

# ACT ON WATERS

*In force from 28.01.2000*

*Prom. SG. 67/27 Jul 1999, amend. SG. 81/6 Oct 2000, amend. SG. 34/6 Apr 2001, amend. SG. 41/24 Apr 2001, amend. SG. 108/14 Dec 2001, amend. SG. 47/10 May 2002, amend. SG. 74/30 Jul 2002, amend. SG. 91/25 Sep 2002, amend. SG. 42/9 May 2003, amend. SG. 69/5 Aug 2003, amend. SG. 84/23 Sep 2003, suppl. SG. 107/9 Dec 2003, suppl. SG. 6/23 Jan 2004, amend. SG. 70/10 Aug 2004, amend. SG. 18/25 Feb 2005, amend. SG. 77/27 Sep 2005, amend. SG. 94/25 Nov 2005, amend. SG. 29/7 Apr 2006, amend. SG. 30/11 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 65/11 Aug 2006, corr. SG. 66/15 Aug 2006, amend. SG. 105/22 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 22/13 Mar 2007, amend. SG. 59/20 Jul 2007, amend. SG. 36/4 Apr 2008, amend. SG. 52/6 Jun 2008, amend. SG. 70/8 Aug 2008, amend. SG. 12/13 Feb 2009, amend. SG. 32/28 Apr 2009, amend. SG. 35/12 May 2009, amend. SG. 47/23 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 93/24 Nov 2009, amend. SG. 95/1 Dec 2009, amend. SG. 103/29 Dec 2009, amend. SG. 61/6 Aug 2010, amend. SG. 98/14 Dec 2010, amend. SG. 19/8 Mar 2011, amend. SG. 28/5 Apr 2011, amend. SG. 35/3 May 2011, amend. SG. 80/14 Oct 2011, amend. SG. 45/15 Jun 2012, amend. SG. 77/9 Oct 2012, amend. SG. 82/26 Oct 2012, amend. SG. 66/26 Jul 2013, amend. SG. 103/29 Nov 2013, amend. SG. 26/21 Mar 2014, amend. SG. 49/13 Jun 2014, amend. SG. 53/27 Jun 2014, amend. SG. 98/28 Nov 2014, amend. SG. 12/13 Feb 2015, amend. SG. 14/20 Feb 2015, amend. SG. 17/6 Mar 2015, amend. and suppl. SG. 58/31 Jul 2015, amend. SG. 61/11 Aug 2015, amend. SG. 95/8 Dec 2015, amend. SG. 101/22 Dec 2015, amend. SG. 15/23 Feb 2016, amend. SG. 51/5 Jul 2016, amend. and suppl. SG. 52/8 Jul 2016, amend. SG. 95/29 Nov 2016, amend. and suppl. SG. 12/3 Feb 2017, amend. SG. 58/18 Jul 2017, amend. and suppl. SG. 96/1 Dec 2017, amend. and suppl. SG. 55/3 Jul 2018, suppl. SG. 77/18 Sep 2018, amend. and suppl. SG. 98/27 Nov 2018, amend. and suppl. SG. 103/13 Dec 2018, amend. SG. 17/26 Feb 2019, amend. and suppl. SG. 25/26 Mar 2019, amend. and suppl. SG. 61/2 Aug 2019, amend. SG. 21/13 Mar 2020, amend. and suppl. SG. 44/13 May 2020, amend. SG. 52/9 Jun 2020, amend. and suppl. SG. 102/1 Dec 2020, suppl. SG. 13/16 Feb 2021, amend. and suppl. SG. 17/26 Feb 2021, amend. and suppl. SG. 20/11 Mar 2022, amend. SG. 96/2 Dec 2022, amend. SG. 102/23 Dec 2022, suppl. SG. 66/1 Aug 2023, amend. and suppl. SG. 86/13 Oct 2023, **amend. SG. 102/8 Dec 2023***

## **Chapter one. GENERAL PROVISIONS**

Art. 1. This Act shall provide the ownership and management of waters on the territory of the Republic of Bulgaria as a national indivisible natural resource and the ownership of the water economic systems and facilities.

Art. 2. (amend. - SG 65/06, in force from 11.08.2006) (1) The objective of this Act is to provide

an integral water management in community interest and protection of people's health, and also to provide conditions for:

1. (amend. – SG 47/09, in force from 23.06.2009) Provision of sufficient quantity of surface and underground waters of good quality for sustainable, balanced and reasonable water use;
2. Reduction of water contamination;
3. Protection of surface and underground waters and the Black sea water space;
4. Termination of pollution of the aquatic environment with natural or synthetic substances;
5. Reduction of water outfalls, emissions and discharge of priority substances;
6. Termination of water outfalls, emissions and discharge of priority hazardous substances;
7. (new – SG 61/10) prevention and reduction of the harmful effects of the water to the human life and health, to the environment, the cultural heritage and the economic activity.

(2). The objectives under para 1 shall be achieved through:

1. Prevention of aggravation and protection and improvement of the condition of water environmental systems, of directly related to them land environmental systems and wet zones;
2. Encouragement of sustainable water use by means of long-term protection of available water resources;
3. Complex, multiple and effective use of water resources;
4. Implementation of measures for water environment protection and improvement;
5. Provision of continuous reduction of underground waters contamination and prevention of their contamination;
6. Reduction of consequences of floods and droughts;
7. (new – SG 61/10) assessment and management of flood risks;
8. (new –SG, 58/2015) carrying out control for the technical conditions and safe exploitation of dam walls and the facilities to them.

Art. 2a. (new - SG 65/06, in force from 11.08.2006) (1) The objective under Art. 2 shall be achieved while observing the following principles:

1. Recognition of waters as essential for life resource and common heritage, which shall be subject to protection and safety;
2. (suppl. – SG 47/09, in force from 23.06.2009) Determination of each citizen's right of access to water for potable and domestic purposes as a basic vital need is a priority of the state policy and of the policy, implemented by the local self-governing bodies;
3. Determination of river basins as a basic unit of integrated water management;
4. Coordination of activities for achievement of a good condition of waters in trans-boarder river basins on basin and national level and scheduling of measures on the grounds of parity and support for national interests protection;
5. Implementation of scientific technical achievements in water management;
6. Application of economic regulators for achievement of sustainable water use and protection;
7. Prevention or reduction of hazardous waters impact, and reclamation of damages;
8. Prevention or reduction of water contamination at the source of contamination;
9. Maintenance and reclamation of vegetation and soil layer, related to waters reproduction;
10. The contaminator shall cover the expenses related to the measures for prevention, control and reduction of contamination, and for reclamation of damages;
11. Recompense of water services;
12. Reimbursement of expenses for water services, including of expenses for resources and environmental protection;
13. Provision to the community of timely, correct and comprehensible information about the condition of waters, scheduled measures and achieved results following their implementation;

14. Relevance between water protection activities and their sustainable use.

(2) (amend. – SG 61/10) Management of activities, related to water survey, protection and management, hydro-economic systems operation and management, shall be carried out by persons having got higher education and acquired "master" educational qualification degree in respective fields.

Art. 3. Waters on the territory of the country shall be:

1. (amend. - SG 65/06, in force from 11.08.2006) the surface waters;

1. the surface waters and the waters of river mouths;

2. the ground waters, including the mineral waters;

3. the internal sea waters and the territorial sea.

4. (new - SG 65/06, in force from 11.08.2006) waters of the Danube river, Resovska river and Timok river within the state borders of the Republic of Bulgaria.

Art. 3a. (new – SG 61/10) (1) The fresh water on the territory of the Republic of Bulgaria shall be natural strategic resources.

(2) The water sources referred to in Para 1 shall be:

1. the rains on the territory of the country;

2. the inflow of transboundary waters from neighbouring countries including the half of the outflow waters, where they coincide with the state border, unless otherwise stipulated in international agreements to which the Republic of Bulgaria is contracting party.

(3) The resources referred to in Para 1 shall be managed as set out in this Act considering the global changes of the outflow-forming climate factors of the region.

Art. 4. (revoked – SG 65/06, in force from 11.08.2006)

Art. 5. The use of waters shall be implemented through water economic systems including facilities for extraction, preservation, conveyance, distribution, discharge and treatment of waters, for utilisation of the water energy and for protection from the harmful impact of waters.

Art. 6. The waters, the water sites and the water economic systems and facilities on the territory of the country shall be possible to be ownership of the state, the municipalities, individuals and legal persons.

Art. 7. The provision of the relations connected with the ownership of waters, the water sites and the water economic systems and facilities shall be based on the following principles:

1. public importance of water as valuable natural resource;

2. multipurpose use of waters and the water sites with regard to satisfaction of economic interests without damaging the public interests and the existing rights;

3. protection of the right of ownership in waters, water sites and water economic systems as far as exercising it is not damaging the entity and the unity of the hydrologic cycle and of the natural water system;

4. exercising of the right of ownership so that not be impaired the technological unity of the water economic system.

Art. 8. (1) (amend. - SG 65/06, in force from 11.08.2006) The common water taking and use of the water sites and the water taking for satisfaction of own needs shall be gratuitous.

(2) (amend. - SG 65/06, in force from 11.08.2006) For water taking and use of water sites for economic activity shall be paid a fee for the use of the natural resource as a guarantee for creating equal legal conditions for economic activity for all citizens and legal persons.

(3) The persons implementing the activities of para 1 and 2 shall be obliged to protect the environment.

Art. 9. (1) The waters of art. 3 shall be managed at national and at basin level.

(2) (amend. - SG 65/06, in force from 11.08.2006) Water management on a national level shall be carried out by the Minister of environment and waters.

(2) The management of waters at national level shall be exclusive right of the Council of Ministers exercised through the Ministry of Environment and Waters.

(3) For assisting the activity of para 2 at the Ministry of Environment and Waters shall be established Supreme consultative water council.

(4) (Amend. - SG 108/01; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The Supreme consultative water council shall include representatives of the Ministry of Environment and Waters, Ministry of Regional Development and Public Works, Ministry of Agriculture and Food, Ministry of Economy, Ministry of Energy and Ministry of Tourism, Ministry of Transport, Information Technology and Communications, Ministry of Health, Ministry of Finance, Ministry of Interior, the Bulgarian Academy of Sciences, the municipalities, the non-profit legal persons, directly related with waters, etc.

(5) The Minister of Environment and Waters shall issue a Regulation for the structure and the activity of the Supreme consultative water council.

(6) (amend. – SG, 58/2015) The management at basin level within one or several watersheds shall be implemented in compliance with the state policy on waters by basin directorates for waters management.

Art. 10. (1) The state policy connected with the activities exploitation, construction, re-construction and modernisation of the water economic facilities shall be implemented by:

1. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works - for water supply and sewerage systems and facilities of the settlements and for protection from the harmful impact of waters within the settlements;

2. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. - SG 19/11, in force from 09.04.2011, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) the Minister of Agriculture and Food:

1. for hydromeliorative systems and facilities and for protection from the harmful impact of waters out of the settlements;

2. through the Executive Agency for Forestry - for plantations in the systems and equipment under letter "a";

3. (amend. SG 108/01; amend. - SG 36/06, in force from 01.07.2006; amend. – SG 82/09, in

force from 16.10.2009; amend. – SG, 14/2015) the Minister of Energy - for hydro-energy systems and objects;

4. (amend. - SG 65/06, in force from 11.08.2006) the Minister of Environment and Waters - for the water taking facilities for mineral waters, public state property.

(2) The policy connected with the activities for exploitation, construction, reconstruction and modernisation of water economic systems and facilities - municipal ownership, shall be implemented by the mayor of the municipality.

(3) (new – SG 61/10) The implementation of the policy under Para 1 and 2 shall prioritise the programmes of measures included in the river basin management plans and the flood risk management plans.

(4) (New - SG 55/18) The policy related to the control of the technical condition and safe operation of the dam walls and of the facilities thereto shall be implemented by the Chairperson of the State Agency for Metrological and Technical Surveillance.

Art. 10a. (new – SG 47/09, in force from 23.06.2009) (1) The Council of Ministers shall determine the state policy on water supply and sewerage as a part of the water economy policy of the state and the National strategy on Management and Development of the Water Sector in the Republic of Bulgaria.

(2) The Council of Ministers shall adopt a Strategy on Development and Management of Water Supply and Sewerage in the Republic of Bulgaria for a period of minimum 10 years.

(3) The strategy under para 2 shall define the main objectives, priorities, stages and the necessary funds as well as the sources of financing of the construction and development of the water supply and sewerage systems and increasing the quality of water supply and sewerage services.

(4) The policy in the field of water supply and sewerage shall be conducted by:

1. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works;

2. the municipal councils and the mayors of municipalities.

Art. 10b. (new – SG 47/09, in force from 23.06.2009) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall carry out the state policy in the water supply and sewerage sector on a national level by:

1. working out a Council of Ministers Strategy on Development and Management of Water Supply and Sewerage in the Republic of Bulgaria and proposing it to the Council of Ministers;

2. coordinate and control the implementation of the Strategy on Development and Management of Water Supply and Sewerage in the Republic of Bulgaria;

3. working out drafts of legislation acts related to management and development of water supply and sewerage and propose them to the Council of Ministers;

4. issue secondary legislative documents related to the management and development of water supply and sewerage in those cases where this is provided for by an Act;

5. coordinate the management of water supply and sewerage systems on a national level;

6. perform the functions of a principal of the trade companies – water supply and sewerage operators, where the state is a sole capital owner and of the trade companies – water supply and sewerage operators with a state participation in the capital;

7. create and maintain a Single information system and a register of the associations of water supply and sewerage operators as well as the water supply and sewerage operators referred to in Art. 198p.

8. approve short-term and medium-term programmes for research, design and construction of water supply and sewerage systems – public state property according to the river basins management plans, the Strategy on Development and Management of Water Supply and Sewerage as well as the regional general plans of water supply and sewerage systems of the respective separate territories and assist the municipalities in the implementation of their programmes as per Art. 10c, para 1, item 1;

9. exercise control on those cases provided for by the law.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) At implementation and coordination of the management of water supply and sewerage systems on a national level the Minister of Regional Development and Public Works shall:

1. coordinate the changes in the frontiers of separate territories and promulgate in State Gazette the decisions of the associations of water supply and sewerage regarding any changes in the frontiers of separate territories;

2. ensure the union of the general plans of water supply and sewerage systems in a mutual document on a national level for the necessities of the management of the water supply and sewerage sector;

3. give methodical instructions on the working out of regional general plans of water supply and sewerage systems and general plans of agglomerations of over 10 000 equivalent residents of water supply and sewerage systems and the investment programmes thereto;

4. coordinate the activity of the water supply and sewerage associations.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works in his/her capacity as a principal of the trade companies – water supply and sewerage operators in which the state is a sole capital owner and of the trade companies – water supply and sewerage operators with a state participation in the capital shall:

1. approve restructuring programmes for the trade companies – water supply and sewerage operators in which the state is a sole capital owner;

2. propose for approval by the respective general assemblies restructuring programmes for trade companies – water supply and sewerage operators with a state participation in the capital;

3. conclude the contracts for assigning and control of the management of the trade companies – water supply and sewerage operators in which the state is a sole capital owner, and in case the state owns more than 50 percent of the capital – he/she shall conclude the contracts following an authorization by their general assembly;

4. (amend. - SG 17/15, in force from 06.03.2015) define the main indices for the activity of the water supply and sewerage operators in the contracts referred to in item 3 according to the business plans approved by the Energy and Water Regulatory Commission (EWRC) and control their implementation pursuant to the Regulation for the Order for Exercising of the Rights of the State in the Commercial Companies with State Participation in the Capital (Prom. - SG. 51/03, amend. - SG. 59/03, amend. - SG. 79/05, amend. - SG. 54/06, amend. - SG. 15/07, amend. - SG 103/08, amend. - 39/09);

5. exercise control over the provision of services by the water supply and sewerage operators, provided that he/she receives the information as per Art. 198r from them;

6. send a notice for granting state aid to water supply and sewerage operators where necessary under the terms and following the procedure laid down in the State Aid Act.

Art. 10c. (new – SG 47/09, in force from 23.06.2009) (1) Municipal councils shall:

1. (amend. - SG 21/20, in force from 13.03.2020) adopt a plan for the development of water supply and sewerage systems on the territory of the municipality according to the river basins management plans, the Strategy on Development and Management of Water supply and sewerage, the municipal integrated development plan and the program for its implementation, by the regional general

plan of the water supply and sewerage systems and the facilities of the separate territory and the general plans of agglomerations of over 10 000 equivalent residents of water supply and sewerage systems and the facilities;

2. adopt a restructuring programme for the trade companies - water supply and sewerage operators in which the state is a sole capital owner;

3. adopt and propose for approval by the respective general assemblies of trade companies - water supply and sewerage operators with a municipal participation in the capital restructuring programmes;

4. approve the contracts for assigning and control of the management of the trade companies - water supply and sewerage operators in which the municipality is a sole capital owner;

5. make a statement on the business plans worked out by the water supply and sewerage operators;

6. appoint municipality representatives in the managing bodies of the trade companies – water supply and sewerage operators with a municipal participation in the capital;

7. appoint a municipality representative in the respective association in the sphere of water supply and sewerage and approve its mandate;

8. be in charge for the coordination of the management of water supply and sewerage systems and facilities of the separate territory in the cases provided for by the law.

(2) Mayors of municipalities shall:

1. work out the programmes referred to in para 1, items 1 and 2 and present them to the municipal council in order to be approved;

2. synchronize the preparation and implementation of the projects for water supply and sewerage infrastructure which are implemented by free aid by means of operative programmes, financed by the Cohesion Fund and the Structural Funds of the European Union;

3. envisage the events related to the development of water supply and sewerage in the municipality in the detailed development plans according to the regional general plans and the general plans of agglomerations of over 10 000 equivalent residents;

4. the contracts for assigning and control of the management of the trade companies - water supply and sewerage operators in which the municipality is a sole capital owner, or in case it owns more than 50 percent of the capital, provided that he/she is authorized by their general assembly;

5. (amend. - SG 17/15, in force from 06.03.2015) define the main indices for the activity of the water supply and sewerage operators referred to in item 4 and for their development according to the business plans approved by the EWRC, control their implementation and give an account to the municipal council;

6. take part as a municipality representative in the respective water supply and sewerage association;

7. exercise control in the cases provided for by the law.

Art. 10d. (new – SG 47/09, in force from 23.06.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. - SG 55/18) (1) The Minister of Regional Development and Public Works and the Minister of Environment and Waters shall be entitled to a free access to the information systems and the documents of other state bodies and bodies of local government and of all other institutions and authorities keeping registers and information systems provided for by an Act, provided that the data contained in the information systems and documents is related to water management and regulation of water supply and sewerage services as well as the ownership of water supply and sewerage systems, and the Chairperson of the State Agency for Metrological and Technical Surveillance - when the data from the information systems and the documents concerns the operation of the dam walls and the facilities thereto.

Art. 10e (new – SG, 58/2015) (1) (amend. – SG 58/17, in force from 18.07.2017, amend. - SG 102/23) Integration of policy of waters and the branch policy in the water sector shall be carried out by a Coordination Council of Waters, including the Minister of environment and Waters, the Minister of Agriculture and Food, the Minister of Energy, the Minister of economy, the Minister of Regional development and Public Works, the Minister of Health, the Minister of Interior, the Minister of Transport, IT and Communications and the Minister of Education and Science or officials, authorized by them and a representative of the National Municipality Associations in the Republic of Bulgaria.

(2) The Council under Para. 1 shall:

1. provide the coordination of the activities of:

a) development and implementation of the management plans of river basins and the management plans of risk of floods;

b) financing and implementation of programmes of measures under Art. 156n and of the measures for achievement of the objectives for decreasing the probability and unfavourable results from floods under Art. 146j, Para. 2, p. 2;

2. annually, by the end of March discuss the implementation of the national programmes for management plans of river basins and the plans for risk or flood management in the sectors and shall determine the needed measures, which the Minister of Environment and Waters shall propose for adoption by the Council of Ministers;

3. consider reports from the Regional Governors about the situation of the water infrastructure and the results from the control activity in the region.

(3) The Council under Para. 1 shall be chaired by the Minister of Environment and Waters.

(4) The organization of the activity of the Council under Para. 1 shall be defined by Rules of procedure, adopted by the Council of Ministers.

## **Chapter two.**

### **RIGHT OF OWNERSHIP IN WATERS, WATER SITES AND WATER ECONOMIC SYSTEMS AND FACILITIES**

#### **Section I.**

##### **State ownership in the waters, the water sites and the water economic systems and facilities**

Art. 11. Public state ownership shall be the following waters and water sites:

1. (suppl. – SG 61/10, amend. – SG, 58/2015) the waters of rivers and the adjacent land as well as the water in the reservoirs including these in dams owned by the state;

2. natural lakes, lagoons, firths, swamps and marshy areas when they are located on land - state ownership;

3. the underground waters except the mineral waters regardless of whether they are located under state, municipal or private property.

4. the natural waterfalls and the adjacent strips depending on the natural landscape but not narrower than 10 meters on both sides of the waterfall;

5. the waters, in this number waste waters when they flow out of properties, public or private property and flow into waters - public state ownership.

Art. 12. (1) Public state property shall be the isles and the lands formed as a result of natural processes occurred in the rivers, the reservoirs and the isles in the internal sea waters and the territorial sea.



(2) (amend. – SG 61/10) Public state property shall be the sea bottom and underneath within the boundaries of the internal sea waters and the bank flooded strip of river Danube.

Art. 13. (amend. – SG 47/09, in force from 23.06.2009) (1) Public state property shall be the following water economic systems and facilities:

1. the complex and significant dams according to Appendix No 1, including their reservoirs up to the highest water level, their adjacent facilities and the collecting derivations;

2. facilities and structures - immovable properties for measuring the quantity and the quality of the waters - public state ownership;

3. systems and facilities for protection from the harmful impact of waters, constructed with state funds - protection dikes, corrections of rivers and drainage systems except these of art. 19, para 1, item 4, letter d;

4. (amend. – SG 95/09) the water taking facilities for mineral waters – exclusive state ownership, and also inspection drillings constructed with state funds;

5. water supply systems or parts thereof by which water is being provided to street water supply networks for the consumers on the territory of more than one municipality;

6. water treatment stations or facilities as well as disinfection installations of water for potable and domestic purposes and public needs, for production, industrial and other activities of commercial nature if intended for the consumers of more than one municipality;

7. draining sewerage collectors with their adjacent facilities and water treatment stations and waste waters installations servicing the consumers on the territory of more than one municipality.

(2) (repealed, - SG, 58/2015, new - SG 61/19, in force from 02.08.2019) Dams transferred free of charge from the municipalities to the state under the procedure of this Act shall also be public state property.

Art. 14. (amend. - SG 65/06, in force from 11.08.2006) Exclusive state ownership shall be:

1. the internal sea waters and the territorial sea;

2. the mineral waters according to the list of appendix No 2 which shall be inseparable part of this Act.

Art. 15. (amend. – SG 61/10) Public state ownership shall also be the land taken by belt I of the sanitary - protection zones of the water sources and the facilities for drinking household water supply, public state ownership, and of the water taking facilities for mineral waters of art. 14, item 2.

Art. 15a. (new – SG 47/09, in force from 23.06.2009) Private state ownership shall be the building water-pipe installations and inner water-pipe networks and facilities located in the estates which are property of the state, up to the measuring devices of the water-pipe branches for joining the street water-pipe network and the sewerage networks and facilities leading the waste waters away from the said estates to the manhole pits in order to join the street sewerage networks.

Art. 16. (1) The state ownership in waters announced as public under this Act shall not be possible to be announced as private state ownership.

(2) Out of the ownership announced as public state ownership under this Act the state shall be able to own or to acquire also right of ownership in waters, water sites and water economic systems and

facilities for which the law provides that they could be subject to private ownership.

(3) (amend. – SG 61/15) \* The owners of farm lands and forests on which dams and water economic facilities have been constructed, which have not been indemnified for this by the due order, shall be indemnified by the order of art. 10b and art. 35 of the Farm Land Ownership and Use Act and of the Restoration of Ownership of Forests and Forestry Fund Lands Act.

Art. 17. (1) The waters, the water sites and the water economic facilities - state ownership, shall be registered according to the requirements of the State Property Act.

(2) (amend. – SG 61/10) The mineral waters shall be registered at the request of the Minister of Environment and Waters on the basis of information provided by him.

(3) Copy of the acts for waters, water sites and the water economic facilities, compiled according to the provided order, shall be sent to the Ministry of Environment and Waters in two months term after the compiling of the acts.

(4) Para 3 shall be applied also for implemented corrections of the acts for state ownership.

(5) The State Property Act shall be applied for the waters, the water sites and the water economic systems and facilities - state ownership, as far as in this Act other has not been provided.

Art. 17a. (new – SG 61/10) (1) (Amend. – SG 96/17, in force from 02.01.2018, suppl. - SG 55/18) Water taking facilities for mineral waters under Art. 13, Para 1, Item 4 may be built by the state, municipalities, when they are given to manage mineral waters, exclusive state property, as well as by and at the expense of persons that have be granted right to water taking of mineral waters by means of new facilities as set out in this Act or of a new concession for taking mineral waters.

(2) The water taking facilities under Para 1 shall become state property from the date of entry into operation.

(3) The persons under Para 1 shall:

1. provide to the Minister of Environment and Waters the documentation related to the construction of the facilities and the conducted examination of the mineral water during the construction of the facilities, as well as all other information required for the entry of the facility into the public register of the facilities for mineral waters under Art. 118d;

2. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) hand over the facilities without consideration to the Minister of Environment and Waters or to an official authorised by him, who shall undertake the required steps before the Minister of Regional Development and Public Works for entry of the facility into the exclusive state property act of the mineral water from the deposit;

3. manage the facility for the entire period of grant of the right to water taking;

4. ensure technically the water taking from the facility by other persons that have been granted such right by the competent authority;

5. upon expiration of the granted right to water taking or concession for taking of mineral waters hand over the facility to the director of the basin directorate for management.

## **Section II.**

### **Municipal ownership in waters, water sites and water economic systems and facilities**

Art. 18. (1) The ownership of the municipality in the waters, water sites and water economic systems and facilities shall be public and private municipal ownership.

(2) The public municipal ownership in waters shall not be possible to be announced private

municipal ownership.

Art. 19. (1) (prev. text of Art. 19 – SG 47/09, in force from 23.06.2009) Public municipal ownership shall be:

1. the waters and the water sites, in this number natural springs, lakes and swamps when they are located on lands - municipal ownership, and are not waters and water sites of art. 11;

2. the waters, in this number the waste waters flowing out of properties, public or private property, and are flowing in waters - public municipal ownership;

3. the mineral waters, without these of art. 14, item 2;

4. (suppl. SG 34/2001; suppl. – SG 47/09, in force from 23.06.2009) the water economy systems and facilities on the territory of the municipality except these included in the assets of commercial companies other than the water supply and sewerage operators with state and/or municipal participation in the capital or Water Users Associations and these being constructed with funds or credits of the commercial companies or of the Water Users Associations:

a) (amend. – SG 47/09, in force from 23.06.2009) water supply systems or parts thereof including networks and facilities for abstraction, treatment, decontamination, preservation and transportation of waters through which water is being delivered to consumers on the territory of the municipality, except the ones as per Art. 13, para 1, items 5 and 6, as well as street distribution water supply networks in urbanized territories and water-pipe diversions to the measuring devices in the users' estates;

b) (amend. – SG 47/09, in force from 23.06.2009) street sewerage networks and the rain pits in urbanized territories and the draining sewerage collectors with their adjacent facilities and water treatment stations and the facilities for waste waters servicing consumers on the territory of the municipality, except the ones referred to in Art. 13, para 1, item 7;

c) (suppl. SG 34/2001; amend. – SG 47/09, in force from 23.06.2009; amend. – SG 61/10, amend. – SG, 58/2015) the dams, including the ones in construction, except these of Art. 13, para 1, item 1 and those included in the assets of the commercial companies, other than the water supply and sewerage operators with state and/or municipal participation, as well as their water storages up to the highest water level and their adjacent facilities including their reservoirs and the collecting derivations;

d) the protection dikes and the facilities and the systems for fostering the river beds within the settlements;

e) water transfer and distribution networks for mineral waters;

f) (revoked – SG 47/09, in force from 23.06.2009)

5. (new – SG 47/09, in force from 23.06.2009; amend. and suppl. – SG 61/10) the lands of belt I of the sanitary - protection zones of the water taking facilities and the facilities for water supply of the populated areas in the municipality, except the ones referred to in Art. 15 and Art. 24, Item 11.

(2) (new – SG 47/09, in force from 23.06.2009, repealed – SG, 58/2015, new – SG 55/18) Municipal public property, if not public state property, shall also be the real estates and dams and facilities built on them, the owners of which have renounced their right of ownership in accordance with Art. 100 of the Property Act.

Art. 19a. (New - SG 61/19, in force from 02.08.2019) (1) The right of ownership of a dam-public municipal property may be transferred free of charge to the state under the conditions and by the order of this Act after a decision of the municipal council.

(2) The right of ownership of a dam-public municipal property given for concession shall not be transferred.

(3) The decision under Para. 1 shall be adopted by the municipal council upon a reasoned

proposal of the mayor of the municipality. Based on the decision of the municipal council, the mayor shall submit to the regional governor a reasoned proposal to change the ownership of the dam. The proposal shall be accompanied by the decision of the municipal council and the municipal property act for the dam subject to the decision. Copies of all documents shall also be sent to the Minister of Economy.

Art. 19b. (New - SG 61/19, in force from 02.08.2019) (1) The regional governor shall rule with an order to accept or refuse the donation within one month from the receipt of the municipal council's decision with the documents attached thereto, and shall notify the mayor of the municipality, the Executive Director of the State Enterprise "Dam management and maintenance" and the Minister of Economy.

(2) The transfer of the property shall be effected through a donation contract concluded between the mayor of the municipality, which owns the dam, and the regional governor. The contract between the regional governor and the mayor of the municipality shall be concluded within 14 days from the notification under Para. 1. A copy of the contract entered shall be submitted to the Executive Director of the State Enterprise "Dam management and maintenance".

(3) For a dam, transferred free of charge to the state, the regional governor shall draw up an act for public state ownership with granted management rights to the State Enterprise "Dam management and maintenance".

(4) Upon entry of the act, the regional governor shall submit copies pursuant to Art. 70, Para. 1 of the State Property Act.

(5) The regional governor shall refuse with an order to accept the donation, and shall return the proposal and the accompanying correspondence to the respective municipality when:

1. the water body requested for transfer from the municipality is not a dam under § 1, Para. 1, item 94 of the additional provisions, or
2. the proposal concerns a dam awarded for concession, or
3. there is no municipal property act.

(6) The order under Para. 5 shall be subject to appeal by the order of the Administrative-Procedure Code within 14 days from the notification of the interested persons.

Art. 20. (1) (Amend. – SG 96/17, in force from 02.01.2018) With the concession documentation on mineral water extraction, as well as on water-economic systems and water-economic facilities which are public municipality ownership, shall be determined:

1. the places for common use of waters and water sites;
2. the existing rights for use of the waters in the water reservoir.

(2) (Amend. – SG 96/17, in force from 02.01.2018) The concession contract shall specify the concrete obligations of the concessionaire to ensure the general use of the waters and the water sites, and the existing rights of use of the waters in the reservoir.

(3) (revoked – SG 36/06, in force from 01.07.2006)

(4) (revoked – SG 36/06, in force from 01.07.2006)

(5) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, amend. – SG, 58/2015, amend. – SG 96/17, in force from 02.01.2018) In the concession contract the person who was awarded the concession for a water economic system, shall be assigned the tasks of management and maintenance of the facilities as required by the ordinance referred to in Art. 141, Para 2.

Art. 21. (amend., SG 81/00) (1) (Amend. - SG 52/20, in force from 09.06.2020) The mineral

waters under Art. 19, item 3 shall acquire title deed as public municipal property only in the presence of an issued certificate by the Ministry of Health.

(2) (suppl. – SG 61/10, amend. - SG 52/20, in force from 09.06.2020) The certificate under para 1 shall be issued in the order specified in the Foodstuffs Act.

(3) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) Concession for taking of mineral waters - public municipal property shall be granted only for approved exploitation resources of mineral waters.

(4) (amend. - SG 36/06, in force from 01.07.2006, revoked – SG 96/17, in force from 02.01.2018)

(5) (amend. - SG 36/06, in force from 01.07.2006, revoked – SG 96/17, in force from 02.01.2018)

(6) For granting right of using the waters under para 1 the owner of the real estate where the water source is located shall have an advantage in equal other conditions.

Art. 22. (1) Private municipal ownership shall be properties, waters, water sites and water economy systems and facilities acquired by the municipality apart from the properties described in art. 19.

(2) (new – SG 47/09, in force from 23.06.2009) Private municipal property shall also be the building water-pipe installations and the internal water-pipe networks and facilities, located in estates – municipal property to the measuring devices of the water-pipe branches and sewerage networks deviating waste waters from these estates to the manhole pits in order to join the street sewerage networks.

(3) (suppl. SG 34/2001; prev. text of para 2 – SG 47/09, in force from 23.06.2009) Regarding waters, water sites and water economy systems and facilities - municipal property, shall be applied the Municipal Property Act as far as in this Act and in the Act On Water Users Associations has not been provided otherwise.

### **Section III.**

#### **Private property of waters, water sites and water economy systems and facilities**

Art. 23. The owner of the land shall be the owner of the waters and water sites on the property unless they are property of the state or municipality.

Art. 24. Private property shall be:

1. (amend., SG 81/00) the waters springing in the boundary of the private property except the mineral waters, while flowing in it if they are not captured or included in the water supply systems;

2. the lakes not fed by or through which do not flow state or municipal public property waters;

3. the precipitation waters collected within the boundaries of the property and the facilities constructed for that purpose;

4. waters flowing out of the water sites of items 1, 2 and 3, up to their inflow point into public state or public municipal ownership waters;

5. (amend. - SG 65/06, in force from 11.08.2006) lands, occupied by the waters of items 1, 2, 3 and 4;

6. the wells in the real estate;

7. the facilities and systems for use, transport and treatment of the waters which serve the respective property, as well as the facilities for prevention and mitigation of the consequences of the

harmful effect of waters;

8. (new – SG 47/09, in force from 23.06.2009) water supply and sewerage systems or parts thereof constructed with users' funds - natural or legal persons, provided that these systems are of use only to the estates of the said users.

9. (new – SG 47/09, in force from 23.06.2009) building water-pipe installations and internal water-pipe networks located in the users' estates to the measuring devices of the water-pipe branches;

10. (new – SG 47/09, in force from 23.06.2009) the sewerage networks and facilities deviating the waste waters from users' estates to the manhole pits in order to join the street sewerage networks;

11. (new – SG 61/10) the lands of belt I of the sanitary-protection zones of the facilities for independent drinking and household water supply.

Art. 25. (revoked - SG 65/06, in force from 11.08.2006)

Art. 26. The ownership, use and disposition with the waters, the water sites and the water economy systems and facilities - private property, shall be implemented according to the general provisions about ownership as far as in this Act other has not been provided.

#### **Section IV.**

##### **Ownership in waters, the water sites and the water economy systems and facilities**

Art. 27. The right of ownership in water site, water economy system or facility shall be possible to belong also in common to two or more persons when these objects are located in a co-owned property. In this case the ownership of the water site, the water economy system or facility shall follow the ownership of land unless other has not been provided.

Art. 28. (1) At implementing of subdivision of a co-owned property in which there is water site the detachment of real parts of the water site shall not be admitted.

(2) At implementing of subdivision of a co-owned property in which there is water site the co-owner who has right to bigger share of the property shall have priority for assigning the water site.

(3) The other owners shall receive the money equivalent of their shares in 14 days term after the subdivision contract is concluded, respectively after the court decision about the subdivision enters into force.

Art. 29. For the issues not provided in this Act shall be applied the corresponding provisions of the Ownership Act.

#### **Section V.**

##### **Acquisition of rights of ownership in water sites, water economy systems and facilities**

Art. 30. (1) The acquisition of the right of ownership in water sites, water economy systems and facilities shall be implemented through a legal transaction for the land in which they are located or as inheritance.

(2) No acquisition in prescription shall be admitted for water sites, water economy systems and facilities - public state and municipal ownership.

Art. 31. (1) When the waters of the river as a result of natural processes, in this number natural disasters, form a new bed and leave the old one the newly taken place shall become public state property and the left place shall remain public state property.

(2) In this case the affected owner shall be obliged to inform the body of art. 10, para 1, item 1 or 2, which shall in 6 months term on the basis of a technical - economic analysis undertake activities for correction of the occurred changes.

(3) (amend. SG 47/02; amend. – SG 61/15) \* In case the undertaken measures lead to returning of the river to the old bed the affected owner of land shall restore the right of ownership in the parcel. If this is technically impossible or economically unfavourable, the affected land owners shall be substituted with equal land from the state or the municipal land entirety by the order of art. 10b of the Farm Land Ownership and Use Act.

Art. 32. The owner of private water site shall not acquire the ownership in the land which the water covers in extraordinary floods.

## **Section VI. Restrictions of the right of ownership**

Art. 33. (1) The exercising of the right of ownership shall be possible to be restricted in the following cases:

1. (amend. - SG 65/06, in force from 11.08.2006) at implementing investigation and obtaining of underground waters and taking of spring waters in a private property;

2. at construction of new sites connected with the use, preservation or with the protection from the harmful impact of waters as well as for more expedient utilisation of the water resources.

3. (amend. - SG 65/06, in force from 11.08.2006) within the boundaries of sanitary – protection zones of water supply facilities for potable water and for water for domestic purposes and for mineral waters.

(2) If the implementation of the measures of para 1 deprives durably the owner from the use of the whole property or part of it, the property shall be compulsorily alienated by the order of the State Property Act.

(3) (new - SG 65/06, in force from 11.08.2006; revoked – SG 61/10)

(4) (prev. text of para 03 - SG 65/06, in force from 11.08.2006) The orders of the competent body issued on the ground pointed out in this section shall not be implemented before the act ordering the alienation of the affected property enters into force and before the payment of the defined remuneration.

Art. 34. (1) (amend. - SG 65/06, in force from 11.08.2006) Exploring and obtaining of underground waters and taking spring waters in a private property shall be possible to be implemented only after obtaining a permit for accomplishing the corresponding activity.

(2) The activities of para 1 shall be implemented on the ground of a written contract with the owner where are defined the conditions for accomplishing the activity and the due indemnification.

(3) The competent body according to the provisions of this section shall offer to the owner a draft contract which shall obligatory contain:

1. the necessary exploration and / or construction - mounting activities;

2. the part of the property which will be at disposal to the contractor for implementing the exploration of the construction;
  3. the part of the property which will remain taken by the constructed facilities after the finish of the exploration or the construction;
  4. the term for finishing the exploration or the construction;
  5. the necessary works for reclamation of the terrain after accomplishing the exploration or the construction;
  6. the money indemnification if during the exploration or the construction the owner is deprived from the opportunity to use his property as well as the order for payment of the indemnification;
  7. annual money indemnification if part of the property remains taken by the constructed facilities after finishing the exploration or the construction; the money indemnification of this item shall be terminated after the restoration of the property in its original state;
  8. other conditions which could create a guarantee for protection of the property and the calmness of the owner of the property.
- (4) The affected owner shall be able to answer in one month term after receiving the proposal.
- (5) If the affected owner does not accept the proposal within the term of para 4 shall be applied the rules for restriction of ownership and indemnification provided in this section.

Art. 35. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) When there is no other opportunity shall be necessary water taking of spring waters in a property which is not state or municipal property to satisfy the drinking-household water supply of the region, the Minister of Regional Development and Public Works shall, on the basis of technical and economic investigations, issue an order for implementing the necessary activities for accomplishing the water taking.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) With an order of the Minister of Regional Development and Public Works shall obligatory be determined the circumstances pointed out in art. 34, para 3.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue the order of para 1.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The contractor of the construction shall be responsible for the damages caused to the owner of the affected property at non observing the rules for construction and of the conditions of the order of the Minister of Regional Development and Public Works.

(5) (amend. - SG 81/00; amend. - SG 65/06, in force from 11.08.2006) The person in which property is accomplished the water taking shall have right to gratuitous water taking in extent not more than 10 cubic m per 24 hours regardless of the received indemnification.

Art. 36. (1) For accomplishing of exploration of underground waters in a private property the Ministry of Environment and Waters shall issue an order with which are obligatory determined the circumstances of art. 34, para 3.

(2) The exploration of the underground waters shall be implemented accounting at maximum the interests of the owner.

(3) The person implemented the exploration shall bear responsibility for the caused damages in detraction from the conditions of the order of the Minister of Environment and Waters and from the special normative acts regulating the exploration of underground waters and the implementation of the reclamation works on the affected areas.



Art. 37. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The obtaining of underground waters in a private property shall be implemented only for waters with guaranteed drinking qualities, used for drinking and after accomplishing the construction works determined by the Minister of Regional Development and Public Works under the conditions and by the order of art. 35.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The existing in the region of other opportunity for obtaining underground waters for drinking and household water supply from a property - state or municipal ownership, shall be ground for repealing the order of the Minister of Regional Development and Public Works.

Art. 38. (1) When is necessary the construction of new sites connected with the preservation of waters, or with the protection from the harmful impact of waters, as well as for satisfaction of such state or municipal needs that cannot be satisfied in another way, shall be admitted compulsory alienation of private properties, parts thereof or existing water economic facilities after preliminary and equal in value indemnification.

(2) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) In the cases of para 1 the Minister of Regional Development and Public Works or the Minister of Agriculture and Food depending on their competence shall make request for compulsory alienation of the affected immovable property by the order of the State Property Act.

(3) Basis for the compulsory alienation shall be the approved water economic plans containing technical and economic research, proving that the state or the municipal need cannot be satisfied in another way.

### **Chapter three. USE OF WATERS AND WATER SITES**

Art. 39. (amend. - SG 65/06, in force from 11.08.2006) The use of waters and water sites shall include water taking and use of the water site.

Art. 40. (1) (prev. text of Art. 40 – SG 61/10) The use of waters and the water sites shall be:

1. common and individual according to whether the holders of the right are unlimited number of persons or individually defined persons;

2. (suppl. – SG 61/10) with permission or prior notification of the competent authority in writing and without permission according to whether the law provides issuing of individual administrative act as prerequisite for creating the right to use or the right to use is created by force of another legal fact;

3. (revoked – SG 36/06, in force from 01.07.2006)

(2) (new – SG 61/10) Individual right to use of waters and water sites granted in an administrative act to an individually specified person shall not be transferable to third parties.

Art. 41. (1) (amend. - SG 65/06, in force from 11.08.2006) The common water taking and use of water sites shall be the right of the citizens to use the waters and/or the water sites - public state or

municipal ownership, for personal needs, recreation and water sports, watering of animals and swimming.

(2) (amend. - SG 65/06, in force from 11.08.2006) The conditions and the order for use of para 1 of the waters and the water sites shall be determined for public state ownership by the regional governor and for public municipal ownership - the municipal council, in compliance with the issued permits for water taking and use of water sites and in the way guaranteeing the preservation of the life and health of the population and of the environment.

(3) The regional governor - for the public state ownership, and the mayor of the municipality - for the public municipal ownership, shall be obliged to announce:

1. (amend. - SG 65/06, in force from 11.08.2006) the water sites, conceded for common water taking and use determining the places for this purpose;

2. (amend. - SG 65/06, in force from 11.08.2006) the requirements, the conditions or the prohibition for certain kind common water taking or use;

3. the permitted found individual rights to use as well as the rights to use which are forthcoming to be conceded;

4. (amend. - SG 65/06, in force from 11.08.2006) the scope and the designation of the adjacent land of the water sites of item 1 with regard to implement certain kinds common water taking or use, respectively restriction or prohibitions of other kinds of use as well as requirements to objects and activities compatible with the common water taking and use;

5. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) the places for passing through private properties in the cases when for the common water taking and/or use the access to the water site is implemented through such properties after preliminary coordination with the owner of the property; if there is no consent the provisions of the Spatial Planning Act shall apply.

