

Ministry of Environment and Water

REPUBLIC OF BULGARIA
GRAND NATIONAL ASSEMBLY

ENVIRONMENTAL PROTECTION ACT

*Promulgated State Gazette No. 86/18.10.1991
Amended SG Nos. 100/1992; 31 & 63/1995; 13, 85 & 86/1997; 62/1998; 12/1999*

Chapter One

GENERAL PROVISIONS

Article 1

This Act shall regulate:

1. the collection and provision of information concerning the state of the environment;
2. the exertion of control over the state of the environment;
3. the terms and procedures of environment impact assessment;
4. the planning and implementation of environmental protection activities;
5. the rights and obligations of central and local authorities, bodies corporate and physical persons as regards environmental protection.

Article 2

The reduction of risk for human health and for the environment and its relation to suffered damages and missed benefits shall be the basis for determining ecological policy.

Article 3

- (1) Natural and juridical persons carrying on activities which pollute the environment within the limits of admissible norms shall pay fees.
- (2) The sums deposited as fees for polluting the environment within the limits of admissible norms shall be distributed as follows: 40 per cent to the municipal environmental protection funds and 60 per cent to the National Environmental Protection Fund.
- (3) In cases of damaging the environment or polluting it in excess of the maximum admissible norms fines shall be imposed on natural persons and monthly sanctions on juridical persons, determined pursuant to Article 32 of this Act.
- (4) The sums paid as sanctions imposed pursuant to paragraph 3 shall be distributed as follows: 30 per cent to the municipal environmental protection funds and 70 per cent to the National Environmental Protection Fund.
- (5) Such funds shall be used for financing environmental protection activities alone.
- (6) (New - SG No. 13/1997) The National Environmental Protection Fund and the municipal environmental protection funds shall be set up with the Ministry of Environment and Waters and the separate municipalities respectively.
- (7) (New - SG No. 13/1997) The procedures for collecting, spending and controlling the moneys

in the National Environmental Protection Fund and the municipal environmental protection funds shall be prescribed by an Ordinance issued by the Council of Ministers.

Article 3bis

The natural resources for the use of which fees shall be collected shall be determined by law.

Article 3ter

(New - SG No. 63/1995) A National Trustee Ecology Fund shall be established as a legal person to manage proceeds from swap deals “Debt for environment” and “Debt for nature” with Governments and international financial institutions, intended for preservation of the environment in the Republic of Bulgaria.

Article 4

The Council of Ministers shall prepare and submit to the National Assembly a report on the state of the environment once a year. After its approval the report shall be published as an Annual Book on the state of environment.

Article 5

When the quality of the environment is damaged, the responsible persons shall restore it according to the directions of the specialised control and municipal authorities.

Article 6

In cases of cross-border pollution, the requirements and standards included in the agreements and conventions, to which the Republic of Bulgaria is a party shall be applied. In the absence of such regulatory instruments shall be applied the requirements and standards of the European Community.

Article 7

(1) The importation of waste and hazardous substances in this country shall be prohibited as follows:

1. when they are of an undetermined chemical composition, as well as when there exist no methods for their analysis which can be applied in the Republic of Bulgaria;
2. (As amended, SG No. 86/1997) for the purpose of storage, depositing or destruction;
3. for the purpose of serving as raw materials for manufacture in case the decision of the competent authority as per Article 27 concerning the environmental impact assessment has been negative.

(2) (As amended, SG No. 86/1997) Transit carriage of waste and hazardous substances through the territory and the territorial sea of the Republic of Bulgaria shall be authorised by the Minister of Environment and Waters on a case by case basis unless otherwise provided in an international treaty where to Bulgaria is a signatory.

(3) Construction and operation of enterprises and other facilities, as well as the performance of activities without purification and protection equipment where required shall be prohibited.

(4) The use of licences and patents and the import in the country of equipment and technology that pose a threat of pollution in excess of the applicable norms and standards shall be prohibited.

Article 7a

(New, SG No. 59/1998)

(1) Import performed under delivery contracts concluded on the basis of international agreements and/or international treaties for which the procedure under Article 5, paragraph 4 of the Constitution of the Republic of Bulgaria has been implemented, and which are funded gratuitously directly with funds under these agreements and/or treaties, shall be exempt from value added tax, from excise tax, duties and charges, if such import is intended for the purposes stipulated under Article 2.

(2) Deals involving goods and services taxable under the Value Added Tax Act transacted between the Ministry of the Environment and Waters and Bulgarian and foreign persons and funded directly with funds from gratuitous aid received under international agreements and/or international treaties for which the procedure under Article 5, paragraph 4 of the Constitution of the Republic of Bulgaria has been implemented, shall be exempt from value added tax, if such deals are intended for the purposes stipulated under Article 2.

(3) Exemption under Article 1 and the terms of deals under Article 2 shall apply in compliance with the provisions of the Value Added Tax Act.

