

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 95. The law shall enter in force from the 1st of January 2006.

Transitional and concluding provisions TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item

1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4, § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;
2. paragraph 120, which shall enter into force from the 1st of January 2007;
3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions TO THE LAW ON THE DRUGS IN HUMANITARIAN MEDICINE

(PROM. – SG 31/07, IN FORCE FROM 13.04.2007)

§ 37. The Law shall enter into force from the day of its promulgation in the State Gazette, with the exception of §22, which shall enter into force one year after entering of this Law into force.

Transitional and concluding provisions TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE ENVIRONMENTAL PROTECTION

(PROM. - SG 52/08)

§ 37. Everywhere in the law the words:

1. “The Minister of Environment and Waters or an official, authorized by him”, “Minister of Environment and Waters or officials, authorized by him” and “the Minister of Environment and Waters, bodies of par. 2 or officials, authorized by them” shall be replaced respectively with “the Minister of Environment and Waters or an individual, authorized by him”, “Minister of Environment and Waters or individuals, authorized by him” and “the Minister of Environment and Waters, bodies of par. 2 or individuals, authorized by them”.

2. “The Ministry of the State Policy for Disasters and Accidents”, “the Minister of the State Policy for Disasters and Accidents” and “the Minister of Agriculture and Food Supply” shall be replaced respectively with “The Ministry of Emergency Situations”, “the Minister of Emergency Situations” and “the Minister of Agriculture and Food”.

(amend. – SG 52/08)

Investment proposals	Criteria compete	
	RIEW	
1	2	
1. Refineries for crude petrol (except the production of only greasing materials from crude petrol) and installations for gas supply and liquefying of coal or bitumen schists more than 500 t per day		al
2. Heat electric stations and other burning installations with heat capacity 50 MW and more and: - nuclear power stations and other nuclear reactors, including dismounting and bringing out of exploitation of such power stations and reactors, except installations for production and processing of fission or enriched materials, which maximum power does not exceed 1 KW continuous heat charge	up to 300 MW	ov 30
3. a) Installations for processing of irradiated nuclear fuel b) Installations, designated for: - production or enrichment of nuclear fuel - processing of irradiated nuclear fuel or highly active waste; - burying of irradiated nuclear fuel; - only for ultimate burying of nuclear waste; - only for preservation, planned for not more than 10 years, of irradiated nuclear fuel or radioactive waste on a plot, different from this, on which they have been produced; - or radioactive waste on plots, different from the production ones		al al
4. Installations for production of cast iron and steel (primary or secondary melting), including continuous casting, with capacity over 2.5 t/h		al
5. Foundries for ferrous metals with production capacity over 20 t per day	all	
6. Installations for processing of ferrous metals: a) hot rolling mills with capacity over 20 t of unrefined steel per hour; b) smithies with hammers, which energy exceeds 50 KJ per hammer, where the used heat power exceeds 20 MW; c) protection covers of smelt metals with consumption over 2 t of unrefined steel per hour		al
7. Installations for: a) production of non processed metals, different from those, listed in items 4, 5 and 6 from ores, dressed products or waste metals with metallurgic, chemical and electrolytic processes; b) melting, including alloying of metals, different from those, listed in items 4, 5 and 6 (refining, casting in foundries etc.),		al