(4) The announcement of para 3, items 1, 2 and 5 shall be implemented also by putting boards at the defined places, and of items 3 and 4 - by a public register.

Art. 42. (amend., SG 70/04.; amend. - SG 65/06, in force from 11.08.2006) The owner of a water site the water in which is public ownership as well as the owner of a private water site, shall be obliged to announce the restrictions for the common water taking or use, respectively the prohibition for this, through a publication or in another way. The restrictions and the prohibitions shall be possible to be imposed due to technological and hygienic-epidemiological considerations.

Art. 43. (1) The individual use of the waters and the water sites shall exist when the corresponding right is implemented by certain titular.

(2) (Amend., SG 81/00; suppl. – SG 61/10; suppl. – SG 35/11, in force from 03.05.2011, amend. - SG 86/23, in force from 13.10.2023) The physical persons being owners or users of an immovable property, located within the boundaries of settlements and settlement formations shall have the right to free of charge water taking of up to 10 m<sup>3</sup> per 24 hours for their own needs for the located on its surface and underground waters, and also in cases of use of individual heating and/or cooling systems with a total installed power up to 50 kW, using as a primary energy source the energy from the dry zones in the earth interior and of underground waters with a temperature up to 20oC, except for mineral waters.

(3) (New - SG 86/23, in force from 13.10.2023) Individuals and legal entities shall have the right to free water abstraction from surface and underground water and to free use of surface and underground water bodies in the cases of exploitation of shallow geothermal resources, and construction of related geothermal systems according to the terms of the Energy from Renewable Sources Act.

(4) (New - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, previous Para. 3 - SG

86/23, in force from 13.10.2023) The provision of para 2:

1. shall apply to water taking of underground waters within the limits of the maximum water volumes for the lands of each settlement specified in the river basin management plans and announced on the internet sites of the basin directorates, which shall not exceed 50 % of the available resources of the first underground water body under the surface.

2. shall not apply with regard to taking of mineral waters.

(5) (Prev. text of Para 03 - SG 65/06, in force from 11.08.2006, previous Para. 4, suppl. - SG 86/23, in force from 13.10.2023) Apart from the cases of Para. 2 and Para. 3, for the individual use of the waters and the water sites fees shall be paid, determined with a tariff of the Council of Ministers.

(6) (Prev. text of Para 04 - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, previous Para. 5, suppl. - SG 86/23, in force from 13.10.2023) At proven breaches of Para. 2 or Para. 3, the body of art. 52, para 1, item 4 shall be able to oblige the titulary to mount measuring devices.

Art. 44. (1) (amend., SG 81/00; amend. - SG 65/06, in force from 11.08.2006) Permit for water taking shall be required in all cases except for:

1. (suppl. - SG 86/23, in force from 13.10.2023) the cases set forth in Art. 43, para 2 and Para. 3;

2. (amend. – SG 35/09, in force from 12.05.2009; amend. – SG 53/14) the activities related to population protection in case of introduced protection plan in case of disasters pursuant to the procedure set out in the Disaster Protection Act;

3. (new – SG 61/10) in the cases of Art. 58, Para 1, Items 1 and 2;

4. (new - SG 86/23, in force from 13.10.2023) when taking water for the exploitation of deep geothermal resources in accordance with the Underground Resources Act.

(2) (Amend. - SG 65/06, in force from 11.08.2006) The water taking shall include taking away waters from the water sites and/or detraction from them as well as the utilisation of water energy.

(3) For transformation of water energy into electric energy through turbines with power up to 20 kW without detraction from the water flows permit by the order of this Act shall not be required.

(4) (amend. - SG 65/06, in force from 11.08.2006) The construction of a well for individual gratuitous underground water taking shall take place without a permit being necessary but after the owner notifies the Director of the respective Basin Directorate.

(5) (amend. - SG 65/06, in force from 11.08.2006) The owner or the user of the property where a well has been constructed under the conditions of para 4 shall be obliged in three months term after the construction to announce it to the respective Basin Directorate for entering in the register pursuant to Art. 118d, para 3, item 5.

(6) (amend. - SG 65/06, in force from 11.08.2006, revoked - SG 98/18, in force from 27.11.2018)

Art. 45. (revoked - SG 65/06, in force from 11.08.2006)

Art. 46. (amend. - SG 65/06, in force from 11.08.2006) (1) Permit for use of water site shall be issued for:

1. (amend. – SG 61/10) construction of new, reconstruction or modernisation of existing systems and facilities for:

a) adjusting the outflow;

b) linear infrastructure crossing water sites - aqueducts, bridges, transfer networks and conduits;

c) hydro-geological examinations related to the activities under Letter "h";

- d) protection from the harmful impact of waters;
- e) hydro-technical port facilities;
- f) floating facilities in dams;
- g) water taking from surface or underground waters;
- i) re-injection and for injection of waters, for artificial feeding of underground waters and for discharging of contaminants in underground waters in cases pursuant to Art. 118a, para 2.
  - 2. aqua-cultures and related to them activities;
  - 3. (amend. – SG 61/10) outfall of waste waters in surface waters for:
    - a) site construction, including sewerage systems in settlements, settlement and resort formations;
    - b) operation of existing sites, including sewerage systems in settlements, settlement and resort formations;
  - 4. removal of alluvial deposits from surface water sites;
  - 5. re-injection or injection of waters in underground water sites;
  - 6. artificial feeding of underground waters;
  - 7. discharging of contaminants in underground waters in cases pursuant to Art. 118a, para 2.
  - 8. injection of natural gas or liquefied oil gas in underground water sites;
  - 9. (revoked – SG 61/10)
  - 10. (new – SG 61/10, amend. – SG, 58/2015) maintenance of the flow of unadjusted river beds for removal of bushes, trees and waste in the zones referred to in Art. 119a, Para 1, Item 5;
  - 11. (new - SG 86/23, in force from 13.10.2023) construction and operation of geothermal systems for shallow geothermal resources when required under the Energy from Renewable Sources Act.

(2) Construction of structures, civil engineering facilities, buildings and others, where there is or it is possible to have a contact with underground waters, shall be carried out pursuant to the provisions of the Spatial Planning Act with meeting the requirements for underground waters protection as per Chapter eight.

(3) The permit pursuant to para 1, item 3 shall be issued by the order of this Act except for in the cases when issuing of an integral permit pursuant to the provisions of the Environmental Protection Act is provided.

(4) (amend. – SG 61/10) No permit for usage of water site is required under Para 1, Item 3 in case of:

- 1. outfall of domestic waste waters for objects outside residential areas and settlements with:
  - a) maximum daily water quantity of up to 10 m<sup>3</sup> per 24 hours and up to 50 equivalent residents, and
  - b) provided minimum primary treatment of waste waters.
- 2. sites forming household and faecal waste waters within the boundaries of populated areas and settlement formations without sewerage system; the provisions of the Spatial Planning Act shall apply to such sites.

(5) (new – SG 61/10) The permit for use of a water site for reconstruction and modernisation of existing facilities shall be required only in the cases referred to in Para 1, Item 1, Letters "a", "b", "d" and "e", while in the rest of the cases the reconstruction and modernisation of the facilities shall be made following a preliminary notification in writing of the competent authority as set out in Art. 58.

(6) (new – SG 61/10) The permit for use of a water site for construction of underground water facilities referred to in Para 1, Item 1, Letters "g" and "h" shall be issued within the scope of the permission for water taking, outfall, injection or re-injection via new facilities.

(7) (new – SG 61/10) Where the place of outfall of waste waters requires the construction of facilities affecting the water site, the conditions of its protection during the construction of the facilities shall be determined in the permit referred to in Para 1, Item 3.

(8) (new – SG 61/10) The permit for outfall of waste waters under Para 1, Item 3, Letter "a" shall be required also in cases of designing of enlargement or changes to existing sites requiring changes to the parameters and location of the permitted outfall.

(9) (New - SG 86/23, in force from 13.10.2023) No permit shall be required for the use of a water site in the cases under Art. 43, Para. 2 and 3, as well as in the cases of using a water site or water intake for the exploitation of deep geothermal resources in accordance with the Underground Resources Act.

Art. 46a. (1) (new - SG 65/06, in force from 11.08.2006; prev. Art. 46a – SG 95/09) Presentation of a permit pursuant to Art. 44 and 46 shall be a prerequisite for project approval and for granting a construction permit pursuant to the provisions of the Spatial Planning Act.

(2) (new – SG 61/10) Permit for use or certificate for entry into operation under the Spatial Planning Act shall be issued for sites, including sewerage systems for outfall of waste waters into water sites, only in cases of issued as set out in this Act:

1. permit for water taking from underground waters via existing facilities or permit for water taking from surface waters for sites in operation, and

2. permit for use of a water site for outfall of waste waters for sites in operation.

(3) (new – SG 61/10) The provision of Para 2, Item 1 shall not apply to sites which water supply is carried out pursuant to a contract with a W & S operator registered under the Regulation of Water Supply and Sewerage Services Act.

(4) (new – SG 95/09; prev. text of Para 02 – SG 61/10) The provision of par. 1 shall not apply with regard to permits for mineral waters – exclusive state ownership.

(5) (new - SG 98/18, in force from 27.11.2018) The permit under Art. 44 and/or Art. 46 does not create real rights over the properties in which the permitted activities are realized.

Art. 46b. (New - SG 86/23, in force from 13.10.2023) (1) In the cases under Art. 44, Para. 1, item 4 or Art. 46, Para. 9, when the activities of exploitation of hydrogeothermal resources include any of the activities under Art. 44 and/or Art. 46, the relevant parameters and requirements of water use according to this act, including according to Art. 56, shall be incorporated into and apply in relation to the relevant prospecting and exploration or prospecting permit, or mining concession, of deep geothermal resources issued under the Underground Resources Act.

(2) The competent body regarding the relevant waters, determined pursuant to Art. 52, shall be obliged to participate in the rights granting commission under the Underground Resources Act.

Art. 47. (amend. - SG 36/06, in force from 01.07.2006) (1) (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 47/09, in force from 23.06.2009, amend. – SG 96/17, in force from 02.01.2018) Concession for extracting mineral water - exclusive state ownership and public municipal property, shall be granted after preparatory actions have been carried out and procedure has been conducted. The order for the preparation and conducting of the procedure for granting the concession, as well as for the implementation, modification and termination of concession contracts for mineral water, shall be determined by an ordinance of the Council of Ministers. For the outstanding issues related to the strategic development and planning of mineral water concessions, monitoring, management and control, the financing of the activity and the National Concession Register, the Act on Concessions shall apply.

(2) (amend. - SG 65/06, in force from 11.08.2006) Concession for obtaining of mineral waters shall be granted when water taking is intended for:

1. bottling of natural mineral water and/or soda and other beverages including in their contents mineral water;

2. (suppl. - SG 86/23, in force from 13.10.2023) extraction of valuable substances, except in

cases where valuable substances are extracted within the framework of a concession for the extraction of deep geothermal resources under the Underground Resources Act.

3. (suppl. - SG 65/06, in force from 11.08.2006; revoked – SG 95/09)

4. (new – SG 61/10, revoked – SG 96/17, in force from 02.01.2018)

(3) (amend. - SG 65/06, in force from 11.08.2006) Concession for obtaining mineral waters shall be granted accounting for the needs of the medical establishments for hospital care and the common water taking for drinking and filling.

(4) (amend., SG 45/12, in force from 01.09.2012, amend. – SG 96/17, in force from 02.01.2018) At granting of concession for obtaining mineral water - exclusive state ownership, part of the concession remuneration, not less than 50 percent, defined with the decision of the Council of Ministers for opening of procedure for concession granting, shall be transferred to the municipal budget, on the territory of which the site of the concession is located.

(5) (new - SG 65/06, in force from 11.08.2006, amend. – SG 96/17, in force from 02.01.2018) Subject of the concession under Para. 1 shall be the mineral water from a mineral water deposit discovered with a specific water abstraction facility together with the water abstraction facility and the internal belt of its sanitary-protection zone.

(6) (new - SG 65/06, in force from 11.08.2006) When carrying out the procedure under para 1 and evaluation of quotations the heaviest rate shall have the following criteria:

1. (amend. – SG 96/17, in force from 02.01.2018) the amount of concession remuneration;

2. The term of concession;

3. The amount of provided guarantee;

4. (new – SG 47/09, in force from 23.06.2009) The term of complete appropriation of resources granted.

(7) (new - SG 65/06, in force from 11.08.2006) The provisions of para 5 shall not apply in cases, when the water taking facility and the internal belt of its sanitary-protection zone are included in another granted concession.

(8) (new - SG 65/06, in force from 11.08.2006; revoked – SG 108/06, in force from 01.01.2007, new – SG 96/17, in force from 02.01.2018) Removed from participating in the procedure under Para.1 shall be any participant:

1. for whom there are grounds for exclusion determined by the Concessions Act;

2. who does not meet the requirements for the professional or technical capabilities or financial and economic status of the participants, defined in the decision for opening the procedure.

(9) (new – SG 47/09, in force from 23.06.2009; amend. – SG 61/10, amend. – SG 96/17, in force from 02.01.2018) The total annual exploitation resource specified in the decision for initiation of procedure shall amount up to 95 percent of the technically possible debit determined in the order for approval of the operational resources of the deposit of the water taking facility.

(10) (new – SG 47/09, in force from 23.06.2009, amend. – SG 96/17, in force from 02.01.2018) The annual concession remuneration shall be due on the basis of the actual amount of mineral water used, but not less than 80 percent of the provided resource.

(11) (new – SG 47/09, in force from 23.06.2009) One mineral water deposit shall be granted for concession for extraction under para 2, item 1 to one concessionaire only, except for the deposits designated for regions as per Appendix No 2.

(12) (New – SG 96/17, in force from 02.01.2018) Concession for mineral water extraction shall be granted for a period of up to 35 years.

Art. 47a. (new - SG 36/06, in force from 01.07.2006, amend. – SG 96/17, in force from 02.01.2018) (1) (Amend. - SG 17/21) Concession for construction and concession for services of water-saving systems and equipment, including for hydro-technical, hydro-power, hydro-melioration,

water supply and sewerage systems and facilities, shall be assigned under the terms and conditions of the Concessions Act.

(2) Water-saving systems of complex use, for whose management are used different competent public bodies, shall be awarded as joint concessions.

(3) The draft decision for the opening of the procedure for determining the concessionaire, and the justification of the concession for water economic systems and facilities shall be coordinated with the Minister of Environment and Waters regarding the compliance with the implemented river basin management plans and the plans for floods risk management.

Art. 47b. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 47c. (new – SG 61/10, revoked – SG 96/17, in force from 02.01.2018)

Art. 48. (1) (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) The water users holding a permit shall have the obligation to:

1. use rationally the water resources, decrease the water losses, taking care of the preservation of the environment;

2. (amend. – SG 61/10) use the waters and the water sites in compliance for the objectives they have been conceded;

3. (amend. – SG 61/10) maintain the necessary water quality in compliance with the normative requirements and the conditions of the permits;

4. (Suppl. - SG 41/01) not admit breaching of public interests and acquired rights, including the rights for carrying out economic fishing and other fishery activities under the conditions and by the order of the Fisheries and Aquaculture Act;

5. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) undertake actions for determining the sanitary - protection zones of the facilities for drinking-household water supply and these for mineral waters, used for healing, prophylactic, drinking and daily needs and bottling and:

a) implement the prescribed measures within the sanitary-protection zones as set out in the ordinance under Art. 135, Para 1, Item 6 and the order for determining the sanitary-protection zone, and

b) maintain the flooded strips along the banks of the rivers or the lands adjacent to dams within the zone, in compliance with the normative requirements;

6. (amend. - SG 55/18) measure and keep account of the taken and used waters, the transported and discharged waters, the levels of the underground waters, and for hydro-technical support facilities - about the water levels up to the maximum level, as well as about the polluting substances, according to the explicit conditions pointed out in the permit;

7. (amend. - SG 70/04) implement technological, hydro-technical, agro-technical, water preservation, hygienic-epidemiological and other measures when this is provided in the conditions at conceding the use;

8. (suppl. – SG 61/10) ensure free access to the state and municipal bodies empowered to apply the provisions of the law, as well as to provide the requested information during and in relation to an inspection;

9. conclude contracts with the subscribers at conceding water services;

10. (amend. - SG 65/06, in force from 11.08.2006) notify timely the subscribers about breach of the contracted regime of the water taking;

11. (new – SG 61/10) perform the requirements pursuant to the granted permits as set out in this

Act and the complex permits issued under the Environmental Protection Act;

12. (new – SG 61/10) by 31 March of the subsequent accounting year submit to the director of the competent basin directorate, and in cases of a permit issued under Art. 46, Para 1, Item 3 also to the director of the competent regional inspection for the environment and waters, a report on the performance of the requirements specified in the permits granted to them; in cases of issued permit under Art. 117 of the Environmental Protection Act the report shall be submitted as part of the report referred to in Art. 125, Para 1, Item 5 of the said Act;

13. (new – SG 61/10) timely perform the prescriptions issued by a controlling authority.

(2) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) The water users, irrespective of whether they hold a permit, being water supply and sewerage system operators pursuant to Art. 2 of the Regulation of Water Supply and Sewerage Services Act and provide water supply service of drinkable water and water for domestic purposes shall be obliged to:

1. Undertake all necessary measures to provide safe and clean drinkable water to users;

2. (suppl. – SG 61/10) Carry out monitoring of the quality of water for drinking and for domestic purposes and provide the results of the accomplished monitoring to the bodies pursuant to Art. 155a and 189 following the procedure set forth in the Ordinance under Art. 135, Para 1, item 3;

3. Inform concerned users in case of identified discrepancies in the quality of water for drinking and for domestic needs, provided that these discrepancies can cause health risk.

(3) (new - SG 65/06, in force from 12.08.2007; suppl. – SG 61/10) In cases when water for drinking and for domestic purposes has any discrepancies from the requirements set out in the Ordinance under Art. 135, Para 1, item 3 and there is no alternative of water supply, the persons under para 2 can provide the service of water supply for drinking and domestic purposes only upon granting a permit pursuant to Art. 155a, para 1, item 1.

(4) (new – SG 61/10) The water users not holding a permit and qualifying as W & S operators in the sense of Art. 2 of the Regulation of Water Supply and Sewerage Services Act shall clean and outfall waste water in surface water sites in compliance with the issued permit for use of a water site for outfall of waste waters for the respective sewerage system.

(5) (new - SG 25/19) The water users - holders of permits for water taking under Art. 44 for aquaculture and related activities are not obliged to measure the waters taken and used accounting them on the basis of the volume specified in the permit issued.

(6) (New - SG 86/23, in force from 13.10.2023) Permit holders and concessionaires who have the right to exploit hydro-geothermal resources according to the Underground Resources Act shall be obliged to comply with the requirements under Para. 1 which are applicable to the exploited hydrogeothermal resource.

Art. 49. (1) (amend. - SG 65/06, in force from 11.08.2006) In the sense of this Act public interests are violated when as a result of water taking or use is created a danger of:

1. (amend. - SG 65/06, in force from 11.08.2006) restriction of the common water taking or use;

2. threatening the defence and the security of the country;

3. breaching the conditions of the river basin management plans;

4. negative impact over the banks, the facilities, the water quality or protected territories or lavish water use.

(2) (amend. - SG 65/06, in force from 11.08.2006) Public interests are violated also with production and distribution in the commercial network bottled natural mineral waters, carbonated or other beverages, containing mineral water without the corresponding certificate without legal grounds and not in compliance with the statutory provisions.

(3) Acquired rights shall be:



1. (amend. - SG 65/06, in force from 11.08.2006) rights to water taking and use for which permits have been issued and which are exercised by the force of this Act
2. (amend. - SG 36/06, in force from 01.07.2006) concession;
3. real rights established according to the civil legislation;
4. (new - SG 86/23, in force from 13.10.2023) exploitation rights of hydro-geothermal resources.

## **Chapter four. PERMIT REGIME**

### **Section I. General provisions**

Art. 50. (1) (amend. - SG 65/06, in force from 11.08.2006) Permit shall be issued for water taking and for use of water site.

(2) (amend. - SG 65/06, in force from 11.08.2006) For issuing the permits for water taking and for use of water site fees shall be paid, determined with a tariff of the Council of Ministers.

(3) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) Permit for water taking or for use of a water site shall be issued:

1. to legal persons and to sole entrepreneurs;
2. to natural persons where the request is for:
  - a) (revoked - SG 98/18, in force from 27.11.2018)
  - b) outfall of waste waters under Art 46, Para 1, Item 3;
  - c) mineral waters – exclusive state property, granted for management and use by municipalities;
  - d) (amend. – SG, 12/2015\*) agricultural lands by a registered farmer.

(4) (Amend. - SG 65/06, in force from 11.08.2006, suppl. - SG 86/23, in force from 13.10.2023) In the authorization of water withdrawals, including in the coordination of permits or concessions for the exploitation of geothermal resources under the Underground Resources Act, the following order of satisfaction of requests shall be observed:

1. (amend. - SG 65/06, in force from 11.08.2006) for drinking and domestic purposes;

1. drinking-household water supply;

2. healing and prophylactics - only for mineral waters;

3. (amend. - SG 65/06, in force from 11.08.2006) for agricultural purposes;

4. (new - SG 86/23, in force from 13.10.2023) exploitation of geothermal resources;

5. (amend. - SG 65/06, in force from 11.08.2006, previous item 4 - SG 86/23, in force from 13.10.2023) other purposes, including for industrial purposes, recreation and hydro-power generation.

(5) (amend. - SG 65/06, in force from 11.08.2006) The priorities of para 4 shall be applied observing the environmental protection requirements.

(6) (new – SG 47/09, in force from 23.06.2009; amend. – SG 61/10) Permits for water taking as per Art. 44 and permits for use of surface water site as per Art. 46 shall be issued under the terms and following the procedures laid down in this Act and the ordinances mentioned in Art. 135, Para 1, Items 1a and 13.

(7) (new – SG 61/10) The permit for water taking from underground waters under Art. 44 and the permit for use of underground water site under Art. 46, Para 1, Items 5, 6 and 7 shall be issued for water taking or use of an underground water site:

1. through new facilities;

2. through existing facilities.

(8) (new – SG 61/10) In the cases under Para 7, Item 1 shall be issued a single permit,

containing also the conditions for construction of the facilities.

(9) (new – SG 61/10, amend. - SG 98/18, in force from 27.11.2018) The rights under the permit issued as set out in Para 8 may be exercised after:

1. (amend. - SG 98/18, in force from 27.11.2018, suppl. - SG 86/23, in force from 13.10.2023) issuance of a building permit, when such is required, under the Spatial Planning Act - for the rights to use a water site;

2. (suppl. - SG 98/18, in force from 27.11.2018) amendment of the permit concerning the parameters of the permitted water taking or use carried out ex officio by the director of a basin directorate depending on the results from the survey of underground waters during the construction of the facilities - for the rights of water taking.

(10) (new - SG 98/18, in force from 27.11.2018) The provisions of para. 7 to 9 shall not apply to mineral water deposits, exclusive state property, provided free of charge for management and use to municipalities. In these cases, the Director of the Basin Directorate issues a separate permit for use of a water site for the construction, repair or reconstruction of a facility for water abstraction of mineral water from the respective deposit.

(11) (new - SG 12/17, prev. para. 10 - SG 98/18, in force from 27.11.2018) When, from the activity of the facility expected to be supplied with water are formed waste waters containing priority substances within the meaning of the ordinance under Art. 135, Para. 1, item 17, or dangerous substances within the meaning of the ordinance under Art. 135, Para. 1, item 2, and the sewerage operator of the separate territory certifies that he cannot include waste waters into the sewage system, then:

1. together with the request for granting a permit for water use shall also be submitted a permit for outfall of waste waters in surface water sites;

2. the procedure for issuing a permit for water use shall be coordinated with the procedure for issuing a permit for use of surface water sites for outfall of waste waters.

Art. 50a (new – SG, 58/2015) (1) The permits under Art. 50, Para. 1 shall be reviewed about compliance with the objectives of environment protection under Art. 156a, where:

1. the data from the monitoring or another information and assessments show that the environment protection objectives, found for a water body have not been reached or there is a risk of worsening the condition of the water body or the potential of an artificial or strongly modified water body;

2. incompliance has been found between the hydro-morphological conditions and the ecological condition of a water body or the good ecological potential of an artificial or strongly modified water body;

3. exceptions have been defined for the water body under Art. 156b – 156g, requiring implementation of certain conditions.

(2) The permits under Art. 50, Para. 1 shall be reviewed with each updating of the characteristics of the region for basin management of water under Art. 156h.

(3) Where exercising the right under the permit of Art. 50, Para. 1 is pressure over the condition of the waters, causing worsening of the conditions or not achieving the objectives for environment protection or fir failure to fulfil the conditions under Art. 156b – 156g, the director of the basin directorate shall plan change of the permit, and where with the change the objectives cannot be reached or the conditions fulfilled, its termination, where the holder of the permit shall be notified and the actions under Art. 74, Para. 1, p. 1 – fulfilled.

(4) The change or termination of the permit under Art. 50, Para. 1 shall be included in the measure programmes in the relevant management plan of river basins.

Art. 51. (amend. - SG 65/06, in force from 11.08.2006, amend. - SG 98/18, in force from

27.11.2018) (1) To protect the waters and determine the conditions for this in coordination of the overall search and survey projects under Art. 82, para. 1 of the Underground Natural Resources Act to the Ministry of Environment and Water shall be provided information on:

1. the location of the area where the exploration of underground natural resources is envisaged;  
2. surface and groundwater bodies falling within the area under point 1 that may be affected by the activities envisaged and how they will be affected;

3. the rock or lithological variety representing the underground resource;

4. the depth to which the survey will be conducted.

(2) To protect the waters and determine the conditions for this when granting a concession for extraction of underground natural resources a plan for the development of the deposit is submitted for coordination, which besides the information under para. 1 also contains results of the completed survey, related to:

1. the geological section in detail;

2. the groundwater level in the area under study.

Art. 52. (amend. – SG 61/10) (1) Permit shall be issued by:

1. the Minister of Environment and Waters or an official authorised by him for:

a) water taking from the dams pursuant to Appendix No. 1;

b) transfer of waters between different basin administration regions;

c) use of a water site:

aa) the dams in Appendix No 1 for outfall of waste waters;

bb) the outfall of contaminants into underground waters in the cases of Art. 118a, Para 2;

cc) injection of carbon dioxide, natural gas or liquefied oil gas into underground water sites;

d) the purposes of the defense and the national security;

2. the executive director of the Agency for Research and Maintenance of the Danube River – for use of a water site for excavation of alluvial deposits from the Danube river;

3. the mayor of municipality pursuant to a decision of the municipal council:

a) (amend. – SG, 58/2015) for water taking, including from dams and mineral waters that are public municipal property as well as from mineral water deposits that are exclusive state property that are granted for management and use to the municipalities without consideration;

b) for use of water sites that public municipal property, except for the permits under Art. 46, Para 1, Item 3;

4. the director of the basin directorate – in all other cases of water taking and use of water sites.

(2) Permits for use of water sites - parts of Danube river, the internal sea waters or the territorial sea, shall be issued by the director of the respective basin directorate with the consent of the Minister of Defence and the Minister of Transport, Information Technologies and Communications.

(3) Permits for water taking from mineral water deposits that exclusive state property granted for management and use without consideration to municipalities shall be issued by the mayor of municipality in coordination with the director of the basin directorate regarding the parameters of water taking. The coordination shall be carried out before the draft of the notification for the opening of the procedure for issue of the permit.

(4) A copy of the permit referred to in Para 1, Item 3 shall be sent to the director of the respective basin directorate.

Art. 53. (amend. – SG 61/10) (1) The manner of use of the waters of the complex and important dams according to appendix No 1 shall be determined in annual and monthly regime schedules approved by the Minister of Environment and Waters and forming integral part of the permit for water taking.

(2) The annual schedule shall determine the strategy of use of the dam waters under Appendix 1 during the year.

(3) The monthly schedule shall be drawn up taking into account the up-to-date information of the state of the dam during the preceding month, the strategy determined in the annual schedule, the prognosis of the expected inflow, the hydro-meteorological environment and the requests stated in the monthly applications by holders of permits for water taking.

(4) In the monthly schedules shall be:

1. transferred waters;
2. determined available volumes for accommodation of expected inflow;
3. determined specific requirements to holders of permits.

(5) The allowed limit may be exceeded in cases of accommodation volumes for expected inflow determined in the monthly schedule or in cases of unexpected and/or exceptional circumstances.

(6) The persons carrying out the technical operation of the dams and their facilities shall submit daily, every ten days and monthly, on the following working day, to the Ministry of Environment and Waters information of the water economic balance in the dams under Appendix 1.

(7) The Minister of Environment and Waters or an official authorised by him shall amend the monthly schedule in cases of unexpected and/or extraordinary circumstances and shall notify the interested persons accordingly.

Art. 54. The construction of derivations for transfer of waters between river basins shall be implemented with a decision of the National Assembly.

Art. 55. At issuing permits the bodies of art. 52, para 1 shall account for:

1. the existing water resources;
2. the needs of the candidate for water user, respectively user of water site;
3. (amend. – SG 61/10) the condition of the water body, the environment protection objectives, determined for the water body, and the measures for achievement of the objectives determined in the river basin management plans;
4. the acquired rights.

Art. 56. (amend. - SG 65/06, in force from 11.08.2006) (1) The permit for water taking under Art. 44 and the permit for use of a water site under Art. 46 shall contain:

1. Name of issuing body;
2. Reference number and date of issue of the act;
3. Legal and factual grounds for issuing the act;
4. Full name and permanent address of the permit holder – for natural persons, respectively company and seat – for legal persons and sole entrepreneurs, registered under the Commerce Act;
5. Personal ID number of physical persons or Unified Identification Code of legal persons and one man companies;
6. Purpose of use;
7. (suppl. – SG 61/10) Water site and water body – subject of use;
8. (amend. – SG 61/10) Places of use, consumption and outfall including altitude and coordinates of facilities or area subject to use;
9. Locality, administrative territorial and territorial unit, code according to the Unified classifier of administrative territorial and territorial units – for each place of use;
10. Parameters of permitted use;

11. Facilities for water use, facilities technical parameters and equipment;
12. Validity of the permit;
13. Liability for payment of a fee and individual criteria for determination of the fee for the granted right of use of waters;
14. Obligations to carry out internal monitoring and specific requirements to the monitoring points and to the monitoring program;
15. Terms and conditions, under which the right of use of waters shall be granted;
16. Controlling body.

(2) The permit for water taking under Art. 44, apart from the requisites under para 1, shall also contain the following:

1. distribution of permitted volumes;
2. minimum allowable run-off into the river – in case of water taking from surface waters;
3. (suppl. – SG 61/10) maximum allowable operational lowering – in case of water taking from underground waters;
4. Initial date of exercising of the water taking right.
5. (revoked – SG 61/10)

(3) (Amend. and suppl. - SG 86/23, in force from 13.10.2023) The permit for use of a water site for discharging of contaminants in underground waters under Art. 46, para 1, item 7, permit for re-injection or for injection under Art. 46, para 1, items 5 and 8, apart from the requisites under para 1, shall also contain the following:

1. way of discharging, re-injection or injection;
2. specific measures with explicit indication of the nature and concentrations of substances in discharged waters;
3. characteristic of the underground water body, in which waters are being discharged, and proximity to other underground water bodies, which may be affected;
4. (revoked – SG 61/10)

(4) (amend. – SG 61/10) The permit for use of a water site for outfall of waste waters into surface waters under Art. 46, para 1, item 3, apart from the requisites under para 1, shall also contain the following:

1. data about the object, generating waste waters, about the sewerage system, about its owner and its user;
2. data from the permit for water taking or from the contract for provided water service;
3. individual emission limitations of all typical properties of waste waters by streams and outfall points;
4. term for achievement of individual emissions limitations;
5. quantities of outfall waste waters – maximum hourly, average daily and annual.

(5) (amend. – SG 61/10) The conditions of issuing the permits shall be determined in the ordinances referred to in Art. 135, Para 1, Items 1a and 2 and shall be enclosed as an annex which shall be integral part of the permit.

(6) Diagrams and/or maps in an appropriate scale can be attached to the permit depending on the specifics of the permit for water taking or for use of a water site.

(7) (revoked – SG 61/10, new - SG 86/23, in force from 13.10.2023) Permits for exploitation of hydro-geothermal resources under Art. 44, Para. 1, item 4 and Art. 46, Para. 1, item 11 shall also contain:

1. method of leading away, circulation, reinjection or injection of water into the water body;
2. characteristic of the underground water body into which the water is discharged, and the proximity to other underground water bodies that may be affected;
3. maximum energy output of the geothermal system.

Art. 57. (1) The permit shall be issued for a term:

1. (amend. - SG 65/06, in force from 11.08.2006, suppl. - SG 86/23, in force from 13.10.2023) up to 35 years for backwatering of and water taking from complex dams for hydro-energy and hydro-melioration objectives, and for water intake for the purpose of producing green hydrogen;

2. (amend. - SG 65/06, in force from 11.08.2006) up to 25 years - for water taking with objective drinking-household water supply

2a. (new - SG 65/06, in force from 11.08.2006; revoked – SG 61/10)

3. (amend. – SG 47/09, in force from 23.06.2009) up to 20 years - in the other cases.

(2) (revoked - SG 65/06, in force from 11.08.2006)

(3) (new – SG 61/10, amend. – SG, 58/2015) The permits for use of a water site for excavation of alluvial deposits shall be issued for the term not longer than the term of the acting on the date of issuance of the permit plan for management of the river basin. IN the cases under Art. 140, the permit shall be issued to the person, selected for contractor of these activities for the term of fulfilment of the contract, concluded between him and the Regional Governor.

(4) (new – SG 61/10) The permits for use of a water site for outfall of waste waters under Art. 46, Para 1, Item 3, Letter "a" shall be issued for the time before entry into operation of the site/sewerage system.

Art. 58. (1) (amend. – SG 61/10) Permit shall not be required, but only 30 days preliminary written notification of the basin directorate is necessary, for the following activities:

1. (amend. - SG 98/18, in force from 27.11.2018) development, modernisation or technological renovation of the existing installations and technological processes for which a permit for water taking and / or for use of water site has been issued which does not change the impact permitted by the issued permit;

2. (amend. - SG 98/18, in force from 27.11.2018) use of surface waters putting temporary detracting facilities necessary for the construction of certain construction site when the taken water quantity is less than 10 l/s and the achieved outflow after the use does not impact the quality of the waters;

3. (new – SG 61/10, suppl. - SG 98/18, in force from 27.11.2018) air passage of structures over the water site;

4. (new – SG 61/10, amend. – SG, 58/2015) maintenance of the flow capacity of non-adjusted river beds outside the boundaries of populated areas for removal of bushes, tree vegetation, household and construction wastes, where the natural state of the banks and bottom of the river is not affected and where it does not concern zones under Art. 119a, Para 1, Item 5;

5. (new – SG 61/10, suppl. – SG, 58/2015) construction of facilities for monitoring of underground and surface waters according to the monitoring programme approved by the competent authority;

6. (new – SG 61/10) hydro-geological surveys other than those specified in Art. 46, Para 1, Item 1, Letter "c".

7. (new – SG 98/18, in force from 27.11.2018) underground passage through a surface water site without disturbing the natural state of the bottom and shores;

8. (new – SG 98/18, in force from 27.11.2018) repair of floating structures in dams and repair of surface water taking facilities;

9. (new – SG 98/18, in force from 27.11.2018) ensuring river bed conduction up to 500 meters beyond the dam wall.

(2) (amend. – SG 61/10) In the cases of para 1 the candidate shall submit an outline of planned activities including:

1. location;
2. extent and type of activities;
3. intended measures for protection of the waters and the water site;
4. time limit for the activity.

(3) (amend. – SG 61/10) If the director of the basin directorate decides that the planned activity does not meet the requirements of para 1 he shall inform the owner within the term of para 1 about the necessity of issuing the permit.

(4) (new – SG 61/10) Within the time limit referred to in Para 1 the director of basin directorate may prescribe conditions and/or limitations to the activity in relation to requirements for protection of waters, determined in the ordinances, rules and guidelines referred to in Art. 135.

Art. 59. (amend. – SG 61/10) (1) The permit shall be issued on the basis of:

1. the documents under Art. 60, and
2. official and updated data of meteorological, hydrologic, hydro-chemical and other investigations.

(2) Where the issuance of a permit requires submission of an investment project in the sense of the Spatial Planning Act, it shall be drawn up by persons, having professional qualification "master in engineering" in the subject, related to the type of requested permit and shall be registered pursuant to the provisions of the Chambers of Architects and Engineers in Investment Design Act.

## **Section II.**

### **Conditions and order for issuing the permit**

Art. 60. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) (1) For opening the procedure for issuing a permit the candidates shall submit an application in a form approved by the Minister of Environment and Waters, in which they shall indicate:

1. the data under art. 56, para 1, items 4 – 9;
2. mailing address, including electronic address – if available;
3. telephone and fax number for contacts with the natural person or with the person, managing and representing the company pursuant to Art. 56, para 1, item 4;
4. the parameters of the use request;
5. the number of the decision of the Minister of Environment and Waters or of the director of the regional inspection of environment and waters regarding the environmental impact assessment or for decision that no environmental impact assessment is necessary or for interoperability assessment, where required by the Environmental Protection Act and the Biological Diversity Act.
6. (new - SG 13/21) registration card number for farmers, where applicable.

(2) To the applications of para 1 shall also be attached:

1. (suppl. - SG 13/21) a certified document of a paid fee for issuing of the permit, when payment is not done electronically;
2. (suppl. - SG 13/21) an up-to-date sketch and a map of the properties where the activities are to be carried out, certified by the competent authority or a reference with the individualizing data of the properties and the administrative body of issuance, on the basis of which information can be collected ex officio;
3. (amend. - SG 98/18, in force from 27.11.2018) document, certifying facilities owner consent - when using existing facilities, except for the cases under para. 13, item 3;
4. (revoked - SG 98/18, in force from 27.11.2018, new - SG 13/21) a document certifying technical impossibility for access to an irrigation system, when the applicant is a farmer.

(3) When the application is for granting a permit for water taking from surface waters, to the application under Para 1 shall also be attached:

1. the preliminary investment search or the corresponding developed phase of the investment project as required by the Spatial Planning Act containing a hydrological part and water economic examinations proving the availability of the necessary water quantities in the water site or proving the need of transfer of waters – where the application concerns transfer of waters between river basins, or a backwatering project – where the application concerns backwatering of newly constructed water sites;

2. substantiation of the requested water quantities according to the water use limits determined in the ordinance referred to in Art. 117a, Para 2;

3. a sanitary-protection zone – where the application concerns drinking and household water supply;

4. documents, certifying consent of owners of properties, which shall be affected by the backwatering and construction of facilities, provided that the facilities have not been constructed;

5. (amend., SG 19/11, in force from 09.04.2011) coordinating justifications of competent bodies, related to existing infrastructure being affected and optional changes of the purpose of use of agricultural lands and of forests territories, which are to be affected;

6. comparative assessment of energy benefits and environmental damages – in case of use of the water power.

(4) When the application is for granting a permit for use of surface water site, except for outfall of waste waters, to the application shall also be attached:

1. for construction of new systems and facilities – an investment project according to the requirements of the Spatial Planning Act;

2. for excavation of alluvial deposits from the Danube river:

a) a scheme of the requested section indicating the location of the section with geographical coordinates of the section boundaries;

b) preliminary project survey proving lack of negative impact on the shipping route, the banks, the islands and the hydrotechnical facilities;

3. for excavation of alluvial deposits from lands adjacent to water sites – a technical project for the excavation;

4. (repealed – SG, 58/2015)

5. for aquacultures and the activities related thereto:

a) a project for the activity;

b) (revoked - SG 98/18, in force from 27.11.2018)

c) (revoked - SG 98/18, in force from 27.11.2018)

d) a project for changing the purpose of the small dam as set out in the regulation referred to in Art. 141, Para 3 approved by the municipal expert technical council;

6. for sailing facilities in dams:

a) a project for construction of the facility and for its operation;

b) a document for registration and fitness of the sailing facility by the Executive Agency "Maritime Administration";

c) a preliminary contract for transportation of waste waters and household waste or a project for purification of the waste waters – where formed resulting from the operation of the sailing facility;

d) (amend. – SG, 58/2015) a project for changing the purpose of the dam, approved by the municipal expert technical council;

(5) Where the constructed facilities or the excavation of alluvial deposits change the physical characteristics of the surface water body, to the application referred to in Para 1 shall be attached also justifications, calculations and proof for compliance with the requirements of Art. 156f, Para 2.

(6) When the application is for granting a permit for water taking from underground waters, to the application shall also be attached:



1. a document of ownership or a notary certified written consent of owners of properties, where the water taking facilities are located or will be located;

2. a notary certified declaration by the owners of the properties affected by the sanitary-protection zone project that they are aware of the limitations and prohibitions determined in the ordinance under Art. 135, Para 1, Item 6, which are located within the sanitary-protection zones – in case of water taking for the purposes of independent drinking and household water supply;

3. a justification for the water taking, including a justification for the requested water quantities according to the water use limits determined in the ordinance referred to in Art. 117a, Para 2;

4. (new - SG 12/17, suppl. - SG 98/18, in force from 27.11.2018) a document from sewerage operator of the separate territory, which certifies, that there are no possibility of providing the necessary amounts from the existing water supply system, when the declared quantities of water or part of them are to be used for independent domestic and drinking water supply;

5. (new - SG 13/21) a document from a supplier of water for irrigation on the territory, certifying technical impossibility to provide the necessary quantities from the existing irrigation system, or impossibility to access an irrigation system, when the applicant is a farmer.

(7) Where the application is for granting a permit for water taking from mineral waters, to the application shall be also attached:

1. a document of ownership or granted right to use in the real estate, where the activity for use of the mineral water is carried out;

2. a project for connecting the supply sleeve for the water-fed site to the water supply system and for measuring the used water quantities and justification of the requested water quantities according to the water use limits determined in the ordinance under Art. 117a, Para 2.

(8) Where the application is for issue of a permit for hydro-geological surveys, to the application shall be attached also:

1. documents certifying the consent of the owners of properties where the survey is to take place;

2. a project for hydro-geological surveys.

(9) Where the application is for issuance of a permit for use of a water site under Art. 46, Para 1, Items 5 – 8, to the application shall be attached:

1. a report of the results from a hydro-geological survey;

2. a technological justification for reinjection, outfall or artificial supply, including a justification for the reinjected, injected or outfall quantities

(10) For issuance of a permit under Art. 46, Para 1, Item 3 to the application under Para 1 shall be enclosed also documents determined in the ordinance under Art. 135, Para 1, Item 13.

(11) The requirements to the documents for issue of permits shall be determined in the ordinances under Art. 135, Para 1, Items 1a, 2 and 13.

(12) (amend. - SG 98/18, in force from 27.11.2018) The application under Para 1 and the documents attached thereto shall be filed in two copies – one of the copies as an original copy shall be filed on paper, and the second – as its complete digital copy – on a electronic carrier.