Chapter Two

INFORMATION CONCERNING THE STATE OF THE ENVIRONMENT

Article 8

The information about the state of the environment consists of:

1. data concerning the state of the environment components;
2. data about the results of activities that bring or may bring about pollution or damage to the environment or its components;
3. data concerning activities and actions undertaken for protection and restoration of the environment.

Article 9

All persons and the state and municipal authorities shall have the right of access to the available information concerning the state of the environment.

Article 10

Published and submitted information shall be supplemented by explanations for the possible consequences for human health and the environment and by recommendations for the conduct of the citizens in case of expected negative influence.

Article 11

(1) Information concerning the state of the environment shall be collected by the Ministry of Environment and Waters, the Ministry of Health, the Ministry of Agricultural Development, Land Use and Restoration of Land Ownership and the National Statistics Institute, by the persons authorised by them and by the municipal authorities.

(2) The corporate and physical persons producing goods and services shall submit the data under Article 8, items 2 and 3 to the authorities under paragraph 1.

(3) The authorities under paragraph 1 shall furnish and announce the information through the

mass media or in another way in a comprehensible for the average citizens form.

Article 12

(1) The state and municipal authorities, the corporate and physical persons and the producers of goods and services shall provide upon request information about the anticipated impact on the environment before obtaining final authorisation to carry on their activities and actions, or before undertaking them, under such terms and procedures as set forth in Chapter Four hereof and the Annexes thereto.

(2) The authorities and persons under paragraph 1 shall satisfy applications not later than two weeks after the request, provided a longer period has not been agreed upon before the expiration of the deadline. The absence of a notice after the time period under this paragraph shall be considered a refusal.

(3) Where the information under Article 8 and the preceding paragraphs is not subject to dissemination in compliance with the current law, it shall be delivered in writing with no right to disseminate it.

Article 13

The authorities and persons under Article 12, Paragraph 1 shall inform the population without delay when pollution or damage of the environment occur, including natural disasters, industrial accidents and fires, and shall provide information about the changes in the environment that have taken place, the measures for their restriction and elimination and the requirements for the conduct of the citizens with a view to ensure their health and safety.

Article 13bis

In case of an immediate threat of considerable pollution or damaging of the environment the authorities and persons designated in Article 12, paragraph 1 shall immediately inform the public and shall undertake emergency measures for the prevention of potentially harmful effects.

Article 14

The producers of goods and services, their middlemen and the merchants, including those dealing with agricultural and food products, shall be obliged simultaneously with the sale or performance of the service to give customers information in writing and, in flagrantly unimportant cases, in oral form about the harmful ingredients of the goods and services, as well as about the possible negative effects of the performed services.

Article 15

(1) An authority or a person under Article 9 who considers their request for access to information unjustifiably rejected or unlawfully restricted, or that the obtained information is unreliable, shall have the right to request protection of their rights through administrative channels or through the court.

(2) (New, SG No. 85/1997) The order for collecting information about the state of the environment and the right to have an access to that information shall be determined by an act of the Council of Ministers.

Chapter Three

CONTROL OF THE STATE OF THE ENVIRONMENT

Article 16

(1) The control of the environment condition shall consist of monitoring the quality of the environment components and registration of their changes, as well as monitoring the causes for these changes.

(2) The data collected as a result of the control shall be treated in conformity to the regulations in Chapter Two of this Act.

Article 17

(1) The control of the state of the environment and pollution sources shall be the duty of the authorities under Article 11, Paragraph 1.

(2) The control shall be constant and in conformity with the specific features of observed parameters and pollution sources. In cases when the respective authorities are incapable of fulfilling their obligations under Paragraph 1, they shall, in compliance to their competence according to Article 27, announce the reasons to the public by means of the mass media.

(3) The individual parameters of the environment that are subject to control shall be specified in correspondence with the control methods endorsed by the Minister of Environment and Waters.

Article 18

(1) State control differentiated according to pollution sources shall be exercised:

1. after a decision of the state authorities;
2. at the request of aggrieved or presumably aggrieved citizens and their organisations on the basis of the pollution identified by them.

(2) (As amended - SG No. 13/1997) The ascertained polluter shall pay the costs of control. The money shall be deposited into an extra-budgetary account with the Ministry of Environment and Waters which shall be approved by the Minister of Finance on a proposal by the Minister of the Environment and Waters.

Chapter Four

ENVIRONMENTAL IMPACT ASSESSMENT

Article 19

All kinds of activities of the physical and juridical persons and of the state and municipal authorities may be subject to an environmental impact assessment.

Paragraphs (2), (3), (4), (5) & (6) repealed

Article 20

(1) An environmental impact assessment shall be invariably made in the following cases:

1. (As amended, SG No. 85/1997) all projects on the list set forth in the Annex hereto;
2. national and regional programs for development, landscape and urban development and their amendments;
3. (As amended, SG No. 85/1997) expansion and/or reconstruction projects with a change in production activity of the facility in cases when this activity is within the range of the Annex under subpara 1.