with smelting capacity over 4 tones per day for lead and cadmium and 20 tones per day for all other metals		
8. Installations for surface processing of metals and plastics by electrolytic or chemical processes, where the volume of the vessels for processing is over 30 m ³		al
9. Installations for obtaining and processing of asbestos and production of products, containing asbestos: a) for asbestos – cement products with annual production over 20 000 t final produce; b) for friction materials with annual production more than 50 t end production or for other production of asbestos over 200 t annually		al
10. Integrated chemical installations for production in industrial scale of chemical substances, using processes of chemical transformation, where the separate installations are functionally connected and which are: a) for production of basic organic chemical substances; b) for production of basic inorganic chemical substances; c) for production of phosphorous, nitrogen and potassium fertilisers (simple and combined fertilisers); d) for production of basic substances for plant protection and biocides; e) for production of basic pharmaceutical products using chemical and biologic processes; f) for production of explosives		al
11. Industrial enterprises: a) for production of cellulose from timber or similar fibre materials; b) for production of paper and cardboard with production capacity over 20 t per day		al
12. Installations for production of cement clinker in rotation furnaces with production capacity over 500 t per day and for limestone in rotation furnaces with capacity over 50 t per day or in other furnaces with production capacity over 50 t per day		al
13. Installations for production of glass, including glass fibres, with melting capacity over 20 t/day	all	
14. Installations for melting of mineral substances, including production of mineral fibres, with melting capacity over 20 t/day	all	
15. Installations for production of ceramic products by baking, more specific roof tiles, bricks, fireproof bricks, slabs, stone or porcelain Art.s, with production capacity over 75 t/day and/or with capacity of the furnace for baking over 4 m ³ and with density of arranging for one furnace over 300 kg/ m ³	all	

16. Installations for preliminary processing (activities as: washing, bleaching, mercerisation) or dyeing of fibres and/or textile with capacity over 10 t/day	all	
17. Installations for tannage of not processed and raw leathers with capacity over 12 t/day ready production	all	
18. Installations for surface treatment of substances, subjects or products, using organic solvents, more specific for aperture, stamping, grounding, cleaning from oils, rendering impermeability, dyeing, cleaning with impregnation, with consumption of organic solvents over 150 kg per hour or over 200 t/year		al
19. a) Slaughterhouses with production capacity over 50 t carcass meat per day	all	
b) Processing of raw materials for production of foodstuffs:	all	
- animal raw materials (without milk) with production capacity over 75 t ready produce per day		
- vegetable raw materials with production capacity over 300 t ready produce per day (quarterly average)		
c) Processing of milk with quantity of received milk over 200 t/day (annual average)	all	
20. Installations for defusing or utilisation of animal carcasses and animal waste with capacity over 10 t/day	all	
21. Farms for intensive breeding of domestic birds and pigs with more than:	all	
a) 40 000 places for breeding of broilers, 40 000 places for breeding of layer hens;		
b) 2000 places for breeding of pigs for meat (over 30 kg);		
c) 750 places for sows		
22. a) Construction of railways for high speed and of aerodromes with length of the basic runway 2100 m and more		al
b) Construction of new motorways, high speed town highways, roads I, II and III class, local roads, open for public use, and reconstruction of their sections, longer than 10 km		al
23. a) Ports for public transport, which allow reception of vessels with tonnage more than 1350 gross tonnage weight		al
b) Loading and unloading piers, connected with the mainland, except metal piers, which can receive vessels with tonnage over 1350 gross weight tonnage		al
24. Installations for defusing of dangerous waste by burning or chemical treatment or deposits of dangerous waste in the context of § 1, item 4 of the additional provisions of the Law of restriction of the harmful impact of waste on environment		al
25. Installations for defusing of not dangerous waste by		al

burning or chemical treatment with capacity over 100 t per 24 hours		
26. Facilities for treatment of household waste	all	
27. Obtaining of underground waters or artificial turnover of the underground waters with annual volume of the obtained water – 10 million cubic m or more		al
28. Activities for transfer of water resources between river basins for satisfying of the deficit of water, when the volume of the transferred water is more than 100 million cubic m annually		al
29. In all other cases activities for transfer of water masses between river basins, where the average annual (averaged for many years) outflow from the basin, from which water is transferred, is over 2000 million cubic m annually In both cases the transfer of water for drinking needs along pipes is excluded		al
30. Water treatment stations for waste waters with capacity over 150 000 equivalent residents		al
31. Obtaining of petrol or natural gas for commercial purposes with quantity over 500 t per day or over 500 000 m ³ natural gas per day		al
32. Dams or other facilities, designated for keeping or preservation of water, where the new or the additional quantity of water, which is kept or preserved, is over 10 million cubic m		al
33. Pipelines for transportation of gas, petrol or chemical substances with diameter more than 800 mm and length more than 40 km		al
34. Facilities for preservation of 200 000 t of petrol or more, petrol products or chemical products		al
35. Construction of over-ground power lines with voltage 220 kV and more and with length over 15 km	all	
36. Quarries and mines for open obtaining of raw materials with area over 25 ha or obtaining of turf with area over 150 ha Extracting of filling materials from: - rivers over 5000 m ³ annually - water basins over 10 000 m ³ annually	up to 30 000 m ³ annually up to 100 000 m ³ annually	ov 30 m ar ov 10 m ar