(13) (new - SG 98/18, in force from 27.11.2018) When conducting the procedures for issuing permits under Art. 44 and Art. 46, para. 1, items 2 and 3 and before the preparation of the notification under Art. 62a, para. 1 the authority under Art. 52, para. 1 requires ex officio:

1. for aquacultures and related activities:

a) a coordinated opinion from the Executive Agency for Fisheries and Aquaculture on aquaculture zones in large dams - when the dam is not zoned;

b) opinions on the project and the place of performance of the activities of the Preparation Headquarters of the Navy of the Republic of Bulgaria;

2. for permits for use of water sites - parts of the Danube River, internal sea waters or the territorial sea - coordinated opinions from:

- a) the Minister of Defense;
- b) the Minister of Transport, Information Technology and Communications;
- 3. for water taking and use of dams:
  - a) when the water taking and/or use is not related to the use of existing facilities of the dam - an up-to-date document from the owner or a person authorized by him/her, who is entrusted with the exploitation of the dam, certifying consent to the activities and conditions under which water taking and/or use may be permitted;
  - b) where the water taking is related to the use of existing facilities of the dam - an up-to-date document from the owner or a person authorized by him/her, who is entrusted with the exploitation of the dam, certifying consent to use the facilities and conditions under which water taking may be permitted;
- 4. by electronic means from the National Revenue Agency, the Customs Agency and the municipalities information on the existence or lack of obligations;
- 5. (new - SG 13/21) electronically and without paying a fee an up-to-date sketch or map of the properties, in which the activity will be carried out by the technical services of the municipalities, the services of geodesy, cartography and cadastre and the municipal services in agriculture.

Art. 61. (1) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) The application for issuing of the permit shall be submitted to the competent body pursuant to Art. 52, para 1.

(2) (Amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, suppl. - SG 13/21) The body of para. 1 within 20 days, and in the case of an applicant-farmer, shall:

1. check whether:

a) the application contains the required information and attachments in compliance with the official form;

b) the content of the attached documents under Art. 60 meet the requirements of this Act.

2. carry out the consideration under Art. 62, par. 1.

(3) (amend. – SG 61/10) When the requirements of art. 60 are not met the body of para 1 shall inform the applicant to remove the incompliance within two months.

(4) (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, suppl. - SG 13/21) Failing to correct the incompliance within the deadline set in para 3, documents shall not be considered and no procedure shall be initiated, about which the applicant shall be notified in writing within three days.

(5) (new – SG 61/10) If in the course of consideration under Art. 62, par. 1 carried out within the term referred to in par. 2, it has been found out that the application does not meet the requirements of Art. 62, par. 1 and the conditions referred to in Art. 68 are not present, the body under Art. 52, par. 1 shall issue a resolution with justified refusal to issue a permit. In this case if the incompliance in the attached documents referred to in Art. 60, does not affect the consideration under Art. 62, the body shall issue a resolution for refusal without requiring the elimination of the incompliance referred to in par. 3.

Art. 61a (new – SG 61/10; revoked – SG 28/11, in force from 05.04.2011)

Art. 62. (1) (amend. – SG 61/10) The body of art. 52, para 1 shall assess the application considering:

1. (amend. - SG 65/06, in force from 11.08.2006) the forecasts of the enforced river basins management plants;

2. (suppl. – SG 61/10) the compatibility with the public interests and the acquired rights, in this number the needs of the population in the region of the water taking;

3. the compliance with the requirements for protection of the environment regulated by international agreements and the internal legislation;
4. (amend. - SG 65/06, in force from 11.08.2006) the opportunity for joint use of the existing facilities and those predicted for construction for the required water taking and / or use;
5. (amend. - SG 65/06, in force from 11.08.2006) the available water resources as quantity and quality;
6. (amend. - SG 65/06, in force from 11.08.2006) compliance of the water quantity applied for with the purposes of the water taking;
7. (amend. - SG 65/06, in force from 11.08.2006) the existing of other opportunities for satisfaction of the requirement for water taking and / or use;
8. (new – SG 61/10) compliance with the provisions of Art. 156b – 156g.
  - (2) (revoked - SG 65/06, in force from 11.08.2006)
  - (3) (revoked - SG 65/06, in force from 11.08.2006)
  - (4) (amend. - SG 81/00; revoked - SG 65/06, in force from 11.08.2006)
  - (5) (revoked - SG 65/06, in force from 11.08.2006)
  - (6) (new – SG 61/10) The assessment shall be issued in writing and shall become an integral part of the documentation, based on which the permit or the refusal to grant a permit will be issued.

Art. 62a. (new - SG 65/06, in force from 11.08.2006) (1) (Amend. – SG 61/10, suppl. - SG 13/21) Within 20 days after expiration of the term pursuant to Art. 61, para 2, and for farmers within 10 days, and provided that no reasons for rejection are present, the body under Art. 61, para 1 or an authorized by it person shall prepare a notification, containing:

1. the purpose of the stated use of waters;
2. the water body, in which use of waters is foreseen;
- 2a. (new - SG 98/18, in force from 27.11.2018) the factual basis on which the permit is issued, including the condition of the water site, the objectives and measures set out in the current river basin management plans and flood risk management plans related to the permit and other specific information determined in the ordinances under Art. 135, para. 1, items 1a, 2 and 13;
3. systems or facilities, through which usage shall be implemented;
4. point of use of waters, locality, administrative-territorial and territorial unit, the code as per the Unified classifier of administrative-territorial and territorial units – for each point of use;
5. design parameters of usage, including:
  - a) quantity of waters;
  - b) individual emissions limitations and deadlines of their achievement – in permits for outfall of waste waters;
  - c) decrease of the water level – in permits for water taking from underground waters;
  - d) (new - SG 86/23, in force from 13.10.2023) possible changes in the temperature characteristics of the water site in different cases of water use.
6. conditions, under which a permit for use of waters can be granted;
7. place, where written appeals and proposals from interested persons can be submitted;
- (2) (suppl. – SG 61/10) The notification under para 1 shall be sent to the mayor of the respective municipality for public announcement and shall be placed on the internet site of the body under Art. 52, par. 1;
- (3) Within three days after the notification receipt the mayor pursuant to para 2 shall be obliged to:
  1. arrange for public announcement by placing the announcement in designated for this purpose points;
  2. notify in writing the body pursuant to Art. 61, para 1 about the exact date of announcement.

(4) (revoked – SG 61/10)

(5) (new – SG 61/10) The announcement under par. 1 shall also be sent to the holders of already granted permits, for which in the course of consideration under Art. 62 it has been found out, that some of the parameters of the authorized use will be modified, as well as to the owners of the facilities, where the application has been for use of the integrated and significant dams included in Attachment No. 1.

(6) (new – SG 61/10) In cases referred to in Art. 46, par. 1, items 5, 7 and 8, the notification under par. 1 shall be sent also to the applicant, who within the term under Art. 64 shall state his/her ability to meet the specified conditions.

Art. 63. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) Announcement under art. 62a shall not be done when:

1. the water taking and / or use is for the needs of the defence and of the national security;
2. (revoked – SG 103/09, new - SG 98/18, in force from 27.11.2018) the applicant for an outfall permit for the operation of an existing site is the holder of a outfall permit for the design of the same site and the conditions and parameters of the authorized outfall have not been changed;

Art. 64. (1) (amend. - SG 65/06, in force from 11.08.2006) Within 14 days after the announcement the interested persons shall be able to:

1. (revoked - SG 65/06, in force from 11.08.2006)
2. appeal against the issuing of the permit;
3. propose conditions under which to be issued the permit with regard to be guaranteed personal or public interests.

(2) (revoked - SG 65/06, in force from 11.08.2006)

(3) (new – SG 61/10) The appeals and the proposals referred to in par. 1 shall be sent to the place, indicated in the announcement under Art. 62a, par. 1.

Art. 65. (revoked - SG 65/06, in force from 11.08.2006)

Art. 66. (revoked - SG 65/06, in force from 11.08.2006)

Art. 67. (amend. - SG 65/06, in force from 11.08.2006) (1) (Amend. – SG 61/10, suppl. - SG 13/21) Within 14 days after the expiration of the term under Art. 64, para 1, and for farmers within 7 days, the body pursuant to Art. 52, para 1 shall grant a permit, provided that the requirement set forth in this Act are met.

(2) (Amend. – SG 61/10, suppl. - SG 13/21) The body pursuant to Art. 52, para 1 can appoint a commission for consideration of submitted appeals under Art. 64, para 1, item 2 and 3, which shall issue a resolution thereof. In this case the time for issuing a resolution shall be extended by one month, and for farmers - with 14 days.

Art. 68. (amend. – SG 61/10) The body of art. 52, para 1 shall refuse to issue the permit when:

1 (amend. - SG 65/06, in force from 11.08.2006, amend. - SG 86/23, in force from 13.10.2023) acquired rights pursuant to Art. 49, para 3, item 1, 2 and 4 have been affected, including for satisfying

citizens' own needs pursuant to Art. 43, para 2;

2. (amend. - SG 34/01, in force from 11.08.2006, amend. - SG 65/06, in force from 11.08.2006, revoked - SG 98/18, in force from 27.11.2018)

3. (amend. - SG 65/06, in force from 11.08.2006) over the water taking and/or the use of the corresponding water site are imposed restrictions with which the objective of the application is incompatible;

3a. (new - SG 65/06, in force from 11.08.2006) pursuant to the provisions of Art. 62 impossibility to satisfy the request has been identified;

4. the requirements pointed out in the law are not observed.

5. (new - SG 65/06, in force from 11.08.2006; amend. - SG 61/10) water taking from underground waters is required:

a) (suppl. - SG 61/10) for independent drinking-household water supply – provided that there is enough capacity of constructed water supply system;

b) (suppl. - SG 61/10) for water supply of objects, for which no discharge and treatment of waste waters is provided;

c) (new - SG 61/10) under the conditions of Art. 118c;

6. (new - SG 61/10) the application is for water taking for drinkable-household water supply from:

a) surface waters, from which water treatment is not provided according to the requirements of the Ordinance under Art. 135, par. 1, item 4;

b) underground waters with constant deviation of chemical parameters from the requirements of the Ordinance referred to in Art. 135, par. 1, item 3 and no measures for provision of compliance with the requirements of the ordinance have been taken;

7. (new - SG 65/06, in force from 11.08.2006; prev. item 6 – SG 61/10) it is found out that environmental damages overcome the benefits from activities, for which water use is designated, in cases when such comparative assessment is required;

8. (new - SG 65/06, in force from 11.08.2006; prev. item 7 – SG 61/10, suppl. - SG 86/23, in force from 13.10.2023) the purpose of water taking from mineral waters is satisfaction of citizens' own needs, except in the cases of exploitation of shallow geothermal resources under the Energy from Renewable Sources Act;

9. (new - SG 61/10) the procedures under Chapter Six of the Environmental Protection Act and/or under Art. 31 of the Biological Diversity Act have been conducted;

10. (new - SG 98/18, in force from 27.11.2018) the applicant has:

1. public debt obligations, with the exception of obligations under acts not entered into force, as well as rescheduled, deferred or secured liabilities;

2. liabilities to the Enterprise for Management of Environmental Protection Activities defined by special environmental laws, which are not rescheduled, deferred or secured

Art. 69. (revoked - SG 65/06, in force from 11.08.2006)

Art. 70. (1) (prev. Art. 70, amend. - SG 61/10; suppl. - SG 80/11, in force from 14.10.2011, amend. - SG 98/18, in force from 27.11.2018, suppl. - SG 13/21) The permit or the decision for refusal of the body of art. 52, para 1 shall be sent within 7 days, and for farmers - within three days, to:

1. the applicant;

2. the relevant municipal administration;

3. the owner of the facilities;

4. the relevant regional health inspection on the location of the water taking facilities - for water

abstraction from:

a) surface and groundwater - for the purpose of domestic and drinking water supply, including independent domestic and drinking water supply;

b) mineral water - for drinking and domestic water supply, water supply for medical purposes, prevention, recreation and sports;

5. the interested parties involved in the procedure of issuing permits;

6. (new - SG 13/21) the relevant regional directorate of Agriculture, when the applicant is a farmer.

(2) (new – SG 61/10, revoked - SG 98/18, in force from 27.11.2018)

Art. 71. (amend. - SG 30/06, in force from 12.07.2006; amend. – SG 61/10, suppl. - SG 77/18, in force from 01.01.2019) The permit of the decision for refusal of the body of art. 52, para 1 shall be subject to appeal before the relevant administrative court by the order of the Administrative procedure code.

### **Section III. Change and extension of the permit**

Art. 72. (1) (prev. text of Art. 72, amend. - SG 65/06, in force from 11.08.2006) Change of the permit shall be possible:

1. (amend. – SG 47/09, in force from 23.06.2009; amend. – SG 61/10, amend. – SG, 58/2015) officially by the body of art. 52, Para 1 under the conditions of Art. 73;

2. under application by the person in favour of which it has been conceded

(2) (new - SG 65/06, in force from 11.08.2006) In cases under para 1, item 2 the body of para 1 shall check also the fulfillment of conditions of the granted permit.

Art. 73. (amend. – SG, 58/2015) (1) The permits, issued under this act shall be amended officially by the body under Art. 52, Para. 1, where:

1. while characterizing the region for basin management in the process of development of the plans for management of the river basins, it has been found that the relevant water body may achieve the objectives under Art. 156a for a good condition or a potential in the existing at the moment of the assessment pressure over the waters by the relevant activities and it is needed to be fulfilled the conditions under Art. 156b – 156g – for justification of exceptions;

2. for a water body, for which in the previous management plan of the river basis has been justified exception from the objectives under Art. 156a for achieving a good conditions or potential and the new assessment shows that it is needed additional decreasing of the pressure, so that the conditions under Art. 156b – 156g are fulfilled;

3. notwithstanding of observation of the conditions in the permit occur contradictions with public interests.

(2) The permits under Para. 1, p. 1 and 2 shall be amended from the date of adoption of the relevant management plan of the river basins.

(3) The permits under Para. 1, p. 3 shall be amended under Art. 75-77.

Art. 74. (1) (amend. - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) after establishing the circumstances:

1. under Art. 73, Para. 1, p. 1 and 2 the director of the basin directorate shall prescribe to the permit holders conditions and/or restrictions for use of the waters for the permitted objectives and shall notify the relevant bodies under Art. 52, Para. 1 about the needed amendments and their inclusion in the measures programme;

2. under Art. 73, Para. 1, p. 3 the body under Art. 52, Para. 1 shall begin officially a procedure for amendment of the permits for providing compliance with the public interests.

(2) The prescribed conditions or restrictions have to meet the following requirements:

1. proportionality of the imposed restrictions and the expected benefits;

2. least intervention in existing rights;

3. the restrictions shall be imposed pointing out their consequence in compliance with the changing water economic relations.

Art. 75. (amend. - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) (1) (amend. – SG 101/15, in force from 22.12.2015, amend. - SG 98/18, in force from 27.11.2018) The change of the permit shall be announced by the order of Art. 62a in cases when the amendment is after a request of the person in favour of whom it has been provided or under Art. 73, Para. 1, p. 3 and the parameters of the permit for use of the waters are changed.

(2) The announcement of the change of the permits under Art. 73, Para. 1, p. 1 and 2 shall be carried out with the announcement of the project of the relevant management plan of the river basins.

Art. 76. (1) (amend. and suppl. – SG 61/10, amend. – SG, 58/2015) The body under Art. 52, Para. 1 shall:

1. issue a permit for amendment or refusal of amendment of the permit – in the cases under Art. 75, Para. 1 within 1 month term from the announcement under Art. 62a;

2. issue a decision for amendment of the permit – in the cases under Art. 75, Para. 2 within 1 month term from adoption of the management plan of river basins.

(2) When coordination with or opinion of another body has to be required or an issue of its competence is to be solved the term of para 1 shall stop till the decision.

Art. 77. (1) (amend. and suppl. – SG 61/10) Till the issuing of the decision for change or for refusal to amend the permit, the body of art. 52, para 1 shall consider the appeals of the person in favour of which it has been issued, the applications and the appeals as a results of the announcement or the promulgation of art. 75 presented in writing.

(2) The considering of the documents of para 1 shall not lead to stopping of the term of art. 76, para 1

(3) (amend. - SG 30/06, in force from 12.07.2006; suppl. – 61/10, suppl. - SG 77/18, in force from 01.01.2019) The decision for change or for refusal to amend the permit shall be possible to be appealed against before the relevant administrative court by the order of the Administrative procedure code.

Art. 78. (amend. - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10, amend. - SG 98/18, in force from 27.11.2018) An application for extension of the permit validity shall be submitted before its expiration before the authority under the Art. 52, para. 1.

(2) The body of Art. 52, para 1 shall extend the permit validity in case:

1. the application has been submitted within the terms under para 1;

2 there is no breach of normative provisions, plan predictions or public interests;

3. the conditions of the granted permit are fulfilled.

(3) (new – SG 61/10) The provisions of par. 1 and 2 shall also apply where amendment and extension of the validity of the permit are requested at the same time.

Art. 78a. (new - SG 65/06, in force from 11.08.2006; suppl. – SG 47/09, in force from 23.06.2009; suppl. – SG 61/10, amend. - SG 98/18, in force from 27.11.2018) No modification and continuation under Art. 78, para. 3, continuation under Art. 78, para. 2 or reissuance of the permit under Art. 79, para. 3 shall be allowed at:

1. unpaid fees under Art. 194 on the respective permit, established by an act establishing public state receivables in force, which are not rescheduled, deferred or secured;

2. unpaid fines or sanctions under Art. 200 under a penal provision in force, which are not rescheduled, deferred or secured.

#### **Section IV.**

#### **Termination of the effect of the permit**

Art. 79. (1) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) The effect of the issued permit shall be terminated upon expiration of its validity of by a decision of the body of art. 52, para 1 at:

1. (amend. - SG 65/06, in force from 11.08.2006) termination of the right of the water user of ownership or use of property, where the activity is carried out or water taking facility is located, as well as at explicitly declared refusal from the right to use the corresponding water site;

2. (revoked – SG 61/10);

3. (suppl. - SG 65/06, in force from 11.08.2006) decease of the physical person, respectively termination of the legal person or deletion of the sole entrepreneur;

4. natural or artificial vanishing of the water site;

5. (revoked - SG 65/06, in force from 11.08.2006);

6. (new – SG 61/10) occurring permanent modifications of technical parameters of the water intake facility, which make its use impossible;

7. (new – SG 61/10, repealed – SG, 58/2015).

8. (new – SG, 58/2015) the circumstances under Art. 50a, Para. 3, considered from the date of adoption of the management plan of river basins.

(2) (amend. – SG 61/10) In the cases of para 1, items 1 and 3 the persons acquired the rights of ownership or use of the immovable property, respectively the legal successors of the persons of item 3 within three months shall notify in writing the body of art. 52, para 1 whether they wish to use the rights of the issued permit.

(3) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) If the applicants meet the requirements for issuing the permit and the deadline referred to in par. 2 has been met, the body of art. 52, para 1 within 20 days shall terminate the permit and shall re-issue the permit in their name.

(4) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) If the applicants do not meet the conditions for granting the permit, the body of art. 52, para 1 shall refuse to re-issue the permit in their name. Where the persons have enjoyed their right to use the waters within the period prior to obtaining the permit, they shall pay the respective due fees under Art. 194.

(5) (new – SG 61/10) In case of non-complying with the term referred to in par. 2, the permit shall be deemed terminated as from the date of occurrence of the circumstances under par. 1 and new permit shall be issued following the general procedure.



(6) (new – SG 61/10) The persons under par. 2 enjoying their right to use waters prior to granting of the permit referred to in par. 5:

1. are violating the provision of Art. 44 or 46;
2. shall be liable to pay a fee for the implemented use of waters.

(7) (new – SG 61/10) Termination of the validity of the permit in case of explicitly stated refusal by the permit holder to make the payments of the due fees under Art. 194.

(8) (new – SG, 58/2015) The decision for termination of the permit under Para. 1, p.8 shall be issued within 1 month term from the adoption of the management plan of river basins.

Art. 79a. (new – SG 61/10) (1) The body under Art. 52, par. 1 may instruct for withdrawal of the permit for water taking or use of the water body if at least one of the following conditions exists:

1. not use of a constructed water economy system for a term of one year;
2. carrying out water taking and/or use beyond the purposes of use specified in the permit;
3. violation of the terms and conditions of the permit;
4. non-exercising of the rights, granted with the permit, within the set validity;
5. non-exercising of the rights, granted with the permit, within the set parameters of use;
6. identified unfavorable effect on the navigation conditions on Danube river because of taking out of alluvial deposits from Danube river in compliance with the permit, issued under Art. 52, par. 1, item 2;

7. in case of change of the navigation routes in cases where on the new route there are preconditions endangering navigation safety due to the close location of the water body – subject of the permit, issued under Art. 52, par. 1, item 2.

(2) Withdrawal may cover only a part of water intake and/or use, and in this case the body under Art. 52, par. 1 shall determine this part.

Art. 80. (1) (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) In the cases of withdrawal or termination of the permit the body of art. 52, para 1 shall be able to define a term for titular of the permit to remove the facilities and to restore the status of the water site.

(2) In 7 days term the decision of para 1 shall be sent to the corresponding regional governor.

(3) After the elapse of the term of para 1 the regional governor shall be able to order the implementation of the prescribed activities for the account of the water user.

(4) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) If the preservation of the facilities for water taking and use of a water site is in public interests the body of art. 52, para 1 shall make motivated request for alienation of the property by the order of the State Property Act.

Art. 81. (amend. - SG 65/06, in force from 11.08.2006) In case of termination of the right of water taking and/or use the corresponding easement rights shall be terminated.

Art. 82. (amend. - SG 30/06, in force from 12.07.2006; amend. - SG 65/06, in force from 11.08.2006, suppl. - SG 77/18, in force from 01.01.2019) The decision of the body of art. 52, para 1, for taking away the right to water taking and/or use shall be subject to appeal before the relevant administrative court by the order of the Administrative procedure code.

## **Section V.**

## **Restriction of the rights ensuing from the permit**

Art. 83. (1) (amend. - SG 65/06, in force from 11.08.2006) The rights of water taking ensuing from the permit could be additionally restricted after the permit is issued.

(2) The restriction of para 1 shall be admitted for preservation of the life and health of the population, the defence and security of the country and the cultural - historic heritage.

(3) (amend. - SG 65/06, in force from 11.08.2006) The restriction of the water taking and/or use shall be imposed regardless of the procedure of section III of this chapter.

Art. 84. (1) (amend. - SG 65/06, in force from 11.08.2006) The restriction of the water taking shall be implemented with a decision of the body issued the permit.

(2) (amend. - SG 65/06, in force from 11.08.2006) The decision of para 1 shall change limits for water taking for certain periods of time.

(3) The limits of para 2 shall be utmost admissible amounts of water abstraction which are determined for one or more water users.

(4) The term for the restriction shall not be possible to exceed the duration of the reasons imposing the restriction.

Art. 85. At determining the limits shall be accounted for the status of the water site, the priority of the drinking and household water supply, the declared water demands and the conditions in the corresponding permits.

Art. 86. (amend. - SG 65/06, in force from 11.08.2006) At occurrence of circumstances threatening the life and the health of the population in separate regions of the country the Council of Ministers shall be able to determine restrictions for the use of waters affecting all water users as well as their subscribers if there are such.

Art. 87. (amend. - SG 65/06, in force from 11.08.2006) In the cases of this section the affected water users and their subscribers shall not be able to require responsibility from the state for the caused damages.

### **Chapter five.**

#### **WATER USERS ASSOCIATIONS**

Art. 88. (revoked – SG 42/03)

Art. 89. (revoked – SG 42/03)

Art. 90. (revoked – SG 42/03)

Art. 91. (revoked – SG 42/03)

Art. 92. (revoked – SG 42/03)

### **Chapter six.**

#### **CONCESSION REGIME (TITLE AMEND. - SG 65/06, IN FORCE FROM 11.08.2006)**

("Section I. Special right to water abstraction and use of water-saving systems and facilities"  
New - SG 47/09, in force from 23.06.2009, revoked - SG 96/17, in force from 02.01.2018)

Art. 93. (revoked – SG 96/17, in force from 02.01.2018)

Art. 94. (revoked – SG 96/17, in force from 02.01.2018)

Art. 95. (revoked – SG 96/17, in force from 02.01.2018)

Art. 96. (revoked – SG 96/17, in force from 02.01.2018)

Art. 96a. (New, SG 81/00; revoked – SG 95/09)

Art. 97. (revoked – SG 96/17, in force from 02.01.2018)

Art. 98. (amend. - SG 36/06, in force from 01.07.2006) At granting concession for obtaining mineral waters - exclusive state ownership and public municipal ownership the regional governors and the mayors of municipalities shall undertake the necessary measures for realisation of the concession according to their competence.

Art. 99. (revoked – SG 96/17, in force from 02.01.2018)

Art. 100. (revoked – SG 36/06, in force from 01.07.2006)

Art. 101. (1) (amend. - SG 36/06, in force from 01.07.2006) The concessionaire shall have right to use free of charge the information determined with the decision of the Council of Ministers for opening the procedure of granting concession.

(2) After the termination of the concession the whole information connected with the use of and protection of the waters and the water sites collected additionally by the concessionaire shall be conceded to the Ministry of Environment and Waters.

Art. 102. (amend., SG 81/00; revoked - SG 36/06, in force from 01.07.2006, new – SG 96/17,

in force from 02.01.2018) (1) The procedure for granting concession for extraction of mineral water shall be opened by a decision of the Council of Ministers upon a proposal of the Minister of Environment and Waters, respectively, by decision of the Municipal Council upon a proposal of the mayor of the municipality.

(2) By the decision under Para. 1 shall be determined:

1. the subject-matter and the subject of the concession;
2. the maximum duration of the concession;
3. the start date of the concession;
4. the conditions for carrying out the concession;
5. the major rights and obligations under the concession contract;
6. the conditions and/or prohibitions for renting out the concession and for the provision of subcontracting activities;
7. the type and the amount of the guarantees for fulfillment of the obligations under the concession contract and/or other collateral;
8. the payment terms and the amount of the concession fee, including:
  - (a) the amount of the one-time concession fee due at the date of entry into force of the concession contract;
  - (b) the mechanism for annually updating the concession fee;
  - c) the procedure for payment of the concession fee;
  - (d) the maximum grace period during which the concessionaire is relieved of the obligation to pay annually the concession fee - where so provided;
9. the conditions and the schedule for gradual utilization of the provided resource;
10. the requirements related to the national security and defense of the country;
11. the conditions for environmental protection, human health and for the protected territories, zones and sites;
12. the obligation of the concessionaire to insure for the duration of the concession, at its own expense and in favor of the conceder of the concession site;
13. the obligations of the concessionaire to construct and maintain, with his own means, the infrastructure and facilities for public use of the mineral water resources which are not included in the concession contract;
14. circumstances of legal or factual nature, the occurrence or modification of which may lead to a breach of the contractual balance between the benefits and risks for the concessionaire and the conceder, and the consequences of a breach of balance;
15. other requirements related to the nature of the concession.

(3) The procedure shall end with a decision for designation of a concessionaire, adopted by the Council of Ministers, respectively by the Municipal Council.

(4) (suppl. - SG 77/18, in force from 01.01.2019) The decisions under Para. 1 and 3 shall be promulgated in the State Gazette, and shall be subject to appeal within 14 days before the relevant administrative court by the order of the Administrative Procedure Code.

(5) Within one month from the entry into force of the decision under Para. 3, the Minister of Environment and Waters, respectively the Mayor of the municipality, shall conclude a concession contract with the participant in the procedure designated as a concessionaire.

(6) The provisions of the Commerce Act and of the Obligations and Contracts Act shall apply mutatis mutandis to the outstanding issues related to the conclusion, implementation, modification and termination of the concession contract for the extraction of mineral water.

(7) The disputes concerning the conclusion, implementation, modification and termination of a concession contract for extraction of mineral water shall be settled by the order of the Civil Procedure Code.

("Section II. Granting ex lege concession for mineral water extraction" New - SG 47/09, in force from 23.06.2009, revoked - SG 96/17, in force from 02.01.2018)

Art. 102a. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 102b. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 102c. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 102d. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 102e. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

Art. 102f. (new – SG 47/09, in force from 23.06.2009, revoked – SG 96/17, in force from 02.01.2018)

## **Chapter seven.**

### **LAND EASEMENTS CONNECTED WITH THE WATER SITES**

#### **Section I.**

#### **General provisions**

Art. 103. (1) The land easement shall be the encumbrance imposed on an immovable property called subservient property in favour of another immovable property called dominant, belonging to another owner.

(2) The land easement shall ensue from the law or from a legal contract.

(3) Land easement shall be possible to be acquired in prescription after exercising it for 10 years.

Art. 104. (1) The easements provided by law shall have as subject public or private benefit.

(2) (suppl. SG 34/2001) The easements established for public benefit shall refer to ensuring access for common use of the water sites - public ownership, and to construction of the infrastructure necessary for this, as well as for maintenance water economy systems and facilities designated for ensuring the service water supply for the population and for irrigation.

Art. 105. The land easements for private benefit by law shall be these ensuing from the location

of the land and the right of way and to transfer water.

Art. 106. At exercising the easements the following rules shall be observed:

1. the change of the ownership of a property shall not terminate the effect of the easements neither with regard to the dominant nor with regard to the subservient property;
2. if the owners of the subservient property are several persons an easement with legal transaction could be established only with the consent of all owners;
3. the easement granted with a legal transaction shall be obligatory for the legal successors of the owner of the subservient property;
4. the titular of the easement shall be obliged at implementing the activities necessary for exercising it to cause the possible least disturbance for the owner of the subservient property and to take the expenses necessary for this except otherwise agreed;
5. the easements shall be inseparable rights; they could be exercised entirely in favour of each part of the dominant property and shall encumber entirely each part of the subservient property even if the properties are separated;
6. the easement could be used only for the needs of the dominant property;
7. the owner of the subservient property shall not have the right to move the easement;
8. the easements established with a legal transaction shall be extinguished:
  - a) at objective impossibility to be exercised;
  - b) at amalgamation of the two properties as a result of a legal transaction;
  - c) after the expiry of the term of the contract;
  - d) after non exercising for a term of 10 years.

Art. 107. (1) The local suability of the disputes about exercising the easements under this chapter shall be determined by the location of the dominant and the subservient property.

(2) The indemnifications under this Act shall be determined according to the current market prices.

## **Section II. Easements ensuing from the location f the properties**

Art. 108. (1) The owners of the properties located higher shall not have the right to hamper the natural runoff of waters and to encumber the restrictions suffered by the lower properties in connection with this.

(2) The owners of the lower properties shall be obliged to accept the water running off naturally from the upper properties.

Art. 109. (1) If the banks or the facilities for withholding water in the dominant property are in condition which does not ensure protection from the impact of waters its owner shall be obliged to make the necessary construction works in such way that the owner of the subservient property does not suffer any damage.

(2) (amend., SG 81/00) If the obliged owner does not implement the necessary construction works the owners of the subservient property, if suffering a damage shall be able to implement the necessary works in the dominant property for their account with preliminary permission by he court after hearing the interested persons.

(3) The rule of para 2 shall be implemented also when in a property as a result of the construction of a sludge pond or tailings pond or solid waste deposit occur accumulations changing the water flow and as a result of this the water causes or could cause damage to neighbouring immovable properties.

(4) The owners participated in the expenses for implementing the necessary works for fortification of banks, repair of facilities or cleaning up of sediments shall have right to indemnification for damages from the person caused the demolishing of the banks or the facilities or the accumulation of sediments.

Art. 110. (1) The owner through which property runs a water flow shall be able to use it according to the requirements of the law without impairing the same right of the owner of the immovable property situated below.

(2) (amend. - SG 65/06, in force from 11.08.2006) In the cases of para 1 the owner of the lower property shall be able to implement works with which is influenced the natural state of the water site according to the conditions of the water taking permit and without causing damage to the owner of the higher situated property.

Art. 111. The owner of a water site shall dispose with its waters without causing damages to neighbouring immovable properties.

### **Section III. Right of water conveyance**

Art. 112. (1) Each owner shall be obliged to grant water conveyance rights through his property to all who have permanent or temporary need to do this.

(2) If the construction of pipelines or facilities for transferring water is necessary to be constructed easement strips shall be determined with extent not bigger than the diameter of the pipeline increased with 60 cm on which shall not be permitted construction and planting of perennial plantations.

(3) (amend. – SG 61/10) The water conveyance right through other's property shall be established with an agreement of the owners of the dominant property and of the subservient property and if such an agreement cannot be reached - with an act of the body of art. 52, para 1, item 4 observing the procedure of art. 34 and 36 without ruling the alienation of the property concerned.

(4) (amend. – SG 61/10) The exercising of the rights of the act of the body of art. 52, para 1, item 4 shall be admissible only after the payment of the determined indemnification.

Art. 113. (1) The conveyance of water through other's property shall be implemented in a way corresponding to the terrain accounting for the existing buildings and perennial plantations

(2) The owner of the dominant property in the case of para 1 shall be obliged to pay the price of the land which will be occupied, increased with one fifth in addition to the direct damages and these ensuing from the subdivision of the land if surface water is conveyed. For the part of the land which will be taken by the gathering of the dug up land shall be paid half of the price increased with one fifth.

Art. 114. Unless otherwise agreed the following rules shall apply to the water conveyance right:  
1. the titular of the water conveyance right shall be obliged after the expiry of the term to

restore the initial state of the respective property;

2. (amend. - SG 65/06, in force from 11.08.2006) in case it is necessary to carry out new works or to change the quantity of the flowing water due to a change in the water taking permit, the changes in the encumbrance of the subservient property may not be carried out before payment of the sum due for this;

3. The owner of the subservient property has a right to require the determination of the water bed by placing permanent boundaries at the expense of the titular of the easement; the latter is obliged to construct the necessary facilities if the owner of the subservient property does not have free access to his property resulting from the water conveyance.

Art. 115. The owner of the property, through which other's waters flow as a result of the exercising of an easement may use them in accordance with the requirements of the law, thereby taking over part of the costs of construction and maintenance of the facilities if not agreed otherwise.

### **Chapter eight.**

### **PRESERVATION OF WATERS AND WATER SITES**

Art. 116. (1) (suppl. - SG 65/06, in force from 11.08.2006) All waters and water sites shall be preserved from depletion, pollution, and damage with objective to be maintained the necessary quantity and quality of waters and healthy environment, preservation of the ecosystems, preservation of the landscape and prevention of economic damages, including.

1. (new - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) achieving a good chemical and environmental condition of surface waters;

2. (new - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) achieving a good quantitative and chemical condition of underground waters;

3. (new - SG 65/06, in force from 11.08.2006) reduction of the need in waters treatment prior to their use;

4. (new - SG 65/06, in force from 11.08.2006) provision of water environmental systems development and related to them ground environmental systems;

5. (new - SG 86/23, in force from 13.10.2023) achieving a sustainable state of the geothermal potential of the waters.

(2) (Amend. - SG 65/06, in force from 11.08.2006) For achieving the objectives under para 1 the following shall be determined:

1. minimum allowable run-off into rivers;

2. (amend. – SG 61/10) measures of protection of waters quantity and quality, including waters, designated for drinking and domestic water supply;

3. zones of water protection;

4. (new – SG 61/10) the altitude of the allowable decrease of the water level of each underground water body or of a part of a water body;

5. (new – SG 61/10) on an annual basis the natural and available resources of the underground water bodies based on actual hydrological and hydro-geological data;

6. (new – SG 61/10) on a monthly basis the total taking from the underground water bodies and the free water volumes;

7. (new – SG 61/10) the dynamic reserves of the steady rivers outflow;

8. (new – SG 61/10) restrictions for granting of permits for"

a) (amend. – SG, 58/2015) use of river Danube and reservoirs for taking out of alluvial deposits;



- b) water taking from surface waters for electricity production;
- c) water taking from underground waters.

Art. 117. (1) For the protection of the water ecosystems and the humid zones shall be determined the minimum admissible flow in the rivers.

(2) (suppl. – SG 61/10) The runoff of para 1 shall be determined in the water basins management plans in compliance with the methodology of art. 135, par. 1, item 1.

(3) for the objective of para 1 shall be implemented the following measures:

1. restriction of the extent of regulation of the runoff;
2. determining obligatory water quantities to be discharged from the dams;
3. introduction of restrictions for transfer of water quantities from one river basin to another;
4. (amend. - SG 65/06, in force from 11.08.2006) introduction of a prohibition for issuing new permits for water taking and restriction of the already issued permits;
5. carrying out of afforestation measures.

(4) Developing the water economy balances the minimum water quantities for watering shall be provided with priority.

Art. 117a. (new - SG 65/06, in force from 11.08.2006) (1) For protection of waters quantities and provision of their effective use, when providing water services new water consumption rates shall be set out.

(2) (suppl. – SG 61/10; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) Water consumption rates under para 1 shall be set out in an Ordinance of the Council of Ministers under a proposal of the Minister of Energy, the Minister of Regional Development and Public Works, the Minister of Agriculture and Food, the Minister of Health and the Minister of Environment and Waters.

Art. 118. (amend. - SG 65/06, in force from 11.08.2006) (1) In view of waters protection the Minister of environment and waters shall set in an order priority and priority hazardous substances.

(2) waters and water sites shall be protected from contamination and deterioration through:

1. termination of introduction of priority hazardous substances into waters;
2. continuous reduction of introduction of priority substances into waters;
3. limitation of introduction of hazardous and other substances into waters;
4. construction of water treatment stations for waste waters;
5. (new - SG 44/20, in force from 14.05.2020) the free movement of the necessary chemicals for the treatment of drinking and waste water in the processes for their purification, incl. import across the state border.
6. (prev. item 5 - SG 44/20, in force from 14.05.2020) establishing of a regime for use and preservation of the flooded strips along the banks;
7. (prev. item 6 - SG 44/20, in force from 14.05.2020) regulating prohibitions for depositing wastes and dangerous substances at places where could happen pollution of waters;
8. (prev. item 7 - SG 44/20, in force from 14.05.2020) determining measures for not admitting artificial mixing of underground waters with different quantities.

(3) For the implementation of activities under para 2 the Minister of environment and waters shall approve:

1. project categories of surface waters;

2. programmes for decrease of contamination of the waters and the water sites.

(4) The Minister of Environment and Waters and the Minister of Health shall determine the maximum admissible concentrations and emission standards for radio-nuclides in waters and water sites.

(5) The order under para 1 shall be subject to promulgation in the "State Gazette".

Art. 118a. (New - SG 65/06, in force from 11.08.2006) (1) For protection of underground waters from contamination the following shall be prohibited:

1. (in force from 22.12.2013) direct discharge of contaminants in underground waters, except for the cases under para 2;

2. disposal, including depositing of priority substances, which can cause indirect discharge of contaminants in underground waters;

3. other activities on the ground and on the underground water site, which can cause indirect discharge of priority substances into underground waters;

4. use of materials, containing priority substances, during construction of structures, engineering construction facilities and others, in which contact with underground waters is existing or is feasible;

5. mixing of underground waters of different quality through constructed water taking facilities;

6. injection of natural gas or liquefied oil gas into underground waters, except for the cases under para 3 and 4.

(2) Direct discharge of small quantities of contaminants into underground waters shall be allowable, when this is done for scientific purposes for characterization, protection and reclamation of water bodies and these quantities are strictly limited to the amount, required for the respective purpose.

(3) (revoked – SG 61/10)

(4) Injection for protection of natural gas or liquefied oil gas into parts of the earth interior, apart from the cases under para 3, shall be allowable, when there is a priority need in providing gas supply and in a way, providing prevention of future risk of deterioration of underground waters quality.

(5) In cases under para 4 injection shall be carried out after carrying out a hydro-geological survey and assessment of risk of underground waters contamination, proving that the condition of underground waters, in which the injection is being done, shall not get deteriorated and there is no risk of deterioration of the condition of other underground waters in the area of injection.

(6) In cases under para 2, 3 and 4 permit shall be granted under the conditions and the procedure set forth in this Act.

(7) The permit for injection and re-injection of waters shall be granted also in case of:

1. injection of waters, containing substances, resulting from the oil and gas survey extraction or from mining works;

2. injection of waters due to reasons of technical nature into parts of the earth interior, from with oil and gas have been extracted or other substances or due to natural reasons they are permanently inappropriate for other purposes.

(8) (Amend. - SG 86/23, in force from 13.10.2023) Injected waters under para 7, item 1 and Para. 11 cannot contain substances, different from those, obtained as a result of oil and gas survey and extraction, of geothermal resources, or mining works.

(9) Permit for re-injection shall be granted in case of:

1. de-watering of mines, quarries and construction engineering facilities;

2. (deleted - SG 86/23, in force from 13.10.2023)

(10) The permit under para 2, 3, 4, 7 and 9 shall not be granted, provided that as a result of this activity preconditions for non-achieving the objectives for environmental protection of the respective water body are established.

(11) (New - SG 86/23, in force from 13.10.2023) Injection and re-injection shall be allowed:

1. of waters containing substances resulting from the exploration and extraction of hydrogeothermal resources, and

2. in cases of water usage for the extraction of hydrogeothermal resources.

(12) (New - SG 86/23, in force from 13.10.2023) In the cases under Para. 11, no separate permit shall be issued under this act, and the parameters of the permitted injection and reinjection shall be included:

1. within the framework of the right of free use under Art. 43, Para. 3, to the extent that no body of water other than that from which water is extracted is used;

2. in the terms of the permit or concession under the Underground Resources Act, in cases of exploitation of deep hydrogeothermal resources;

3. in the conditions of the permit for water intake or use of a water body for the exploitation of shallow hydrogeothermal resources in other cases.

Art. 118b. (new - SG 65/06, in force from 11.08.2006) (1) (suppl. – SG 61/10) For protection of underground waters a contamination threshold and start point shall be set out for undertaking of measures for reversing of the identified essential and sustainable trends of increase of contaminants concentration in underground water.

(2) (amend. and suppl. – SG 61/10) Contamination threshold can be set out on a national level or for each area of water management or for a part of an international area or of basins management or for underground water body or group of bodies.

(3) (suppl. – SG 61/10) Contamination threshold and start points under para 1 on a basins level shall be set in the river basins management plans.

(4) (suppl. – SG 61/10) Updating of the list of substances, for which contamination threshold and start points under para 3 and their concentrations are set shall be carried out with the updating of river basins management plans.

Art. 118c. (1) (new - SG 65/06, in force from 11.08.2006, former text of Art. 118c – SG, 58/2015) No water taking from underground waters shall be permitted, when:

1. (amend. and suppl. – SG 61/10) the general water taking from an underground body exceeds its available resources and/or if the maximum allowable operation decrease of the water level exceeds the determined allowable decrease of the water body;

2. water taking facility is not included into the register of water taking facilities under Art. 118d;

3. there is a risk of:

a) non-achievement of objectives for environmental protection for related to the underground water body surface waters;

b) deterioration of these surface waters condition;

c) damage of ground environmental systems, directly depending on the underground water body;

d) lowering of the underground water levels in the areas, from which waters of wet zones, zones of protection of economically significant water organisms, protected territories and protected zones are charged;

4. lowering of the water level and temporary or permanent change of the flow direction in the underground water body create a risk of attraction of salty or contaminated waters.

(2) (new – SG, 58/2015; amend. – SG 101/15, in force from 22.12.2015) The provision of Para. 1, p. 1 in relation to the prohibition of exceeding the existing resources of underground water bodies of the common use shall not apply to underground water bodies, for which an exception has been justified

under Art. 156f, para. 1, p. 3 and where the requirements of Art. 156f, Para. 2 have not been fulfilled.

Art. 118d. (new - SG 65/06, in force from 11.08.2006) (1) (revoked – SG 95/09).

(2) (revoked – SG 95/09).