(2) (As amended, SG No. 85/1997) Municipality authorities shall assess the impact on the environment of projects, facilities and activities which are not subject to an obligatory environmental impact assessment, following an order determined by a regulation of the Minister of the Environment and Waters.

(3) (As amended, SG No. 85/1997) An environmental impact assessment may also be made on a motion of concerned natural and juridical persons addressed to the competent authorities as per Article 27, which shall be required to come up with an opinion on the motion within thirty (30) days after its submission.

(4) Environmental impact assessment of operating facilities shall be carried out periodically as prescribed by the competent authorities. Assessment of large polluting facilities shall be made at least once every five years.

Article 21

(1) (As amended, SG No. 85/1997) An environmental impact assessment shall be assigned by the investor or initiator of the activities to independent experts who:

1. are professionally competent and are licensed in compliance with a regulation issued by the Minister of the Environment and Waters.
2. have stated that they have no direct interest in the realisation of the facility or activity and have not taken part in the designing process

(2) In giving their opinion the experts shall be guided by the requirements of Article 2 and the existing in the country norms and standards for admissible environmental pollution.

Article 22

All terms and procedures of carrying out an environmental impact assessment shall be laid down in a regulation issued by the Minister of Environment and Waters in consultation with the Minister of Territorial Development, Housing Policy and Construction, the Minister of Health and the Minister of Agricultural Development, Land Use and Restoration of Land Ownership.

Article 23

(1) The investor or initiator of the activities shall present to the competent authority a report on the impact on the environment which shall mandatory contain:

1. annotation of the project;
2. description of the environment which shall be the subject of impact;
3. a forecast for the expected impact;
4. presentation of the possible ways for the project implementation;
5. a list of the parties that may be affected by the impact of the facility on the environment;
6. other items as required by the Minister of Environment and Waters;
7. conclusion of the experts who have made the assessment.

Article 23bis

(1) The competent authority shall organise a discussion of the environmental impact assessment's findings participant wherein shall be local administration bodies, representatives

of public organisations, the public and the concerned natural and juridical persons.

(2) The persons mentioned in paragraph 2 must be informed by the competent authority through the mass media or in another appropriate manner not later than one month before the discussion.

Article 23ter

(1) The competent authority shall render its decision after the discussion of the assessment results no later than three (3) months following the conclusion of the procedure as per Article 23bis.

(2) The persons under Article 21 who have assigned the carrying out of the assessment shall be informed in writing of the decision and it shall be announced through the mass media or in another appropriate manner within 15 days of its rendering.

(3) Concerned parties may appeal the decision before the respective district court pursuant to the Administrative Procedure Act within 14 days of the announcement under paragraph 2, and for projects with a national significance within 30 days.

(4) The decision on the environmental impact assessment for projects and activities which have not been started shall be valid for one year.

Article 23quater

The competent authority shall prohibit or stop the activities or implementation of projects for which the environmental impact assessment is negative or for which the mandatory assessment has not been made, or which have not been equipped with the necessary purification and protection equipment.

Article 23gee

(Repealed, SG No. 85/1997)

Chapter Five

RIGHTS AND DUTIES OF THE STATE AND MUNICIPAL AUTHORITIES

Article 24

(1) It shall be the duty of the Minister of Environment and Waters to:

1. work out the government strategy for environmental protection in co-operation with the ministers concerned with the problem;
2. manage the national fund on environmental protection and to allocate the funds for environmental protection activities, scientific research and projects, including to natural and juridical persons;
3. control the quality of the environment in the territory and territorial sea of the Republic of Bulgaria, prohibit or stop activities damaging the environment;
4. co-ordinate the control functions discharged by other ministries and departments with respect to the environment;
5. prepare the Annual Report on the quality of the environment as under Article 4;
6. inform the public about his activity through the mass media, the specialised publications and through other accessible channels;

7. (As amended, SG No. 85/1997) endorse in consultation with the respective concerned ministers and other state bodies:

- a) norms for the emissions and concentrations of harmful substances according to regions, environment components and types of pollutants, as well as for the use of the renewable and non-renewable natural resources;
- b) special regimes for the regions with a threatened environment, projects and activities for restoration of the normal qualities of the environment, which shall be submitted for approval by the Council of Ministers;
- c) instructions for labelling of goods in accordance with the requirements of Article 14;
- d) schedules of fees for the use of natural resources and for admissible pollution;
- e) instructions for the transportation, storage, use and deposition of dangerous substances;

8. guide and control the preservation of the biological diversity and natural ecosystems, declare the protected species and territories;

9. endorse and publish the methods of exercising control and environmental impact assessment pursuant to Chapters Three and Four. Organise the national system for monitoring and controlling the state of environment

10. represent this country in intergovernmental organisations and meetings concerned with environmental protection.

(2) The rights and duties of the Minister of Environment and Waters that have not been specified by this Act, as well as those under item 7 of paragraph 1, shall be determined with an Act of the Council of Ministers.