- seas		al
37. Tourism and recreation:		
a) holiday villages, hotel complexes in rural territories with total used area over 1 ha and facilities for them	up to 10 ha	ov 10
b)ski-tracks, ski rope line, cable cars with total length over 1000 m and the facilities for them		al
c) sport, recreation or entertainment complexes in rural territories with total area over 2 ha	up to 10 ha	ov 10

Note: As dismantling or closing of nuclear power plants and other nuclear reactors shall be assumed the ultimate removal of the radioactive fuel and other radioactive elements.

1. Agriculture, forestry and water economy:

- a) consolidation of agricultural land;
- b) use of not arable land or semi-uncultivated land for intensive agriculture purposes;
- c) amelioration activities in agriculture, including drip irrigation and drying of land;
- d) primary afforestation and felling with objective change of the designation of the land;
- e) intensive animal breeding (investment proposals, not included in appendix No 1);
- f) intensive breeding of fish;
- g) drying of land from the sea;
- h) corrections of rivers.

2. Mining:

- a) quarries, open mine pits and obtaining of turf (not included in appendix No 1);
- b) underground mines;
- c) extraction of filling materials from rivers or seas (not included in appendix No 1);
- d) deep boreholes:
 - geothermal;
 - for preservation of nuclear waste;
 - for water supply,
except these for investigation of the stability of the geologic base;
- e)obtaining of coal, petrol, natural gas, ores and bitumen schists.

3. Power generation:

- a) industrial installations for production of electric energy, steam and hot water (not included in appendix No 1);
- b) industrial facilities for transfer of gas, steam and hot water, transfer of electric energy with over-ground cables (not included in appendix No 1);
- c) facilities for over-ground preservation of natural gas;

- d) facilities for underground storage of combustion gases;
 - e) facilities for over-ground storage of fuels;
 - f) industrial coal bricks production;
 - g) installations for processing and preservation of nuclear waste (not included in appendix No 1);
 - h) hydro-power stations;
 - i) facilities for production of electric energy with the power of wind.
4. Production and processing of metals:
- a) installations for production of cast iron and steel (primary and secondary smelting), including continuous casting (not included in appendix No 1):
 - hot rolling;
 - smith pressing;
 - protection covers of smelt metal;
 - c) foundries for ferrous metals (not included in appendix No 1);
 - d) installations for melting of non ferrous metals, including production of alloys (except precious metals), drawing, formation and rolling of Art.s from non ferrous metals and alloys (not included in appendix No 1);
 - e) installations for surface processing of metals and plastics with electrolytic or chemical processes (not included in appendix No 1);
 - f) production and mounting of motor vehicles and production of automobile engines;
 - g) ship building plants;
 - h) production and repair of aircraft;
 - i) production of railway facilities;
 - j) ground works, made with explosives;
 - k) installations for roasting and agglomeration of ores.
5. Mineral industry:
- a) coke furnaces (dry distillation of coal);
 - b) installations for production of cement (not included in appendix No 1);
 - c) installations for production of asbestos and asbestos articles (not included in appendix No 1);
 - d) installations for production of glass and glass fibres (not included in appendix No 1);
 - e) installations for melting of mineral substances, including production of mineral fibres (not included in appendix No 1);
 - f) installations for production of ceramic products with roasting, in this number tiles, bricks, fire-proof bricks, slabs, ceramic and porcelain vessels (not included in appendix No 1).
6. Installations in the chemical industry (not included in appendix No 1):
- a) installations for production of chemicals and intermediate products;
 - b) installations for production of pesticides and pharmacological products, dyes and varnishes, elastomers and peroxides;
 - c) facilities for storage of petrol, petrol products and chemical substances.
7. Enterprises in the food industry (not included in appendix No 1):
- a) production of plant and animal oils and fats;
 - b) canning of plant and animal products;