(3) (suppl. – SG 61/10) Directors of Basin Directorates shall keep a register of water taking facilities for underground waters, inclusive mineral waters, on the territory of the respective area of basins management, including of facilities, which are:

1. equipped for operation;

2. (suppl. – SG 61/10) non-equipped for operation, including the determined as monitoring facilities and inspection wells in mineral waters deposits;

3. conserved;

4. liquidated;

5. for satisfying citizens own needs.

(4) (amend. – SG 95/09; suppl. – SG 61/10) Entering into registers under par. 3 shall be done under conditions and following the procedure, set in the Ordinance under Art. 135, par. 1, item 2.

(5) (new - SG 98/18, in force from 27.11.2018) Water taking facilities listed in the register for own needs of citizens can be included as water taking facilities for commercial purposes where:

1. the maximum allowable quantity of 10 cubic meters per day is not increased;

2. the requirements for water intended for drinking and domestic water supply are not violated - if the water taking facility will be used for self-drinking water supply;

3. there is documentation on:

a) the construction characteristics of the abstraction facility and its condition, including:

aa) diameters and depth of placement of the cover columns and filters, the presence and quality of pipe casing;

bb) results of filming with camera of the state of the shaft of the facility to its full depth;

cc) results of filtering experiments conducted for the purpose of registration;

dd) complete chemical analysis of groundwater by all indicators for which groundwater quality standards have been set according to the ordinance under Art. 135, para. 1, item 2 carried out for the purpose of registering the facility under accredited samples taking at an accredited laboratory;

b) that the abstraction facility reveals only one body of water, including a geological hydrogeological column and geological profiles;

c) for the location of the abstraction facility, including geodetic coordinates and altitude at the mouth of the facility or of characteristic points of the line facilities

d) there are no grounds for refusal to issue a permit for water abstraction under Art. 68.

(6) (prev. para. 5 - SG 98/18, in force from 27.11.2018) Water taking facilities for underground waters, which are not entered into the register under para 3, shall be liquidated.

(7) (New - SG 86/23, in force from 13.10.2023) In the register under Para. 3, geothermal systems for the exploitation of hydro-geothermal resources shall be entered in a separate category, regardless of whether they represent water-ground facilities or not, and regardless of whether a permit has been issued in relation to them under this act or not.

Art. 118e. (new - SG 65/06, in force from 11.08.2006) (1) Abandoning and liquidation of water taking facilities for underground waters shall be made by and at the expense of their owner.

(2) (suppl. – SG 61/10) Activities pursuant to para 1 shall be carried out under a project, approved by the Director of the respective Basin Directorate and following a procedure, set out in the ordinance under Art. 135, par. 1, item 2.

Art. 118f. (new - SG 65/06, in force from 11.08.2006) (1) Directors of Basin Directorates shall keep a register of dikes and shoots in non-corrected sections of the rivers outside settlements and residential zones.

(2) (suppl. – SG 61/10) The procedure and the way of management and use of facilities under para 1, as well as of facilities, having lost their initial purpose of use, shall be set out in the ordinance under Art. 135, par. 1, item 1a.

Art. 118g. (new – SG 61/10) (1) Water taking from surface waters for the production of electrical energy shall not be allowed:

1. (suppl. - SG 12/17) in case of cascade construction of derivative and run of the river water power plants, except when they are of substantial public interest and/or benefits to society outweigh the benefits of achieving environmental objectives and they are justified as an exception under Art. 156f in the current plan for river basin management;

2. where the average multi-year water quantity in the river is less than 100,0 l/sec.;

3. not less than 500 m before and after a monitoring station of the surface waters or constructed hydro-technical facilities;

4. (amend. – SG, 58/2015) where this part of the river falls into protection zones according to Art. 119a, Para. 1, item 5;

5. where restrictions and prohibitions have been introduced in the program of management of river basins, related to achievement of the objectives under Art. 156a;

6. where the hydraulic continuity of the river is not provided.

(2) (amend. – SG, 58/2015, amend. – SG, 58/2015) Taking out of alluvial deposits shall not be permitted from the water sites with the exception of the river Danube and the water reservoirs, as well as in the cases under Art. 140.

(3) (amend. – SG, 58/2015) No use of the river Danube and the water reservoirs shall be permitted for taking out alluvial deposits, where the taking out creates danger from damaging the stability of existing hydro-technical or other facilities.

(4) No use of a water body for construction of new corrections shall be allowed where this part of the river falls into protection zones under Art. 119a, par. 1, item 5, except for:

1. corrections in residential areas;

2. corrections, meant for restoration of natural habitats and river meanderings;

3. construction of bottom and hydraulic sills, required for river stage recovery in the corrected sections;

4. corrections by river dredging and construction of facilities for provision of navigation conditions, including for protection of river banks and islands in Danube river;

5. where they are meant for protection against waters hazardous effects.

Art. 118h. (new – SG 61/10) The place of taking out of alluvial deposits shall not be determined in an area:

1. where the alluvial deposits are located after dykes or embankments 500 m downstream the river or up to the first perennial inflowing stream, where it is at a distance of minimum 200 m from the facility;

2. not less than 500 m before and after:

a) a monitoring station of the surface waters or a monitoring station of the quantitative condition of the underground waters, located close to the river;

b) constructed hydro-technical facilities;

3. where there are restrictions and prohibitions introduced to the program of management of river basins, regarding the achievement of the objectives referred to in Art. 156a;

4. (amend. – SG, 58/2015, amend. – SG 52/16) where this part of the river falls into protection zones under Art. 119a, Para. 1, item 5, with the exception of areas for which pursuant to Art. 140, para. 6 there is a recognized need of confiscation;

5. not less than 3 km before and after a monitoring station of the waters of Danube river, except for the cases of construction and maintenance of hydro-technical facilities and the channel and in cases where it is proven that the taking out does not reduce the quality of the monitoring.

Art. 119 (amend. - SG 65/06, in force from 11.08.2006) (1) For protection of waters, designated for drinking-household water supply, in the river basins management plans shall be set out:

1. all water bodies, used for drinking-household water supply and have an average daily flow rate exceeding 10 cubic meters or are used for water supply to more than 50 people;

2. water bodies which are foreseen to be used for drinking-household water supply;

3. monitoring programs of water bodies of average daily flow rate exceeding 100 cubic meters;

(2) (new – SG 61/10) The protection of waters, meant for drinkable and domestic water supply, shall be arranged in such a way to prevent deterioration of their properties, and also in order to reduce the degree of water treatment for meeting the requirements of the ordinance under Art. 135, par. 1, item 3.

(3) (prev. par. 2, suppl. – SG 61/10) For surface waters designated for drinking-household water supply, water supply and sewerage system operators pursuant to Art. 2, para 2 of the Regulation of Water Supply and Sewerage Services Act shall provide treatment under the conditions and following the procedure set in the Ordinance under Art. 135, par. 1, item 4 until quality of waters for drinking and domestic purposes is achieved, as set forth in the Ordinance under Art. 135, par. 1, item 3.

(4) (prev. par. 3 – SG 61/10) Protection of waters, designated for drinking-household water supply and of mineral waters shall be done by determination of:

1. water bodies under para 1, item 1 and 2 and water bodies, containing mineral waters, as zones of waters protection;

2. (suppl. – SG 61/10) sanitary protection zones around water taking facilities for drinking-household water supply and around water taking facilities for mineral waters, used for healing, prophylactic, drinking and domestic purposes, bottling, hygienic purposes, sports and recreation in compliance with the ordinance under Art. 135, par. 1, item 6.

(5) (prev. par. 4, amend. and suppl. – SG 61/10) Measures for protection of water bodies under para 4, item 1, the procedure and the way of identification of sanitary protection zones under para 4, item 2, restrictions and limitation within their boundaries shall be set out in the Ordinance under Art. 135, par. 1, item 6.

Art. 119a. (amend. - SG 65/06, in force from 11.08.2006) (1) Water protection zones are:

1. (amend. – SG 61/10, amend. – SG, 58/2015) the territory of the water collection of surface water bodies and the earth surface over the underground water bodies under Art. 119, Para. 1, p. 1 and 2;

2. (amend. – SG, 58/2015) water bodies, defined as waters for relaxation and water sports, including the defined zones with swimming waters under the Ordinance under Art. 135, Para. 1, p. 7;

3. zones, in which waters and sensitive to biogenic components, including:

a) exposed zones;

b) sensitive zones;

4. zones of protection of economically essential kinds of fish and other water organisms;

5. (suppl. – SG 58/2015) protected territories and zones, defined, or announced for protection as

living places and biological species, in which maintenance or improvement of waters condition is an essential factor for their protection.

(2) Directors of Basin Directorates shall:

1. keep register of zones under para 1;
2. prepare brief scanning of the register, which shall include maps, on which the location of zones under para 1 is shown and the grounds for announcing them as such.

Art. 119b. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) For the territories and zones under Art. 119a, para 1, item 5 special requirements to the waters condition can be set, which shall have to be achieved and/or maintained in compliance with:

1. the order for the announcement issued pursuant to the provisions of the Protected Areas Act or the Biological Diversity Act;
2. an enforced program of management of a protected territory or of a protected zone;
3. an enforced action plan for a plant or animal specie protection.

Art. 120. (amend. - SG 65/06, in force from 11.08.2006) (1) (suppl. – SG 61/10) For protection of surface waters from contamination emission rates and individual emission limitations, as well as the conditions for their achievement, shall be set out.

(2) (suppl. – SG 61/10) Individual emission limitations in the permits for outfall of waste waters, granted following the provisions of this Act, and in integrated permits, granted pursuant to the provisions of the Environmental Protection Act shall be set out after a complex approach and cannot be less severe than the set emission rates. The conditions for achievement of individual emission limitations may not be less restrictive than the requirements laid down in this Act and in other environment-related regulative acts pertaining to waters.

(3) (suppl. – SG 61/10, amend. – SG, 58/2015) Emission rates under para 1 shall be set out in the Ordinance under Art. 135, para. 1, item 13.

(4) (new – SG 61/10, amend. – SG, 58/2015) For determination of the measures for prevention of contamination from diffusive sources regulation shall be applied, taking into account the good environmental practices, described in the ordinances under Art. 135. para. 1, items 5, 11, 12 and 17 and in the ordinances under Art. 119 of the Environmental Protection Act and any other applicable environment-related laws.

Art. 121. (revoked - SG 65/06, in force from 11.08.2006)

Art. 122 (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, amend. – SG, 58/2015) Individual emission limitations can be set out as more severe than the emission rates, specified in the ordinance under Art. 135, par. 1, item 13, where this is required for:

1. achieving the environmental protection objectives;
2. use of surface waters for drinking-household water supply, non-scheduled in the river basin management plan;
3. (amend. – SG, 58/2015) meeting the quality standards specified in the ordinances under Art. 135, par. 1, items 9 and 17.

Art. 123. Achieving the emission rates by dilution of the waste waters before their outfall in the

water basins shall not be allowed.

Art. 124. (amend. - SG 65/06, in force from 11.08.2006) (1) For protection of waters from contamination maximum allowable concentrations of substances in industrial waste waters, discharged into sewerage systems or into waste waters treatment plants of settlements and residential zones shall be set out.

(2) (suppl. – SG 61/10) Maximum allowable concentrations under para 1 shall be set out in the Ordinance under Art. 135, par. 1, item 11.

Art. 125. (amend. - SG 65/06, in force from 11.08.2006) (1) In the sewerage system and waste waters treatment plants under Art. 124 shall be included only waste waters, which can be treated by the existing technological system applied at the treatment plant and do not threaten operating personnel health and safety, in consideration of the specific conditions and of:

1. (amend. – SG 61/10) the permit for outfall of waste waters, granted pursuant to the provisions of this Act;

2. (amend. – SG 61/10) the quantity, type and level of contamination of waste waters;

3. (amend. – SG 61/10) capacity and efficiency of the existing sewerage network and treatment plant;

4. (amend. – SG 61/10) the sludge treatment technology in terms of their further utilization or final safe disposal.

(2) The persons discharging production waste waters in the sewerage system of a settlement according to a contract with the person which has discharge permit shall be obliged to send a copy of the contracts to the Basin Directorate.

(3) The Director of the Basin Directorate shall be able to prescribe change of the conditions of the contracts if he decides that the standards for discharge of production waste waters in the sewerage system of the settlements are violated as well as when these standards are not violated but there is a danger of demolishing of the sewerage system and pollution of the underground waters.

(4) When due to unlawful or obviously badly designed discharge of industrial waste waters in the sewerage system damages to the environment or to the person owner of the sewerage system are caused, the sewerage enterprise in favour of which the discharge permit has been issued and the person discharged the industrial waste waters shall be jointly responsible for the caused damages.

(5) At proven breaches of the contractual conditions by the persons discharging production waste waters in the sewerage system of the settlement the titular of the discharge permit shall be able to require the one discharging of waste waters to carry out own monitoring for his own account after coordination with the Director of the corresponding Basin Directorate.

Art. 125a. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) It shall be prohibited to involve new users, out falling waste waters, to the sewerage systems of settlements, residential zones and resort complexes in cases when the sewerage system cannot provide waste waters discharging and treatment, with observing the conditions of the granted pursuant to the provisions of this Act permit for outfall of waste waters.

Art. 126. (1) The persons implementing operation of the sewerage networks and the treatment facilities shall be obliged to maintain them in technical and operational fitness and to ensure continuously their normal operation.



(2) At implementing planned prophylactic repair works of the facilities pointed out in para 1 as well as at necessity for changes of the treatment technology the obliged persons shall inform in writing the basin bodies about these works at least 30 days before starting the works.

(3) (new – SG 61/10) The bypass and emergency connections to the water treatment plants, from which outfall in surface water can be arranged, shall be sealed when closed by the RIOEW. Unsealing of the seals is allowed upon notification and approval by the RIOEW.

Art. 127. (1) At design, construction, reconstruction and modernisation and extension of production enterprises, sewerage systems of settlements and other sites shall be simultaneously designed, constructed, reconstructed and extended the necessary facilities for waste water treatment.

(2) Prohibited shall be the entering into operation of sites and the implementation of activities without treatment facilities being approved by the due order except in the cases when they are not necessary.

(3) (new – SG 61/10) The bypass and emergency connections to the water treatment plants shall be engineered and secured with shut off devices, and where they outfall in surface water, they shall be sealed following the provisions of Art. 126, par. 3.

(4) (new - SG 44/20, in force from 14.05.2020) Wastewater treatment plants in settlements and resorts are provided with treatment facilities / installations for decontamination. Decontamination is carried out before discharge into surface waters and the Black Sea in case of need at the discretion of the bodies of the Ministry of Health. Mandatory decontamination is performed before discharge into the Black Sea during the vacation season.

Art. 128. (revoked - SG 65/06, in force from 11.08.2006)

Art. 129. (revoked - SG 65/06, in force from 11.08.2006)

Art. 130. (1) The water treatment facilities and the sewerage systems shall be operated observing the requirements of this Act.

(2) (suppl. – SG 61/10) The persons, including water supply and sewage system operators, owners or users of treatment facilities shall be obliged to implement laboratory analyses and monitoring of the functioning of the treatment facilities as well as to preserve the results of the analyses and the monitoring under the conditions of art. 174.

(3) The body issued the waste water discharge permit shall be able to determine and change the conditions of the activities of para 2.

Art. 131. (1) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009) At emergency cases creating prerequisites for pollution of waters the owner or the person operating the site - source of the pollution, including tailings pond, sludge pond and solid waste deposits, shall be obliged to undertake the necessary measures for restriction or liquidation of the consequences of the pollution according to the preliminary prepared emergency plan and to inform immediately the Basin Directorates and the bodies of the Ministry of Interior.

(2) (amend. - SG 65/06, in force from 11.08.2006) If an incidental pollution of the water downstream the river has occurred, the Director of the Basin Directorate and the local bodies, which have received the information about the pollution under para 1, shall be obliged to inform in time the

water users about the character of the pollution and the measures which might be taken for reducing the damage from the pollution.

(3) (new - SG 44/20, in force from 14.05.2020) In case of accidental pollution with untreated domestic wastewater or in case of declared emergency epidemic situation:

1. sludges from waste water treatment plants of the settlements and resort formations, which are used in agriculture are applied in the soil after at least 30 days of stay outside the treatment facilities;

2. waters used in accordance with Ordinance № 18 of 2009 on the quality of water for irrigation of agricultural crops (SG, issue 43 of 2009), when contaminated with untreated waste water, shall be used to irrigate crops at least 48 hours after mixing with these waters.

Art. 132. The persons, from whose economic activities are generated waste waters, shall be obliged to construct the necessary treatment facilities in accordance with the requirements for discharge into the water site, when on the respective territory there is no sewerage system.

Art. 133. (revoked - SG 65/06, in force from 11.08.2006)

Art. 134. (suppl. – SG 61/10) In the coastal flooded areas and the adjacent water pond lands shall be forbidden:

1. the storage of pesticides, depositing and treatment of waste;
2. the construction of cattle-breeding farms;
3. the construction of economic and housing buildings;
4. the washing and maintenance of transport vehicles and equipment;
5. the planting of perennial vegetation with shallow root system;
6. (new – SG 61/10) depositing waste.

Art. 135. (1) (prev. Art. 135, suppl. – SG 61/10) In order to maintain the quantity and the necessary quality of the waters:

1. the Minister of Environment and Waters shall approve the methodology for determining the minimum allowable run-off in the rivers;

1a. (new - SG 65/06, in force from 11.08.2006) Council of Ministers shall adopt ordinance for surface waters use;

2. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend, - SG 12/17) the Council of Ministers shall issue an ordinance on the investigation, use and protection of the underground water;

3. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Environment and Waters, the Minister of Health and the Minister of Regional Development and Public Works shall issue a regulation on the quality of water for drinking-household purposes;

4. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Environment and Waters, the Minister of Health and the Minister of regional Development and Public Works shall issue a regulation on the qualitative requirements for the surface waters intended for drinking-household water supply.

5. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. -

SG 102/23) the Minister of Environment and Waters, the Minister of Health and the Minister of Agriculture and Food shall issue a regulation on the protection of waters from pollution by nitrates from agricultural sources;

6. (amend. - SG 65/06, in force from 11.08.2006, suppl. - SG 98/18, in force from 27.11.2018) the Council of Ministers shall adopt a regulation for the protection zones of waters, designated for drinking-household water supply and of mineral waters, designed for drinking water supply and water supply for the production of bottled water, for medical purposes, for prevention, recreation and sport;

7. (suppl. - SG 65/06, in force from 11.08.2006) the Minister of Environment and Waters and the Minister of Health shall issue a regulation on quality management of the waters for swimming;

8. (suppl., SG 81/00; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08, amend. – SG 52/08, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) the Minister of Environment and Waters, the Minister of Health and the Minister of Agriculture and Food shall issue a regulation on the quality of waters inhabited by fish and shell species, organisms;

9. (amend. - SG 65/06, in force from 11.08.2006) the Minister of Environment and Waters shall issue a regulation on characterisation of surface waters;

10. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, repealed – SG, 58/2015).

11. (amend. – SG 66/13, in force from 26.07.2013) the Minister of Environment and Waters and the Minister of Regional Development and Public Works shall issue a regulation on the procedure and the method for determining of limits for discharge of industrial waste waters into the sewerage systems of the settlements;

12. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, repealed – SG, 58/2015).

13. the Minister of Environment and Waters shall issue an Ordinance on the issuing of permits for discharge of waste water into water sites and determining of the individual emission restrictions for point sources of pollution;

14. (amend. - SG 65/06, in force from 11.08.2006) the Minister of Environment and Waters shall issue a regulation on waters monitoring;

15. (new, SG 81/00; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works shall issue an ordinance for the conditions and the order of using water supply and sewerage systems;

16. (new, SG 81/00; amend. – SG 36/08; amend. – SG 52/08, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) the Minister of Environment and Waters and the Minister of Agriculture and Food shall issue an ordinance for the quality of the waters for irrigation of the agricultural crops;

17. (new – SG 61/10) The Council of Ministers shall adopt an ordinance for environmental quality standards for priority substances and some other pollutants;

18. (new – SG 61/10, repealed – SG, 58/2015).

19. (new – SG 61/10) The Council of Ministers shall adopt an ordinance for environmental protection in the sea waters;

20. (new – SG 61/10, repealed – SG, 58/2015).

21. (new – SG 61/10, repealed – SG, 58/2015).

(2) (new – SG 61/10) For protection and management of waters in case of assessment of the condition and in order to achieve and maintain good waters condition the requirements of the instructions of the common strategy for application of the European Union laws shall be complied with.

(3) (new – SG 61/10) The instructions referred to in par. 2:

1. shall be adapted by the research institutes of Bulgarian Academy of Science in compliance

with the natural and economic conditions in Bulgaria;

2. shall be approved by an order of the Minister of Environment and Waters within 6 months after their promulgation in the information system of waters in Europe.

(4) (new – SG 61/10) The instructions referred to in par. 2, the methodology referred to in par. 1, item 1 and the methods, issued on the grounds of this Act and the secondary legislative acts thereto, shall be published on the Internet sites of the [Ministry of Environment and Waters](#) and of the basin directorates of water management.

Art. 136. The Ministers of art. 135, item 11 shall issue instructions for the parameters, which determine the best available technologies for water protection from the activities in the sectors for which they are responsible.

## **Chapter nine.** **PROTECTION FROM THE HARMFUL IMPACT OF WATERS**

### **Section I.** **General provisions (new – SG 61/10)**

Art. 137. (1) (prev. Art. 137 – SG 61/10) The protection from the harmful impact of waters includes:

1. protection from floods;
2. protection of icing;
3. (amend. - SG 65/06, in force from 11.08.2006) protection of the river courses and banks from erosion;
4. protection of the banks and coasts from the action of the waves;
5. protection from dangerous increasing or decreasing of the level of the underground waters;
6. protection of the water catchment areas from water erosion;
7. protection from artificial self-discharge of ground waters;
8. (new – SG 61/10) protection from floods of the near shore areas caused by the sea.

(2) (new – SG 61/10) Floods may be:

1. natural floods, caused mainly during ice and snow thawing, when raining or because of closings due to ice drifting or freezing;
2. technogenic floods, cause by other effects – in case of failure of a hydro-technical facility, which may cause an accident, or in case of prevention of critical situations in a hydro-technical facility.

Art. 138. (1) (amend. - SG 65/06, in force from 11.08.2006) The protection activities under art. 137 shall be operational and permanent.

(2) (amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 53/14) The operational protection shall be in the form of undertaking of measure referred to in Art. 19, par. 1 of the Disaster protection act and shall be carried out by the Single Rescue System.

(3) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009; suppl. – SG 80/11, in force from 14.10.2011; amend. – SG 53/14) The operational protection shall be carried out in accordance with the emergency plans referred to in Art. 138a and protection plans in case of disasters under Art. 9 of the Disaster Protection Act.

(4) (Amend. - SG 55/18) Permanent protection shall include the activities entrusted to the contractor carrying the obligation to provide public services to protect against the harmful effects of

water and also:

1. (suppl. – SG 61/10) construction and maintenance of dikes, corrections of rivers and gullies, and other hydro-technical and protection facilities;
2. establishing and maintenance of observation, forecast and warning systems;
3. regulation of the level of the underground water at dangerous increase or decrease;
4. activities for protection of the water catchment areas from water erosion;
5. (amend. - SG 65/06, in force from 11.08.2006) maintaining the flow capacity of the river courses;
6. (new – SG 61/10) construction and maintenance of reinforcement and/or bank strengthening facilities along the sea shore for prevention of waves effects;
7. (new – SG 61/10; suppl. – SG 80/11, in force from 14.10.2011, amend. – SG, 58/2015) applying measures for prevention and limitation of the damages, caused by natural floods, carried out in compliance with the programs of flood risk management and liquidation of potentially hazardous dams, technical condition of which does not allow their further operation;
8. (new – SG 58/2015, in force from 01.01.2016) implementation of measures for maintenance of dam walls and facilities to them in correct technical conditions and provision of safety of exploitation;
9. (new – SG, 58/2015, in force from 01.01.2016, amend. - 55/18) implementation of activities of taking out of exploitation dam walls and/or facilities to the, which are in a pre-accident conditions by recovery of their technological and construction safety or liquidation of such dam walls and/or facilities or their recovery or reconstruction are inexpedient;
10. (new – SG, 61/2010, force p. 8 – SG, 58/2015, in force from 01.01.2016) maintenance of the conditions for ship sailing along the river Danube.

(5) (New - SG 55/18) The permanent protection under Para. 4 shall be carried out:

1. within the boundaries of towns and cities - by the competent bodies under Art. 140, Para. 4;
2. outside the boundaries of the settlements:
  - (a) in the performance of public services to protect against the harmful effects of water - from the contractor of the obligation within the limits of the assigned territories;
  - (b) in other cases - by the competent authorities referred to in Art. 140, Para. 5.

Art. 138a. (new – SG 80/11, in force from 14.10.2011; amend. – SG 53/14) (1) (Amend. - SG 55/18) Owners or users of water-economic systems and facilities and sites under Art. 131, Para. 1 shall draw up emergency plans pursuant to Art. 35 of the Disaster Protection Act, or shall assign their drawing up to operators, ensuring the implementation of the measures envisaged in them. Emergency plans shall contain:

1. brief technical information about the systems or facilities;
2. assessment of possible reasons for the occurrence of emergency situations:
  - a) switching to a high wave with security, lower than the designed one;
  - b) earthquake effects;
  - c) terrorist acts;
  - d) higher filtration or water leakage, non-typical displacements, deformations, cracks, earth slippage, etc.;
  - e) heavy accident on another facility;
3. assessment of maximum possible consequences for the facility, environment, residents and infrastructure thereafter – endangered residential places, industrial and other facilities;
4. measures for limitation and mitigation of consequences of emergency situations;
5. measures for personnel protection;
6. launching of emergency plan, distribution of obligations and structures and persons in charge for the implementation of provided measures;

7. time required for the structures and persons under item 6 to get ready for a respond;
8. resources and means required for the implementation of the provided measures;
9. actions in emergency situations;
10. actions in case of accident on a particular facility;
11. physical guarding of sites and facilities and actions in case of a terrorist act warning;
12. alert systems and reservation of electrical power supply and of communication means;
13. procedure of advising of executive power authorities in case of necessity of introduction of disaster protection plans.

(2) (Amend. - SG 55/18) The specific requirements for the form and content of the emergency plans of the dams shall be determined by the ordinance under Art. 141, Para. 2.

(3) (amend. – SG, 58/2015, amend. - SG 55/18) The regional Governors shall appoint commissions which, once a year, are to carry out checks on the preparedness for safe operation of the dams and facilities thereto pursuant to Art. 141b, Para. 1, items 1 and 2, and for those under Art. 141b, Para. 1, item 3 - once every three years. Commissions shall:

1. analyse the provided information under Art. 141, Para. 6 and carry out checks on site of the technical conditions of the dam walls and the facilities to them;

2. (amend. - SG 55/18) check the established organization for the fulfillment of the requirements and the measures envisaged in the emergency plan;

3. check fulfilment of the activities of provision of the flow of the river bed at the distance of up to 500m from the dam walls;

4. (amend. - SG 55/18) give their conclusion on the preparedness of the dam and its facilities for safe operation in normal, extreme and emergency conditions, based on the opinion of each member of the Commission;

5. (new - SG 55/18) in connection with the conclusion under item 4, prescribe the owners of dams to be prepared for the safe operation of the dams and their facilities in normal, extreme and emergency conditions of work, incl. to carry out repairs and other technical activities to bring the dam wall and its facilities in an orderly technical condition, and also determine a deadline for the implementation thereof;

6. (new - SG 55/18) draw up a protocol for the inspection carried out, including the conclusion under item 4 and the prescriptions under item 5, within 14 days from the check under item 1, which is to be produced to the Regional Governor for approval, and shall send a copy thereof to: the owner of the dam, the General Directorate "Fire Safety and Protection of the Population" at the Ministry of Interior, the mayor of the municipality on which territory the dam lies, to the Chairperson of the Metrological and Technical Supervision State Agency and to the director of the relevant basin directorate.

(4) (new- SG, 58/2015) The commissions under Para. 3 shall include representatives of:

1. (in force from 1. 1. 2016) The Metrological and Technical Supervision State Agency;

2. Fire Safety and Protection of Population General Directorate at the Ministry of Interior;

3. the relevant regional administration;

4. the relevant basin directorate.

5. (new - SG 55/18) the respective municipality, on the territory of which the dam is located.

(5) (New – SG, 58/2015, amend. - SG 55/18, amend. - SG 61/19, in force from 02.08.2019) The persons under Para. 4 must hold the professional qualification needed to carry out the activities under Para. 3, at least one of which persons must have a university degree with a Master's degree in any of the specialties of the professional field "Architecture, construction and geodesy", related to the design, construction and operation of dams and of the facilities to them.

(6) (new – SG, 58/2015) The Regional Governor may attract additional experts possessing the relevant qualification for participation in the commissions under Para. 3.

Art. 138b. (new – SG 80/11, in force from 14.10.2011, amend. – SG, 58/2015, amend. - SG 55/18) In case of a dispute or unclarity regarding the ownership of a dam, the state enterprise under Art. 139a shall make provisions for its organization and technical operation until the enforcement of the court judgment or until finding the owner while in compliance with the requirements of Art. 138c, Para. 1.

Art. 138c (new – SG, 58/2015) (1) (Suppl. - SG 17/21) If the owner of the dam and the facilities to it does not meet the requirements for operator of a dam wall in the meaning of this act, he shall obligatorily assign the keeping, maintenance and realization of the technical exploitation of the dam wall and of the facilities to it to a person, who meets these requirements. When the owner assigns a concession for the dam, Art. 20, para. 5 shall apply.

(2) (Amend. - SG 17/21) If the tenant of the dam and the facilities to it meets the requirements for operator of a dam wall, the owner may assign to him the fulfilment of these functions by the contract for rent.

(3) (Amend. - SG 55/18) The selected under Para. 1 or 2 operator of a dam wall and the facilities to it shall be obliged to give the needed assistance to the owner for fulfilment of his obligations under Art. 138a, Para. 3, item 5, Art. 141, Para. 1 and Art. 190a, Para. 2, as well as to fulfil the assigned to him activities according to the normative requirements and with the care of a good contriver.

(4) (Amend. - SG 55/18) The operator of a dam wall shall be obliged to undertake the actions of his competence for fulfilment of the prescriptions, given under Art. 138a, Para. 3, item 5 and Art. 190a, Para. 1, p. 3.

(5) The obligations and responsibilities of the operator of a dam wall, as well as the procedure and way in which he carried out his activity shall be provided by the Ordinance under Art. 141, Para. 2.

Art. 139. (1) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 80/11, in force from 14.10.2011, amend. – SG, 58/2015) The maintenance and repair and rehabilitation works of dams, hydro-technical and protecting facilities shall be provided by the owners.

(2) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, amend. – SG, 58/2015) The persons of para 1, shall provide maintenance, also the conductance of the river course, dikes, corrections of rivers and gullies and of other hydro-technical and protection facilities in compliance with the parameters of the overflow facilities at a distance up to 500 m from the dams.

(3) When other persons have benefits from the facilities of para 1 they shall owe a part of the costs in proportion with the received or expected benefits.

(4) When the permit for construction of the facilities of para 1 is issued after the actual identification of an activity, which bears damages from the construction and the operation of the facilities, their owner shall be obliged to indemnify the incurred damages.

Art. 139a. (New - SG 55/18) (1) State Enterprise "Dams management and use" shall be formed with the status of a state enterprise within the meaning of Art. 62, Para. 3 of the Commerce Act, hereinafter referred to as "SEDMU".

(2) The State Enterprise "Dams management and use" shall be a legal entity with headquarters in Sofia. The enterprise shall not be a trading company and is not to form or distribute profit.

(3) The main scope of activity of the SEDMU shall be the thorough management of dams - public and private state property.

(4) The SEDMU shall carry out other activities which are to provide or supplement the main activity.

(5) The State shall grant property to the SEDMU - public and private state property, determined by a decision of the Council of Ministers, for the fulfilment of its scope of activity.

(6) (Amend. - SG 61/19, in force from 02.08.2019) Dams, the property of which the municipalities have transferred to the state free of charge, shall be managed by the State Enterprise "Management and maintenance of dams".

(7) (Amend. and suppl. - SG 61/19, in force from 02.08.2019) Outside the scope of activity of the SEDMU shall be the dams which are used and managed by the National Electricity Company - EAD, Irrigation Systems - EAD, Zeminvest - EAD, water and sewerage operators with state or with state and municipal participation in the capital.

(8) The activity of the SEDMU for the fulfillment of the tasks related to the main subject of activity shall be financed by:

1. income from the activity;
2. transfer from the state budget;
3. other receipts, determined by a normative act.

(9) The funds under Para. 8 shall be spent in order to carry out the activities of the SEDMU and its maintenance.

(10) The structure and activity of the SEDMU shall be governed by a regulation adopted by the Council of Ministers.

Art. 139b. (New - SG 55/18) (1) Every year, by March 1, the SEDMU shall submit to the Ministry of Economy a plan for its activity in the current calendar year and an annual activity report for the previous calendar year.

(2) The plan under Para. 1 shall include the activities under Art. 139a for the year concerned and must contain at least the following elements:

1. objectives and expected results;
2. activities to be undertaken to achieve the results, including an investment plan of the enterprise;
3. a fund management plan based on expected costs and business revenue from the activities of the enterprise.

(3) The Minister of Economy shall approve the plan for the activity of the SEDMU and the annual report under Para. 1, which are public.

(4) The funds for administrative expenses of the SEDMU shall be approved by the Minister of Economy at the same time as the plan under Para. 1.

(5) The funds and operations of the SEDMU shall be included in the consolidated fiscal program as funds and operations of other economically independent persons under Art. 13, Para. 4 of the Public Finance Act and are not to be part of the state budget.

Art. 139c. (New - SG 55/18) (1) The SEDMU shall be managed by a Management Board.

(2) The SEDMU shall be represented by an Executive Director.

(3) (amend. - SG 103/18, in force from 13.12.2018) The Management Board of the SEDMU shall be composed of 7 members, including the Chairperson.

(4) Members of the Management Board shall be:

1. the Chairperson: the Minister of Economy or a Deputy Minister appointed by him;
2. a representative of the Ministry of Environment and Waters;
3. a representative of the Ministry of Regional Development and Public Works;
4. (amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) a representative of the Ministry of Agriculture and Food;
5. a representative of the Ministry of Energy;
6. a representative of the National Association of Municipalities in the Republic of Bulgaria



(NAMRB);

7. the Executive Director.

(5) The members of the Management Board and the Executive Director of the SEDMU shall be appointed by the Minister of Economy upon proposal of the respective Minister or the Management Board of NAMRB.

(6) The members of the Management Board may not engage, in their own or somebody else's behalf, in competitive activity and be in contractual relationships with other enterprises, companies and associations with similar activity.

(7) As member of the Management Board may not be any person who is:

1. convicted for a crime of general nature;
2. a spouse or relative in direct line, collateral line or by marriage to a third degree, including with another member of the board of directors.

(8) The management contract with a member of the Management Board shall be terminated before the expiry of its term when the person:

1. does not meet the requirements of the law;
2. violates or fails to fulfill the conditions laid down in the law or in the management contract;
3. has filed a written request for dismissal;
4. by decision of the Minister of Economy - with a one-month notice;
5. upon withdrawal of the nomination of the representative.

(9) In the cases under Para. 7 or upon death of a member of the Management Board, the Minister of Economy shall appoint a new one and conclude a contract with him.

(10) The Management Board may take decisions, if at least half of its members are present in person or represented by another member of the Board. Any attending member cannot represent more than one absent member. Any representation shall require the explicit Power of attorney on a case-by-case basis.

(11) The decisions of the Management Board shall be taken by a simple majority.

(12) The Management Board may also take decisions in case of abstention, if all members have given written consent to the decision.

Art. 139d. (New - SG 55/18) Decisions of the Management Board of the SEDMU for spending of funds shall be public and shall be published on the [website](#) of the Ministry of Economy within 14 days of their adoption.

Art. 139e. (New - SG 55/18, suppl. - SG 61/19, in force from 02.08.2019) In carrying out its activity, the SEDMU shall have the rights and obligations of owner of the dam walls and the facilities thereto of the dams under Art. 138b and those provided under Art. 139a, Para. 5 and 6.

Art. 140. (1) The systems of art. 138, para 4, item 2 shall be maintained by the state.

(2) (amend. – SG 61/10; amend. – SG 80/11, in force from 14.10.2011, amend. – SG, 58/2015) The control for fulfilment of the activities under Art. 138, Para 4, shall be carried out by:

1. (in force from 1. 1. 2016) The chairperson of the Metrological and Technical Supervision State Agency or officials, authorized by him – for the activities under p.8 and 9;

2. (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) the Minister of Agriculture and Food and the Minister of Regional Development and Public Works pr officials, authorized by them – for the activities under p. 1, according to their competence under Art. 10;

3. the Minister of Transport, IT and Communications through the director of the Executive Agency for Research and Maintenance of the Rive Danube or officials, authorised by the director – for the activities under p. 10;

4. directors of basin directorates or officials, authorised by them – for the activities under p. 2 – 7.

(3) (amend. – SG 61/10; amend. – SG 80/11, in force from 14.10.2011; amend. – SG 51/16, in force from 05.07.2016, amend. – SG 52/16) The activities of art. 138, para 4, item 5, whose performance is provided by the regional governors and mayors under para. 4, 5 and 6, shall be financed also by the Interdepartmental commission for rehabilitation and support to the Council of Ministers, provided that they are included in the Annual plan of implementation of the National Program for risk reduction in case of disasters and shall include:

1. (revoked – SG 53/14)

2. removal of the grown in the river course trees, stumps, bushes and any other fallen or endangering to fall trees;

3. protection of the river banks from erosion, banks strengthening and protection of the coastal plants;

4. (revoked – SG 53/14)

5. (revoked – SG 53/14)

6. (new - SG 52/16) cleaning the river beds of alluvial deposits to ensure normal flow.

(4) (new – SG 61/10) Where the cleaning of river beds is in the boundaries of an urbanized territory:

1. (amend. – SG 80/11, in force from 14.10.2011) the mayor of the municipality shall appoint by an order an interdepartmental commission, including representatives of General Directorate “Fire safety and protection of population” – MI, the respective basins directorate, the respective RIEPW, Executive Agency for Forests, the municipality, experts in environmental protection and other technical professionals;

2. (amend. – SG 80/11, in force from 14.10.2011) the mayor of the municipality annually shall determine the sections of the river with reduced conductance because of reasons, requiring the activities referred to in par. 3, based on a certificate of findings, drawn up upon an inspection of the municipal administration of the condition of the river beds within the residential areas;

3. the interdepartmental commission under item 1:

a) shall carry out visual inspection of the areas, determined pursuant to the procedure of item 2;

b) shall determine the types of cleaning works and their respective quantities;

c) shall identify and mark the trees subject to removal;

d) shall determine the areas subject to planting and other strengthening and erosion-protection activities along the river banks;

e) draw up a certificate of findings and shall prepare a program of scheduled cleaning of river areas;

f) shall accept by an acceptance certificate the cleaned areas.

4. the mayor of the municipality shall:

a) approve the acceptance certificate and the program under item 3, item e;

b) notify the regional governor, if by the certificate under item 3, item e it has been identified, that cleaning of non-corrected areas is required;

c) assign a public procurement order pursuant to the provisions of the Public Procurement Act orders for selection of contractors, for the implementation of the program referred to in item 3, item e, for specific items; the assignment contracts shall specify the places where to discharge the removed waste; for each individual item an investment control contract shall be concluded;

d) include the cleaned areas in a municipal maintenance program.

(5) (new – SG 61/10, amend. - 55/18) Where the cleaning of river beds is beyond the

boundaries of the urbanized territories the activities under Para. 4 shall be organized, coordinated and carried out according to Art. 138, Para. 5. In river beds cleaning activities, planned and organized by the regional administrations, the District Governor shall:

1. (suppl. – SG 80/11, in force from 14.10.2011) appoint by an order the interdepartmental commission referred to in par. 4, item 1 with the participation of representatives where relevant and of the respective regional road office or of the National company “Railway infrastructure”;

2. approve the certificate of findings and the program referred to in par. 4, item 3, item e;

3. (amend. – SG 80/11, in force from 14.10.2011) assign a public procurement order in compliance with the Public Procurement Act orders for selection of contractors for the implementation of the program referred to in par. 4, item 3, item “e” by individual items; the procurement contracts shall determine also the locations for discharging of the removed waste; for each individual item investment monitoring contract shall be concluded.

(6) (new – SG 61/10, amend. – SG, 58/2015, amend. – SG 52/16) Where during the visual inspection of the intradepartmental commissions under para. 4, item 1 and para. 5, item 1 it is found that in order to maintain the conductivity of the riverbed, the removal of alluvial deposits is required, or that in the plans under Art. 151, para. 2, item 2, letter "c" are included measures to ensure the conductivity of river beds due to accumulated sediment deposits creating the risk of flooding, the Regional Governor shall:

1. organize and outsource the performance of the activities of cleaning necessary to ensure normal conduction of the river bed;

2. coordinate activities with the competent environmental authority;

(7) (new – SG, 58/2015, amend. – SG 52/16) The director of the relevant basin directorate shall issue a permit for use of a water site to the selected contractor under para. 6 for removal of alluvial deposits in connection with the activities provided for cleaning the riverbed. The terms and conditions for granting the permit, its contents and the contents of the technical design of the removal shall be determined with the ordinance under Art. 135, para. 1, item 1a.

(8) (new - SG, 58/2015) The activities under Para. 6 shall be funded by the regional administrations.

(9) (new – SG 61/10, former Para. 7 – SG, 58/2015) The removed timber from the river bed:

1. (amend. – SG 80/11, in force from 14.10.2011) where it is appropriate for use, shall be delivered free of charge for disposal to the mayors, who shall provide it free of charge for heating to the volunteers referred to in Art. 39 of the Disaster Protection Act in case of disasters in proportion to their involvement in prevention or management of disasters, fires and emergency situations and for recovering of the effects thereof, and also to persons, covered by the respective social programs;

2. where it is inappropriate for use, shall be mechanically cut and discharged to a designated depot for construction or for domestic waste.

(10) (new – SG 80/11, in force from 14.10.2011, former Para. 8 – SG, 58/2015, suppl. - SG 55/18) The control over the produced timber and its appropriateness for use shall be done by the assignor by the appointed investment monitoring or by the Executive Forest Agency in the cases under Para. 12.

11. (new – SG, 58/2015) While carrying out the control for fulfilment of the activities under Art. 138, Para. 4, the bodies under Para. 2 shall give obligatory proscriptions and if needed shall require assistance from the Ministry of Interior bodies, from state and municipal bodies and from legal and natural persons.

(12) (New - SG 55/18, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The river beds cleaning activities, organized and performed by the contractor of the obligation to provide public services for protection against the damaging effect of waters, according to Art. 138, Para. 5, shall be carried out in volume and on territories, according to the obligations assigned under this Act, and shall be controlled and coordinated by the Ministry of Agriculture and Food. In carrying out planned

or emergency activities related to maintaining the river beds, gullies and drainage facilities clean, the contractor shall notify in advance, or at the earliest possible opportunity in the event of an emergency, the relevant territorial structures of the district administration, the basin directorate and in case the cleaning involves removal of plantations - the Executive Forest Agency, to which Para. 9 is applicable.

Art. 141. (1) (amend. – SG, 58/2015, amend. - SG 55/18) The owners of water economic systems and hydro-technical facilities, including dam walls and/or facilities to them, shall be obliged to provide:

1. their maintenance in technical order;
2. (in force from 1.1.2016, amend. - SG 55/18) use of measuring and control devices for monitoring of their condition, meeting the requirements of the ordinance under Para. 2;
3. (in force from 1. 1. 2015; amend. – SG 101/15, in force from 22.12.2015) use of information system, provided by the Metrological and Technical Observation State Agency according to an ordinance, issued by the Minister of Economy upon proposal of the chairperson of the Metrological and Technical Observation State Agency;
4. observation of the requirements for technical and safe exploitation of dam walls and the facilities to them, defined by the ordinance under Para. 2;
5. regulation of the water levels in dams in view to decreasing the risk of floods.