Article 25

(1) The Minister of Environment and Waters shall set up regional environmental and water protection inspectorates, to be agencies of the Ministry, and shall determine their functions and territorial scope. The regional inspectorates shall serve the municipalities which do not have environmental protection equipment and staff.

(2) In discharging their functions the regional inspectorates shall issue recommendations and orders in writing.

Article 26

Municipal authorities shall:

1. develop their own programmes for environmental protection in co-ordination with the competent authorities of the Ministry of Environment and Waters and, when necessary, with the Ministry of Health and the Ministry of Agricultural Development, Land Use and Restoration of Land Ownership and with other competent state bodies respectively;
2. inform the public about the state of environment and the undertaken activities and actions that are subject to an environmental impact assessment;
3. control the disposal of waste and dangerous substances on their territory;
4. build, use and maintain purification plants for household waste waters;

5. organise and control the collection and rendering harmless of household waste;
6. manage the municipal environmental protection funds.
7. (New, SG No. 85/1997) may create environmental protection inspectorates on a public basis, which shall draw up statements in the sense of Article 37, Paragraph 2 of the Administrative Violations and Penalties Act.

Article 27

(1) When the result of the activities of the physical and juridical persons and of the state and municipal authorities occurs or may occur:

1. on the territory of one municipality, the regional environmental and water protection inspectorates and the municipal authorities shall be competent to undertake the activities and actions prescribed by the law;
2. on the territory of several municipalities falling within the scope of one regional environmental and water protection inspectorates, the respective regional environmental and water protection inspectorates;
3. on the territory of several municipalities falling within the scope of several regional environmental and water protection inspectorates, the Minister of Environment and Waters.

(2) The disputes on the powers of different authorities shall be settled by the Minister of Environment and Waters.

(3) The regional environmental and water protection inspectorates shall be superior administrative authorities to the municipal ones in the meaning of the administrative procedures Act. Superior to the regional inspectorates in the same meaning shall be the Minister of Environment and Waters.

Article 28

(1) In cases of caused or possible damage to the environment established by an environmental impact assessment, the competent authority as per Article 27 shall have the power to:

1. suspend industrial and other activities until the disturbance is eliminated;
2. stop industrial and other activities that cause or may cause irremediable damages to environment and human health;
3. prescribe the elimination of the effects caused by the damage.

(2) The Minister of Environment and Waters may suspend regulations issued by other ministries and municipal authorities when they contravene the prescriptions of this Act.

Chapter Six

LIABILITIES

Article 29

The persons found guilty of harming others by pollution or damage to the environment shall be bound to remedy the damage. The compensation may not be less than the sum required to repair the damages caused.

Article 30

(1) The persons aggrieved under Article 29 may lodge a claim and institute proceedings against offenders to stop the damage and to eliminate the consequences of the pollution.

(2) The claims to cease the disturbance and to eliminate its effects may be lodged by the municipal authorities, as well as by associations of citizens with an ideal purpose and by every citizen.

Article 31

The elimination of the harmful effects caused by cross-border environmental pollution shall be accomplished on the basis of an international treaty, to which the Republic of Bulgaria is a party. If such a treaty does not exist - on the basis of the general rules of International Law.

Article 32

(1) (As amended, SG No. 85/1997) A natural person guilty of an offence under this Act that does not constitute a crime shall be liable to a fine from 50,000 to 3,500,000 Bulgarian Leva.

(2) (As amended, SG No. 85/1997) The fine for repeat offenders or for persons acting in an official capacity shall be from 100,000 to 7,000,000 Bulgarian Leva.

(3) (As amended, SG No. 85/1997) Obviously insignificant violations shall be liable to a fine not exceeding 50,000 Bulgarian Leva.

(4) (As amended, SG No. 85/1997) For damaging or polluting the environment in excess of the admissible norms monthly sanctions shall be imposed upon juridical persons following the order described in Article 7, Paragraph 2.

Article 33

(As amended: SG No. 63/1995, 85/1997) An independent impact assessment expert guilty of an offence under Article 21, Paragraph 2, shall be liable to a fine from 50,000 to 500,000 Bulgarian Leva, if he is not liable to a more severe penalty.

Article 34

(1) (As amended: SG No. 63/1995, 85/1997) Juridical persons or one-man dealers guilty of an offence under Articles 7 and 14 or not complying with prescriptions under Article 23ter shall be liable to a fine from 250,000 to 10,000,000 Bulgarian Leva.

(2) (As amended, SG No. 85/1997) Fines from 1,000,000 to 25,000,000 Bulgarian Leva shall be imposed when:

1. the offence is repeated for a second time;
2. the offence is so substantial that has brought to irreversible harm to the environment and human health;
3. the activities have been prohibited by a court decision.

(3) In insignificant cases under Paragraph 1 the fine shall be from 50,000 to 150,000 Bulgarian Leva.