- c) production of dairy products;
 - d) production of beer and malt;
 - e) production of sugar products and syrups;
 - f) slaughterhouses;
 - g) industrial production of starch;
 - h) production of fish flour and oil;
 - i) production of sugar.
8. Textile, leather, timber processing and paper industry:
- a) industrial installations for production of paper and cardboard (not included in appendix No 1);
 - b) installations for primary processing (operations as washing, bleaching, mercerisation etc.) or dyeing of fibres or textile (not included in appendix No 1);
 - c) processing (tannage) of leather (not included in appendix No 1);
 - d) installations for production and processing of cellulose.
9. Rubber industry. Production and processing of products on the basis of elastomers.
10. Infrastructure investment proposals:
- a) industrial zones;
 - b) public construction, including construction of commercial centres and parking places;
 - c) construction of railway lines and facilities for combined transport and mixed terminals (not included in appendix No 1);
 - d) construction of airports (not included in appendix No 1);
 - e) construction of roads (not included in appendix No 1): (not included in appendix No 1);
 - f) construction of ports, port facilities and canals, including fish ports (not included in appendix No 1);
 - g) construction of internal water ways, construction of canals and emergency facilities against floods;
 - h) dams and other facilities for collecting and preservation of water for long time (not included in appendix No 1);
 - i) tram lines, underground and over-ground trains, rope-lines for transport of passengers exclusively or mainly;
 - j) petrol and gas pipelines (not included in appendix No 1);
 - k) aqueducts;
 - l) coastal activity for fight with erosion and coastal facilities, leading to change of the coastline as construction of dikes, wave-breaks and other protective facilities, except repair and reconstruction of these facilities;
 - m) obtaining of underground waters and artificial turnover of underground waters (not included in appendix No 1);
 - n) designs for transfer of water resources between river basins (not included in appendix No 1).
11. Other investment proposals:
- a) racing tracks and tracks for trial of motor vehicles;
 - b) installations for depositing of waste (not included in appendix No 1);
 - c) treatment stations for waste water (not included in appendix No 1);

- d) deposits for precipitates from water treatment stations;
 - e) preservation of iron scrap, including scrap from motor vehicles;
 - f) facilities for trial of engines, turbines or reactors;
 - g) production of artificial mineral fibres (not included in appendix No 1);
 - h) facilities for defusing or destroying of explosives;
 - i) installations for defusing or utilisation of animal carcasses and animal waste (not included in appendix No 1);
 - j) workshops for packing of products for plant protection;
 - k) storehouses for preservation of products for plant protection.
12. Tourism and recreation:
- a) ski-tracks, ski draglifts, rope-lines and facilities with them (not included in appendix No 1);
 - b) sea facilities;
 - c) holiday villages, hotel complexes in urban territories and accompanying activities (not included in appendix No 1);
 - d) permanent camping places and places for parking of caravans;
 - e) parks with special designation.

Dangerous substances	Utmost quantity (tonnes)	
Ammonium nitrate	350	2500
Ammonium nitrate	1250	5000
Arsenium (V) oxide, arsenic acid and/or their salts	1	2
Arsenium (III) oxide, arsenius acid and/or their salts		0.1
Bromine	20	100
Chlorine	10	25
Nickel compounds as dust, easy to breathe in (Nickel monoxide, dioxide, sulphide, three-Nickel disulphide, two-Nickel trioxide)		1
Ethileneamine	10	20
Fluorine	10	20
Formaldehyde (concentration 90%)	5	50
Hydrogen	5	50
Hydrogen chloride (liquefied gas)	25	250
Liquefied, exclusively easy inflammable gases (including liquefied petrol gas) and natural gas	50	200
Acetylene	5	50
Ethylene oxide	5	50
Propylene oxide	5	50
Methanol	500	5000
4,4- methylene bi (2-chlorine aniline) and/or salts in dust form		0.01
Methylisocyanate		0.15
Oxygen	200	2000