(2) (amend. SG 108/01; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG, 58/2015) The conditions and order for carrying out the technical and safe exploitation of dam walls and of the facilities to them and for carrying out control for their technical condition shall be defined by an ordinance of the Council of Ministers upon proposal of the chairperson if the Metrological and Technical Supervision State Agency.

(3) (new – SG, 61/2010, repealed – SG, 58/2015).

(4) (prev. par. 3 – SG 61/10) The obligations of para 1 shall also be for the owners of water reservoirs which degree of clogging does not allow their further use according to their designation. In this case the owner shall prepare and carry out a project for reclamation.

(5) (new – SG, 58/2015) owners of dam walls and facilities to them shall be obliged to inform in writing the chairperson of the Metrological and Technical Supervision State Agency:

1. about the selected operator of a dam wall and the facilities to it – before entering in exploitation the newly built dam walls and facilities to them;
2. in every selection or change of the operator of the dam wall and facilities to them – within 7 day term from the change;
3. about the results of the carried out checks under the ordinance under Para. 2.

(6) (new – SG, 58/2015) The information under Para. 5, p. 3 shall be submitted also to the Regional Governor for the needs of the commission under Art. 138a, Para. 3.

Art. 141a. (New - SG 55/18) (1) Depending on their size - the height of the dam wall and the volume of the water reservoir, as large shall be considered those dams which meet at least one of the following conditions:

1. dams with a wall height of more than 15 m, measured from the lowest point of the base to the crown of the dam;
2. dams with a height between 5 and 15 meters, with a volume of more than 3 million cubic meters.

(2) Small dams shall be those which do not meet the conditions of Para. 1.

(3) Control pursuant to this Act and the ordinance under Art. 141, Para. 2 shall be exercised over all dams under Para. 1 and 2, with the exception of small dams which, when graded for potential danger, have been found to create no threat to humans or to critical infrastructure, if there is breach of structural integrity of the dam walls, and also meet at least one of the following conditions:

1. the water pressure generated is less than 7.0 m and the volume is less than 50 000 cubic meters;
2. the water pressure generated is less than 2.0 m, regardless of the dam's volume;
3. the volume is less than 15 000 cubic meters, irrespective of the water pressure generated;
4. its water catchment area is no more than 2.0 square km and the water reservoir is not filled by means of derivations or pumping station.

(4) The owners of the dams shall be responsible for their technical condition and safe operation under Para. 3. They shall not be obliged to entrust the use, maintenance and implementation of the technical operation of the dam wall and its facilities to any person who meets the requirements for a dam wall operator.

Art. 141b. (New - SG 55/18) (1) Dams shall be graded in three levels as per the degree of potential danger depending on the worst possible consequences of the discharge of waters stored in them due to destruction or improper operation:

1. first High degree of potential danger;
2. second Significant degree of potential danger;
3. third Low degree of potential danger.

(2) (Amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The criteria for classification of the degree of potential danger under Para. 1 shall be determined in the ordinance under Art. 141, Para. 2 by the interdepartmental commission appointed by the Council of Ministers, which is to include representatives of the Ministry of Environment and Waters, the Ministry of Regional Development and Public Works, the Ministry of Agriculture and Food, the Ministry of Energy, the Ministry of Economy, the Ministry of Interior and members of the scientific community directly involved with dam walls and their facilities.

(3) The commission under Art. 138a, Para. 3 shall classify the dams as per the degree of potential danger according to the ordinance under Art. 141, Para. 2.

Art. 142. (suppl., SG 81/00; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009) At discharge of waters from the hydro-technical installations during the passing of high waves, at emergency conditions or during repair works, the owner or the user of the latter shall inform in advance the respective municipal administrations, Basin Directorates and bodies of the Ministry of Interior, and for the border crossing rivers - also the border police.

Art. 143. For protection from the harmful impact of waters shall be forbidden:

1. (amend. - SG 65/06, in force from 11.08.2006) To disrupt the natural state of the river courses and banks and the coastal and river bank flooded strips;
2. (amend. - SG 65/06, in force from 11.08.2006) To reduce the flow capacity of the river courses, including through barrages and rapids, without the respective permit;
3. (amend. - SG 65/06, in force from 11.08.2006) To use the river courses as disposal sites for waste, earth and rock mass;
4. To carry out construction over the covered river sections;

5. To preserve or store materials which can substantially increase the destructive force of water during floods.

Art. 144. (1) (Previous text of Art. 144 - SG 55/18) On the dikes shall be forbidden:

1. to cross them with vehicles outside the designated for this purpose places;
2. to till or disrupt their surface;
3. to put poles or traffic signs;
4. to plant trees or bushes;
5. to allow the passing of domestic animals outside the designated for this purpose places;
6. to construct wells or fish-farms;
7. to dispose of waste and other materials and things.

(2) (New - SG 55/18) On the levees of dams it shall be forbidden to carry out the activities under Para. 1, items 2, 3, 4, 6 and 7.

Art. 145. (amend. and suppl. - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015)  
(1) When there is a danger of flooding, during which dangers results may occur for the life and health of humans, environment and material values, which may be prevented or restricted through destruction of the hydro-technical facility or a part of it, the owner or the person managing the facility, shall be obliged to give complete assistance to the Mayor of Municipality on whose territory the facility is situated for carrying the needed works on the facility for prevention or restriction of the expected damages.

(2) the activities under Para. 1 shall be carried out after an order of the Mayor of the relevant Municipality, in coordination with the Regional Governor and the head of the territorial unit of Fire Safety and Protection of Population General Directorate.

(3) The spent costs for carrying out the activities under Para. 1, as well as for restoration of embankments, if they have been destroyed under Para. 1 shall be restored by a decision of the Inter-institutional commission for restoration and assistance under the Council of Ministers.

(4) (New - SG 55/18) Within 14 days from the execution of the activities under Para. 1, the Mayor of the respective municipality shall be obliged to notify the Chairperson of the State Agency for Metrological and Technical Surveillance of the demolition of the hydro-technical facility or part thereof.

Art. 146. (1) (amend. and suppl. – SG 61/10, suppl. - SG 55/18) It shall be forbidden to locate houses, villas and farm buildings in the flooded terraces of the rivers and in the easement of the hydro-technical facilities and dam walls.

(2) The Basin Directorates shall inform the competent bodies, which issue the permits for construction of housing, recreation and farm buildings about the location and the range of the river bank flooded strips.

## **Section II.**

### **Preliminary flood risk assessment (new – SG 61/10)**

Art.146a. (new – SG 61/10) (1) For each region of basin administration according to Art. 152, par. 1, including for the Bulgarian part of Danube river, preliminary flood risk assessment shall be carried out following the methods referred to in Art. 187, par. 2, item 6.

(2) The assessment shall include the following:

1. maps of the river basin districts at the appropriate scale showing topography and land use,

including the borders of:

- a) the river basins and sub-basins;
  - b) where existing, coastal areas;
2. a description of the floods which have occurred in the past and which had significant adverse impacts on human health, the environment, cultural heritage, technical infrastructure and economic activity and for which the likelihood of similar future events is still relevant;
3. the flood extent, the conveyance routes and an assessment of the adverse impacts they have entailed;
4. an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage, technical infrastructure and economic activity, taking into account as far as possible:
- a) the topography, the position of watercourses and their general hydrological and geo-morphological characteristics, including floodplains as natural retention areas;
  - b) the effectiveness of existing man-made flood defense infrastructures (systems and facilities) for prevention of floods, the position of populated areas, areas of economic activity and long-term developments;
  - c) impact of climate change on the occurrence of floods.

Art. 146b. (new - SG 61/10, in force until 22.12.2010) (1) Preliminary flood risk assessment under Art. 146a, par. 1 shall not be carried out for river basins and sub-basins, where:

1. based on the flood risk assessment initiated before 22 December 2010 it has been identified that potential significant flood risks exist or might be considered likely to occur;

2. before 22 December 2010 permits for mapping of the regions with flood hazard have been issued, as well as maps of the regions with flood risk and for development of flood risk management programs meeting the requirements of this Act.

(2) The assessment under par. 1, item 1 shall be carried out by the Director of the respective basins directorate;

(3) The decisions under par. 1, item 2 shall be issued by the Director of the respective basins directorate.

Art. 146c. (new – SG 61/10) In the case of international river basin districts the Republic of Bulgaria shall ensure exchange of relevant information, required for the preliminary flood risk assessment through the respective basins directorate of water management.

Art. 146d. (new – SG 61/10) (1) The Director of the basins directorate shall carry out the preliminary assessment referred to in Art. 146a, par. 1 and shall identify those areas for which the following exists:

1. a potential significant flood risk;
2. probability of a significant potential flood risk.

(2) The regions referred to in par. 1 shall be identified for each basin district or for a part of a region of an international basin district in accordance with Art. 151, par. 2, item 1, item "s" and shall be approved by the Minister of Environment and Waters.

### **Section III.**

#### **Flood hazard maps and flood risk maps (new – SG 61/10)**

Art. 146e. (new – SG 61/10) (1) For the regions, identified under Art. 146b, par. 1, items 1 and 2 and Art. 146d, par. 1 shall be drawn up:

1. maps of regions with flood hazard and
2. maps of regions with flood risk.

(2) The preparation maps referred to in par. 1 for areas identified under Art. 146b, par. 1, items 1 and 2 and Art. 146d, par. 1 which are shared with other states shall be subject to prior exchange of information between the states concerned.

Art. 146f. (new – SG 61/10) (1) Flood hazard maps shall cover areas which could be flooded in the following cases:

1. floods with a low probability where the likely return period is more or equal to 1000 years, and in an extreme event;
2. floods with a medium probability, where the likely return period is more or equal to 100 years;
3. floods with a high probability, where the likely return period is more or equal to 20 years, where appropriate.

(2) On the maps for each likely return period referred to in par. 1 the following elements shall be shown:

1. the flood extent;
2. water depths or water level;
3. where appropriate, the flow velocity or the relevant water flow.

(3) For the regions with flood hazard caused by underground waters, the maps referred to in par. 1, item 1 shall be prepared.

Art. 146g. (new – SG 61/10) The flood hazard maps shall show the potential adverse consequences associated with floods for each likely return period referred to in Art. 146f, par. 1, expressed in terms of the following:

1. the indicative number of inhabitants potentially affected;
2. type of economic activity of the area potentially affected;
3. (amend. – SG, 58/2015)installations as referred to in Annex No. 4 to Art. 117 of the Environmental Protection Act, which might cause additional accidental pollution in case of flooding and the zones for protection of waters pursuant to Art. 119a, Para. 1, p. 1, 2, and 5, for which there is a possibility to be affected;
4. other significant sources of pollution, not indicated in item 3.

Art. 146h. (new – SG 61/10) (1) The maps under this Section shall be prepared following the methods referred to in Art. 187, par. 2, item 6, they shall be updated and revised by the Director of the respective basin directorate.

(2) The flood hazard maps and the food risk maps shall be revised and updated every 6 years at the same time with the analyses and the revision under Art. 156h, item 2.

(3) Preparation of the first flood hazard maps and the food risk maps and their subsequent revisions shall be arranged in such a way so that the information contained therein conforms to the information under Art. 157, items 1, 3 and 4.

#### **Section IV.**



## **Flood risk management plans (new – SG 61/10)**

Art. 146i. (new – SG 61/10) (1) On the basis of the maps referred to in Art. 146e, flood risk management plans shall be established at the level of the basin water management under Art. 146d, par. 1, as well as for the areas identified under Art. 146b, par. 1, item 2.

(2) For the establishment of the plans referred to in par. 1 the information and data for the development of river basins management plans shall be used.

Art. 146j. (new – SG 61/10) (1) The first flood risk management plans contain:

1. (amend. – SG, 58/2015) the conclusions of the preliminary flood risk assessment according to the requirements laid down in this Chapter in the form of a summarized map of the basin district administration, outlining the regions identified in compliance with Art. 146d, para. 1, which are subject to this flood risk management plan;

2. the flood hazard regions maps and the flood risk regions maps, produced in compliance with the provisions of Section II of this present Chapter, and the conclusions, which may be made based on these maps;

3. description of the objectives of flood risk management, set out in compliance with par. 2, item 1;

4. short description of the measures and their priority, aiming to achieve the objectives of flood risk management, including the measures, undertaken according to par. 2, item 2 and the measures concerning floods, required and undertaken according to other regulative environment-related acts, in terms of:

a) assessment of the environmental impact and environmental assessment of plans and programs;

b) protection of waters in case of large industrial accidents;

c) river basins management plan and achievement of the environmental protection objectives referred to in Art. 156a.

(2) The flood risk management plans shall also include:

1. objectives for:

a) reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage, technical infrastructure and economic activity;

b) reduction of the likelihood of flooding;

2. measures for achieving the objectives referred to in item 1;

3. description of the plan implementation.

Art. 146k. (new – SG 61/10) The description of the implementation of the plan referred to in Art. 146j, par. 2, item 3 shall include:

1. description of priorities and the way of monitoring of the plan implementation progress;

2. public information summary and undertaken measures and/or actions for consultancy;

3. list of competent bodies and, where appropriate, description of the process of approval in any international region and of the process of coordination with the river basin management plan.

Art. 146l. (new – SG 61/10) (1) The development of flood risk management plans shall take into account:

1. costs and benefits assessment;

2. flood extent and flood conveyance routes;

3. areas which have the potential to retain flood water, such as natural floodplains;
4. the objectives of Chapter Ten, Section III;
5. soil and water management;
6. spatial planning;
7. land use;
8. protection of:
  - a) nature;
  - b) navigation and port infrastructure;
9. the characteristics of the river basin or sub-basin according to the river basins management plans.

(2) The flood risk management plans shall address all aspects of flood risk management focusing on:

1. prevention of floods;
2. protection from floods;
3. increasing of preparedness for floods, including flood forecasts;
4. setting up of early warning systems.

(3) The flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.

(4) Flood risk management plans shall not include measures which, by their extent and impact, significantly increase flood risks upstream or downstream of other countries - for international river basins, unless these measures have been coordinated with the respective state and an agreed solution has been found in compliance with Art. 146m.

Art. 146m. (new – SG 61/10) (1) For each river basin district or a part of an international river basin district one single flood risk management plan shall be produced.

(2) Where the flood risk management plan is for a part of an international river basin district which falls entirely within the Community, it shall be coordinated with the respective Member States in cases where single flood risk management plan is not produced for the entire international river basin district.

(3) Where a flood risk management plan is for a part of international river basin district, which extends beyond the boundaries of the Community, the plan shall be coordinated between the concerned states, where this is possible, in cases where no single flood risk management plan is not produced for the entire international river basin.

Art. 146n. (new – SG 61/10) (1) The flood risk management plans shall be revised and updated every 6 years.

(2) The plan update shall include:

1. amendments or updates of the issue of the preceding version of the flood risk management plan, including summary of the revisions, made according to the provision of this Section;
2. fulfillment progress assessment of the objectives under Art. 146j, par. 2, item 1;
3. description and explanation of all measures, provided in the earlier version of the flood risk management plan, which have been planned but not undertaken;
4. description of all supplementary measures from the issue of the preceding version of the flood risk management plan.

(3) (New - SG 20/22, in force from 01.01.2022) The adopted flood risk management plans shall be applied until the adoption of updated plans under para. 1.

(4) (Prev. para 3 - SG 20/22, in force from 01.01.2022) The first flood risk management plan shall be developed in coordination with updating of the river basins management plans referred to in Art. 159 within the term laid down in § 138, par. 2 of the Transitional and Concluding provision of the Act Amending and Supplementing the Act on Waters (prom. – SG 65/06; corr. - SG 66/06; amend. – SG 22/07, SG 95/09) and shall be included therein.

## **Section V.**

### **Public information (new – SG 61/10)**

Art. 146o. (new – SG 61/10) For the development, carrying out of revisions and updating of flood risk management plans, and of the preliminary assessment, of the decisions and assessment under Art. 146b and of the maps of Section II of this Chapter public information shall be provided about the planned measures and the achieved results of their application.

Art. 146p. (new – SG 61/10) (1) For each river basin district consultations and written opinions shall be published and announced to the public, including to water users, concerning:

1. a draft preliminary assessment and/or the assessment referred to in Art. 146b;
2. draft maps under Section II of this Chapter and proposed amendments and updates;
3. draft flood risk management plan, including the planned measures and the expected results of their implementation, as well as the achieved results and the proposed amendments and updates of the measures and of the plan.

(2) The information shall be provided to the public, as follows:

1. under par. 1, item 1 – three and a half year prior to the beginning of the period, to which the flood risk management plan refers;
2. under par. 1, item 2 – two and a half year prior to the beginning of the period, to which the flood risk management plan refers;
3. under par. 1, item 3 – within the terms referred to in Art. 168b, par. 2, item 3.

(3) The information under par. 1 shall be published on the Internet site of the respective basin directorate and on the [Internet site of the Ministry of Environment and Waters](#).

(4) The announcement, that the announced information under par. 1, is published in two central daily newspapers and in the electronic mass media.

(5) Upon request to make available the documents and to the information, used for the preparation of the respective drafts referred to in par. 1.

Art. 146q. (new – SG 61/10) (1) The drafts shall be announced to the public for opinions:

1. for a period of two months – for the drafts under Art. 146p, par. 1, item 1 and 2;
2. according to the terms referred to in Art. 168c, par. 1 – for the drafts under Art. 146p, par. 1, item 3.

(2) Each person within the term referred to in par. 1 may consult the respective basin directorate regarding the documents under Art. 146p, par. 1 and to present a written opinion.

(3) The opinions under par. 1 are an integral part of the documentation to the flood risk management plans, and of the preliminary assessment, of the decisions and of the assessment referred to in Art. 146b and of the maps under Section II of this Chapter.

Art. 146r. (new – SG 61/10) (1) The provisions of Art. 146p and 146q shall apply also for the

revision and/or updating of:

1. the flood risk management plans;
2. the preliminary assessment, the decisions and the assessment referred to in Art. 146b;
3. the maps under Section II of this Chapter.

(2) In the revisions and/or updating according to par. 1 the likely effects from the climate change on the flood hazard shall be taken into account.

## **Chapter ten. WATER MANAGEMENT**

### **Section I. General provisions**

Art. 147. (revoked - SG 65/06, in force from 11.08.2006)

Art. 148. The water management shall be realised at national and basin level.

(2) The areas of the river basins are determined by the natural location of the watersheds between the catchment areas of one or several main rivers on the territory of Republic of Bulgaria.

(3) The river basins determined by the present Act shall not follow the administrative-territorial division of the country and shall also be the basis for environmental management according to the basin principle.

(4) (new. - SG 65/06, in force from 11.08.2006) When a region of basin management under para 2 includes trans-border water stream, this region shall be referred to an international region of basin management.

(5) (prev. text of Para 04 - SG 65/06, in force from 11.08.2006) The management of the water economic systems shall be done on technological and basin principle, in accordance with the conditions of the permits for use and protection of the waters and the water sites.

Art. 148a. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) (1) The Republic of Bulgaria shall participate in development and coordination in cooperation with other countries of policies, programs and strategies of trans-border waters on the grounds of principles under Art. 2a, item 4.

(2) The Republic of Bulgaria jointly with the other countries shall provide:

1. coordination of the development of single management plans of international river basins located entirely in the territory of the European Union and provision of achievement of good quality of waters in the Bulgarian section of international river basin districts;

2. fulfillment of the requirements of Art. 156a – 156g and of the programs of measures within the international river basin districts.

(3) The provision of par. 2, item 1 shall apply where appropriate and where the international river basins are not located entirely in the territory of the European Union, and in case of identified impossibility the plan shall be applied in the Bulgarian section of the international river basin districts.

(4) The implementation of activities referred to in par. 1 and 2 may take place within the existing structures, set up pursuant to international agreements, and where relevant subject to compliance with the requirements of par. 2, item 2 with the assistance of the European Commission.

(5) Representatives of the Republic of Bulgaria in international commissions, coordinating activities under para 1 and 2 shall be officials, appointed under a nomination of the Minister of

environment and waters.

(6) (revoked - SG 44/20, in force from 14.05.2020)

Art. 149. (1) (amend. - SG 65/06, in force from 11.08.2006) The management of the waters, the water sites and the water economic systems and installations shall be implemented on the basis of river basin management plans.

(2) (amend. - SG 21/20, in force from 13.03.2020) The plans of para 1 shall be public and related to other plans within the scope of the respective territorial level, including to the Level 2, the territory development, the forestry development, the park development and other plans.

(3) (amend. - SG 65/06, in force from 11.08.2006) The plans, which do not comply with the present Act and with the river basins management plans shall be possible to be changed by the Council of Ministers following a proposal by the Minister of Environment and Waters.

Art. 149a. (new - SG 65/06, in force from 11.08.2006) (1) For the development of management plans under Art. 149 shall be set out:

1. environmental protection objectives;
2. waters, designated for drinking and household water supply;
3. water protection zones;
4. programs of measures.

(2) For the development of river basins management plans characteristic of the area of basin management shall be carried out.

## **Section II.**

### **Water management bodies**

Art. 150. (amend. - SG 65/06, in force from 11.08.2006) (1) State policy of water management shall be implemented by the Minister of Environment and Waters, whereas the cases under Art. 148a, para 1 - in cooperation with the Minister of Foreign Affairs.

(2) Drafts of international contracts, as well as of other international acts, such as declarations, programs and memorandums, related to waters on Bulgarian territories and their management shall be agreed upon following the provisions of the International agreements of the Republic of Bulgaria Act.

Art. 151. (1) (new – SG 18/05) The National Assembly shall approve National strategy for management and development of the water sector with which shall be determined the basic objectives, stages, means and methods for development of the water sector.

(2) (prev. art. 151 – SG 18/05) For the management at a national level:

1. the Council of Ministers shall:

a) (revoked - SG 65/06, in force from 11.08.2006);

b) (suppl. - SG 36/06, in force from 01.07.2006) grant concessions for obtaining mineral waters which are exclusive state property;

c) (suppl. – SG, 58/2015) approve national programmes in the sphere of protection and sustainable use of waters, annual reports and the needed measures for their implementation;

d) permit the use of waters for the purposes of the defence and the security of the country;

e) (amend. - SG 65/06, in force from 11.08.2006) determine restrictions in the use of waters in unforeseen or exclusive circumstances, concerning different districts of the country;

- f) (amend., SG 70/04) determine the quantity of mineral waters of art. 14, Item 2, to be used by medical establishments for hospital care at a grounded proposal by the Minister of Health;
  - g) determine the tariffs for the fees, collected on the grounds pointed out in this Act;
  - h) propose for approval to the National Assembly National strategy for management and development of the water sector;
  - i) (new – SG 18/05) approve sector strategies in compliance with the basic objectives, determined in the strategy of para 1;
  - j. (new – SG 61/10, suppl. – SG, 58/2015) adopt the river basin management plans and flood risk management plans and national programmes for their implementation;
2. the Minister of Environment and Waters shall:
- a) (amend. - SG 65/06, in force from 11.08.2006) implement state policy of water management;
  - b) (amend. - SG 65/06, in force from 11.08.2006) elaborate and submit for adoption by the Council of Ministers the National strategy of water sector management and development;
  - c) (amend. – SG 61/10) propose for adoption by the Council of Ministers:
    - aa) the river basin management plans and
    - bb) flood risk management plans;
  - d) develop national programmes in the sphere of protection and sustainable use of waters;
  - e) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) approve the regions referred to in Art. 146d, par. 1;
  - f) (amend. and suppl. - SG 65/06, in force from 11.08.2006) issue permits for water taking and/or use within the scope of the cases provided for in the present Act, as well as regime schedules of water taking from the complex and important dams, specified in Appendix No. 1;
  - g) (suppl. - SG 65/06, in force from 11.08.2006; revoked – SG 61/10);
  - h) establish the necessary organisation, ensure the financing and make proposal for granting of concessions in the cases, provided for in the present Act;
  - i) (amend. - SG 65/06, in force from 11.08.2006; revoked – SG 61/10);
  - j) (amend. - SG 65/06, in force from 11.08.2006) organise and manage the monitoring of waters;
  - k) elaborate the state policy for bilateral and multilateral cooperation in the field of use and protection of waters;
  - l) (revoked – SG 61/10);
  - m) (revoked – SG 61/10);
  - n) coordinate the starting of procedures for granting of concessions for water economic systems and installations, which are public state property;
  - o) coordinate the implementation of the activities of art. 51.
  - p) (new, SG 81/00; amend. - SG 65/06, in force from 11.08.2006) approve the exploitation resources of mineral waters deposits and develop their water balances;
  - q) (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) agree upon implementation of projects by the bodies under Art. 10, regional governors, municipality mayors and scientific organizations, related to the use, protection and prevention of waters harmful effects;
  - r) (new - SG 65/06, in force from 11.08.2006) determine the regions of basin management, related to an international area of basin management;
  - s) (new - SG 65/06, in force from 11.08.2006) determine sanitary – protection zones:
    - aa) of water taking facilities for mineral waters;
    - bb) of water taking facilities, located within the borders of national parks;
    - cc) of complex and important dams under Appendix No. 1, used for drinking and household water supply;
    - dd) in cases, when the sanitary-protection zone is located on the territory of more than one Basin Directorate;

t) (new - SG 65/06, in force from 11.08.2006) determine exposed zones for protection of waters from contamination with nitrates by agricultural sources;

u) (new - SG 65/06, in force from 11.08.2006) determine sensitive zones for protection of waters from contamination with biogenic substances;

v) (new - SG 65/06, in force from 11.08.2006) draft a list of priority and priority hazardous substances;

w) (new - SG 65/06, in force from 11.08.2006) approve water analysis methods in cases, when no Bulgarian standards are available, as well as methods of analysis of water monitoring data;

x) (new - SG 65/06, in force from 11.08.2006) generate and maintain control-information system of fees under Art. 194, para 1, items 1 – 3;

y) (new - SG 65/06, in force from 11.08.2006) coordinate actions of bodies under Art. 10 with regard to water use;

z) (new - SG 65/06, in force from 11.08.2006; revoked – SG 95/09; new – SG 61/10) allocate the functions for management and maintenance of posts and stations under Art. 13, item 2;

ab) (new - SG 65/06, in force from 11.08.2006) set out limitations for use of waters and water sites and specific measures for their protection.

(3) (new - SG 65/06, in force from 11.08.2006) The Minister of environment and waters through the executive Director of the Executive Environmental Agency shall:

1. carry out laboratory and field surveys for determination of the condition of waters;

2. (suppl. – SG, 58/2015) carry out monitoring of waters on a national level, including manage methodically the planning of monitoring and explanation of the results;

3. maintain geographical information system for waters on a national level;

4. prepare annual book of the condition of waters;

5. (new – SG 61/10, amend. - SG 103/18, in force from 01.11.2019, amend. - SG 20/22) issue periodical bulletin about the condition of water resources of the Republic of Bulgaria based on the information from the monitoring of environmental and chemical condition of waters and information about the quantity of waters, provided by the National Institute of Meteorology and Hydrological Studies to the Minister of Environment and Waters;

6. (new – SG 61/10) generate and maintain specialized data bases, maps, registers and information system of waters.

(4) (new - SG 65/06, in force from 11.08.2006) The Minister of environment and waters through the regional inspection offices of environment and waters within their territorial scope shall:

1. carry out monitoring of waste waters;

2. (suppl. – SG 61/10) control objects, generating waste waters, including water treatment plants in residential places, parameters and fulfillment of conditions and requirements set out in the granted permits for outfall of waste waters and integrated permits, granted pursuant to the provisions of the Environmental protection act;

3. control emergency discharge sequences of waste waters;

4. (amend. – SG 61/10) maintain a data base about the carried monitoring, including internal monitoring of the permit holders, of quantitative and quality parameters of waste waters and about the control of waste waters condition;

5. (suppl. – SG 61/10) update lists of objects, generating emissions of priority and priority hazardous substances, general and specific pollutants.

(5) (new - SG 65/06, in force from 11.08.2006) The Minister of environment and waters through the Directors of the Directorates of National Parks within the territory of the national park shall:

1. control observation of prohibitions and limitations within the sanitary-protection zones;

2. carry out monitoring and control of environmental components and factors, affecting waters condition;

(6) (new - SG 65/06, in force from 11.08.2006) The Minister of environment and waters or an

authorized by him/her official shall participate in the National expert council of spatial planning and regional policy in case of consideration of:

1. investment projects for construction, re-construction and reclamation of:

- a) water supply and sewerage systems and facilities;
- b) hydro-energy and hydro-technical systems and facilities;
- c) dams and related facilities;
- d) facilities for transfer of waters between river basins;
- e) facilities for protection from damaging effect of waters;
- f) ports, local water ways and underground depots for dragged masses

2. (amend. – SG 82/12, in force from 26.11.2012) lay out plans of the territory of the Black sea coast, including beaches and sand dunes and related to them water areas, as well as adjacent to the maritime lakes, lagoons, firths and wet zones.

Art. 152. (1) Determined shall be the following regions for basin management of the waters:

1. (amend. – SG 47/09, in force from 23.06.2009; suppl. – SG 61/10) Danube region with centre Pleven - covers the water catchment areas of the rivers Iskar, Erma, Nishava, Ogosta and to the west of Ogosta river, Vit, Osam, Yantra, Roussenski Lom and Danube Dobrudzha rivers and the waters of Danube river;

2. (amend. – SG 47/09, in force from 23.06.2009) Black sea region with centre Varna - covers water catchment areas of the rivers flowing into the Black Sea from the North to the South border including the internal sea waters and the territorial sea;

3. (amend. – SG 47/09, in force from 23.06.2009) East Aegean Sea region with centre Plovdiv - for the water catchment areas of the rivers Toundzha, Martsa, Arda and Byala river;

4. (amend. – SG 47/09, in force from 23.06.2009) West Aegean Sea region with centre Blagoevgrad - for the water catchment areas of the rivers Mesta, Strouma and Dospat.

(2) (amend. – SG 47/09, in force from 23.06.2009) The boundaries of the regions shall pass along the watersheds of the water catchment areas of the rivers within the national boundary.

(3) (new - SG 65/06, in force from 11.08.2006) In cases when underground waters do not follow specific river basin, they shall be identified and with an order of the Minister of environment and waters shall join the closest and the most relevant region of basin management.

(4) (new - SG 65/06, in force from 11.08.2006) Within each region of basin management the Minister of environment and waters can set out sub-basins for one or more of the rivers under para 1.

Art. 153. For the basin water management in the regions of art. 152 shall be established:

1. Basin Directorates under at Ministry of Environment and Waters;
2. Basin Councils.

Art. 154. (1) The Basin Directorates shall be established with an order by the Minister of Environment and Waters, which shall be published in State Gazette.

(2) The activities, organisation of work and the personnel of the Basin Directorates shall be determined with a Regulation issued by the Minister of Environment and Waters.

(3) (amend. – SG 61/10) The Director of the Basin Directorate shall conduct the state policy of waters management on a basin level;

(4) (new – SG 61/10) The Director of basins directorate shall present to the Minister of Environment and Waters on an annual basis a plan and a report of directorate activities.

(5) (prev. par. 4, amend – SG 61/10) The activity of the Basin Directorates shall be coordinated and controlled by the Ministry of Environment and Waters.



Art. 155. (1) (prev. text of Art. 155 - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) The Director of the Basin Directorate shall implement the state policy at basin level where he shall:

1. (amend. - SG 29/06; amend. and suppl. – SG 49/14) establish the boundaries of the waters and the water sites which are public state property, together with the technical services of municipalities and the services of geodesy, cartography and cadastre;
2. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) develop:
  - a) the river basin management plan;
  - b) preliminary assessment referred to in Art. 146b, par. 1, the maps under Chapter nine, section III and the flood risk management plan.
3. grant permits pursuant to this Act;
4. (amend. - SG 65/06, in force from 11.08.2006) plan and participate in carrying out monitoring of waters, summarize and analyze data, including:
  - a) of precipitations and of levels of surface and underground waters;
  - b) of chemical and environmental condition of waters;
  - c) of waste waters.
5. (amend. - SG 65/06, in force from 11.08.2006) maintain specialized data base, maps, registers and information system of waters and keep registers under Art. 182, para 1, item 1;
6. (amend. – SG 61/10) collect fees for the permits;
7. (amend. - SG 65/06, in force from 11.08.2006) develop programs of measures towards improvement, protection and maintaining of condition of waters;
8. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 98/10, in force from 01.01.2011) determine surface waters, designated for drinking and household water supply in coordination with the Directors of the Regional Health Inspection offices;
9. (amend. - SG 65/06, in force from 11.08.2006) determine waters to be inhabited by fish and shell species;
10. manage waters being exclusive state ownership, which are not subject to concession;
- 11 (amend. - SG 65/06, in force from 11.08.2006; revoked – SG 61/10);
12. (new - SG 65/06, in force from 11.08.2006) determine sanitary-protection zones around the facilities for drinking and household water supply, except for those under Art. 151, para 2, item 2, item "t".
13. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, repealed – SG, 58/2015).
14. (new - SG 65/06, in force from 11.08.2006) develop water balances, except for balances of deposits of mineral waters;
15. (new - SG 65/06, in force from 11.08.2006) hold public discussion on river basins management plans;
16. (new - SG 65/06, in force from 11.08.2006) seal water meters for taking readings of the used water quantities of underground waters and check the readings, as well as the readings of measurement devices for surface waters and of facilities for outfall of waste waters;
17. (new - SG 65/06, in force from 11.08.2006) issue periodic bulletin about the condition of waters;
18. (new - SG 65/06, in force from 11.08.2006) generate and maintain a data base of the carried by the Basin Directorate control and of the control, carried out pursuant to the provisions of this Act by other persons, authorized by the Minister of environment and waters;
19. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) accept the constructed water taking facilities for underground waters, destined for water taking;
20. (new - SG 65/06, in force from 11.08.2006; amend. and suppl. – SG 61/10) effect cooperation with competent basin management bodies and flood risk management bodies of foreign

countries in compliance with the state policy of bilateral and multilateral cooperation and upon agreeing following the legitimate procedure in international basin management districts;

21. (new – SG 61/10) carry out assessment of the condition of water bodies;

22. (new – SG 61/10) issue prescriptions within the scope of his/her competencies under this present Act;

23. (new – SG 61/10, amend. - SG 12/17) issue opinions concerning the eligibility of investment proposals, which are a subject of a procedure under Chapter six of the Environmental Protection Act and/or under the Art. 31 of the Biological Diversity Act, their compliance with the river basin management plan and/or flood risk management plan, with content specified in the ordinances under Art. 135, Para. 1, item 1a, 2 and 13; the opinions shall be published on the websites of the basin directorates.

(2) (new - SG 65/06, in force from 11.08.2006) The Director of Basin Directorate or authorized by him/her official shall participate in regional, municipal or district councils of spatial planning, with submitting a written justification of the Basin Directorate in cases when are to be considered:

1. investment projects for construction, re-construction and reclamation of:

a) water supply and sewerage systems and facilities, including water treatment plants for drinking and waste waters;

b) hydro-energy and hydro-technical systems and facilities, for which permits have been granted pursuant to the provisions of this Act, including for protection from harmful effect of waters;

2. (amend. – SG 82/12, in force from 26.11.2012) lay out plans of the territories, including ports, beaches and sand dunes and related to them water areas.

(3) (new – SG, 58/2015) The Director of Basin Directorate for management of waters in the Black Sea region shall plan, develop, update and report implementation of the Sea strategy and of the measure programme for achieving a good condition of the sea environment under the ordinance of Art. 135. Para. 1, p. 19.

Art. 155a. (new - SG 65/06, in force from 11.08.2006) (1) The Minister of health shall:

1. (in force from 12.08.2007; suppl. – SG 61/10) permit use of waters for drinking and household purposes in cases, when they do not comply with the legislative requirements, set in the Ordinance under Art. 135, par. 1, item 3;

2. (suppl. – SG 61/10, revoked - SG 98/18, in force from 27.11.2018)

3. manage the monitoring of quality of waters, used for drinking and household purposes, of waters for swimming and of mineral waters, used for healing, prophylactic, drinking and household purposes, bottling, hygienic purposes, sports and recreation and summarize the results on a national level;

4. (suppl. – SG, 58/2015) issue, or authorize an assigned official by him to issue certificates and balneological assessments of mineral waters;

5. coordinate sanitary-protection zones under Art. 151, para 2, item 2, item "t";

6. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, revoked - SG 98/18, in force from 27.11.2018)

(2) (amend. – SG 98/10, in force from 01.01.2011) Use of waters under para 1, item 1 can be permitted also by authorized by the Minister of Health directors of regional health inspection offices.

(3) (amend. – SG 98/10, in force from 01.01.2011) The Minister of Health through regional health inspection offices shall:

1. inform users in case of identified discrepancies in the quality of waters under para 1, item 3, when these discrepancies can cause risks for health;

2. carry out monitoring and control of quality of waters under para 1, item 3;

3. generate and maintain a data base and summarize the results of accomplished monitoring and

control;

4. coordinate sanitary-protection zones around the facilities for drinking and household water supply, except for the cases under para 1, item 5;

5. control observance of sanitary-hygienic requirements within the borders of sanitary-protection zones;

6. provide to the Basin Directorates of waters management:

a) periodically information about the accomplished monitoring and control of surface waters, designated for drinking and household water supply, and of waters for swimming;

b) within 7 days information about cases of discrepancy in quality of the water, used for drinking and household purposes, when there are reasons to presume that this is due to modified condition of the water body, from which water taking is done.

(4) (new - SG 98/18, in force from 27.11.2018) The order for approval of materials, reagents and biocides that come into contact with water intended for drinking and domestic purposes is defined in the Ordinance under Art. 135, para. 1, item 3.

Art. 156. (1) The Basin Council shall be a state public consultative commission for supporting the activities of the Basin Directorate.

(2) (amend. - SG 65/06, in force from 11.08.2006) The Basin Council shall include representatives of the state administration, the municipal administration, the water users and the non-profit legal persons within the range of the basin as well as representatives of the scientific organisations connected with the water issues.

(3) The activities, the structure, the organisation of work and the staff number of the Basin Council shall be determined in a structural regulation, issued by the Minister of Environment and Waters.

(4) For their activity the members of the Basin Council shall not receive remuneration.

### **Section III.**

#### **Environmental protection objectives (new - SG 65/06, in force from 11.08.2006)**

Art. 156a. (new - SG 65/06, in force from 11.08.2006) (1) Objectives under Art. 149a, para 1, item 1 for environmental protection with regard to quantity and quality of waters shall be determined for:

surface waters for:

a) prevention of deterioration of the condition of all surface water bodies;

b) protection, improvement and reclamation of all surface water bodies in order to achieve good condition of waters;

d) protection and improvement of waters in all artificial and considerably modified water bodies and achievement of satisfying environmental potential and good chemical condition of surface waters;

e) prevention, progressive reduction and termination at once or by stages of contamination by emissions, outfalls and discharging of priority and priority hazardous substances;

2. underground waters for:

a) avoiding or control of discharging of contaminants in underground waters and prevention of deterioration of the condition of all underground water bodies;

b) protection, improvement and reclamation of all underground water bodies, providing balance between water taking and feeding of underground waters and achieving good condition of waters;

c) (amend. – SG 61/10) identification and reversing of each significant and continuous

tendency of increase of concentration of each contaminant with regard to continuous reduction of contamination of underground waters.

3. (new- SG, 58/2015) the protection zones of waters under Art. 119a for achieving the objectives of the legislation under which the zone has been defined or announced.

(2) Measures and deadlines for achievement of environmental protection objectives under para 1 shall be set out in the river basins management plans.

(3) In cases, when for one water body more than one objective pursuant to para 1 is set, the most strict one shall be accepted.

Art. 156b. (new - SG 65/06, in force from 11.08.2006) (1) The surface water body can be determined as artificial or considerably modified, when:

1. (suppl. – SG 61/10) the modifications of hydro-morphological characteristics of the water body, which might be required for achievement of good environmental condition, can have significant adverse effects on:

- a) the environment;
- b) maritime traffic, port facilities and places of recreation and sports;
- c) activities, for implementation of which backwatering for drinking and household water supply, for watering or for electricity production shall be required;
- d) regulation of waters, protection from floods, dewatering of lands;
- e) other activities, as important as these for sustainable development;

2. (suppl. – SG, 58/2015) Benefits from artificial or strongly modified characteristics of the water body cannot be achieved with any other means, substantially better as ecological possibility, due to technical feasibility or economical inefficiency.

(2) (suppl. – SG 61/10) Determination of bodies under para 1, as well as of reasons and grounds for determination of each water body and their updating shall be set out every 6 years in the river basins management plans.

Art.156c. (new - SG 65/06, in force from 11.08.2006) Terms under Art. 156a, para 2 can be extended with the update of river basins management plans for gradual achievement of environmental protection objectives in cases, when deterioration of the condition of concerned water body has been terminated and the following conditions are available:

1. the competent body identifies that it is impossible to achieve an improvement of water bodies condition within the set time limits under Art. 156a, para 2, when:

- a) the required improvements can be implemented only on a stage-by-stage basis over a longer period due to reasons of technical nature;
- b) the improvement of water bodies condition within the set time limits is economically inefficient;
- c) natural conditions do not allow improvement of the water body condition within the set time limits;

2. in the river basin management plan are indicated:

- a) extension of the time limit and respective reasons are justified;
- b) scheduled measures for stage-by-stage adjustment of water bodies to the intended condition within the time limits under item 3, time schedule of their implementation and the reasons of each considerable delay;

3. the extension is for a period not longer than two subsequent updates of the river basin management plan, except for the cases, when the natural conditions do not allow achievement of objectives within these time limits;

4. (amend. – SG 61/10) in the river basin management plan or its update are included:

- a) list of measures foreseen as necessary for gradual achievement of the required condition of the water body within the extended term;
- b) justification of the reasons for the delay in fulfillment of these measures and the estimated term of their fulfillment;
- c) revision of the application of these measures within the scope of the preceding plan and a list of all supplementary measures which must be fulfilled within the scope of the current plan.

Art. 156d. (new - SG 65/06, in force from 11.08.2006) Environmental protection objectives can be less strict for certain water bodies, when during the analysis and the review under Art. 156h, items 1 and 2 it is identified, that they are considerably affected by human activity or for which the natural conditions are such, that the achievement of environmental protection objectives under Art. 156a, para 1 is impossible or economically inefficient or when the following conditions are fulfilled:

1. environmental and social and economical needs, provided for by this activity, cannot be implemented by such means, guaranteeing considerably better environmental protection at comparable expenses;
2. effects are available, which could not be avoided due to the nature of the human activity or of the contamination and the following is achieved:
  - a) the best possible environmental and chemical condition of surface waters;
  - b) the smallest possible changes in the good condition of underground waters;
3. no further deterioration of the condition of waters of the concerned water body is occurring;
4. reasons for setting out less strict environmental protection objectives are indicated in the river basin management plan and these objectives are subject to revision every 6 years.