Article 35

(As amended, SG No. 85/1997) The statements establishing breaches of this Act shall be drawn up by the competent authority as prescribed in the Law for administrative offence and penalty Act under Article 27, and the punishment decrees shall be issued by the Minister of Environment and

Waters, by municipality mayors or by persons authorised by them.

ADDITIONAL PROVISIONS

§ 1. For the interpretation this Act:

1. "environment" means a complex of natural and anthropogenic factors and elements that are mutually interrelated and affect the ecological equilibrium and the quality of life, human health, the cultural and historical heritage and the landscape;
2. "environmental protection" means an activity aimed at avoiding environmental degradation through restoration, protection and improvement and comprises collection of information and control on the conditions, as well as assessment of the impact of the planned activities on the environment;
3. "natural resources" mean those parts of organic and inorganic nature that are used or may be used for satisfying human needs;
4. "renewable resources" mean resources that recover in a natural way or may be totally or partly recovered by special procedures at rates comparable to the rates of their exploitation. All other resources are non-renewable;
5. "pollution of the environment" means the change of its qualities as a result of the occurrence and introduction of physical, chemical or biological factors from a natural or anthropogenic source in the country or outside it, irrespective whether they exceed or not the standards valid for the country;
6. "damage of the environment" means such a change of one or more of the components it consists of which leads to impairment of the quality of life of people, to a poorer biological diversity or to an impeded restoration of the natural ecosystems;
7. "dangerous substances and waste" are those which injure or may injure human health, the flora or the fauna and the quality of the environment when being produced, transported, stored, used or disposed of.
8. (Repealed, SG No. 85/1997)

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 2. (1) The programmes, plans and projects developed before the enforcement of this Act, as well as the sources of pollution, operating without an environmental impact assessment or the cases of pollution registered as under Chapters Three and Four of this Act, shall be subject to an environmental impact assessment.

(2) In case of negative impact on the environment, the Minister of Health shall decide whether to authorise assessment of the health condition of the affected personnel and the population.

(3) The pollution sources established and subjected to an environmental impact assessment as prescribed under Article 19 shall be bound to bring their activity in conformity with the prescribed limits in a time period determined by the Minister of Environment and Waters, but not later than 5 years after this Act comes into force.

(4) The expiration of the deadline under Paragraph 3 shall not cancel the liabilities under this Act.

§ 3. The Penal Code shall be adjusted and amended as follows: (prom., SG, No. 26/1968;

amended, No. 29/1968; amended No. 92/1969, No. 26 and 27/1973, No. 89/1974, No. 95/1975, No. 3/1977, No. 54/1978, No. 89/1979, No. 28/1982; adjusted No 31/1982; amended No. 44/1984, No. 41 and 79/1985; adjusted No. 80/1985; amended No. 89/1986, No. 90/1986; amended No. 37, 91 and 99/1989, No. 10, 31 and 81/1990 and No. 1/1991):

1. "Article 221bis.

(1) A person who issues an order or in violation of his responsibilities permits the use of lands and pastures expropriated or not delivered as prescribed by the Law for construction purposes or for other non-agricultural needs, shall suffer imprisonment of up to three years and a penalty of one to ten thousand Bulgarian Leva.

(2) A person who has continued , ordered or in violation to his responsibilities authorised further construction or another use for non-agricultural purposes of lands under the preceding paragraph, once construction and the other kinds of use have been suspended by the corresponding authorities through the prescribed procedure, shall be liable to imprisonment to five years and to fine from two to ten thousand Bulgarian Leva."

2. In Article 235, Paragraph 1, for the words "two hundred" there shall be substituted the words "two thousand".

3. In Article 236, for the words "five hundred" there shall be substituted the words "five thousand".

4. In Article 237, Paragraph 1, for the words "two hundred to one thousand" there shall be substituted the words "five hundred to five thousand".

5. In Article 237, Paragraph 2, for the words "five hundred" there shall be substituted the words "five thousand".

6. In Article 238, Paragraph 1, for the words "in severe cases" there shall be substituted the words "in not unimportant cases" and for the words "or a fine to one thousand Bulgarian Leva" there shall be replaced the words "and a fine to five thousand Bulgarian Leva".

7. In Article 239, Paragraph 1, after the word "enterprise" there shall be inserted the word "firm" and for the words "or to a fine to one thousand Bulgarian Leva" there shall be replaced the words "as well as to a fine to five thousand Bulgarian Leva".

8. In Article 278bis, Paragraph 1, the words "and in this way causes considerable damage" shall be deleted and after "reformatory labour" there shall be inserted the words "as well as to a fine from five hundred to five thousand Bulgarian Leva".

9. Paragraph 2 in Article 278bis shall be amended in the following manner:

"(2) For unimportant violations according to the preceding paragraph the penalty shall be a fine to one thousand Bulgarian Leva, imposed through administrative procedures."

10. In Article 278bis, Paragraph 3, for the words "five thousand" there shall be substituted the words "ten thousand".

11. In Article 352, Paragraph 1, for the words "up to three thousand" there shall be substituted the words "from five thousand up to two hundred and fifty thousand".