Toluenediisocyanate	10	100
Dichloranhydride of carbon acid (phosgene)	0.3	0.75
Arsenium hydride (arsine)	0.2	1
Phosphorus hydride (phosphine)	0.02	1
Sulphur dichloride	1	1
Sulphur trioxide	15	75
Polychlordibenzofurans and polychlordibenzodioxins (incl. THDD), re-calculated in THDD equivalent		0.001
The following cancirogenic substances:		
4-aminibiphenyl and/or its salts,		
benzidine and/or its salts, bis(chlorine - methyl) ether,		
chlormethylmethyl ether, dimethylcarbamoilchloride,		
dimethylitrosamine, hexamethylphosphoroustriamid, 2-		
naphtilamine and/or its salts 1,3-propansulton 4-nitrodiphenyl	0.001	0.001
Automobile benzene or other petrol ethers	5000	50000

1. Ammonium nitrate (350/2500)

Refers to the ammonium nitrate and its compounds, in which the content of nitrogen is result of ammonium nitrate and bigger than 28 weight percent (compounds, different from these, pointed out in item 2) and of solutions of water ammonium nitrate, in which the concentration of ammonia is bigger than 90 weight percent.

2. Ammonium nitrate (1250/5000)

Refers to the usual fertilisers on the basis of ammonium nitrate and combined fertilisers, in which the nitrogen is over 28 weight percent (the combined fertilisers contain ammonium nitrate with phosphate and/or potash).

3. Polychlordibenzofurans (HDF) and polychlordibenzodioxins (HDD). The quantities of polychlordibenzofurans and polychlordibenzodioxins is calculated through multiplying the defined quantity, given in table 1, by the coefficients, given in table 2.

Kind HDD	Coef- ficient	Kind of HDF	Coef- ficient
2,3,7,8-THDD	1	2,3,7,8-THDF	0.1
1,2,3,7,8-PHDD	0.5	2,3,4,7,8-PHDF	0.5
1,2,3,4,7,8-HsHDD	0.1	1,2,3,7,8-PHDF	0.05
1,2,3,6,7,8-HsHDD		1,2,3,4,7,8-HsHDF	0.1
1,2,3,7,8,9-HsHDD		1,2,3,7,8,9-HsHDF	
q,2,3,4,6,7,8-HpHDD	0.01	1,2,3,6,7,8-HsHDF	
OHDD	0.001	2,3,4,6,7,8-HsHDF	
		1,2,3,4,6,7,8-HpHDF	0.01
		1,2,3,4,7,8,9-HpHDF	
		OHDF	0.001

(T – tetra, P – penta, Hs – hexa, Hp – hepta, O – octa)

Categories of dangerous substances	Utmost quantity (tonnes)	
1. Strongly toxic	5	20
2. Toxic	50	200
3. Oxidising	50	200
4. Explosives (R2)	50	200
5. Explosives (R3)	10	50
6. Inflammable	5000	50000
7a. Strongly inflammable	50	200
7b. Strongly inflammable	5000	50000
8. Exclusively inflammable	10	50
9. Dangerous for the environment, connected with the following risk qualities:		
(I) R 50 "strogly toxic for water organisms"	200	500
(II) R 51 "toxic for water organisms" and R53 "can cause durable negative changes in water environment"		
10. All other substances, connected with the following risk qualities:		
(I) R 14 "reacts vigorously with water" (incl. R 14/15)	100	500
(II) R 29 "at contact with water emits toxic gases"	50	200

(amend. – SG 52/08)

Categories of industrial activities

The threshold values, pointed out in principle refer to the production capacities or to the volumes of production. When given operator implements several activities, which are in and the same subtitle in one and the same installation or on one and the same plot, the capacities pf such activities shall be summed.

1. Power generation
 - 1.1. Burning installations with nominal heat power, exceeding 50 MW (1).
 - 1.2. Refineries for mineral oils and gases.
 - 1.3. Coke furnaces.
 - 1.4. Plants for gasification and liquefying of coal.