Art. 156e. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) Temporary deterioration of the condition of water bodies shall not be deemed breach of this Act, when it is a result of natural reasons or of non-foreseeable or extraordinary circumstances, including heavy floods and long-lasting droughts, or where they are a result of circumstances, caused by incidents, which could not be foreseen, in cases when:

1. (amend. – SG 61/10) all practical measures have been undertaken for:
  - a) prevention of further deterioration of the water body;
  - b) non-hindrance of achievement of objectives of this Act for other water bodies, not affected directly by these circumstances;
2. all circumstances, which may be determined as non-foreseeable or extraordinary, are indicated in the river basin management plan;
3. measures to be implemented in case of occurrence of non-foreseeable or extraordinary circumstances are included in the program under Section V and shall not hinder restoration of the water body condition after these circumstances lapse
4. (suppl. – SG, 58/2015) consequences of these circumstances shall be considered annually, and in cases under Art. 156c, item 1 all practical measures shall be undertaken for the most rapid possible restoration of the water body condition to its condition before these circumstances;
5. in the next river basin management plan update a brief overview of consequences of these circumstances, of the undertaken and of the scheduled measures pursuant to item 1 and 4 is included.

Art. 156f. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG, 58/2015) There is no breach of this Act in cases, when:

1. no good environmental condition of surface waters or good environmental potential of considerably modified water bodies is achieved or there was no prevention of deterioration of their condition resulting from new change of the physical characteristics of the surface water body;:

2. it has not been achieved protection of worsening of the condition of the surface water body – from excellent to good as a result of new activities for sustainable human development with social-economical effect;

3. (new – SG 61/10) no good condition has been achieved of the underground waters or no worsening has been prevented of their condition as a result of change of their level.

(2) In cases under para 1 it is required that:

1. all practical measures for reduction of the adverse effect on the water body condition have been undertaken;

2. the reasons of the identified changes or discrepancies are explicitly indicated and explained in the river basin management plan and the objectives are being revised every 6 years;

3. the reasons of these changes or discrepancies are in public interest or benefits thereof for human health and safety or for consistent development prevail over the benefits for the environment and for the community from achievement of objectives under Art. 156a, para 1;

4. benefits, achieved with these changes or discrepancies in the water body condition due to technical reasons or excessive consumption cannot be achieved by any other means, undertaking of which is more favourable for the environment.

(3) (new – SG, 58/2015) In the measure programmes under Art. 156n, Para. 2, p. 1, letter “a” measures have been planned, related to assessment of the impact on the environment for activities, which may lead to failure to achieve a good condition or potential of the relevant water body or worsening of its condition, related to:

1. new change of the physical characteristics of the surface water bodies;

2. abstraction of surface waters, where:

a) the sum of the forecast water quality and the permitted for abstraction water quantities exceed 60% of the permanent resources of fresh water in 95% guaranty for the basin of the relevant river;

b) in abstraction of forecast water quantity and the already permitted other abstractions there is a danger the minimal admitted flow in the river during the period of little water in the river not to be guaranteed;

3. abstraction of underground waters through existing or new water-ground facilities, where:

a) the permitted abstraction from the water body exceeds 60% of the resources from underground waters for the previous year;

b) the monitoring of the levels show decreasing of the water levels in the monitoring points.

(4) (new – SG, 58/2015) The measure programmes under Art. 156n, Para. 2, p. 1, letter “a” shall plan measures, related to assessment of the impact over the environment and for:

1. a;; new activities in water bodies in which the condition is lower than good and the relevant activity is the pressure, which causes this, including building of dams and water power stations, abstraction of surface and underground waters;

2. water bodies, for which in the previous management plan of the river basins exclusions under Para. 1 have been applied.

(5) (new – SG, 58/2015) IN the cases under Para. 3 and 4 where the investment proposal falls in the scope of Annex N 2 to the Act on environment Protection, while estimating the need of making an assessment of the impact over environment, the following shall be taken in consideration:

1. fulfilment of the requirements under Para. 2;

2. alternative decision under Para. 7 about the relevant investment proposal.

(6) (new – SG 58/2015) An assessment of the cumulative impact of all already permitted activities within the frames of the water body shall be accounted in the cases under Para. 3 and 4 - for

each investment proposal.

(7) new – SG, 58/2015) For each investment proposal, falling in the scope of Para. 3 and 4 an assessment of the implementation of the requirements under Para. 2 shall be included, including for each alternative decision, where:

1. the proposal measure for decreasing the unfavourable impact over the condition of the water body shall be examined, and other ones, related to its components of the environment;

2. the benefit for the public or for human health and safety, or for sustainable development shall be assessed and shall be compared with the use for the environment and for the public from achieving good condition of the waters;

3. other possible variants for achieving the benefits of the investment proposal shall be assessed, which are technically realizable and do not require too much costs and which will not lead to changes or deviations in the water body condition and the reasons shall be defined, because of which the alternative has been chosen, leading to such changes and deviations.

(8) (new – SG, 58/2015) Where activities under Para. 3 and 4 do not fall in the scope of Annex N 1 and Annex N 2 to the Act on Environment Protection, the estimates under Para. 7 shall be carried out within the frames of the ecological assessment of the management plans of river basins.

(9) (new – SG, 58/2015) The specific criteria for carrying out estimates under Para. 6 – 8 shall be defined by methods for application of the exception under Art. 156b – 156f, approved by the Minister of Environment and Waters.

(10) (new – SG, 58/2015) The estimates under Para. 6 – 8 shall be included in the management plans of the river basins as a ground of the applied exceptions under Para. 1.

Art. 156g. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) (1) For the application of the provisions of Art. 156b – 156f:

1. permanent planning of exceptions and compromises for the achievement of a good condition of other water bodies within the basins management district is not allowed;

2. conformity with the requirements for application of other environment-related national regulating acts and European Union acts shall be provided.

(2) The provisions of Art. 156b – 156f shall apply:

1. only to individual water bodies, specified in the river basin management plan, provided that achievement of the objectives of this Act for other water bodies is not hindered;

2. in such a way to guarantee the compliance with the national regulating acts and the European Union acts in the field of water protection.

#### **Section IV.**

#### **Characterization of the region of basin management of waters (new - SG 65/06, in force from 11.08.2006)**

Art. 156h. (new - SG 65/06, in force from 11.08.2006) For each region of basin management of waters or for the part of the international region are made:

1. analysis of its characteristics,

2. review of effect of human activity on the condition of surface and underground waters, and

3. (amend. – SG 47/09, in force from 23.06.2009) economic analysis of water use as per Art. 192, para 2, item 1.

Art. 156i. (new - SG 65/06, in force from 11.08.2006) (1) (suppl. – SG 61/10) The analysis

under Art. 156h, item 1 shall be carried out under the conditions and according to a procedure, set out in the Ordinance under Art. 135, par. 1, item 2 and the Ordinance under Art. 135, par. 1, item 9.

(2) When carrying out analysis under para 1 shall be determined:

1. surface and underground water bodies;
2. strongly modified and artificial surface water bodies;
3. the types of surface water bodies of each category:
  - a) rivers;
  - b) lakes;
  - c) transitional waters;
  - d) in-shore waters;
- 4 (new – SG, 58/2015) border facilities, which damage the river incessant flow.

Art. 156j. (new - SG 65/06, in force from 11.08.2006) The revision of the effect under Art. 156 h, item 2 shall include determination of water bodies, for which there is a risk of non-achievement of the set objectives for environmental protection.

Art. 156k. (new - SG 65/06, in force from 11.08.2006) Information under Art. 156h – 156j shall be reviewed and, if required, shall be updated every 6 years after the first update.

### **Section V.**

#### **Program of measures for water protection and recovery (new - SG 65/06, in force from 11.08.2006)**

Art. 156l. (new - SG 65/06, in force from 11.08.2006) (1) For each region of basin management and for each part of the international region of basin management a program of measures shall be drafted, in consideration of analyses under Section IV and the objectives under Section III.

(2) The Minister of environment and waters can set measures, which shall be applicable in all regions of basin management of waters and/or for the parts of international regions of basin management.

Art. 156m. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10) Each program shall include general and, where applicable, complementary measures.

(2) The general measures shall provide the fulfillment of the minimum obligatory requirements and shall include:

1. (amend. – SG 61/10) measures, required for the application of this Act, secondary legislative acts related to its application and other normative acts in the field of environment, with regard to waters, including the measures, required for:

- a) application of a complex approach for point and diffusion sources, of the procedures of environmental impact assessment and for integrated pollution control;
- b) protection of waters destined for drinking domestic purposes and of waters for swimming;
- c) protection of birds and habitats;
- d) protection of waters from pollution with nitrates, with plant protection products and in case of large industrial accidents;
- e) treatment of waste waters from residential areas and treatment and utilization of waste waters sludge;



2. measures, providing application of the principle of the more complete repayment of expenses for water services, including for the resource and environmental protection;

3. measures for supporting effective and sustainable use of waters for achievement of objectives related to environmental protection pursuant to Section III;

4. measures for protection of waters for drinking and household water supply, including measures for their quality protection with regard to reduction of the degree of treatment in order to obtain waters of drinking properties;

5. control of water taking of fresh surface and of underground waters, backwatering of fresh surface waters, including:

a) granting permits for water taking;

b) entering permits under item "a" into registers under Art. 182 and 183;

c) periodic revision and updating of control;

6. (suppl. – SG 61/10) control of artificial feeding of underground waters for recovery or increasing of underground water bodies resources, including:

a) (suppl. – SG 61/10) granting a permit for artificial feeding of underground waters., whereas a source of the used for artificial feeding water may be any other surface or underground water body, the quality of water of which does not compromise the achievement of the set objectives for environmental protection of the underground water body, the resources of which are recovered or increased due to the feeding;

b) (amend. – SG 61/10) periodic revision and updating of the permit;

7. control of emissions by setting prohibitions for introduction of contaminants from point sources of contamination or requirements for granting permits and their periodic revision and updating;

8. setting prohibitions for introduction of contaminants from diffusive sources of contamination and measures for contamination prevention or control, including by bringing to application of requirements for the cases, when such are not provided in the national legislation, as well as their periodic revision and updating;

9. (suppl. – SG, 58/20150) measures for prevention and reduction of all other considerable adverse effects on the condition of waters, set out during the revision under Art. 156h, item 2 in order to provide compatibility between hydro-morphological conditions in water bodies and obtaining relevant environmental condition or good environmental potential of water bodies, defined as artificial or strongly modified, including issuance and review – and if needed – official amendment and termination of the permits under Art. 44 for water taking from surface waters and the permits for use of water site under Art. 46, Para. 1;

10. measures for termination of contamination of surface waters with priority substances and for gradual reduction of contamination with other substances, which may hinder achievement of objectives for environmental protection for surface water bodies, defined in Art. 156a;

11. (amend. – SG 61/10) other measures for prevention of significant losses of contaminants from technical plants and for prevention and/or reduction of the effect of emergency contaminants as a result of floods, including:

a) systems of identification and warning of such events;

b) all relevant measures for reduction of risk for water environmental systems in case of unexpected accidents;

12. (new – SG 61/10) specific measures for achievement of a good chemical condition of underground waters and their protection from contamination and deterioration, determined by the Ordinance referred to in Art. 135, par. 1, item 2.

(3) (amend. – SG 61/10) The complementary measures are intended and are applied in addition to the general measures for achieving the objectives under Section III and can be:

1. legislative measures;

2. administrative measures;

3. economical and/or financial measures;
4. agreements related to environmental issues;
5. measures for emissions control;
6. codes of good practices;
7. recovery and establishment of wet zones;
8. measures for water taking control;
9. measures for usage management, including encouragement of application of water-saving technologies in agriculture, industry and household, in the regions, affected by drought;
10. measures for efficiency and re-use of waters in industry;
11. construction projects;
12. de-salting plants;
13. rehabilitation and reconstruction projects;
14. artificial feeding of underground waters;
15. educational projects;
16. surveying, development and demonstration projects;
17. other measures.

(4) Programs of measures can contain, apart from the measures under para 2 and 3, also other measures providing further protection and recovery of waters, including for fulfillment of international agreements, under which Bulgaria is a party thereof.

Art. 156n. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10) When information from the monitoring or any other data show, that objectives for environmental protection of a certain water body cannot be achieved through the foreseen measures and/or within the set time period, supplementary measures shall be planned in order to achieve those objectives, including:

1. study of reasons of possible non-fulfillment;
2. (amend. – SG, 58/2015) review and, if required, amendment of the granted permits;
3. review and, if required, modification of monitoring programs;
4. (amend. – SG 61/10 amend. – SG, 58/2015) where relevant, undertaking of any other measures, including setting out more strict quality standards in comparison to the quality standards set out in the Ordinances referred to in Art. 135, par. 1, items 2, 9 and 17, including individual emissions limitations pursuant to the provision of Art. 135, par. 1, item 13.

(2) When the reasons under para 1, item 1 are a result of extraordinary and unforeseeable circumstances, including floods and long-lasting droughts, pursuant to the provisions of Art. 156e supplementary measures may not be implemented.

Art. 156o. (new - SG 65/06, in force from 11.08.2006) Implementation of programs of measures cannot result directly or indirectly in an increase of contamination of surface and sea waters, neither to environmental pollution.

Art. 156p. (new - SG 65/06, in force from 11.08.2006) (1) Programs of measures shall be worked out within the frames of river basin management plans.

(2) Programs shall be subject to review and, if required, in consideration of achieved results, shall be updated every 6 years.

(3) All new or revised measures, included in the updated program, shall be implemented within three years after their approval.

## Section VI.

### River basins management plans (Prev. text of Section III, title amend. - SG 65/06, in force from 11.08.2006)

Art. 157. (1) (amend. - SG 65/06, in force from 11.08.2006; prev. Art. 157 – SG 61/10) River basins management plans shall be developed for each region of basin management of waters and shall include:

1. general description of characteristics of the region of basin management pursuant to Section IV, including:
  - a) of surface waters:
    - aa) maps indicating the location and borders of surface water bodies;
    - bb) maps of environmental regions and of types of surface water bodies;
    - cc) determination of reference conditions for the types of surface water bodies;
  - b) of underground water maps indicating the location and borders of underground water bodies;
2. brief overview of significant kinds of pressure and impact as a result of human activity on the condition of surface waters and underground waters, including:
  - a) assessment of contamination from point sources;
  - b) assessment of contamination from diffusion sources, including revision of use of lands;
  - c) assessment of effect on quantities of waters, including water taking;
  - d) analysis of other effects as a result of human activity on condition of waters;
3. list and maps of zones of protection of waters;
4. maps of networks of monitoring of surface waters, underground waters and of zones of protection of waters;
5. cards with monitoring results of:
  - a) environmental and chemical condition of surface waters;
  - b) quantitative and chemical condition of underground waters;
  - c) zones of protection of waters;
6. list of objectives for environmental protection for surface and underground water bodies and zones of protection of waters, including cases under Art. 156c – 156f and related to this information;
7. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 47/09, in force from 23.06.2009) brief overview of economical analysis of water use;
8. brief review of programs of measures for achieving environmental protection objectives, including:
  - a) list of measures under Art. 156m, para 2, item 1;
  - b) report on effects and list of measures under Art. 156m, para 2, item 2;
  - c) list of measures under Art. 156m, para 2, item 4
  - d) list of measures under Art. 156m, para 2, item 5 and 6, with indication of registers of permits for water taking and of cases, when water taking or backwatering do not have significant effect on condition of waters;
  - e) list of measures under Art. 156m, para 2, item 7 and 9;
  - f) description of cases of permitted direct discharge of contaminants in underground waters pursuant to Art. 118a, para 2, 3, 4, 7 and 9;
  - g) list of measures for prevention of waters contamination with priority substances;
  - h) list of measures for prevention or reduction of the effect of emergency contaminations;
  - i) list of measures under Art. 156n;
  - j) description of supplementary measures;
  - k) description of measures under Art. 156o for prevention of contamination of sea waters;
9. register of all other similar programs and plans within the scope of the region of the basin management, related to individual sub-basins, sectors, problems or types of waters, along with a

description of their content;

10. list of measures subject to public discussion, achieved results from their implementation and related to that modification of the plan;

11. title and address of the competent body for waters management;

12. (suppl. – SG 61/10) contact persons and procedures for obtaining documentation and information under Section Vii, as well as about the programs of measures and information from the monitoring, carried out in compliance with the provisions of Section VIII and the Ordinance under Art. 135, par. 1, item 14.

(2) (new – SG 61/10) Directors of basins directorates shall be involved in the development of international river basins single management plans, where they are located entirely in the European Union.

(3) (new – SG 61/10) For achievement of the objectives under this Act, where a single plan referred to in par. 2 has not been produced, the directors of basins directorates shall develop river basin management plans, covering those parts of the international basin which are located in their territory.

Art. 158. (1) (amend. - SG 65/06, in force from 11.08.2006) When developing river basins management plans prognostic studies of water needs for different economical sectors and for administrative-territorial units shall be used.

(2) (amend. – SG 61/10) The administrations and state-financed research institutes and water users, the activity of which has a significant impact on the condition of waters shall be obliged to provide for free all available relevant information about.

1. the development and updating of river basins management plans;

2. flood risk assessment and flood risk management plants, and

3. the implementation of the respective measures in the applicable plans referred to in item 1 and 2.

(3) (new – SG 61/10, revoked - SG 98/18, in force from 27.11.2018)

Art. 159. (amend. - SG 65/06, in force from 11.08.2006) (1) River basins management plans shall be reviewed and updated every 6 years.

(2) (suppl. – SG 61/10) Plan updating, except for the information under Art. 157, par. 1 shall also contain:

1. list of all amendments and updates over the period from the promulgation of the preceding plan, including a brief overview of circumstances under Art. 156c-156f;

2. assessment of the level of achievement of environmental protection objectives, including presentation of cards containing the results of the monitoring for the period of operation of the preceding plan, and explanation of the reasons of non-fulfillment of non-achieved objectives;

3. list of measures, set out in the preceding plan, which have not been undertaken and explanation of the reasons;

4. list of supplementary measures under Art. 156n, set out in the preceding plan.

(3) (New - SG 20/22, in force from 01.01.2022) The adopted plans for management of the river basins shall be applied until the adoption of updated plans under para. 1.

Art. 159a. (new – SG 61/10) Preliminary risk assessment, the assessment and the decisions referred to in Art. 146b shall be reviewed and updated every 6 years.

Art. 160. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) River basins management plans and their updates shall be approved by the Council of Minister upon a proposal of the Minister of environment and waters.

Art. 161. (revoked – SG 65/06, in force from 11.08.2006)

Art. 162. (revoked – SG 65/06, in force from 11.08.2006)

Art. 163. (revoked – SG 65/06, in force from 11.08.2006)

Art. 164. (revoked – SG 65/06, in force from 11.08.2006)

Art. 165. (revoked – SG 65/06, in force from 11.08.2006)

Art. 166. (revoked – SG 65/06, in force from 11.08.2006)

Art. 167. (revoked – SG 65/06, in force from 11.08.2006)

Art. 168. (revoked – SG 65/06, in force from 11.08.2006)

## **Section VII.**

### **Public information and consultations (new – SG 65/06, in force from 11.08.2006)**

Art. 168a. (new – SG 65/06, in force from 11.08.2006) When developing, carrying out the revision and updating of river basins management plans information to the public should be provided about the scheduled measures and achieved results of their implementation.

Art. 168b. (new – SG 65/06, in force from 11.08.2006) (1) For each region of basin management shall be promulgated and announced to the public, including to water users, for consultations and written comments:

1. time schedule and working program for the development of the river basin management plan and public discussions to be held;

2. provisional review of identified problems, related to waters management;

3. draft plan of river basin management.

(2) The information under para 1 shall be provided to the public:

1. on item 1 – at least three years before the start of the period, to which the plan refers;

2. on item 2 – at least two years before the start of the period, to which the plan refers;

3. on item 3 – at least one year before the start of the period, to which the plan refers;

(3) The information under para 1 shall be released on the Internet site of the respective Basin

Directorate and on the [Internet site](#) of the Ministry of Environment and Waters.

(4) The announcement, that the information under para 1 has been released, shall be issued in at least two central daily newspapers and in the electronic mass media.

(5) In cases under para 1, item 3 upon request access to documents and the information, used for the development of the draft river basin management plan, shall be provided.

Art. 168c. (new - SG 65/06, in force from 11.08.2006) (1) Documents under Art. 168b, para 1 shall be made public for comments for a period of 6 months.

(2) Each person within the time under para 1 can consult the respective Basin Directorate about the documents under Art. 168b, para 1 and to submit written comments.

(3) Comments under para 2 shall be an integral part of documents to the river basin management plan.

Art. 168d. (new - SG 65/06, in force from 11.08.2006) When updating the river basin management plan the provisions of Art. 168b and 168c shall apply.

### **Section VIII.**

#### **Monitoring of waters and of zones of protection of waters (Prev. text of Section IV, title amend. – SG 65/06, in force from 11.08.2006)**

Art. 169. (amend. - SG 65/06, in force from 11.08.2006) (1) Monitoring of waters and of zones of water protection shall provide coordinated and comprehensive review of the condition of waters in each region of basin management.

(2) Monitoring shall be carried out pursuant to approved by the Minister of environment and waters programs, developed by the Basin Directorates in consideration of the specific of water bodies and their characteristics.

(3) Review under para 1 and programs under para 2 shall be part of the national environment monitoring system.

Art. 169a. (new - SG 65/06, in force from 11.08.2006) (1) For the monitoring of surface waters programs of control, operative and, if required, surveying monitoring shall be developed;

(2) Programs of surface waters monitoring shall include:

1. hydrological and morphological observation, including the volume, water quantity and water level for determination of environmental and chemical condition and water body environmental potential;

2. observations of environmental and chemical condition and environmental potential;

Art. 169b. (new - SG 65/06, in force from 11.08.2006) (1) For monitoring of underground waters programs of control and operative monitoring.

(2) Programs of underground waters monitoring shall include observations for chemical and quantitative condition of the underground water body.

Art. 169c. (new - SG 65/06, in force from 11.08.2006) (1) For the zones of water protection

programs under Art. 169a and 169b shall be supplemented with observations, related to the specifics of the zone, set out in the law and in the act of its establishment.

(2) Water protection zones, characterized as water bodies in risk, shall be included in programs of operative monitoring of surface and underground waters.

(3) In cases under para 1 monitoring of factors, affecting the condition of these water bodies, including the effect, caused by the implementation of programs of measures shall be carried out.

(4) Monitoring under para 1 shall continue, until the objectives set in the river basin management plan for environmental protection are achieved for the specific zone.

Art. 170. (1) (amend. - SG 65/06, in force from 11.08.2006) Waters monitoring networks shall be:

1. (amend. – SG 61/10) for precipitations and surface waters, including suspended matters;
2. for underground waters;
3. for sea waters;
4. (amend. – SG 61/10) control and information system about waste waters.

(2) Networks under para 1, item 1, 2 and 3 shall include points and/or stations.

(3) (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) The procedure and the method of establishment of networks and implementation of activities related to operation, maintenance, communication provisions and laboratory and information servicing shall be set in the Ordinance under Art. 135, par. 1, item 14.

Art. 171. (1) (amend. - SG 65/06, in force from 11.08.2006) The Minister of environment and waters shall organize and manage waters monitoring.

(2) (amend. – SG 61/10, suppl. - SG 103/18, in force from 01.01.2019, amend. - SG 20/22) Measurements, observations, field and laboratory tests shall be carried out in compliance with the approved by the Minister of Environment and Waters monitoring programs implemented by the Executive Environment Agency, Executive agency "Survey and maintenance of Danube river", National Institute of Meteorology and Hydrology and by the Institute of Ocean Studies of Bulgarian Academy of Sciences to the Minister of Environment and Waters, whereas:

1. The Executive Environment Agency shall carry out monitoring of:

a) chemical and biological condition of surface water bodies and the related therewith measurements of their quantity;

b) chemical condition and the quantitative condition of the underground water bodies, where this is provided in the stations within the monitoring network of the chemical condition of the underground water;

2. The National Institute of Meteorology and Hydrology shall carry out monitoring of the quantity of precipitations, surface and underground waters, including the alluvial outflow;

3. The Institute of Ocean Studies shall carry out monitoring of environmental and chemical condition of sea waters;

4. The Executive Agency "Survey and maintenance of Danube river" shall carry out monitoring of the quantities of waters of Danube river.

(3) (amend. – SG 61/10) Data under para 2 shall be summarized and analyzed for each water basin management region by the basins directorates and shall be the basis for assessment of the water bodies condition.

(4) (new – SG 61/10) The data under par. 2 shall be published respectively on the Internet site of the [Executive Environment Agency](#), [National Institute of Meteorology and Hydrology](#), the [Institute of Ocean Studies](#) and the [Executive Agency for Exploration and Maintenance of the Danube River](#).

(5) (new – SG 61/10) The assessments referred to in par. 3 shall be published on the Internet site of the water basins management directorates, of the [Executive Environment Agency](#) and of the [Ministry of Environment and Waters](#).

(6) (new – SG 61/10, amend. - SG 103/18, in force from 01.01.2019, amend. - SG 20/22) The National Institute of Meteorology and Hydrology to the Minister of Environment and Water shall also carry out research and applied studies, operative activities and development of technologies in the field of monitoring of the quantity of waters and alluvial outflow, including:

1. carrying out:

- a) monitoring of precipitations and of quantity of waters;
- b) maintenance and development of monitoring networks;
- c) processing and interpretation of data, including the suspended particles;
- d) arrangement of data bases;
- e) forecasting of floods and droughts in the territory of the country;

2. processing and management of information, calculation of water quantities and solid outflow and development of operative hydrological forecasts;

3. preparing the annual operative assessment of resources of surface and underground waters;

4. (amend. - SG 103/18, in force from 01.01.2019, amend. - SG 20/22) development and maintenance of a system of unified information exchange at a basin and national level between the Ministry of Environment and Waters, the Executive Environment Agency, basins water management directorates and the National Institute of Meteorology and Hydrology to the Minister of Environment and Waters;

5. provision of weather forecasts, forecasts of precipitations, snow thawing and floods with regard to water management and protection from their harmful impact;

6. assessment of the tendencies and production of scenario of climate changes and their impact on resources of surface and underground waters at a national level;

7. assessment of the quantity of waters in surface and underground water bodies;

8. production of national water and economic water balances;

9. provision of the required information and assessments of the quantity of waters for the fulfillment of:

a) the engagements of the Republic of Bulgaria for reporting to the European Environment Agency in compliance with the requirements of the respective reporting manuals and with the procedure of preparation of the information, determined by an order of the Minister of Environment and Waters;

b) the engagements of the Republic of Bulgaria for the preparation of national reports on the Directives in the field of waters;

c) the activities referred to in Art. 151, par. 3, items 5 and 6;

10. administration and maintenance of the monitoring points and stations of the quantity of waters under Art. 13, par. 2, including those, included in the early warning systems, meant for monitoring and forecasting of risk factors, which may cause flooding.

(7) (new – SG 61/10) The operative information referred to in Art. 6, item 1, item "a" and item 5 shall be provided on a daily basis to the Ministry of Environment and Waters and to the basin directorates.

(8) (new- SG 61/10, suppl. - SG 103/18, in force from 01.01.2019) The execution of the activities referred to in par. 2, items 2 and 3 of the National Institute of Meteorology and Hydrology to the Minister of Environment and Waters and of the Institute of Ocean Studies of Bulgarian Academy of Sciences shall be financed on a program basis from the state budget upon a proposal of the Minister of Environment and Waters.

(9) (new – SG 61/10) The Executive Agency "Survey and maintenance of Danube river" shall:

1. carry out monitoring of the quantity of waters of Danube river, including:

- a) maintain and develop monitoring networks;



- b) maintain data bases about Danube river;
- c) process and manage the information, calculate water and alluvial quantities and shall develop operatively hydrological forecasts;
- 2. study hydro-morphological and hydrological regime of Danube river;
- 3. create specialized data bases and maps of Danube river.

Art. 172. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 93/09, in force from 25.12.2009) The Ministry of Environment and Waters and the Ministry of Transport, Information Technology and Communications shall establish and maintain that part of the waters monitoring network, which relates to the Danube river.

Art. 173. (1) (suppl. – SG 61/10) Assessment and forecasts of waters quantity and quality by water bodies and under the criteria, set in this Act, shall be carried out, as follows:

- 1. on a basin level – by the Basins Directorates;
- 2. (amend. – SG 61/10, amend. - SG 103/18, in force from 01.01.2019, amend. - SG 20/22) on a national level – by the Executive Environment Agency and by the National Institute of Meteorology and Hydrology to the Minister of Environment and Waters.

(2) (suppl. – SG 61/10) Data, assessments, change tendencies and forecasts of waters quantity and quality shall be submitted to the Ministry of Environment and Waters and shall be released in a Bulletin of waters condition in the Republic of Bulgaria.

(3) (new – SG 61/10) The requirements to the assessments and forecasts referred to in par. 1 and to the content and frequency of submission of data, assessments, change tendencies and forecasts referred to in par. 2 shall be determined by the ordinance under Art. 135, par. 1, item 14.

Art. 174. (1) (amend. – SG 61/10) The persons, to which rights of water taking or use of water bodies are granted, shall be obliged to carry out their own monitoring in compliance with the requirements of the ordinance under Art. 135, par. 1, item 14 and the terms and conditions set out in the granted permits regarding:

- 1. quantity and quality of waters;
- 2. the quality of waste waters and the concentration of emitted contaminants.

(2) Persons under para 1 shall keep the information about accomplished measurements for a period of 6 years.

(3) (amend. – SG 61/10) Bodies under Art. 52, para 1, item 1 and 4 in the course of implementation of their control functions shall have the right of access at any time to the monitoring devices and facilities and to the information under pr. 2.

(4) (amend. - SG 65/06, in force from 11.08.2006) In case of termination of the right of water taking and/or use of a water site, the information under para 2 shall be submitted to the respective Basin Directorate for retaining.

(5) (new – SG 61/10) The persons referred to in par. 1 annually by 31 March shall submit to the Director of basin directorate, and in cases of a granted permit under Art. 46, par. 1, item 1, item "b" and of environmental permit – to the Director of RIOEW, the results of the accomplished in the preceding year own monitoring within the frame of the report on compliance with the terms and conditions set out in the permits under Art. 48, par. 1, item 12.

Art. 175. (1) (amend. - SG 65/06, in force from 11.08.2006; prev. Art. 175 – SG 61/10) Data

from the observations and assessments, obtained as a result of monitoring of waters, as well as of on-site monitoring, shall be the basis for carrying out control and for imposing fines in case of noncompliance with the normative requirements.

(2) (new – SG 61/10) The Directors of basin directorates shall include the data of their own monitoring for the assessment of water bodies condition and of the effectiveness of the accomplished measures, provided in the river basin management plans.

(3) (new – SG 61/10) The data of the own monitoring and the results of the carried out control of the parameters of the permitted water use shall be grounds for determination of the fees for water taking, for use of water body and for contamination of waters.

### **Section IX.**

#### **Specialized maps, registers and information systems of waters and of water resources systems and facilities (Prev. text of Section V, title amend. – SG 65/06, in force from 11.08.2006; title amend. – SG 103/13)**

Art. 176. (amend. – SG 103/13) (1) Specialized maps, registers and information systems shall provide information about:

1. the ownership of waters and the condition of water bodies;
2. water resources systems and facilities.

(2) The maps, registers and information systems under para 1 shall be maintained in order to provide rational use of waters and maintenance of information about the water resources systems and facilities.

Art. 177. (1) (amend. - SG 65/06, in force from 11.08.2006; amend. and suppl. – SG 103/13) Data from the specialized maps, registers and waters information system characterize the condition of waters and water bodies with their quality and quantitative properties, the level of their exploration and usage.

(2) Data under para 1 shall be updated in compliance with the data of the monitoring under Section IV.

(3) (new – SG 103/13) Specialized maps, registers and information system about the water resources systems and facilities contain information about their kind, ownership, granted rights for administration, maintenance and operation, technical parameters, etc.

(4) (new – SG 103/13) The information under par. 3 shall be updated according to the carried out supervision of systems and facilities technical conditions.

Art. 178. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 103/13) (1) Specialized maps, registers and information systems under Art. 176, par. 1 shall be maintained by:

1. Directors of basin directorates – in cases referred to in Art. 176, par. 1, item 1;
2. (amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works – in cases referred to in Art. 176, par. 1, item 2.

(2) (amend. – SG 98/14, in force from 28.11.2014) The content of the specialized maps, registers and the information system under Art. 176, par. 1, item 2, the terms and conditions and procedure of their generation and maintenance shall be set out by an Ordinance of the Minister of Regional Development and Public Works.

Art. 179. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 103/13) (1) The maps, registers and information systems under Art. 176, par. 1 shall be produced and maintained by regions for basin management of waters and by administrative units – residential places, municipalities and districts.

(2) The maps, registers and the information system under Art. 176, par. 1, item 1 shall contain:

1. information about the type of waters;
2. information about the surface and underground water bodies and their:
  - a) category;
  - b) location;
  - c) parameters;
  - d) ownership;
  - e) condition;
3. other information.

(3) The maps, registers and the information system under Art. 176, par. 1, item 2 shall contain:

1. information about the type of facilities;
2. information about their location;
3. information about their ownership;
4. information about their technical parameters;
5. information about the operator;
6. other information.

Art. 180. (1) (amend. - SG 65/06, in force from 11.08.2006) The maps and the registers under Art. 176, para 1 shall be public.

(2) (amend. - SG 65/06, in force from 11.08.2006) Persons can use data from the maps and the registers under Art. 176, para 1 against payment.

(3) Fees for the services under para 1 shall be fixed with an Act of the Council of Ministers.

Art. 181. (amend. - SG 65/06, in force from 11.08.2006) On the grounds of the data under Art. 177 water economy balances and assessments of the condition of waters and water sites shall be worked out.

Art. 181a. (New - SG 86/23, in force from 13.10.2023) (1) All geological and hydrogeological data, available and created as a result of or in connection with the activities under this act, shall be collected by the relevant basin directorates and shall be provided in digital form for filing in the National Geological Fund.

(2) The basin directorates and the National Geological Fund shall create a shared common database for management, storage and access to the geological and hydrogeological data created and used in connection with the activities under this act.

(3) The implementation of the preceding paragraphs shall be specified in the ordinance under Art. 16, Para. 3 of the Underground Resources Act and the ordinance under Art. 135, Para. 1, item 2 of this act.

## **Section X.**

### **Registers (Prev. text of Section VI – SG 65/06, in force from 11.08.2006)**

Art. 182. (1) Registers under this section shall be maintained by:

1. (amend. - SG 65/06, in force from 11.08.2006) Basin Directorates of:

- a) (amend. - SG 98/18, in force from 27.11.2018) permits under Art. 52, para 1, item 4;
  - b) water protection zones under Art. 119a;
  - c) (suppl. – SG 61/10) programs and plans under Art. 157, par. 1, item 9;
  - d) of water taking facilities for underground waters under Art. 118d, para3;
  - e) of the facilities under Art. 118e, para 1;
  - f) (new – SG 61/10) the resources of water taking water bodies;
  - g) (new - SG 61/10, amend. - SG 98/18, in force from 27.11.2018) the agreed notifications for performing any of the activities under Art. 58, Para. 1 and under Art. 44, Para. 3, the prescribed conditions and restrictions;
- 2. (amend. - SG 65/06, in force from 11.08.2006) Ministers of Art. 10, para 1, item 1, 2 and 3, concluding concession contract;
  - 3. (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10, amend. - SG 98/18, in force from 27.11.2018) municipal administrations – under Art. 41, para 3, item 2 and for the permits, granted by the body under Art. 52, par. 1, item 3;
  - 4. (new – SG 61/10) The Executive Agency "Survey and maintenance of Danube river" – for the permits, granted by the body under Art. 52, par. 1, item 2;
  - 5. (new – SG 61/10) the General Manager of the National Institute of Meteorology and Hydrology – for the monitoring points and stations of water quantity;
- (2) Basin Directorates shall register also applications for respective water takings and/or uses.
  - (3) (new - SG 65/06, in force from 11.08.2006) In the registers under para 1 modifications of circumstances subject to registration shall be entered.

Art. 183. (amend. - SG 65/06, in force from 11.08.2006) The Minister of environment and waters shall:

- 1. (amend. – SG 61/10) maintain a register of permits under Art. 52, para 1, item 1;
- 2. maintain a register of granted concessions for waters – exclusive state ownership;
- z) (new - SG 65/06, in force from 11.08.2006; revoked – SG 95/09)
- 3. generalize registers under Art. 182, para 1.

Art. 184. (1) (suppl. – SG 61/10) Registers under this section shall be public and shall be promulgated on the Internet sites of basin directorates of waters management and of the [Ministry of Environment and Waters](#).

(2) (revoked – SG 61/10).

(3) (new – SG 61/10) The content of the registers under Art. 182, par. 1, item 1, items "a", "b", "d", "e", "f" and "g", item 3, 4 and 5 and Art. 183, item 1 shall be determined by the ordinances under Art. 135, par. 1, item 1a, 2, 6 and 13.

## **Section XI.**

### **Control over the waters, water sites, water economic systems and installations (Prev. text of Section VII – SG 65/06, in force from 11.08.2006)**

Art. 185. (1) (amend. – SG 61/10) The control under the present section shall be carried out as regards the observation of the normative requirements, the conditions and the requirements set out in the granted permits, the fulfillment of programs of measures, included in the river basins management plans, plans and programs, related to water and environment protection.

(2) (amend. – SG 61/10, suppl. - SG 12/17) The control shall be carried out in compliance with

the provisions of this Act, the ordinances under Art. 135, Para. 1, item 1a, 2 and 13 and of the Environmental Protection Act.

(3) (revoked – SG 61/10).

Art. 186. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10, suppl. – SG, 58/2015) The control over the protection of the water sites, installations and systems shall be carried out by the competent bodies under art. 52, para 1 with regard to the observation of the normative requirements and the plans, as well as to the conditions and the requirements for carrying out of the water taking or use of a water site.

Art. 187. (1) The Ministry of Environment and Waters shall control:

1. (amend. - SG 65/06, in force from 11.08.2006) the quantity and the quality of waters;  
2. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) the compliance with the procedures and the requirements of the law in case of issuance of administrative acts, provided by this Act;

3. the observation of the conditions under the concession contracts for waters, which are exclusive state property.

4. (amend. – 61/10) the application of the state policy of waters management on a basin level, the implementation and the effect of the implementation of the programs of measures;

5. (amend. - SG 65/06, in force from 11.08.2006) the observation of the prescribed regime for usage of the waters of the complex and important dams, listed in appendix No 1 to the present Act.

(2) The Minister of Environment and Waters shall issue:

1. (amend. – SG 61/10) methods of assessment of water resources;

2. (amend. - SG 65/06, in force from 11.08.2006) methodologies for preparation of the water balances, of the water economic balances and the National Water Balance;

3. methodologies for distribution of the waters from the dams and for use of the water resources;

4. (revoked – SG 61/10).

5. (new – SG 61/10) methods of cost and benefits analysis, used for assessment of measures provided in the flood risk management plans.

6. (new – SG 61/10) methods of flood risk assessment and criteria of significant unfavorable consequences referred to in Art. 146a, par. 2, item 2 and the significant potential risk under Art. 146b, par. 1, item 1.

7. (new – SG 61/10) methods of assessment of the mass load from the facilities, generating waste waters.

Art. 188. (1) (amend. – SG 61/10) The Director of Basin Directorate or officials authorized by him/her shall control:

1. (amend. - SG 65/06, in force from 11.08.2006) the condition and the flow capacity of the river beds and of the discharging installations;

2. (amend. - SG 65/06, in force from 11.08.2006) the execution of activities in the river beds;

3. the condition and the proper operation of:

a) the water taking installations, the installations for use of the surface and the underground waters and the facilities for measuring the water quantities;

b) (revoked - SG 65/06, in force from 11.08.2006)

c) (revoked - SG 65/06, in force from 11.08.2006)

d) (revoked - SG 65/06, in force from 11.08.2006)

e) (revoked – SG 61/10).

4. (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10, suppl. – SG, 58/2015) the fulfilment of the conditions of the issued permits under the present Act, except for the permits for use of a water body for outfall of waste waters and the permit for use of water site for taking alluvial deposits of the river Danube;

5. (amend. - SG 65/06, in force from 11.08.2006) quantity and quality of waters;

6. the maintenance of the minimum admissible run-off in the rivers;

7. (amend. - SG 65/06, in force from 11.08.2006) own monitoring o waters;

8. (revoked – SG 61/10);

9. (new - SG 65/06, in force from 11.08.2006) fulfillment of obligations for paying the fees under Art. 194, para 1, item 1-3;

10. (new - SG 65/06, in force from 11.08.2006) observation of prohibitions and restrictions within the boundaries of sanitary-protection zones;

11. (new - SG 65/06, in force from 11.08.2006) implementation of programs of measures under Section V.

12. (new – SG 61/10) the schedule of implementation of the projects for construction of sweage systems, financed from the state funds.

13. (new - SG 55/18) the exploitation scheme, the technically possible flow rates of the facilities, and the conditions established with the order for approval of the exploitation resources of the mineral water deposits - exclusive state property - granted for management and use to municipalities.

(2) (new – SG 61/10) For carrying out the activities under par. 1 the persons referred to in par. 1 shall have the right to request cooperation of the bodies of the Ministry of Interior, from governmental administrations, organizations, legal entities and natural persons, and to find out the identity of persons, where there is information of violation of this Act, by presenting an ID document of the person, information, provided by civilians with confirmed identity, knowing the person, or in any other way, appropriate for collecting of reliable data.

(3) (prev. par. 2 - SG 61/10) Information about the results of the implemented control activity of para 1 shall be sent monthly to the Ministry of Environment and Waters.

(4) (new – SG 61/10) The information under par. 3 shall contain all confirmed particulars and information by the carried out inspections, the identified violations and the issued recommendations and shall be prepared in forms, approved by the Minister of Environment and Waters.

(5) (new – SG 61/10) The information under par. 3 shall be published on the Internet sites of basin directorates and of the [Ministry of Environment and Waters](#).

Art. 189. The Minister of Health shall control:

1. (amend. - SG 65/06, in force from 11.08.2006) the quality of the water, designated for drinking-household needs;

2. (amend. - SG 65/06, in force from 11.08.2006) the quality of the mineral water, designated for drinking or used for prophylactic, healing and hygienic purposes, including the bottled mineral waters in the retail trade network;

3. (amend. - SG 65/06, in force from 11.08.2006) the quality of the water, designated for swimming.

Art. 190. (1) (amend. - SG 108/01; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG

58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The Minister of Regional Development and Public Works, the Minister of the Agriculture and Food and the Minister of Energy shall control the state of the water sites, the water economic systems and installations in the scope of their competence.

(2) (amend. – SG 93/09, in force from 25.12.2009, amend. – SG, 58/2015) The Minister of Transport, Information Technology and Communications shall control the use for transport purposes of the internal sea waters, the waters of the territorial sea and the waters of the river Danube.

(3) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 61/10; amend. – SG 80/11, in force from 14.10.2011; revoked – SG 53/14).

(4) (new – SG, 58/2015, in force from 1. 1.2016) The chairperson of the Metrological and Technical Supervision State Agency or officials, authorized by him shall control the implementation of:

1. prescriptions of the commissions under Art. 138a, Para. 3;
2. the measures for provision of correct technical condition of dam walls and the facilities to them and for their safe exploitation;
3. activities of taking out of exploitation and/or liquidation of dam walls and facilities to them;
4. (repealed - SG 55/18)

(5) (new – SG, 58/2015, in force from 1. 1.2016) The executive director of the Executive Agency for research and maintenance of the river Danube shall control fulfilment of the conditions of the permits for use of water site for taking out alluvial deposits from the river Danube.