12. In Article 352bis, Paragraph 1, for the words "one hundred thousand" there shall be substituted the words "one million".

13. In Article 353, Paragraph 1, for the words "three hundred to three thousand" there shall be replaced the words "five thousand to fifty thousand".

14. There shall be created a new Article 353a with the following contents:

"Article 353bis. An official person who, in the sphere of his official responsibilities conceals or announces false information about the condition of the environment and its media - air, waters, soils, sea areas - and from this result not insignificant damages of the environment, life and human health, shall be liable to imprisonment of up to five years and to a fine from five thousand to fifty thousand Bulgarian Leva."

§ 4. The Nature Conservation Act (prom., SG No 47/1967; amended SG No 3/1977, No 28/1982 and No 26/1988) shall be amended as follows:

1. Everywhere the wording "Committee for Environmental Protection" there shall be substituted for the wording "Ministry of Environment and Waters".

2. Articles 1 and 28-34 shall be repealed.

§ 5. Articles 18 and 24 of the Act for Protection of Air, Waters and Soil from Pollution (prom. SG, No 84/1963; amended, No 26/1968, No 29/1969, No 95/1975, No 3/1977, No 1/1978 and No 26/1988) shall be repealed.

§ 6. In Article 8 of the Transitional provisions of the State Fees Act (Promulgated Izvestya No. 104 of 1951; amended No. 89 of 1959, No. 21 of 1960; State Gazette No. 53 of 1973, No. 87 of 1974, No. 21 of 1975, No. 21 of 1990 and No. 55 of 1991) at the end of the last sentence the words "as well as the fees collected pursuant to the Environmental Protection Act" shall be added.

§ 7. (1) The fees pursuant to Article 3 and 3bis shall be determined by the Council of Ministers.

(2) The amount and the procedure for determining the sanctions pursuant to Article 3, paragraph 3 shall be determined by the Council of Ministers.

(3) (New: SG No. 63/1995) The structure and the operation of the National Trustee Ecology Fund under Article 3bis shall be determined by Ordinance of the Council of Ministers.

(4) (New, SG No. 85/1997) The order for creating environmental protection inspectorates under Article 26, item 7 and for their activity shall be determined by a regulation of the municipality council.

§ 8. (1) For services related to the organisation of environmental impact assessments, for the issuance of permits, certificates, written authorisations, and for determining quotas for the use of threatened biological resources the Ministry of the Environment and Waters shall collect fees through a procedure to be determined by the Council of Ministers which shall be deposited in the national fund on the protection of the environment.

(2) (New, SG No. 85/1997) For environmental impact assessment as per Article 20, Paragraph 2, the municipal authorities shall collect fees as determined by an enactment of the Council of Ministers, which shall be deposited in the respective municipal fund for environmental protection.

§ 9. (1) (As amended, SG No. 12/1999) In the event of privatisation, with the exclusion of any privatisation agreements concluded prior to February 1, 1999, or in case of restitution, or in the event of investment in new construction facilities by foreign and Bulgarian natural

and juridical persons, the liability for any environmental damages resulting from past actions or inaction shall be assumed by the State under such terms and following such procedures as shall be laid down by the Council of Ministers.

(2) All facilities as per paragraph (1) above shall be mandatorily subjected to an assessment of the impact caused on the environment up to the moment of such restitution, privatisation or investment.

(3) (New, SG No. 12/1999) The assessment of environmental damages resulting from past actions or inaction shall be made in conformity with such methods as shall be endorsed and enacted by the Minister of Environment and Waters simultaneously with the assessment as per paragraph (2) above.

§ 10. The Ministry of Environment and Waters, the Ministry of Territorial Development, Housing Policy and Construction, the Ministry of Health in conjunction with the municipal authorities shall set norms for industrial waste water in the sewer systems of communities.

§ 11. This Act is hereby referred for enforcement to the Council of Ministers.

This Act was submitted to a vote and duly adopted by the Grand National Assembly on October 2nd, 1991 and the State Seal has been affixed thereto.

President of the Grand National Assembly:

Nikolai Todorov

Annex to Article 20,
paragraph (1), item 1

**Projects Liable to Environmental Impact Assessment (EIA)
Pursuant to Chapter Four**

		Competence Criteria	
Activities	Restricting criterion for carrying out EIA	Regional Environment and Water Protection Inspectorates (REWPI)	Ministry of Environment and Waters
1	2	3	4
<i>1. Agriculture and forestry</i>			
1.1. Water economy and melioration in agriculture and forestry	area more than 10 hectares	area within the range 10-20 hectares controlled by the respective REWPI	area more than 20 hectares