2. Production and processing of metals

2.1. Installations for roasting and agglomeration of metal ores (including sulphur containing ores).

2.2. Installations for production of cast iron and steel (primary and secondary melting), including continuous casting, with capacity over 2.5 t per hour.

2.3. Installations for processing of ferrous metals:

a) mills for hot rolling with capacity over 20 t unrefined steel per hour;

b) smith workshops with presses, which energy exceeds 50 kJ per press, where the used heat power exceeds 20 MW;

c) protective covers from molten metal with consumption over 2 t unrefined steel per hour.

2.4. Foundries for ferrous metals with production capacity over 20 t per day.

2.5. Installations:

a) (amend. – SG 52/08) for production of non-processed metals, different from those, listed in items 2.2, 2.3 and 2.4, from ores, enriched products or waste from metals through metallurgic, chemical and electrolytic processes;

b) (amend. – SG 52/08) for melting, including alloying of metals, different from those, listed in items 2.2, 2.3 and 2.4 (refining, casting in foundries etc.), with melting capacity over 4 tones per day for lead and cadmium and 20 tones per day – for all other metals.

2.6. Installations for surface processing of metals and plastics through electrolytic or chemical processes, where the volume of the vessels for processing is over 30 m³.

3. Production of products from non ore mineral raw materials:

3.1. Installations for production of cement clinker in rotation furnaces with production capacity over 500 t/day and for limestone in rotation furnaces with production capacity over 50 t/day or in other furnaces with production capacity over 50 t/day.

3.2. Installations for production of asbestos and products on asbestos base.

3.3. Installations for production of glass, including glass fibres, with melting capacity over 20 t/day.

3.4. Installations for melting of mineral substances, including production of mineral fibres, with melting capacity over 20 t/day.

3.5. Installations for production of ceramic products by roasting, more concrete roof tiles, bricks, fire-proof bricks, slabs, stone or porcelain products, with production capacity over 75 t/day and/or with capacity of the furnace over 4 m³ and with density of arrangement for one furnace over 300 kg/m³.

4. Chemical industry

Production in the sense of the categories of activities, contained in the present section, means production in industrial scale by chemical processing of substances or groups of substances of the list in sections 4.1 – 4.6.

4.1. Chemical installations for production of organic chemical substances as:

a) hydrocarbons (non cyclic and cyclic; saturated and unsaturated; aliphatic and aromatic);

b) oxygen-containing hydrocarbons as alcohols, aldehydes, ketones, carboxyl

acids, ethers, peroxides, epoxy-clays;

- c) sulphur-containing hydrocarbons;
- d) nitrogen-containing hydrocarbons as amines, amides, compounds of three – valent nitrogen, nitrates, nitrites, nitriles, cyanates, iso-cyanates;
- e) phosphorus-containing hydrocarbons;
- f) halogen-containing hydrocarbons;
- g) organic-metal compounds;
- h) plastics, polymer synthetic fibres and fibres on cellulose base;
- i) synthetic rubber;
- j) dyes and pigments;
- k) surface-active means and surface-active substances.

4.2. Chemical installations for production of basic inorganic chemical substances as:

- a) gases: ammonia, chlorine, hydrogen chloride, fluorine, hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, carbonyl chloride;
- b) acids: chromium acid, hydrogen fluoride acid, phosphorus acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
- c) bases – nitrogen hydroxide, potassium hydroxide, sodium hydroxide;
- d) salts: nitrogen chloride, potassium chloride, sodium carbonate, perborates, silver nitrate;
- e) non-metals, metal oxides and other inorganic compounds as: calcium carbide, silicon, silicon carbide.

4.3. Chemical installations for production of phosphorous, nitrogen and potassium fertilisers (simple or mixed fertilisers).