Art. 190a. (new – SG, 58/2015, in force from 1. 1. 2016) (1) The chairperson of the Metrological and Technical Supervision State Agency, or officials, authorized by him under Art. 190, Para. 4 shall have the right to:

1. a free access to the controlled by them dam walls and to the facilities to them;
2. require the needed data, information, explanations and other information;
3. (amend. and suppl. - SG 55/18) give prescriptions to the owners of dam walls and/or the facilities to them according to their authorizations under this act and the ordinance as per Art. 141, Para. 2, including carrying out measures and actions for explanation of the technical condition and of the conditions for exploitation of the controlled sites, except for the dams in Annex 1 to Art. 13, item 1 on reducing the water volumes, for which the Chairperson is to notify the respective basin directorate, as well as to set term for their fulfillment;
4. to draw up acts for finding administrative breaches according to their authorizations under this act.

(2) (New - SG 55/18) The owners of dams and facilities thereto shall be obliged to fulfill the prescriptions under Para. 1, item 3 and under Art. 138a, Para. 3, item 5.

(3) (Previous Para. 2 - SG 55/18) The owners, tenants, concessioners and operators of dam walls and the facilities to them shall be obliged to give the needed assistance to the controlling bodies under Para. 1 while fulfilling their authorizations under this act. In case of failure to be provided access to the control dam walls and to the facilities to them, the access shall be provided with the assistance of the Ministry of Interior bodies.

(4) (Previous Para. 3, amend. - SG 55/18) The owners, who have been given prescriptions, shall notify in writing the chairperson of the Metrological and Technical Supervision State Agency for their fulfillment within the set term.

Art. 190b. (new – SG, 58/2015, in force from 1. 1. 2016) (1) About the results from the check the control bodies under Art. 190, Para. 4 shall draw up a protocol, which shall have attached the collected documents and explanations where the contents of the protocol shall be defined in the ordinance under Art. 141, Para. 2.

(2) (Amend. - SG 55/18) The protocol shall be drawn up within 14 days after the check and shall be sent to the owner of the dam wall and the facilities thereto.

(3) (Amend. - SG 55/18) A copy of the protocol shall be sent to the operator of the dam and the facilities to it, and to the Regional Governor as per the dam's location.

Art. 190c. (New - SG 55/18) (1) The Chairperson of the State Agency for Metrological and Technical Surveillance shall issue authorization for decommissioning or liquidation of dams and the facilities thereto at the request of the owners, on the basis of a motivated opinion of an interdepartmental expert council and under the terms and conditions of the ordinance under Art. 141, Para. 2.

(2) The authorization under Para. 1 shall be a prerequisite for the approval of the project and for the issuance of a building permit under the procedure of the Spatial Development Act.

(3) The refusal of the Chairperson of the State Agency for Metrological and Technical Surveillance to issue authorization for decommissioning or liquidation of the dam and its facilities shall be subject to appeal by the order of the Administrative-Procedure Code.

Art. 191. (1) (prev. text of Art. 191 - SG 65/06, in force from 11.08.2006) The mayor of the municipality shall control:

1. (amend. - SG 65/06, in force from 11.08.2006) the construction, maintenance and the proper operation of the sewerage networks and of the facilities for treatment of household waste waters;

2. the construction, maintenance and operation of the water economic systems of art. 19, item 4;

3. (amend. - SG 65/06, in force from 11.08.2006) the construction and the registration of the wells for individual water taking from the underground waters on the territory of the municipality;

4. (new - SG 98/18, in force from 27.11.2018) keeping and observance of the prohibitions and restrictions within the boundaries of the sanitary-protection zones of the mineral waters, public municipal property;

(2) (new - SG 65/06, in force from 11.08.2006) The execution of activities under para 1 shall be controlled by the regional governors.

(3) (new – SG 80/11, in force from 14.10.2011) Regional governors shall monitor technical condition of hydro-technical facilities owned by the state in the territory of the respective region.

## **Chapter eleven.**

### **FINANCIAL ORGANISATION AND ECONOMIC REGULATION**

Art. 192. (amend. - SG 65/06, in force from 11.08.2006) (1) (amend. – SG, 58/2015) Economic regulation shall be based on the following principles:

1. repayment of expenses for water services, including for the environmental ones and for the resource;

2. and on the principle "the pollutant shall pay".

(2) For the purposes of economic regulation:

1. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 47/09, in force from 23.06.2009) economic analysis of water use shall be developed:

2. pricing policy shall be implemented, providing relevant incentives for the consumers for effective use of waters in view of achievement of environmental protection objectives.

3. (new – SG, 58/2015) fees shall be defined for water taking, for use of a water site and for pollution, where an element of the recovery of the resource costs and of the costs for he environment



and providing the income of the various water users to the recovery of the costs for water services.

(3). (new – SG, 58/2015) Application of the principles under Para. 1 shall be carried out by also taking in consideration the economical analysis under Para. 2, p. 1, developed under Art. 192a.

Art. 192a. (new - SG 65/06, in force from 11.08.2006) (1) The economic analysis under Art. 192, para 2, item 1 shall be developed for each region of basin management of waters and shall contain:

1. assessment of the contribution of different water users, divided as a minimum into categories of industry, agriculture and household users to repayment of expenses for water services;

2. comprehensive and detailed information about repayment of expenses for water services in view of long term forecasts for supply and use of waters, and, whenever required, also:

a) evaluation of quantities, prices and expenses, related to water services;

b) assessment and anticipation of required investments;

3. consideration on the most efficient from the point of view of the "cost-benefit" ratio combination of measures, which shall be included in the program under Section V.

(2) When identifying the scope of information under para 1 the cost of gathering of relevant data shall also be taken into consideration.

Art. 192b. (new - SG 65/06, in force from 11.08.2006, suppl. – SG, 58/2015) Pricing policy under Art. 192, para 2, item 2, the fees under Art. 192, Para. 2, p. 3 and the assessment under Art. 192a, para 1, item 1 shall be made in consideration of the social and economic effect and the environmental protection effect from the repayment of expenses, as well as in consideration of geographic and weather conditions in the respective regions.

Art. 192c. (1) (new - SG 65/06, in force from 11.08.2006 – prev. Art. 192c – SG 61/10) Measures for providing for the pricing policy under Art. 192, para 2, item 2 and the contribution of water users under Art. 192a, pr. 1, item 1 shall be included into the river basins management plans.

(2) (new – SG 61/10) The adequate contribution by different water users, divided minimum in the categories of industry, agriculture and households, to covering of the cost of water services shall be provided by taking into account the economic analysis of water use and in consideration of the principle of "the pollutant is paying".

Art. 193. (amend. - SG 65/06, in force from 11.08.2006) Public relations concerning water supply and sewerage services shall be regulated by the Regulation of Water Supply and Sewerage Services Act, subject to the requirements of this present Act.

Art. 194. (amend. - SG 65/06, in force from 11.08.2006) (1) For the right of use of waters shall be paid:

1. fee for water taking from:

a) surface waters;

b) underground waters;

c) mineral waters;

2. fee for use of a water site for:

a) (amend. – SG, 58/2015) taking out alluvial deposits from the river Danube and water reservoirs;

b) (revoked – SG 36/08);  
c) (revoked – SG 61/10);  
d) (new – SG, 58/2015) damaging the permanent flow of the river by the facilities under Art. 156i., Para. 2, p. 4;

3. (amend. – SG, 58/2015) contamination fee for :

a) outfall of waste waters into surface waters;  
b) discharge of contaminants into underground waters;  
c) (amend. - SG 98/18, in force from 27.11.2018, amend. - SG 25/19) from diffuse sources of agriculture, including fertilizers and plant protection products, breeding of grazing livestock and aquacultures;

4. (amend. – SG 96/17, in force from 02.01.2018) concession fee.

(2) (amend. – SG, 58/2015) The fee under Para 1, item 1 letters “a” and “b” shall be defined on the basis of the taken water volume and the relevant norms for water use, defined in the ordinance under Art. 117a.

(3) Fee for water taking from mineral waters shall be fixed based on the extended water volume and the mineral water temperature.

(4) (amend. – SG, 58/2015) Fee under para 1, item 2 shall be fixed based on:

1. permitted volumes of taking out – in the cases of letter “a”;

2. the height of the barrier facility – in the cases of letter “d”.

(5) (amend. – SG 61/10, amend. – SG, 58/2015) The fees under para 1, item 3 shall be defined:

1. under item "a" for pollution from:

a) pipe systems of populated places, village and resort establishments – on the basis of the annual invoice water quantity from the Water and Pipe (WaP) operator for the consumers, which use the service “water treatment” in cub. m. with correction coefficients, accounting the type of the water intake, the number of discharges and the rate of purifying;

b) industrial undertakings, forming bio-degradable industrial waste waters and other sites, forming waste waters only of household nature – on the basis of the annual quantity discharged waste waters in the surface water site, with the correction coefficients under letter “a”;

c) industrial undertakings apart from the cases under letter “b” as the sum of:

aa) the fee, defined on the basis of the annual load of chemical need of oxygen for the industrial waste waters, discharged in the surface water site with correction coefficients, depending on the number of priority dangerous, priority and specific substances, and

bb) the fee for household waste waters, defined on the basis of the annual quantity discharged household waters in the surface water site;

d) industrial waste waters, which are not of household nature and have been discharged in pipe sewage systems of populated places, village and resort establishments – on the basis of the quantity substances and indicators of the waste waters under a written contract with Water and Pipe operator with the correction coefficients under letter “c” and sub-letter “aa”;

2. under letter "b" – on the basis of the annual quantity of discharged waters and concentration of some contaminants, for which maximum admissible values have been defined in the permit;

3. (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) under letter “c” – by a Council of Ministers ordinance, upon proposal of the Minister of Agriculture and Food, in coordination with the Minister of Environment and waters, which shall define the amount, procedure and way of calculation and payment of the fees.

(6) (suppl. – SG 61/10) The amount of fees under para 1, items 1-3, the way and the procedure of their calculation and payment shall be set out with a tariff of the Council of Ministers.

(7) (new – SG, 58/2015) The fee under Para. 5:

1. point 1:

a) letter “a” shall be included in the recognized annual costs, forming the needed annual

revenues of WaP operators;

b) letter “d” shall not be included in the recognized annual costs, forming the needed annual revenues of WaP operators, but shall be paid individually by the consumers through WaP operator, providing the service “discharge of waste waters”:

2. (amend. - SG 98/18, in force from 27.11.2018) point 3 shall be paid:

a) individually by the owner or consumer of the economic establishment - for fees for diffuse pollution from livestock and aquaculture

b) by the person, who places on the market fertilizers and products for plant protection.

(8) (new – SG, 58/2015) If the holder of the permit builds and exploits a system for permanent automated monitoring and where the indicators of the system are recognized by the controlling body, the fee under Para. 1, p. 3, letter “a” shall be defined on the basis of the real loads of the contaminating substances.

(9) (new – SG, 58/2015) For repayment of the costs for environment and the resource costs the correction coefficient shall be defined for increasing the fee:

1. for water taking – in independent water supply (through own water taking facilities);

2. for pollution:

a) in water bodies, whose chemical or ecological condition is lower than good;

b) in water protection zones;

c) in discharge in drying, karst rivers, as well as in the small and middle rivers, defined by the ordinance under Art. 135, Para.1, p. 9.

(10) (new - SG, 58/2015) The fee under Para. 1, p. 2, letter “d” shall be due by introduction in exploitation a facility, providing permanent flow of the river.

(11) (former Para. 7, amend. – SG, 58/2015) Fee under Para. 1 shall not be paid in the cases:

1. under Art. 43, para. 2;

2. on fire extinguishing;

3. when the water abstraction is for drainage purposes;

4. (new - SG 36/08, amend. - SG 98/18, in force from 27.11.2018, amend. - SG 25/19) for water taking of aquacultures under the Art. 44 and for use of aquacultures under the Art. 46, para 1, item 2 of water bodies for aquacultures and related activities;

5. (new - SG 61/10) under Art. 58, para. 1, item 2;

6. (new – SG, 58/2015) Pollution of diffuse sources of the agriculture in cases of:

a) raising animals for satisfying own needs of the household, in number of different kinds of animals under the ordinance of Art. 137, Para. 10 of the Act on the Veterinary-medical Activity;

b) (amend. - SG 98/18, in force from 27.11.2018, amend. - SG 25/19) organic breeding of livestock;

7. (new – SG, 58/2015) for water taking with the purpose of establishing new, rehabilitation and/or maintenance of habitats and/or habitats of kinds, inducing damp zones in territories – part of the National ecological network, in the meaning of Art. 3 of the Act on Biological Diversity, in which maintenance and/or improvement of water regime is important factor for their protection; in these cases not use of taken water shall be admitted for activity, directed to exercising a profession or skill and realization of profit;

8. (new – SG, 58/2015) for taking out alluvial disposals in the cases of Art. 140.

(12) (new – SG 36/08, former Para. 8 – SG, 58/2015) The fees for water taking and use of a water body shall not be payable for managing fish resources, assigned under the provision of Art. 15a of the Fisheries and Aquaculture Act.

(13) (New - SG 86/23, in force from 13.10.2023) No water intake fee shall be due for prospecting and exploration, exploration and extraction of deep geothermal resources, except for the quantities of water when there is an intake without return back to the water body, as well as in cases under the Energy from Renewable Sources.

(14) (New – SG 61/10, former Para. 9 – SG, 58/2015, previous Para. 13 - SG 86/23, in force from 13.10.2023) Where the competent bodies find out, that the condition of the feeding system to the facility, where mineral water is used, has been subject to damages, preventing the exercising of the granted right to water taking, and the system is not owned by the permit holder, the fee for water taking shall be determined bases on the taken water volume, the provisions of Art. 194a, par. 1 and the temperature of the mineral water for the period from the date of identification of the damage to the repair of the feeding system, but not more than one year for the period of validity of the permit.

Art. 194a. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10, suppl. - SG 25/19) The taken during water taking water volume or the volume of waste waters shall be measured by means of measuring devices meeting legislative requirements, with the exception of the cases under para. 5.

(2) (amend. – SG 61/10) In cases of damage of the measuring devices for calculation of the fee under Art. 194, para 1, item 3, the quantities allowed by the permit shall be taken into account.

(3) In cases of damage of facilities under para 1 the permit holder for water taking shall be obliged immediately to notify the controlling body and to repair the damage within one month.

(4) (new – SG 61/10) In case of technical impossibility for installation, maintenance and control of measuring devices to surface and underground water sources, confirmed by a bilateral certificate between the body, issuing the permit and the user, it is allowed that their installation is carried out at the feeding pipe of the overhead tank or on the supplying water pipeline, with direct joining of the stream to the water supply system of the residential area.

(5) (new - SG 25/19) The installation of measuring devices under para. 1 is not obligatory in the case of water taking from a surface water body for aquaculture and related activities when at least one of the following conditions is met:

1. the waters return to the same river basin;
2. an act of the controlling authority has established a technical inability to install, maintain or control a measuring device.

(6) (new - SG 25/19) In the cases of para. 5 the volume of water taken during the water taking shall be considered the volume stated in the issued permit.

Art. 194b. (new – SG 61/10) (1) (amend. - SG 98/18, in force from 27.11.2018) Annually as of 31 January of the subsequent year the permit holders, including environmental permits, granted pursuant to the provisions of the Environmental Protection Act, shall provide information for calculation of the due fee in a form, approved by the Ministry of Environment and Waters and published on the Internet sites of basin directorates and of the [Ministry of Environment and Waters](#). The form shall contain the information according to the tariff under Art. 194, par. 6, based on which the fee shall be calculated.

(2) (amend. - SG 98/18, in force from 27.11.2018) The liability on the declaration under which the liable person has calculated the due fee shall be paid by 15 February.

(3) The Director of the basin directorate shall check the information under par. 1 and its compliance with:

1. the own monitoring results;
2. the readings of the measuring devices, and
3. the results of the control carried out throughout the year.

(4) (amend. - SG 98/18, in force from 27.11.2018) When in the declaration under para. 1 inconsistencies with the information under para. 3 are established, which concern the basis and the amount of the fee, the Director of the Basin Directorate issues an act for the establishment of a public state receivable, which corrects the declaration. The act shall be announced to the liable person.

(5) (amend. - SG 98/18, in force from 27.11.2018) The declaration and establishment of the liability shall be carried out according to the procedure of the Tax Insurance Procedure Code.

(6) (amend. - SG 98/18, in force from 27.11.2018) The act for establishing the public state receivable shall be appealed under the Administrative Procedure Code.

Art. 195. (amend. - SG 65/06, in force from 11.08.2006, amend. – SG 96/17, in force from 02.01.2018) For the mineral water extraction, the concessionaire shall pay the conceder a concession fee.

Art. 195a. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10) Fees under Art. 194, para 1, items 1 – 3, as well as fines and proprietary sanctions pursuant to this present Act, imposed by the bodies under Art. 201, para 2, shall be paid to the budget account of the Basin Directorate, stated in:

1. the permit, granting the right of use of waters;
2. the penal decree.

(2) (new – SG 61/10) The fees under Art. 194, par. 1, items 1 and 2 for waters and water bodies which are public municipal property shall be transferred to the budget account of the municipality, indicated in the permit, by which the right for use of waters is granted,

(3) (prev. par. 2 – SG 61/10) In any case of payment the permit holder shall send to the body, having issued the permit, a copy of the payment document.

(4) (new – SG 61/10) The fees for issuance of permits under Art. 50, par. 2 shall be transferred to the budget account of:

1. the basin directorate – where competent to issue the permit is the Director of the basin directorate;
2. the Ministry of Environment and Waters – where competent to issue the permit is the Minister of Environment and Waters;
3. the Executive Agency "Survey and maintenance of Danube river: - where the application is for granting a permit for use of a water body for taking of alluvial deposits from Danube river;
4. the municipality – where the application is for granting a permit for mineral water – public municipal property, or mineral water – exclusive state property, where the deposit has been provided for administration, use and management to the municipality, and also in the cases of granting a permit for water taking or for use of a water body – municipal property.

Art. 195b. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 61/10) Takings for non-paid under Art. 195a, para 1 fees under this present Act shall be fixed with an act of determination of a public state taking by the Directors of Basin Directorates, issued according to the procedure set in Art. 166 of the Tax-insurance procedural code.

(2) The act under para 1 shall be executed on the grounds of written evidences, including:

1. statements of accounts, to which fees are being transferred;
2. payment and other accounting documents, issued by the persons, using waters;
3. call to the person for voluntary execution;
4. certificates of findings of the implemented control of liability fulfillment.

Art. 195c. (new - SG 65/06, in force from 11.08.2006) (1) (amend. – SG 12/09, in force from 01.05.2009) non-deposited within the set terms fees under the law shall be collected compulsorily along

with the interest and the expenses by the National Revenue Agency pursuant to the Tax insurance procedural code.

(2) (amend. – SG 12/09, in force from 01.05.2009 )The collected amounts by the National Revenue Agency shall be deposited to the account, indicated in the forwarded call for their collecting.

Art. 196. (1) (amend. SG 91/02, in force from 01.01.2003, previous text of Art. 196 – SG 65/06, in force from 11.08.2006) In the Enterprise for management of the activities for preservation of environment shall be collected:

1. (amend. - SG 65/06, in force from 11.08.2006) the fees for water taking, for use of a water site and for contamination;
2. (revoked – SG 65/06, in force from 11.08.2006);
3. (revoked – SG 65/06, in force from 11.08.2006);
4. the receipts from the repayment of expenditures of art. 199;
5. (suppl. – SG 65/06, in force from 11.08.2006) the fines or proprietary sanctions, imposed for violating the provisions of the present Act by the bodies of Art. 201, para 2;
6. (revoked - SG 91/02);
7. funds, provided under international agreements and programmes;
8. donations by local and foreign individuals and legal persons;
9. receipts from interest;
10. indemnifications, received by individuals and legal persons for damages caused by them under art. 202;
11. other receivables on the basis of a normative act.

(2) (new - SG 65/06, in force from 11.08.2006) Fees under para 1, item 1 and fines and proprietary sanctions under para 1, item 5 shall be received by the Enterprise for management of the activities for preservation of environment by a transfer from the budget accounts of the Basins Directorates or of the Ministry of Environment and Waters.

Art. 197. (1) (amend. SG 91/02) The funds of art. 196 shall be spent for:

1. (amend. - SG 65/06, in force from 11.08.2006) the construction of networks and the fulfilment of programs of waters monitoring under Section VIII of Chapter Ten;
2. (amend. - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) the elaboration and the updating of the river basin management plans of art. 149, para 1 and flood risk management plans under Art. 146i, par. 1;
3. (amend. - SG 65/06, in force from 11.08.2006) the activities for control over the waters, water sites, water economic systems and installations under section XI of Chapter ten;
4. studies and applied scientific investigations according to themes within the scope of the effect of the Act;
5. direct financing or co-financing of capital costs for acquiring of material long-term assets and for non tangible long term assets and for major repair, related to activities and measures within the scope of the effect of the present Act ;
6. direct financing or co-financing of activities or measures within the scope of the effect of the present Act , which are not capital costs;
7. construction of installations for improving the drinking-household water supply to the population, for collection and treatment of the household waste waters;
8. (new – SG 61/10) implementation of measures, arising out of application of the European laws regarding waters, including the requirements to reporting;
9. (prev. item 8, amend. – SG 61/10) payment for services of scientific and technical character,

expert statements and assessments, assigned by the competent bodies of art. 52, para 1;

10. (prev. item 9 – SG 61/10) supporting of the operational costs of the Basin Directorates, as well as the costs, related to the material-technical ensuring and the current activities of the Basin Councils;

11. (new - SG 65/06, in force from 11.08.2006; prev. item 9a – SG 61/10)) survey and management of mineral waters pursuant to Art. 14, item 2;

12. (prev. item 12, amend. – SG 61/10) other activities, related to the achieving of the objectives of art. 2.

(2) (amend. - SG 91/02) The funds of art. 196 shall be spent in accordance with the rules for work of the Enterprise for management of the activities for preservation of environment.

Art. 198. (1) The financing of projects, sites and measures within the scope of the effect of the present Act with funds from the state budget shall be done also through the granting of purposed subsidies.

(2) Projects, sites and measures with local importance shall also be financed with funds from the municipal budgets or with municipal off-budget funds.

### **Chapter eleven "a".**

## **MANAGEMENT, PLANNING AND BUILDING W & S SYSTEMS. PROVISION OF W & S SERVICES. REGISTRATION OF W & S ASSOCIATIONS AND W & S OPERATORS (NEW - SG 47/09, IN FORCE FROM 23.06.2009)**

### **Section I.**

#### **Management of Water Supply and Sewerage Systems (New - SG 47/09, in force from 23.06.2009)**

Art. 198a. (new - SG 47/09, in force from 23.06.2009) (1) For purposes of management, planning and building W & S systems and for providing W & S services the territory of the country shall be divided into individual territories.

(2) The boundaries of an individual territory may be changed depending on the accession or detachment of municipalities from it.

(3) The decisions for changing the boundaries of individual territories shall be adopted by the general meeting of the W & S association or by the municipal council.

(4) An individual territory shall cease to exist when all municipalities belonging to it accede another individual territory.

(5) The decision for cessation of the existence of an individual territory and for accession of municipalities belonging to it to another individual territory shall be adopted by the general meeting of the W & S association or by the municipal council.

Art. 198b. (new - SG 47/09, in force from 23.06.2009) (1) The management of W&S systems shall be carried out by:

1. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works, who shall coordinate the management of the W & S systems on national level;

2. the W & S association, in which shall participate the state and one or more municipalities - where the ownership in the W & S systems within the individual territory is distributed between the state and the municipalities or between several municipalities;

3. the municipal council - where within the boundaries of the individual territory there are W & S systems owned by only one municipality.

Art. 198c. (new - SG 47/09, in force from 23.06.2009) (1) The W & S association referred to in Art. 198b, Item 2 shall be a legal person with a seat and address at the regional administration of the individual territory.

(2) The W & S association shall not be a commercial company, shall not make and allocate profit.

(3) The management bodies of the W & S association shall be:

1. a general meeting, consisting of representatives of the state and the municipality/municipalities, determined under Art. 198f, Para 1 - 3;

2. a president, who shall be a representative of the state.

(4) Through its general meeting the W & S association shall:

1. (amend. – SG 96/17, in force from 02.01.2018) designate a W & S operator pursuant to this Act, or shall send representatives to the Commission which carries out the procedure for designation of a concessionaire under the order of the Concessions Act;

2. (amend. – SG 103/13) adopt a decision for signing a contract on behalf and the expense of the water supply and sewage system owner with the W & S operator for the assignment of the activities related to providing W & S services and maintaining the W & S systems, including assumption of financial obligations by W & S operators, and shall monitor the execution of the contract;

3. draw up and adopt the regional general plan of the W & S systems and facilities and the general plan of the W & S systems of agglomerations exceeding 10 000 e. r. within the individual territory;

4. draw up and adopt a long-term and a short-term investment programmes to the regional general plan of the W & S systems and facilities and a long-term investment programme to the general plan of the W & S systems and facilities of agglomerations exceeding 10 000 e. r. within the separated territory;

5. coordinate the business plan of the W & S operator;

6. (amend. – SG 96/17, in force from 02.01.2018) allocate to the owners the funds from the W & S operator under the contract for providing W & S services, in accordance with the proportion of their votes in percent, where there is more than one owner of the W & S systems;

7. adopt decisions for changing the boundaries of the individual territory;

8. adopt a decision for terminating the existence of the individual territory and the accession of its municipalities to another individual territory;

9. draw up and adopt its annual budget;

10. adopt its annual activity report.

(5) The president of the W & S association shall:

1. organize and manage its activity and represent it;

2. sign the contract with the W & S operator and other contracts on behalf of the W & S association;

3. organize the performance of the decisions of the general meeting of the W & S association;

4. approve the staff list, conclude, amend and terminate employment contracts with the employees of the W & S association;

5. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) annually, by the end of January, submit to the Minister of Regional Development and Public Works a report on the activity of the W & S association during the preceding year;

6. organize the control of the performance of the contracts with the W & S operators;

7. exercise other functions assigned by the regulations on the organization and activity of the W



& S association under Art. 198f, Para 7.

(6) The sessions of the general meeting of the W & S association shall be convened by its president.

(7) (amend. – SG 103/13, amend. – SG, 58/2015) The sessions shall be valid, if the representatives of the state and the municipalities holding at least two-thirds of all votes are present.

(8) Where in a W & S association participate the state and more than one municipality, the state shall have rights in 35 percent of the votes, and all municipalities shall allocate between each other 65 percent of the votes proportionally to the number of their population.

(9) (amend. – SG, 58/2015) The decisions of the general meeting of the W & S association shall be adopted by a majority of three-quarters from the votes, present under Para. 7, except the decisions for changing the boundaries of the individual territory, which shall be adopted unanimously.

(10) Where only the state and one municipality participate in a W & S association, the decisions shall be adopted unanimously.

(11) The activity of the W & S association shall be assisted by employees, appointed under the order of the Labour Code.

(12) The funds, required for the activity of the W & S association, shall be provided by the state and by the municipalities in accordance with the percentage ratio of their votes.

(13) (amend. – SG 66/13, in force from 26.07.2013) The funds referred to in Para 12 shall be at the expense of the budget of the Ministry of Regional Development and of the budgets of the municipalities.

Art. 198d. (new - SG 47/09, in force from 23.06.2009) In the cases of Art. 198b, Item 3 the municipal council shall:

1. (amend. – SG 96/17, in force from 02.01.2018) determine the W & S operator under the order of this Act;

2. adopt a decision on the conclusion of the contract with the W & S operator for the assignment of the activities related to providing W & S services and maintaining the W & S systems, including the assumption of financial obligations;

3. control the performance of the obligations of the W & S operator pursuant to the contract;

4. draw up and adopt the regional general plan of the W & S systems and facilities and the general plan of the W & S systems of agglomerations exceeding 10 000 e. r. within the individual territory;

5. draw up and adopt a long-term investment programme to the regional general plan of the W & S systems and facilities and a long-term investment programme to the general plan of the W & S systems and facilities of agglomerations exceeding 10 000 e. r. within the individual territory;

6. coordinate the business plan of the W & S operator;

7. adopt decisions for changing the boundaries of the individual territory.

Art. 198e. (new - SG 47/09, in force from 23.06.2009) (1) The W & S association or the municipal council may oblige the W & S operator to assume financial obligations in order to secure funds for development of the W & S systems, where:

1. such possibility is stipulated in the contract with the W & S operator;

2. the funds will be used for financing projects from the approved investment programme to the regional general plans or to the general plans of agglomerations exceeding 10 000 e. r.;

3. the financial condition of the W & S operator permits the assumption and servicing of the obligations;

4. the assumption of the obligations will not adversely affect the social tolerability of the price

of the W & S service.

(2) (amend. - SG 17/15, in force from 06.03.2015) The intent of the W & S operator to assume financial obligations for securing funds for the development of the W & S systems shall be entered into the business plan of the operator and shall be approved by CEWR.

(3) (amend. - SG 17/15, in force from 06.03.2015) Before the approval of the business plan by CEWR, including the obligations that are part of it, the W & S operator shall not assume financial obligations under Para 1.

(4) (Amend. – SG 96/17, in force from 02.01.2018) The funds received from the contract for provision of W & S services, shall be invested by the owners in the maintenance, modernization and expansion of the W & S systems within the individual territory.

Art. 198f. (new - SG 47/09, in force from 23.06.2009) (1) In the W & S association shall participate one representative of the state and one representative of each of the municipalities, included in the individual territory.

(2) The representative of the state in the W & S association shall be:

1. the regional governor of the administrative region, where the individual territory is located;
2. the regional governor of the administrative region, on the territory of which is located most of the individual territory - where the said individual territory is located on the territory of two or more administrative regions;

(3) The representative of the municipality in the W & S association shall be mayor of the municipality, and where he cannot participate, the municipal council shall determine another representative.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Before every session of the general meeting of the W & S association the regional governor shall coordinate with the Minister of Regional Development and Public Works, in accordance with their competences, the position of the state regarding the questions from the agenda and shall be granted the mandate to represent it.

(5) The position and mandate of the representative of the municipality for the sessions of the general meeting of the W & S association shall be coordinated in a procedure, determined by the municipal council.

(6) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) After every session of the general meeting of the W & S association the regional governor shall inform in writing the Minister of Regional Development and Public Works and the municipal councils about the discussed questions and the adopted decisions.

(7) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The organization and activities of the W & S associations shall be determined in regulations, issued by the Minister of Regional Development and Public Works upon coordination with the Minister of Environment and Waters.

Art. 198g. (new - SG 47/09, in force from 23.06.2009; amend. – SG 103/13) Assigning of management of W & S systems and facilities, which are public state, respectively public municipal property, to the W & S association in the individual territory shall be done subject to compliance with the provisions of this act.

Art. 198h. (new - SG 47/09, in force from 23.06.2009) The W & S association or the municipal council shall be entitled to free access to the information systems and documents of other state

authorities and local self-government authorities, as well as of all institutions and authorities maintaining registers and information systems specified in an Act, where the data from the information systems and the documents are related to the regulation of the W & S services and the ownership in the W & S systems.

## **Section II.**

### **Development planning of the water supply and sewerage systems (new - SG 47/09, in force from 23.06.2009)**

Art. 198i. (amend. – SG 47/09, in force from 23.06.2009) (1) Development planning of the water supply and sewerage systems and facilities shall be carried out by:

1. W & S regional general plans, and
2. W & S general plans of agglomerations exceeding 10 000 e. r..

(2) As regards to one separated territory there may be one regional general plan and as many general plans of agglomerations as necessary.

(3) The plans mentioned in para 1 shall be worked out for a period of 25 years.

(4) The regional general plan covers the whole separated territory and contains at least the following:

1. analysis of the state and the necessities of the W & S systems and facilities of the respective territory;

2. analysis of the price and the quality of the W & S services provided in the separated territory as well as a development prognosis for the W & S service with the purpose of users' satisfaction, water loss reduction and guaranteeing good quality of the service at socially acceptable price;

3. goals and priorities for development of W & S systems and facilities in the separated territory in order to be in conformity with the European Union law and with the programmes of measures related to collection, discharge and treatment of waste waters from urbanized territories provided in the respective management plan of the river basin;

4. populated areas with more than 10 000 e.r., for which general plans of agglomerations are being worked out as well as timetables for their adoption;

5. a long-term investment programme for the implementation of the plan and a short-term investment programme for the first five-year period;

(5) The general plans of agglomerations only cover given agglomeration and shall include at least the following:

1. analysis of the state and the necessities of the W & S systems and facilities in the agglomeration;

2. analysis of the price and the quality of the W & S services provided in the agglomeration as well as a development prognosis for the W & S service with the purpose of users' satisfaction, water loss reduction and guaranteeing good quality of the service at socially acceptable price;

3. goals and priorities for development of W & S systems and facilities in the agglomeration in order to be in conformity with the European legislation and with the programmes of measures related to collection, discharge and treatment of waste waters from urbanized territories provided in the respective management plan of the river basin;

4. a long-term investment programme for the implementation of the plan and a short-term investment programme for the first five-year period.

(6) The general plans of agglomerations within one separate territory shall be worked out according to the regional general plan.

Art. 198j. (amend. – SG 47/09, in force from 23.06.2009) (1) Regional general plans and general plans of agglomerations shall be worked out by the W & S association or by the municipal council.

(2) Regional general plans and general plans of agglomerations mentioned in para 1 shall be examined and analyzed, as well as updated, where necessary, at least every five years under the terms provided in this Act.

Art. 198k. (amend. – SG 47/09, in force from 23.06.2009) (1) Prior to the adoption of regional general plans, general plans of agglomerations and investment plans thereto:

1. they shall be subject to ecological assessment pursuant to the Environmental Protection Act;

2. they shall be examined and approved by the competent river basin directorate, and in those cases where the said plans cover more than one river basin directorate – by the Minister of Environment and Waters;

3. they shall be approved by the regional development councils, and in those cases where the respective territory is in the region of two or more administrative districts – by each regional development council.

Art. 198l. (amend. – SG 47/09, in force from 23.06.2009) (1) (amend. – SG, 58/2015) When working out long-term investment programmes for implementation of regional general plans and general plans of agglomerations shall be observed the principle of single price of W & S service of the separate territory.

(2) (new – SG, 58/2015) The principle under Para. 1 shall be observed obligatorily for the prices of WaS services (supply of water to consumers and/or to other WaS operators” and “discharge of waste waters”. The price for WaS service “purifying waste waters” may be defined differently for groups of consumers depending on the level of contamination under the Act on Regulation of Water-supply and Sewage Services and the instruments of its implementation.

(3) (former Para. 2 – SG, 58/2015) The projects in the investment programme shall correspond to the goals, priorities and prognoses of the respective regional general plan or the respective general agglomeration plan and the programmes of measures in the respective river basin management plan.

Art. 198m. (amend. – SG 47/09, in force from 23.06.2009) (1) The W & S operator shall work out a business plan on the grounds of the regional general plans and the general agglomeration plans.

(2) The business plan of the respective W & S operator shall be approved by the W & S association or by the municipal council. In case any inconsistency with the general plans, investment programmes and the assignment contracts is found in the business plan, the W & S association or the municipal council shall return it with a grounded statement and instructions.

(3) The business plans of the W & S operators shall be approved according to The Regulation of Water Supply and Sewerage Services Act.

### **Section III.**

#### **Construction of water supply and sewerage systems (new - SG 47/09, in force from 23.06.2009)**

Art. 198n. (amend. – SG 47/09, in force from 23.06.2009) (1) The state and the municipalities shall assign the construction of W & S systems and facilities – public state or municipal property according to the regional general plans and the general agglomeration plans as well as the investment

programmes thereto. The W & S operators may assign the construction of W & S systems and facilities, if they are authorized to do that pursuant to the W & S services contract.

(2) Municipalities can construct water supply and sewerage sites which comply with the municipal development plan, but do not meet the requirements laid down in the plans and programmes under para 1, provided that the additional expenses for their management, maintenance and operation are not included in the prices of the W & S services formed by the W & S operator in the separated territory. These extra expenses shall be paid by the users of W & S services provided by means of the constructed site, given that the W & S operators form individual prices.

(3) The investment design and construction of W & S systems and facilities shall be carried out according to the approved specialized W & S schemes to the development plans under Chapter Seven, Section III of the Spatial Planning Act.

(4) During construction of W & S systems and facilities mentioned in para 1 the terms of building up the real estates may not be deteriorated and the form of permanent land use may not be impeded. The only exception provided in the Spatial Planning Act is in those cases where there is no other technical option or if the technical solution obviously is economically inexpedient.

(5) Construction of W & S system or parts thereof which pass through or affect sites related to the national security shall only be allowed as an exception and in case of well-grounded necessity.

(6) The exception of para 5 shall be allowed by an order of the head of the department managing the respective site. This order shall also set the terms of access to the site during the survey, design and construction of the W & S system or parts thereof.

(7) When putting into exploitation the W&S system under para 5 the heads of the department that manages the affected site shall define the admission regime of the W&S operator which is obligatory at the time of carrying out the activities related to management and maintenance of the W&S system or the part thereof within the boundaries of the site.

(8) The design, construction, putting into exploitation and maintenance of W&S systems shall be carried out under the terms and following the procedures laid down in the Spatial Planning Act and this Act.

#### **Section IV.**

#### **Provision of W&S services. Management, operation and maintenance of W&S Systems (new - SG 47/09, in force from 23.06.2009)**

Art. 198o. (amend. – SG 47/09, in force from 23.06.2009) (1) Management, operation and maintenance of W&S systems and facilities, as well as provision of W&S services to users against payment shall be carried out by W&S operators under the terms and following the procedures laid down in this Regulation of Water Supply and Sewerage Services Act.

(2) Within a single separated territory the activities as per para 1 may be carried out by one W&S operator, except for the cases of para 6.

(3) One W&S operator may carry out the activities enlisted in para 1 in more than one separate territory.

(4) The W&S through its chairperson or the municipal council through the mayor of the municipality shall authorize the respective W&S operator to carry out the activities mentioned in para 1 by assignment under the terms laid down in this Act and the Concessions Act regarding sites specified in Art. 13, para 1, items 5 through 7 and Art. 19, para 1, t. 4, letters "a" and "b" and para 2.

(5) W&S operators are traders, state or municipal undertakings – legal persons who have concluded contracts with the chairperson of W&S association or with the mayor of the municipality according to a decision of the municipal council for management, operation and maintenance of the W&S systems and provision of W&S services within one or more separated territories, given that

provision of W&S services is their main activity.

(6) Traders, state or municipal undertakings – legal persons who carry out services related to supply and treatment of waters for drinking and domestic purposes, public necessities, for production, industrial and other activities of commercial nature or activities related to waste waters treatment and deviation shall not service the whole separate territory, but individual users and shall provide these services in conformity with the requirements of this Act and the Regulation of Water Supply and Sewerage Services Act.

(7) The requirements and criteria for W&S operators shall be specified by an ordinance of the Council of Ministers.

(8) The ordinance under para 7 shall also define the professional and qualification requirements to the technical staff of the W&S operators, as well as the terms and the procedure for conducting a training.

Art. 198p. (amend. – SG 47/09, in force from 23.06.2009) (1) (suppl. – SG 103/13) The assignment of the activities as per Art. 198o, para 1 shall be done under a contract subject to compliance with the provisions of this act or according to the Concessions Act.

(2) (Amend. – SG 96/17, in force from 02.01.2018) The chairperson of the W&S association and representatives elected by the General Assembly shall participate as members in the Commission for conducting the procedure for designation of a concessionaire for the W&S associations.

(3) (amend. – SG 103/13) The W&S operators shall acknowledge in their balance of accounts (financial statement) the proprietary rights, granted to them under the contracts referred to in par. 1, on the provided to them W&S systems and facilities which are public property, and shall calculate depreciation cost thereof subject to compliance with the provisions of Accountancy Act. These depreciation costs shall be re-invested by the W&S operators in the infrastructure according to the approved investment programs attached to their approved business plans.

(4) (amend. – SG 103/13) W&S operators shall pursue their duties under the contract referred to in par. 1 until the newly selected W&S operator starts to provide the W&S service.

(5) (new – SG 103/13) The contract under par. 1 shall determine as a minimum:

1. the scope of activities and the responsibilities of W&S operator for the provision of W&S services;

2. the obligations of W&S operator for the operation, maintenance and reconstruction of W&S systems and facilities;

3. investment obligations of W&S operator for the construction of new W&S systems and facilities;

4. the terms and conditions and the procedure of submitting to the W&S operator for operation of newly commissioned and scheduled for construction W&S systems and facilities within the specified territory;

5. the procedure of submission for operation of W&S systems and facilities to the W&S operator;

6. the procedure of submission of W&S systems and facilities by the W&S operator after the termination of the contract;

7. the criteria and the parameters of monitoring of W&S operator's activity;

8. the term of validity of the contract;

9. the parties' responsibilities in case of non-fulfilment of their contractual obligations;

10. the reasons and the procedure of termination of the contract;

11. (amend. - SG 17/15, in force from 06.03.2015) the terms and conditions of undertaking and repayment of financial liabilities by the W&S operator operating within the respective specific territory, included in their business plan, approved by the CEWR;

12. the terms and conditions under which the W&S operator continue their activity according to the approved business plan and the general terms and conditions for the provision of W&S services.

(6) (new – SG 103/13) W&S operator of the respective specified territory shall accept for operation the W&S systems and facilities with the relevant documentation, required for their operation.

### **Section V.**

#### **W & S services single information system. Register of W & S associations and W & S operators (new – SG 47/09, in force from 23.06.2009)**

Art. 198q. (amend. – SG 47/09, in force from 23.06.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) In order to insure publicity and transparency of the activity related to provision of W&S services, the Ministry of Regional Development and Public Works shall establish and keep:

1. W & S services single information system, and
2. a register of the W & S associations and of the W & S operators.

Art. 198r. (amend. – SG 47/09, in force from 23.06.2009; amend. - SG 15/16) W&S services single information system shall provide:

1. public access to users to information concerning the development and regulation of W&S services in the state as well as information about the prices of the services of W&S operators, the water loss reduction indices as well as the other main indices, approved by the business plans of W&S operators.

2. information concerning the state authorities, W&S associations, municipalities and W&S operators in relation to the implementation of this Act and the development of the W&S sector;

3. opportunity to make inquiries in the business plans.

Art. 198s. (amend. – SG 47/09, in force from 23.06.2009) (1) W & S associations and W & S operators shall be entered in the register as per Art. 198r, item 2 by separate territories.

(2) The register under para 1 shall include information about:

1. the separate territories:

a) territorial scope and boundaries;

b) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the resolution of the Minister of Regional Development and Public Works which defines the separate territory as such and has been promulgated in the State Gazette;

c) decisions on any changes in the separate territory;

d) the W & S association carrying out activity on the separate territory – company name and address;

e) the W & S operator carrying out activity on the separate territory – name and address;

2. W & S associations:

a) address and seat;

b) managing bodies;

3. W & S operators:

a) commercial firm – company name, seat and registered office, registration of the W & S operator according to the legislation at the time of registration;

b) managing bodies, representation and the persons who represent the operator;

c) number of the staff and qualification of employees;

- d) a copy of the contract for carrying out the activities;
  - e) W & S services carried out – by type, location and number of users, including the price of these services;
  - f) annual financial reports for the preceding year;
  - g) the penalties imposed on the W & S operator by the control bodies;
  - h) other information specified by the ordinance as per Art. 198v.
4. the persons referred to in Art. 198o, para 6 carrying out activity in the separate territory – name, seat and address, managing bodies.
  5. other information specified by the ordinance as per Art. 198v.

Art. 198t. (amend. – SG 47/09, in force from 23.06.2009) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) W & S operators shall submit to the Minister of Regional Development and Public Works an application for entry in the register in a form, approved by the ordinance as per Art. 198v.

(2) W & S operator shall be deleted from the register in the following cases:

1. winding up of the legal person of the operator of a state or municipal undertaking;
2. discontinuing the activity related to provision of W & S services as a result of termination of the contract;
3. effective decision for initiation of insolvency proceedings;
4. other circumstances specified in the ordinance as per Art. 198v.