1.2. Deforestation	more than 5 decares	within the range 5-50 decares	more than 50 decares
1.3. Poultry farming (poultry farms) including for forced cage feeding of geese	more than 5 thousand birds		
1.4. Animal farms for breeding - cattle - pigs	more than 100 equivalent animals more than 100 equivalent animals	only in the case of wet cleaning	
1.5. Fishery farms and agriculture in natural and artificial water basins	none		
1.6. Breeding of rabbits, minks, nutrias (coypus) and other animals for meat and valuable skins and furs	more than 2 thousand animals		
1.7. Drainage and reclamation of sea and swamp land and other humid lands	none		all
<i>2. Mining</i>			
2.1. Prospecting and production of crude oil and natural gas, bituminous schists and sands	none		all
2.2. Mining, dressing and briquette production of coal and peat	none		all
2.3. Mining and dressing of ores	none		all
2.4. Mining and dressing of uranium ores	none		all
2.5. Mining and processing of non-metalliferous minerals	none	up to annual production 100 thousand	more than 100 thousand

		tons	tons annual production
2.6. Mining of asbestos	none		all
2.7. Mining and processing of construction raw materials	none	up to annual production 200 thousand tons	more than 200 thousand tons annual production
2.8. Extraction of rubble from river beds	more than 5 thousand cubic meters annually	within the range 5-30 thousand cubic meters annually	more than 30 cubic meters annually
2.9. Extraction of rubble from water basins	more than 10 thousand cubic meters annually	within the range 10-100 thousand cubic meters annually	more than 100 cubic meters annually
2.10. Extraction of rubble from the sea	none	up to 200 thousand cubic meters annually	more than 200 thousand cubic meters annually
<i>3. Power economy</i>			
3.1. Generation of nuclear power	none		all
3.2. Generation of electric and thermal power by: thermal power plants generating: hydroelectric plants generating:	more than 10 MW more than 50 MW	within the range 10-200 MW	more than 200 MW all
3.3. Transmission and distribution (open electric power distribution gear)	higher than 100 kV higher than 400 kV for open gear	within the range 100-220 kV	higher than 220 kV
3.4. Transportation of gases, liquids along pipelines and technical maintenance of oil	longer than 1 km	in regions checked by the REWPI	in case more than one

and gas pipelines			REWPI
<i>4. Ferrous metallurgy</i>			
4.1. Production of iron and steel	none		all
4.2. Production of tubes and other primary processing of iron and steel (cold drawing, shaping and rolling); production of low-carbon alloys	none		all
<i>5. Non-ferrous metallurgy</i>			
5.1. Production of precious and non-ferrous metals and alloys	none		all
5.2. Drawing, shaping and rolling of non-ferrous articles	none		all
<i>6. Casting of metals</i>			
6.1. Production of iron and steel castings	none	up to 20 tons daily	more than 20 tons daily
6.2. Production of castings of light and other non-ferrous metals	none	up to 6 tons daily	more than 6 ton daily
<i>7. Manufacturing of fabricated metal articles and equipment</i>	none		
<i>8. Manufacturing of machines, equipment and household appliances</i>	none		
<i>9. Manufacturing of:</i>			
9.1 Electronic and electrical machines and devices	none		all
9.2. Storage batteries and dry cells	none		all
<i>10. Production of automobiles, trailers, semi-trailers, components and</i>	none		all

<i>accessories for them</i>			
<i>11. Production of transportation vehicles (less automobiles)</i>	none		all
11.1. Shipbuilding and repair of ships and other navigation vessels	none		all
11.2. Production of locomotives, trains and railway cars	none		all
11.3. Manufacturing and repair of aeroplanes	none		all
11.4. Manufacturing of motorcycles and bikes	none		all
11.5. Processing of metal surfaces including plating	none		all
<i>12. Manufacturing of products from non-metallic mineral raw materials</i>			
12.1 Production of glass and glass articles	more than 30 thousand tons annual production		
12.2 Production of articles from porcelain, faience and other ceramic materials, including ceramic tiles	more than 100 thousand tons annual production		
12.3 Production of refractory products	more than 100 thousand tons annual production		
12.4 Production of bricks, roof-tiles and other construction articles from fired clay	more than 100 thousand tons annual production		
12.5 Production of cement	none		all
12.6 Production of asbestos-cement articles	none		all
12.7 Production of gypsum	none	up to 50 thousand	more than 50

and lime		tons annual production	thousand tons annual production
12.8 Production of articles from concrete, gypsum and cement	more than 50 thousand tons annually		
12.9 Production of asphalt mixtures	none		
<i>13. Production of refined oil products and coke</i>			
13.1. Production of refined oil products	none		all
13.2. Production of coke and coking by-products	none		all
<i>14. Production of chemicals, chemical products, synthetic and man-made fibres</i>			
14.1. Production of basic chemical substances	none		all
14.2. Production of pesticides and other agricultural chemicals including pesticide formulation	none		all
14.3. Production of paints, varnishes and similar products, printing ink and body-fillers	none	up to 200 thousand tons annual production	more than 200 thousand tons annual production
14.4. Production of basic pharmaceutical products and medicines	none		all
14.5. Production of detergents and washing preparations, cleaning and polishing formulations, perfumes, cosmetics and toilet sets	none		
14.6. Manufacturing of other chemical products:	none		