4.4. Chemical installations for production of biocides and other products for plant protection.

4.5. Installations, using chemical and/or biological processes for production of pharmaceutical products.

4.6. Chemical installations for production of explosives.

5. Waste management

5.1. Installations for defusing or processing of dangerous waste in the sense of § 1, item 4 of the additional provisions of the Law of restriction of the harmful impact of waste on environment, including for regeneration, processing or defusing of worked out oils, with capacity over 10 t waste per 24 hours and implementing one or more of the following activities:

- 5.1.1. each of the activities for defusing of waste;
- 5.1.2. one or more of the following activities for processing of dangerous waste:
 - a) (amend. – SG 52/08) recycling or regeneration of other non-organic materials;
 - b) regeneration of bases and acids;
 - c) (amend. – SG 52/08) catalytic reduction of components;
 - d) second refining or other second use of oils and petrol products;
 - e) using as fuel or other methods for obtaining of energy.

5.2. Installations for burning of household waste in the sense of § 1, item 2 of

the additional provisions of the Law of restriction of the harmful impact of waste on environment with capacity over 3 t/h.

5.3. Installations for defusing of not dangerous waste, including production and household, with capacity over 50 t/24 hours, implementing the activities:

5.3.1. biological treatment, as result of which are formed final compounds or mixtures, which are subject to defusing;

5.3.2. physical – chemical treatment (ex. evaporation, drying, calcination etc.), as result of which are formed final compounds or mixtures, which are subject to defusing.

5.4. Depots, receiving over 10 t waste per 24 hours or with total capacity over 25 000 t, except the depots for filling materials.

6. Other activities:

6.1. Industrial installations for production of:

a) cellulose from timber or other fibre materials;

b) paper and cardboard with production capacity over 20t/day.

6.2. Installations for preliminary processing (activities as washing, bleaching, mercerisation) or dyeing of fibres and/or textile with capacity over 10 t/day.

6.3. Installations for tanning of unprocessed and raw leathers with capacity over 12 t ready production per day.

6.4. a) Slaughterhouses with production capacity over 50 t carcass meat per day;

6.4. b) Processing of raw materials for production of food products:

- animal raw materials (without milk) with production capacity over 75 t ready production per day;

- vegetable raw materials with production capacity over 300 t ready production per day (quarterly average value);

6.4. c) Processing of milk with quantity of received milk over 200 t/day (annual average value).

6.5. Installation for defusing or utilisation of animal carcasses and animal waste with capacity over 10 t/day.

6.6. Installations for intensive breeding of birds or pigs with more than:

a) 40 000 places for birds;

b) 2000 places for pigs for fattening (over 30 kg), or

c) 750 places for sows.

6.7. Installations for surface treatment of substances, objects or products by using organic solvents, more specific aperture, stamping, grounding, cleaning from oils, rendering impermeability, dimensioning, dyeing, cleaning or impregnation, with consumption of organic solvents over 150 kg/h or over 200 t per year.

6.8. Installations for production of carbon or electric graphite by burning or graphitisation.

Transitional and concluding provisions TO THE LAW ON AMENDMENT OF THE OF LAW OF THE FISHERY AND AQUACULTURES

(AMEND. – SG 36/08)

§ 76. In the Law for Preservation of the Agricultural Lands (prom. SG 35/96; amend., SG. 14 and 26 of 2000, SG. 28/01, SG. 112/03, SG. 18, 29 and 30 of 2006 and SG. 13 and 64 of 2007) the words "the Minister of Agriculture and Forests", "Minister of Agriculture and Forests" and "the Ministry of Agriculture and Forests" are replaced respectively by "the Minister of Agriculture and Food Supply", "Minister of Agriculture and Food Supply" and "the Ministry of Agriculture and Food Supply".

Transitional and concluding provisions TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE CODE OF TAX INSURANCE PROCEDURE

(AMEND. – SG 12/09, IN FORCE FROM 01.05.2009)

§ 68. The law shall enter into force from 1 May 2009, except for § 65, 66 and 67 which shall enter into force from the date of promulgation of the law in the State Gazette.

Transitional and concluding provisions TO THE LAW ON THE CULTURAL HERITAGE

(PROM. – SG 19/09, IN FORCE FROM 10.04.2009)

§ 44. The law shall enter into force from 10 April 2009, except for Art. 114, par. 2 and Art. 126, which shall enter into force from 10 April 2010.