- explosives - adhesives and gelatine - essential oils - photographic chemical materials - other			
14.7. Production of man-made and synthetic fibres	none		all
<i>15. Production of food</i>			
15.1. Production, processing and canning of meat and meat products	more than 5 tons daily ready product		
15.2. Processing and canning of fish products	more than 1 ton daily ready product		
15.3. Processing and canning of fruit and vegetables	more than 5 ton daily ready product		
15.4. Production and/or refining of vegetable and animal oils and fats	more than 5 tons daily ready product.		
15.5. Production of dairy products	more than 5 tons daily ready product		
15.6. Production of cereal and flour mill products, starches and starch products	more than 100 tons daily ready products		
15.7. Production of feed	more than 1 ton daily ready product		
15.8. Sugar production	none		all
15.9. Production of	more than 2		

chocolate and confectionery	tons daily ready product		
15.10. Production of baking yeast	none		all
15.11. Production of other foods	more than 2 tons daily ready product		
<i>16. Production of drinks</i>			
16.1. Production of alcohol and alcoholic beverages	more than 2 tons daily ready product		
16.2. Production of beer and malt	none		
<i>17. Production of tobacco products</i>	none		
<i>18. Production of textiles and knitwear</i>	none		
<i>19. Production of leather</i>			
<i>20. Impregnation of timber and wood</i>	none		
<i>21. Production of veneer, plywood and wooden panels</i>	none		
<i>22. Production of furniture</i>	more than 1 thousand cubic meters materials used annually		
<i>23. Production of cellulose, paper and cardboard</i>	none		all
<i>24. Production of rubber articles, including recycling of tyres</i>	none		
<i>25. Production of plastic articles including recycling</i>			

<i>26. Infrastructure</i>			
26.1. Building of highways, first class roads, railroads and airfields with take-off and landing runways longer than 2100 meters	none		all
26.2. Building of second, third and fourth class roads and airfields, including for agricultural aviation	none		
26.3. Construction of fast surface and underground railways	none		all
26.4. Construction of railway stations for mixed passenger and cargo transport	with more than three tracks		
26.5. Construction of sea and river ports	none		all
26.6. Alteration of river beds	none	in the region checked by the REWPI	in case more than one REWPI
26.7. Building of reservoirs and other water retaining facilities	volume more than 1 million cubic meters	volume in the range 1-20 million cubic meters	volume larger than 20 million cubic meters
26.8. Construction of facilities and equipment for the transfer of water resources between river basins	none		all
26.9. Construction of trunk water pipelines and main sewage water collectors in non-residential territories	longer than 1 km	in the region checked by the REWPI	in case more than one REWPI
26.10. Extraction of ground waters	quantity of water more than 10 l/s	quantity of water within the range 10-30 l/s	quantity of water more than 30 l/s
26.11. Construction of	more than 10	inhabitants	more than

urban waste water treatment plants	thousand equivalent inhabitants	in the range 10-100 thousand	100 thousand inhabitants
26.12. Storage of natural gas in warehouse facilities on the surface	volumes more than 10 thousand cubic meters	volumes within the range 10-100 thousand cubic meters	volumes more than 100 thousand cubic meters
26.13. Storage of oil, oil products and chemical substances in warehouse facilities on the surface	oil products more than 1000 cubic meters and chemicals more than 500 cubic meters		
26.14. Storage of natural gas and other gases including gas stations in underground warehouse facilities	more than 3 single columns		
26.15. Storage of oil products and chemicals, including petrol stations	more than 3 single columns		
26.16. Reloading of dangerous cargoes	none		all
<i>27. Waste treatments</i>			
27.1. Storage, processing and depositing of radioactive waste and used nuclear fuel	none		all
27.2. Treatment of dangerous wastes	none		all
27.3. Thermal treatment of household and industrial wastes	none	up to 750 kg/h or 1.5 thousand tonnes annually	more than 750 kg/h or 1.5 tonnes annually
27.4. Deposition of industrial (including cinder dumps, tailing landfills) household wastes and	none		

sediments from urban waste water treatment plants			
<i>28. Other</i>			
28.1. Incinerators	none		
28.2. Radio and TV broadcasting transmitters	power more than 100 W		
28.3. Electromagnetic radiation sources (relay stations, radars and navigation equipment)	power more than 10W		
28.4. Resort villages, hotel complexes, camping sites and non-residential territories	none		
28.5. Sports, recreational and show complexes in non-residential territories	more than 50 parking sites	up to 500 parking sites	more than 500 parking sites
28.6. Ski tracks, lifts and related equipment	none		all
<i>29. Activities in protected territories subject to mandatory EIA</i>	according to criteria shown for the respective activity		all

Note: All activities for which the Ministry of Environment and Waters is not explicitly mentioned, the competent decision making authorities for EIA are the respective REWPI authorities.