(3) W & S operators are obliged to announce each change of a circumstance - subject to entry in the register, in order to be registered there in within 14 days from its occurrence.

(4) (amend. – SG 66/13, in force from 26.07.2013) Deletion from the register shall be carried out by the Minister of Regional Development.

Art. 198u. (amend. – SG 47/09, in force from 23.06.2009) The single information system and the register are public and access thereto shall be provided through the internet.

Art. 198v. (amend. – SG 47/09, in force from 23.06.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The terms and the procedure for creation and maintenance of the Single information system and the register as per Art. 198q shall be laid down by an ordinance of the Minister of Regional Development and Public Works.

## **Chapter twelve.**

### **ADMINISTRATIVE-PUNITIVE AND CIVIL RESPONSIBILITY**

Art. 199. (1) The Minister of Environment and Waters shall be able to order compulsory administrative measures, in the cases of:

1. (amend. - SG 65/06, in force from 11.08.2006) emergency or disaster situations, caused by the action or inaction of water users in the process of water taking and/or use of the water sites and the operation of the water economic systems and installations;
2. (amend. - SG 65/06, in force from 11.08.2006) arising of immediate danger from pollution, damage or destruction of the environment, of people or property of the state, the municipalities, individuals or legal persons as a result of the action or inaction of water users.
3. (new - SG 65/06, in force from 11.08.2006) water taking from mineral waters without a



permit issued or a granted concession.

(2) In the order of para 1 shall be determined the argumentation and the amount of the costs of carrying out the necessary activities and measures.

(3) The costs are covered by the persons who are obliged under the force of the Act or the permit to carry out the activities and the measures under para 2.

(4) (amend. - SG 91/02) The costs of this Art. shall be possible to be paid in advance using funds from the Enterprise for management of the activities for preservation of environment after the enforcement of the order of para 1, the liable person shall be obliged to repay them.

(5) (amend. – SG 12/09, in force from 01.05.2009) If the responsible person does not do so the claim shall be subject to compulsory execution by the order of the National Revenue Agency Act.

(6) (amend. - SG 30/06, in force from 12.07.2006, suppl. - SG 77/18, in force from 01.01.2019) The order of para 1 shall be possible to be appealed against by the affected persons before the relevant administrative court by the Administrative procedure code.

Art. 199a. (new - SG 81/00) (1) For applying the compulsory administrative measures the Minister of Environment and Waters shall:

1. (amend. - SG 65/06, in force from 11.08.2006) terminate the water taking and/or the using of the water sites;

2. (amend. - SG 65/06, in force from 11.08.2006) stop the activities as a result of which the waters are polluted or the river courses or the river banks are destroyed;

3. stop the activities, as a result of which public interests and/or acquired rights are affected.

(2) (amend. - SG 65/06, in force from 11.08.2006) The applying of the compulsory administrative measures shall be carried out by empowered by the Minister of Environment and Waters by:

1. (amend. - SG 65/06, in force from 11.08.2006) sealing of water taking facilities;

2. sealing sites whose activity pollutes the waters;

3. (amend. - SG 65/06, in force from 11.08.2006) sealing machines and equipment which destroy the river courses and river banks.

Art. 199b. (New - SG 58/15, in force from 01.01.2016) (1) (Amend. - SG 55/18) The Chairperson of the State Agency for Metrological and Technical Surveillance, or an official authorized by him, shall apply a compulsory administrative measure by ordering the temporary decommissioning of the dam walls and the facilities to them, until they meet the technical standards.

(2) (Amend. - SG 55/18) The enforcement of a compulsory administrative measure shall be carried out in the event of imminent danger of loss of life, damage or loss of property and/or damage to the environment, when the danger is the result of the action or inaction of any owner, operator, concessionaire or leaseholder of a dam.

(3) (Amend. - SG 55/18) Temporary decommissioning of dams and of facilities to them shall be accomplished by the complete emptying of the reservoir of the dam, done by:

1. (amend. - SG 17/21) the concessionaire - when the dam is assigned on concession;

2. the leaseholder - when the dam is leased;

3. the owner - when the grounds under items 1 and 2 are not present.

(4) (New - SG 55/18) In the order under Para. 1 shall be determined the person liable and the costs of implementing the measure.

(5) (New - SG 55/18) In case of non-fulfillment of the order with which the compulsory administrative measure has been applied, the temporary decommissioning of the dam and the facilities thereto shall be carried out by the District Governor at the location of the dam.

(6) (New - SG 55/18) The cost of the enforcement of the compulsory administrative measure shall be borne by the persons under Para. 3. Where, in the cases under Para. 5, the liable person fails to reimburse the costs incurred, the claim shall be enforceable according to the procedure established by the National Revenue Agency Act.

(7) (Previous Para. 3 - SG 55/18) The compulsory administrative measures under Para. 1 for the dams according to Annex 1 to Art. 13, item 1 shall be implemented by decision of the Council of Ministers.

(8) (Previous Para. 4, amend. - SG 55/18) The acts under Para. 1 and 7 may be appealed against by the persons concerned in accordance with the Administrative-Procedure Code. The appeal of the acts under Para. 1 and 7 shall not stop their execution.

Art. 200. (1) With a fine shall be punished, respectively proprietary sanction, if not subject to more severe fine, the individual or the legal person that:

1. (amend. - SG 65/06, in force from 11.08.2006) uses waters without the necessary justification or in detraction from the provided conditions in the permit or the contract:

a) for quantity up to 1 l/s - from 150 levs to 1000 levs;

b) for quantity from 1 l/s to 10 l/s - from 500 levs to 5,000,000 levs;

c) for quantity from 10 l/s to 100 l/s - from 1000 levs to 10 000 levs;

d) (amend. - SG 61/10) for quantity over 100 l/s - from 10 000 levs to 25 000 levs.

2. (amend. - SG 65/06, in force from 11.08.2006) uses water sites, water economic facilities and systems or constructs such without the necessary justification, or in violation of the provided conditions in the permit - from 2000 levs to 10 000 levs;

3. (amend. - SG 65/06, in force from 11.08.2006) contaminants the waters, destroys the water courses or the river banks in violation of the bans, contained in art. 132, 134, 143 and 144 - from 5000 levs to 15 000 levs.

4. (amend. - SG 65/06, in force from 11.08.2006; amend. - SG 61/10) violates the rules for declaring, accounting and control during the implementation of the permitted water taking or use of a water body - from 150 levs to 1000 levs;

5. breaks water economic and hydro-metric installations and devices or violates the proper operation and the regulated regimes of their operation - from 500 levs to 5000 levs.

6. (amend. - SG 65/06, in force from 11.08.2006) discharges waste waters into the water sites and the sewerage system violating the emission standards and requirements - from 1000 levs to 5000 levs.

7. uses the lands adjacent to the water sites or the lands of the flooded coastal or river bank areas not for their designation - from 2000 levs to 10 000 levs.

8. misrepresents information about emergency situations in the water sites - from 500 levs to 5000 levs.

9. misrepresents design documentation about the facilities which can affect the natural state of the waters - from 5000 levs to 10 000 levs.

10. does not provide access of the control bodies for carrying out measurements and analyses - from 150 levs to 500 levs;

11. destroys or counterfeits data and information - from 1000 levs to 10 000 levs.

12. (amend. - SG 65/06, in force from 11.08.2006) does not fulfil an obligation to inform the competent bodies about circumstances being important for the water protection and protection from their adverse effect- from 200 to 2 000 levs.

13. damages or destroys points or stations from the national monitoring networks - from 10 000 levs to 25 000 levs.

13a. (new - SG 55/18) damages or destroys elements of the control and measurement systems

of the dams - from BGN 10 000 to BGN 25 000;

14. does not execute the obligation for announcing the restrictions and the bans of art. 42 - from 200 levs to 2 000 levs.

15. (revoked – SG 53/14)

16. for all remaining cases of violation of bans or non-execution of obligations under the present Act - from 150 levs to 1 500 levs.

17 (new - SG 65/06, in force from 11.08.2006) carries out water taking for business purposes or outfall of waste waters without an installed or sealed measuring device 0 from 500 to 5000 levs;

18. (new - SG 65/06, in force from 11.08.2006) hinders control bodies from fulfillment of their obligations under this present Act – from 1000 to 5000 levs;

19. (new - SG 65/06, in force from 11.08.2006) breaks the set protection regimes within the boundaries of the sanitary-protection zones – from 2000 to 10 000 levs;

20. (new - SG 65/06, in force from 11.08.2006) does not maintain protection facilities and the marking of sanitary protection zones – from 500 to 1000 levs;

21. (new - SG 65/06, in force from 11.08.2006) constructs or uses a construction site beyond the purposes of the granted right for using waters in a distance of 50 m away from the water stream – from 2000 to 10 000 levs;

22. (new - SG 65/06, in force from 11.08.2006) places floating construction works in a distance not less than 1000 m away from dam walls and related facilities – from 10 000 to 25 000 levs;

23. (new - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015, in force from 1. 1. 2016) extract alluvial deposits from water sites, using machinery without a permit for water site usage – from 20 000 to 50 000 levs;

24. (new - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015, in force from 1. 1. 2016) breaches the prohibitions under Art. 118a, para, 1 and Art. 118c, Para. 1 – from 2000 to 10 000 levs;

25. (new - SG 65/06, in force from 11.08.2006) does not fulfill measures, set out in the programs under Section V of Chapter Ten – 1000 to 5000 levs;

26. (new - SG 65/06, in force from 11.08.2006) operates water taking facilities for drinking-household water supply or for mineral waters without having established a sanitary – protection zone – from 1000 to 5000 levs;

27. (new - SG 65/06, in force from 11.08.2006; amend. and suppl. – SG 61/10) exceeds the permitted water quantities from the complex and significant dams or fails to observe the specified maximum volume in the schedules under Art. 53, para 1 – from 1500 to 5000 levs;

28. (new - SG 65/06, in force from 11.08.2006) does not abandon or does not liquidate water taking facilities, which are not being used – from 300 to 1000 levs;

29. (new - SG 65/06, in force from 11.08.2006) does not carry out own monitoring of quantity and/or quality of waters – from 500 to 5000 levs;

30. (new - SG 65/06, in force from 11.08.2006) does not repair the damage of the measuring devices within the term under Art. 194a, para 3 – from 2000 to 5000 levs;

31. (new - SG 65/06, in force from 11.08.2006) does not fulfill or allows non-fulfillment of prescriptions of control bodies – from 1000 to 5000 levs;

32. (new - SG 65/06, in force from 11.08.2006) impedes exercising of rights, granted under the provisions of this present Act – from 2000 to 5000 levs;

33. (new - SG 65/06, in force from 11.08.2006) fails to fulfill his/her obligations under Art. 44, para 4 and 5 - from 300 to 500 levs;

34. (new - SG 65/06, in force from 11.08.2006; suppl. – SG 61/10) supplies water for drinking and household purposes of a quality, not conforming to the requirements of the regulation of Art. 135, par. 1, item 3 – from 5000 to 15 000 levs;

35. (new - SG 65/06, in force from 11.08.2006) does not carry out own monitoring of the

quality of the water for drinking and household purposes and/or does not submit data from the accomplished monitoring to the bodies under Art. 155a and 189 – from 1000 to 5000 levs;

36. (new - SG 65/06, in force from 11.08.2006) does not inform users in case of identified discrepancies in the quality of the water for drinking and household purposes, when the discrepancies can cause a health risk – from 10 000 to 25 000 levs;

37. (new - SG 65/06, in force from 11.08.2006) supplies water for drinking and household purposes in cases under Art. 48, para 3 without issued permit under Art. 155a, para 1, item 1 – from 10 000 to 25 000 levs;

38 (new – SG, 58/2015, in force from 1. 1. 2016) fails to fulfil obligation under Art. 141, Para. 1 – from 1000 to 10 000 levs;

39. (new - SG, 58/2015, in force from 1. 1. 2016, amend. - SG 55/18) fails to fulfil prescription under Art. 138a, Para. 3, item 5 or obligation under Art. 190a, Para. 2 – from 1000 to 20 000 levs;

40. (new - SG, 58/2015, in force from 1. 1. 2016, amend. - SG 55/18) fails to fulfil order under Art. 199b, Para. 1 and 7 – 10 000 BGN;

41. (new - SG, 58/2015, in force from 1. 1. 2016) fails to fulfil his obligation under Art. 138c, Para. 1 – from 10 000 to 50 000 levs;

42. (new - SG 55/2018) for non-fulfillment of obligations of the ordinance under Art. 141, Para. 1, item 3, or under Art. 141, Para. 2 - from 200 BGN to 1 000 BGN;

43. (prev. text of Item 17, amend. - SG 65/06, in force from 11.08.2006, former p. 38 - SG, 58/2015, in force from 1. 1. 2016, previous item 42 - SG 55/18) in any other case of breach of prohibitions or non-fulfilment of obligations under this present Act – from 500 to 2000 levs.

(2) With the fine of para 1 shall also be punished the individual or the representative of the legal person ordered or assigned the carrying out of activities of para 1 when the activities themselves represent an administrative violation.

(3) When the violation of para 1, items 2, 3, 7 and 13 is construction, the fine or the sanction shall be from 10 000 levs to 25 000 levs.

(4) For a second violation of para 1 and 2 the fine or the sanction shall be from 1000 to 50 000 levs.

Art. 200a. (new - SG 65/06, in force from 11.08.2006) (1) (amend. and suppl. – SG 61/10) An official, allowing introduction of new users, out falling waste waters to sewerage systems of settlements, residential and resort areas, in cases, when the sewerage system cannot provide discharging and treatment of waste waters before the amendment of the issued permits or granting new permits for outfall of waste waters and before installation or extension of required waste waters treatment facilities, shall be imposed a fine from 5000 to 15 000 levs.

(2) An official, failing to fulfill his/her obligations under the law or allowing another person not to fulfill his/her obligations under the law except for the cases under para 1, shall be imposed a fine from 500 to 1000 levs.

(3) An official, breaking imperative provisions of legislative acts related to application of this Act shall be imposed a fine from 500 to 1000 levs.

Art. 200b. (new - SG 65/06, in force from 11.08.2006; revoked – SG 77/12, in force from 09.10.2012)

Art. 201. (1) (amend. and suppl. - SG 65/06, in force from 11.08.2006, suppl. – SG, 58/2015) The acts for establishing the violations of art 200, para 1 with the exception of the breaches under p. 16

and p. 34- 41 shall be compiled by officials, assigned by the Minister of Environment and Waters or by the Directors of the Basin Directorates.

(2) (amend. - SG 81/00; amend. and suppl. - SG 65/06, in force from 11.08.2006, suppl. – SG, 58/2015) The punitive decrees under Para. 1 shall be issued by the Minister of Environment and Waters or officials authorised by him or by the Directors of the Basin Directorates.

(3) (amend. - SG 65/06, in force from 11.08.2006) The acts about the violations of art 200, para 1, items 2, 5 and 7 shall also be compiled by officials authorised by the bodies of art. 190, para 1 and 2.

(4) (suppl. - SG 81/00, amend. SG 108/01; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 82/09, in force from 16.10.2009; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG, 14/2015, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The punitive decisions of para 3 shall be issued by the Minister of Regional Development and Public Works, the Minister of Agriculture and Food, the Minister of Transport, Information Technology and Communications and the Minister of Energy or by officials authorised by the respective Minister.

(5) (amend. - SG 65/06, in force from 11.08.2006; revoked – SG 53/14)

(6) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009; revoked – SG 53/14)

(7) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 70/08) Acts about the breaches of art. 200, para 1, item 16 and item 34 – 37, and also under Art. 200, par. 1, item 18 – 20 in case of exercising control under Art. 155a, par. 3, item 5 shall also be compiled by officials determined in the Health Act.

(8) (suppl. - SG 81/00; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 98/10, in force from 01.01.2011) The punitive decisions of Para 7 shall be issued by the Director of the Regional Health Inspection.

(9) (new – SG 80/11, in force from 14.10.2011) Acts of breach in case of exercising of the powers referred to in Art. 191, par. 3 shall be produced by officials, authorised by the respective regional governor.

(10) (new – SG 80/11, in force from 14.10.2011) The punitive decisions referred to in par. 9 shall be issued by the respective regional governor.

(11) (new – SG, 58/2015, in force from 1. 1. 2016, amend. - SG 55/18) The acts for the breaches under Art. 200, Para. 1, items 13a, 18, 22 and 43 in the cases of exercising control as per Art 190, Para. 4 and as per item 38 to 42 shall be drawn up by officials authorized by the Chairperson of the State Agency for Metrological and Technical Surveillance.

(12) (new – SG, 58/2015, in force from 1. 1. 2016) The penal decrees under Para. 11 shall be issued by the chairperson of Metrological and Technical supervision State Agency or by officials, authorized by him.

(13) (prev. par. 9 – SG 80/11, in force from 14.10.2011, former Para. 11 – SG, 58/2015) The establishing of the violations, the issuing, the appealing against and the execution of the punitive decisions shall be implemented pursuant to the Administrative Violations and Penalties Act.

Art. 202. (1) Everybody shall be obliged to remedy the damages, which he has guiltily incurred to other persons in violation of the existing provisions for the use and protection of the waters and of the conditions of the issued permits.

(2) (amend. - SG 65/06, in force from 11.08.2006) The responsibility for damages of para 1 shall not exempt the person from paying for the water intake, as well as from the costs for restoration of the previous status.

(3) In the cases when is damaged the vegetation and the fauna in the water sites which are

public state property, the authorised body for laying the claims for remedy of the damages 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. the mayor of the municipality, if the damages have occurred on the territory of one municipality.

(4) (amend. – SG 59/07, in force from 01.03.2008) The claims of para 2 and 3 shall be also possible to be laid by non profit organisations, whose subject of activity is the environmental protection. In this case the court shall officially implement art. 26, par. 4 of the Civil Procedure Code.

Art. 202a. (new - SG 65/06, in force from 11.08.2006) Fines and proprietary sanctions shall be paid to the account of the control body, indicated in the act, under which they have been imposed.

Art. 203. (new, SG 81/00; amend., SG 84/03; amend. – SG 59/07, in force from 01.03.2008) The consumers and the users of water and using the services of draining and purification of waste waters and other services stipulated by this Act - irregular debtors, shall be responsible for their liabilities, whereas the provider of the service may require issuing of an order for execution of art. 410, par. 1 of the Civil Procedure Code, regardless the amount of the liability.

### **Additional provisions**

§ 1. (1) Under the present Act :

1. "water regime" is a complex of parameters characterising the quantitative and qualitative state of the waters in the water sites and its change in time and space;

2. (suppl. - SG 65/06, in force from 11.08.2006) "water balance" is the ratio between the precipitation, the run-off, the evaporation and the filtration, characterising the quantitative condition of the waters by the river basins and by water sites;

3. "water resources" are the surface and underground waters, contained in the water sites, which are used or can be used;

4. "water economic balance" is the correlation between the available water resources and the needs for water according to time and place, determined with objective to be identified the possibilities for meeting the water demand;

5. "water economic relations" are the relations which have arisen in the process of activities of the persons, related to the use, restoration and protection of the waters and the water sites;

6. (amend. - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) "aquifer" is one or more water saturated geological layers of rocks, etc., porosity and water permeability, allowing inflow or drawing of considerable quantities of underground waters;

7. (amend. - SG 65/06, in force from 11.08.2006) "water taking" includes all activities related to the abstraction of waters from the water sites;

8. "recycled water" is that part from the waters granted for use, which is returned back to the water sites;

9. "admissible abstraction" is the abstraction within the admissible decrease of the water level, the admissible temperature changes, the admissible water quality and the admissible impact on the environment;

10. (amend. – SG 61/10) "operational resources of the mineral waters" is the admissible and technically possible average annual abstraction of mineral waters;

11. (amend. - SG 65/06, in force from 11.08.2006) "individual emission restriction" are the values of the mass, expressed by some specific parameters, concentration and/or emission level, set out in the permits for outfall of waste waters with application of combined approach, which should not be exceeded during certain period of time;

12. (amend. - SG 65/06, in force from 11.08.2006) "pollution" is any direct or indirect introduction into air, waters or soil as a result of the human activities, of substances or heat, which can :

a) be harmful for the human health or for the quality of water environmental systems, or of the directly dependant on them terrestrial environmental systems;

b) cause material damages;

c) impair or hinder established by the laws use of environment;

13. "earth bowels" is that part of the Earth crust, accessible for the human activities;

14. "springs" are the natural, ascending or descending, under pressure or non-pressure flow of underground waters at the earth surface;

15. (revoked - SG 65/06, in force from 11.08.2006);

16. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "river bank flooded strips" are the lands which are flooded:

a) within the boundaries of the corrections of the rivers in the settlements and between the river and the dikes, if there are dikes;

b) (suppl. – SG, 58/2015) at flowing of average milty-year maximum water quantities with security of 5 per cent or once in 20 years – for the river sections without constructed corrections or protective structures;

17. (amend. - SG 65/06, in force from 11.08.2006, amend. - SG, 58/2015, amend. - SG 17/21) "mineral waters" are the ones, indicated in Annex No 2 to the present Act and in the other cases - for which has been issued a certificate and/or complex balneological assessment by the Ministry of Health;

18. (amend. - SG 65/06, in force from 11.08.2006) "monitoring of waters" are measurements, observations and assessments for determining the condition of the waters;

19. "solid waste deposits" are the piled up technological wastes from the investigation, extraction and/or the preliminary processing of mineral resources, with the exception of tailings ponds and slag ponds;

20. (amend. - SG 65/06, in force from 11.08.2006) "non-foreseeable or extraordinary" are exceptional circumstances, caused by natural calamities of accidental situations, the occurrence of which cannot be predicted and the consequences of which cannot be prevented

21. (amend. - SG 65/06, in force from 11.08.2006) "level of average waters" is the level of the water surface, corresponding to the average over-year water quantities, flowing through the river course;

22. "second" is the violation which was done within one year term after the punitive decision with which the offender has been punished for a violation of the same kind;

23. (amend. - SG 65/06, in force from 11.08.2006) "surface waters" are overland waters, except for underground waters, as well as transitional waters and in-shore sea waters apart from the chemical condition, whereas in this case inland sea waters and territorial sea waters are included;

24. (amend. - SG 65/06, in force from 11.08.2006) "underground waters" are all waters, located under the surface of the earth within the water saturated zone, in direct contact with earth layers;

25. "use" of the water site is any activity, which while not connected with abstraction of its waters, has the potential to influence the regime of waters;

26. (amend. – SG 61/10) "adjacent lands of reservoirs" are the lands which are flooded at the highest water level of the reservoir, allocated for overflowing of water quantity with evaluating probability ;

27. (amend. - SG 65/06, in force from 11.08.2006) "adjacent lands to rivers" are the lands from

the river courses which are flooded during the level of average waters;

28. (amend. - SG 65/06, in force from 11.08.2006) "river basin" is the territory of the ground surface, from which through a series of streams, rivers and lakes the whole surface outflow flows into the sea, into a single river mouth, estuary or delta;

29. (amend. - SG 65/06, in force from 11.08.2006) "trans-border waters" are surface or underground waters, which cross the state border between the Republic of Bulgaria and one or more neighbouring countries;

30. "water management" includes the activities for use, protection and restoration of the waters, as well as the activities for prevention of their harmful impact;

31. (amend. - SG 65/06, in force from 11.08.2006) "river mouth" is any place, where a water flow outfalls into another water flow, lake or sea;

32. (new – SG 42/03) "water supply system" is a combination of bringing and distribution water supply pipes and facilities, through which is implemented obtaining of natural waters, treatment and/or disinfecting to the necessary qualities and supply to the users.

33. (new – SG 42/03) "sewerage system" is a combination of sewerage conduits, collectors and facilities, through which is implemented bringing out of the waste waters, their treatment to the necessary qualities and discharge in the respective water site.

34. (new - SG 65/06, in force from 11.08.2006) "water site" is permanent or temporary concentration of waters with respective boundaries, volume and water regime in the earth interior and in natural or artificially created land forms along with the adjacent lands;

35. (new - SG 65/06, in force from 11.08.2006) "land waters" are all dead or running waters on the land surface and all underground waters from the shore front side from the reference lines, from which the width of the territorial sea is measured;

36. (new - SG 65/06, in force from 11.08.2006) "water for drinking and household purposes" is a surface or underground water in its natural condition or after treatment, designated for drinking, preparation of food or other household needs, supplied through water supply system or from a cistern, in bottles, cans or in another packing, as well as waters, used for production of food, medicinal or cosmetic products or substances, intended for human consumption, provided that the quality of water can affect the quality of the final products;

37. (new - SG 65/06, in force from 11.08.2006) "water body" is an independent and significant part of surface or underground waters;

38. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "good environmental condition" is the condition of the surface water body, classified as such in compliance with the provisions of the Ordinances referred to in Art. 135, par. 1, items 9 and 14;

39. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "good quantitative condition of underground waters" is the condition of a underground water body, determined subject to the provisions of the Ordinance referred to in Art. 135, par. 1, item 2;

40. (new - SG 65/06, in force from 11.08.2006) "good condition of surface waters" is the condition, achieved for a surface water body, in which both the environmental and the chemical condition of the water body are at least "good";

41. (new - SG 65/06, in force from 11.08.2006) "good condition of underground waters" is the condition, achieved for an underground water body, in which both the quantitative and the chemical condition of the water body are at least "good";

42. (new - SG 65/06, in force from 11.08.2006) "good chemical condition of surface waters" is the chemical condition of a surface water body, in which contaminants concentrations do not exceed the applicable standards for environmental quality;

43. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "good chemical condition of underground waters" is the chemical condition of an underground water body, which meets the conditions, set out in the Ordinance, referred to in Art. 135, par. 1, item 2;



44. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "good environmental potential" is the condition of highly modified or artificial water body, classified as such in compliance with the provisions of the Ordinances referred to in Art. 135, par. 1, items 9 and 14;

45. (new - SG 65/06, in force from 11.08.2006) "lake" is a natural water body with dead surface waters, formed in a concave land form;

46. (new - SG 65/06, in force from 11.08.2006) "environmental quality standard" is the concentration of specific contaminants or of a group of contaminants in the water, sediments or the live part of the environmental system, which shall not be exceeded in view of human health and environmental protection;

47. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "ecological condition of surface water bodies" is manifestation of the quality of the structure and functioning of water eco-systems, related to the surface waters, classified in compliance with the provisions of the Ordinances referred to in Art. 135, par. 1, items 9 and 14;

48. (new - SG 65/06, in force from 11.08.2006) "emission rate" are mass values, expressed through set specific parameters, concentration and/or emission level, which should not be exceeded over one or several periods of time;

49. (new - SG 65/06, in force from 11.08.2006) "emission control" is specific limitation of emissions through setting out emission rates or through setting out limitations or conditions for the effects, their nature or any other characteristics of the emissions or operation conditions, affecting the emissions;

50. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "contaminant" is any substance, which may cause contamination, and especially the substances, listed in the Ordinance referred to in Art. 135, par. 1, item 9;

51. (new - SG 65/06, in force from 11.08.2006) "artificial water body" is a water body, produced as a result of human activity;

52. (new - SG 65/06, in force from 11.08.2006) "quantitative condition of underground waters" is an indicator of the degree, to which water taking or natural drainage from underground waters affects the underground water body;

53. (new - SG 65/06, in force from 11.08.2006) "integrated approach" is control of outfall of waste waters into surface water bodies through simultaneous application of the best available techniques and/or emission rates at the waste waters source on the one hand, and the requirements for achievement of the objectives for water quality in the surface water body – receiver of waste waters, on the other hand; in case of diffusion contamination sources control shall also include if required best environmental practices;

54. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "coastal sea waters" are surface waters, located on the firm-land side compared to the coastal line, each point of which is located in a distance of one sea mile to the direction of the inside of the sea from the nearest point of the reference line, from which the scope of the territorial sea is measured, whereas, where possible, it continues to the internal border of the transitional waters;

55. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "available resources of underground waters" are the long-term average annual flow rate of general feeding if the underground water body, from which the long-term average annual flow rate of the flow, required for achievement of the objectives for protection of environment under Art. 156a, item 1 of the related with the underground water body surface waters are subtracted, in order to avoid any considerable deterioration of the environmental condition of these waters, and also for avoiding considerable damaging of land environmental systems, related thereto;

56. (new - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) "natural resources of underground waters" are long term annual average value of recharge of the underground water body;

57. (new - SG 65/06, in force from 11.08.2006) "indirect discharge of contaminants in

underground waters" is the discharge in underground water bodies of contaminants by soil filtration or through the aeration zone;

58. (new - SG 65/06, in force from 11.08.2006) "dangerous substances" are the substances or groups of substances, classified as toxic, resistant and able to be accumulated biologically, as well as other substances or groups of substances, causing the same level of concern;

59. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "surface water body" is a separate and significant component of surface waters such as a lake, reservoir, stream, river or a channel or a part of a stream, river or channel, transitional waters or an area of coastal waters;

60. (new - SG 65/06, in force from 11.08.2006) "sub-basin" is a territory of the land surface, from which through a series of streams, rivers or lakes the entire surface run-off flows in an individual point of a specific water flow;

61. (new - SG 65/06, in force from 11.08.2006) "underground water body" is a separate volume of underground waters within one or several aquifers, having specific condition of underground waters

62. (new - SG 65/06, in force from 11.08.2006; amend. – SG 61/10) "underground waters contamination threshold" is the concentration of a contaminant, of a group of contaminants or a contamination index, with sustainable exceeding of which a risk of non-achievement of a good chemical condition of underground waters is being created;

63. (new - SG 65/06, in force from 11.08.2006) "fresh waters" are the waters, which in their natural condition have low alkali content and which can be used for drinking and household water supply;

64. (new - SG 65/06, in force from 11.08.2006) "transitional waters" are surface water bodies close to river mouths, which are semi-salty as a result of their proximity to sea waters, but which are considerably influenced by the inflow of fresh waters;

65. (new - SG 65/06, in force from 11.08.2006) "direct discharge of contaminants in underground waters" is the discharge into underground water bodies by pouring or injection of contaminants without filtration through the soil or through the aeration zone;

66. (new - SG 65/06, in force from 11.08.2006) "region of basin management" is an area of the territory of the land surface or the sea, comprising one or more bordering river basins along with the adjacent underground and sea waters;

67. (new - SG 65/06, in force from 11.08.2006) "river" is water on the land, which in its majority runs on the land surface, whereas part of its course can pass under the ground;

68. (new - SG 65/06, in force from 11.08.2006) "priority substances" are the substances, representing significant risk for the water environment or through it they are toxic for people and environmentally toxic for water environmental systems and related to them land environmental systems and which are determined according to Art. 16 and Attachment No. 10 to the Directive 2000/60/EC of the European Parliament and the Council;

69. (new - SG 65/06, in force from 11.08.2006) "independent drinking and household water supply" is the water supply of individual public and economic units, in which people reside or work permanently or temporarily and/or food, medicinal or cosmetic products are produced using individual own water taking facilities out of water supply systems of settlements and residential areas;

70. (new - SG 65/06, in force from 11.08.2006) "highly modified water body" is a surface water body, the properties of which are considerably altered as a result of physical changes as a result of human activity;

71. (new - SG 65/06, in force from 11.08.2006) "individuals' own needs" are needs of water for household purposes, as well as for stock watering and for watering of the land within the limits of own property, except for needs of water for carrying out business activity and exercising a profession or occupation;

72. (new - SG 65/06, in force from 11.08.2006) "condition of surface waters" is a general expression for the condition of a surface water body, defined by its environmental or chemical

condition, whichever is worse;

73. (new - SG 65/06, in force from 11.08.2006) "condition of underground waters" is a general expression for the condition of an underground water body, defined by its quantitative or chemical condition, whichever is worse;

74. (new - SG 65/06, in force from 11.08.2006) "water services" are all services related to supply of water to households, public institutions and for business activity through water taking, accumulation, collecting in reservoirs, treatment and supply of surface and underground waters, as well as collecting, discharge and treatment in treatment facilities of waste waters, which are subsequently subject to outfall into surface water bodies;

75. (new - SG 65/06, in force from 11.08.2006) "significant quantities of underground waters" are water quantities, for which it is technically possible to be exhausted from the aquifer and which are of interest for practical use;

76. (new - SG 65/06, in force from 11.08.2006) "underground waters quality standard" is environmental quality standard, expressed as a concentration of a specific contaminant, of a group of contaminants or underground waters contamination index, which should not be exceeded in view of human health and environmental protection;

77. (new - SG 65/06, in force from 11.08.2006, amend. – SG, 58/2015) "significant and sustainable tendency of increasing" is every statistically and ecological significant increase of the concentration of a contaminant, of a group of contaminants or change of indicator of contamination in the underground waters, for which it has been considered that it is needed returning the tendency in compliance with Art. 156a, Para. 1, p. 2, letter "c";

78. (new - SG 65/06, in force from 11.08.2006) "conserved water taking facility for underground waters" is a facility, from which drawing is temporarily suspended, it is not equipped for operation, but the option of its future operation is kept;

79. (new - SG 65/06, in force from 11.08.2006) "liquidated water taking facility for underground waters" is a facility, for which the option of natural or forced water flow is definitely ceased.

80. (new - SG 65/06, in force from 11.08.2006; amend. and suppl. – SG 47/09, in force from 23.06.2009; amend. – SG 61/10) "water use" are water services as well as any other human activity, related to water abstraction, use of water sites and land use, for which for characterization of the water bodies, carried out in compliance with the provisions of the Ordinances referred to in Art. 135, par. 1, items 2 and 9, it has been identified, that it considerably affects the condition of waters, and which shall be taken into consideration for carrying out economic analysis under Art. 192, par. 2, item 1;

81. (new - SG 65/06, in force from 11.08.2006) "river bed" is a feature, on which a surface water flow is formed temporarily or permanently and shall include the river runway and the wash land;

82. (new - SG 47/09, in force from 23.06.2009) "water-pipe network" is a part of the water supply system in an urbanized territory which consists of pipes and their adjacent facilities for distribution and transportation of water to end users.

83. (new - SG 47/09, in force from 23.06.2009) "sewage network" is a component of the sewerage system in the urbanized territory which consists of pipes and their adjacent facilities for leading waste waters from users to sewage collectors outside urbanized territories.

84. (new - SG 47/09, in force from 23.06.2009; amend. – SG 61/10) "accidentally discovered mineral water" means mineral water discovered unexpectedly during hydro-geological survey or during construction of the water taking facilities for other purpose, carried out according to a permit issued pursuant to the provisions of this Act;

85. (new - SG 47/09, in force from 23.06.2009) "regional W&S operator" is a W&S operator carrying out activity in the territory of two or more municipalities.

86. (new - SG 47/09, in force from 23.06.2009) "municipal W&S operator" is a W&S operator carrying out activity in the territory of one municipality;

87. (new – SG 61/10) "flood" is temporary covering by water of a land not normally covered by water, inclusive by rivers, mountain springs and caused by the sea floods of coastal areas; the overflowing of land areas by sewage systems shall not be deemed a flood in the meaning of this Act.

88. (new – SG 61/10) "flood risk" is the combination of the probability of a flood and possible unfavorable consequences for the human health, the environment, the cultural heritage, technical infrastructure and business activities, related to floods;

89. (new – SG 61/10) "alluvial deposits" are dynamic recoverable reserve from the hard efflux, deposited on the river bed during high waters, with grain size more than 0,1 mm, comprising non-soluble mineral and rock particles;

90. (new – SG 61/10) "flood hazard" is the probability of overflowing of particular territories; under the threat of flood are those territories which in case of flood with the determined probability remain under water;

91. (new – SG 61/10) "facilities, including sewage systems of residential areas, settlements and resorts, for which the permit referred to in Art. 46, par. 1, item 3, item "a" is required", are those, for which survey, investment engineering and construction of the whole or of a part of the sewage system is required also in case of missing existing outfall of waste waters in surface waters;

92. (new – SG 61/10, amend. – SG, 58/2015) "facilities, including sewage systems of residential areas, settlements and resorts, for which the permit referred to in Art. 46, par. 1, item 3, item "b" is required", are those, which after the required treatment outfall waste waters in one of more points in surface waters; the required treatment of waste waters from sewage systems of residential areas, settlements and resorts shall be carried out within the terms, indicated in the Ordinance referred to in Art. 135, par. 1, item 13 and in compliance with the river basins management plans and programs of measures.

93. (new – SG, 58/2015) "household" are the spouses, persons, living in factual marital cohabitation, as well as their children and relatives of they live with them;

94. (new – SG, 58/2015, amend. - SG 55/18) "dam" is water economic system, including the water site, the dam wall, the facilities and the collective derivations, and the land they are built on;

95. (new – SG, 58/2015) "operator of a dam wall" is a natural person, - hydro-specialist or a legal person, who has an employee – hydro-specialist for carrying out the activities of managing, maintenance and exploitation of dam walls and the facilities to them, assigned to him by the owner;

95a. (new - SG 55/18) "structural integrity of the dam walls" shall mean their quality to remain uninterruptedly interconnected as such and within the systems with their adjacent facilities - as a form, carrying capacity, supporting conditions, purpose and constructive systems - under project design loads and impacts without getting destroyed or substantially altered, without having their connections disturbed and any of the design computational structural models changed; the preservation of the structural integrity of the dam and the facilities to it ensures its operational capabilities, i.e. it must fulfill its purpose and not allow any uncontrolled discharge of water from the reservoir and/or violation of the design operating parameters of the dam;

95b. (new - SG 55/18) "rupture of the structural integrity of the dam walls and of the facilities to it" is a breaking of the correspondence between the system of the dam wall and its facilities and the design structural models of the elements of this system; this is a breach of the system's ability to perform its intended purpose and consequently represents danger of uncontrolled discharge of water from the reservoir and/or a breach of the design operating parameters of the dam;

95c. (new - SG 55/18) "Critical Infrastructure" shall be a concept within the meaning of § 1, item 15 of the Additional Provisions of the Disaster Protection Act;

96. (new – SG, 58/2015) "pressure over the condition of the waters" is every human activity, which may affect unfavourably the condition of the waters;

97. (new – SG, 58/2015) "protection zone of the waters" is the territory of the water collection of a surface water body or the ground surface above underground water body;

98 . (new – SG, 58/2015) “source of mineral water” is underground water body or part of it, containing mineral waters, one type in chemical composition and properties;

99 . (new – SG, 58/2015) “contamination by diphase source” is contamination as a result of human activity, which is not discharge of waste waters in surface waters and/or discharge of contaminants in underground waters, concentrated at a certain point.

100. (new - SG 98/18, in force from 27.11.2018) "Mine waters" are the waters that flow to the surface from active or liquidated mining sites including sites with geotechnological extraction, through mining or drilling works.

101. (new - SG 44/20, in force from 14.05.2020) "Chemicals for the treatment of drinking and waste water in their treatment processes" are flocculants, coagulants, biocides used for decontamination/disinfection and others, intended for drinking water treatment plants/facilities and wastewater treatment plants.

102. (new - SG 86/23, in force from 13.10.2023) "Geothermal resources" is a term within the meaning of § 1, item 1a of the additional provisions of the Underground Resources Act;

103. (new - SG 86/23, in force from 13.10.2023) "Hydrogeothermal resources" is a notion within the meaning of § 1, item 70 of the additional provisions of the Energy from Renewable Sources Act.

(2) (suppl. - SG 65/06, in force from 11.08.2006) The definitions of the terms "internal sea waters", "territorial sea" and "continental shelf" in the present Act are in the sense of the Act on Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria.

§ 2. In the cases when the present Act requires informing or announcement and when explicit rules or the implementation of an explicitly determined procedure are not provided for that, the informing, respectively the announcement shall be done by the order provided in the Civil Procedures Code.

§ 2a. (new - SG 65/06, in force from 11.08.2006) Water protection zones shall be guarded in conformity with the standards and objectives, set out with the act of establishment of the respective zone.

§ 2b. (new - SG 65/06, in force from 11.08.2006) (1) Minister of Environment and Waters shall send to the European Commission and to all interested member states:

1. copies of the management plans under Art. 157 and subsequent updates with regard to:

a) river basins, located entirely on the territory of the Republic of Bulgaria;

b) part of the international region of basin management, located on the territory of the Republic of Bulgaria;

2. brief review, drafted during the development of the initial river basins management plans, of:

a) the analyses and inspection of the impact under Art. 156h;

b) monitoring programs under Art. 169, para 2;

3. Provisional review of accomplishment of scheduled programs of measures.

(2) The plans under para 1, item 1 shall be sent within three months after their promulgation.

(3) The review under para 1, item 2 shall be sent within three months after its drafting.

(4) The information under para 1, item 3 shall be sent within three years following promulgation of the plans under para 1.

(5) (new – SG 61/10) The Minister of Environment and Waters shall send to the European Commission:

1. preliminary assessment of flood risk;

2. a map of the areas under threat of flooding and maps of the regions with flood risk;

3. flood risk management plans;

4. revised and updates assessments, maps and plans.

(6) (new – SG 61/10) Preliminary assessment under Art. 5, item 1 and the maps under par. 5, item 2 shall be sent within 3 months after their return.

(7) (new – SG 61/10) The plans referred to in par. 5, item 3 shall be sent within three months after their publishing.

(8) (new – SG 61/10) The terms under par. 6 and 7 shall apply also to the revised and updated assessments, maps and plans.

§ 2c. (new – SG 95/09, in force from 01.01.2007; amend. – SG 61/10, amend. – SG, 58/2015)

This Act shall introduce the requirements of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy and of Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ, L288/28 of 6 November 2007) and Art. 11 and 12 of Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ, L 348/84 of 24 December 2008).

### **Transitional and concluding provisions**

§ 3. (amend. – SG 61/10) (1) Achievement and maintenance of good environmental condition in a marine environment shall be regulated by the Ordinance referred to in Art. 135, par. 1, item 19.

(2) Protection of coastal waters, internal sea waters and of the territorial sea from contamination by other sources, located on the coast, shall be regulated by the Act on Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria.

§ 4. (1) The Ministers and the heads of the state institutions, which exercise the right of ownership in the sole owned commercial companies with state property or in shares and stocks of commercial companies, in which the state is a partner or stockholder, shall undertake the necessary activities for decreasing the capital of the companies with the revalued value of the facilities of art. 13, para 1 of the present Act .

(2) Within 6 months term after the Act enters into force the facilities of art. 13, para 1 shall be conceded for use sole owned commercial companies with state assets and the state enterprises in the sense of art. 62, para 3 of the Commerce Act whose capital has been reduced under para 1. The right of use shall be terminated at the transferring of shares by the companies under the present paragraph.

(3) The commercial companies, with the exception of these of para 2 for which has been applied the provision of para 1 shall acquire concession for the facilities of art. 13, para 1 in compliance with the provisions of this Act and by the order provided in the Concessions Act, without a tender or a competition.

(4) (amend., SG 81/00; amend. – SG 105/06, in force from 01.01.2007; amend. – SG 95/15, in force from 01.01.2016) For the long-term assets of the facilities of para 3 and for the other water economy systems and installations for which a concession has been constituted shall be calculated depreciation deductions under the applicable accounting standards in accordance with Chapter Four of

the Accountancy Act.

(5) Until the implementation of the provisions of para 2 and 3, the facilities shall be managed by the companies of para 1 whose capital was decreased.

(6) (amend. – SG 80/11, in force from 14.10.2011; suppl. – SG 26/14) In the cases when the facilities of art. 13, par. 1, item3 are not granted under concession, their maintenance shall be carried out by the business companies, which are managing them or the capital of which has been reduced in compliance with the provision of par. 1 by the revalorization cost of these facilities. The company to which the law assigns an obligation to provide public services related to protection from harmful effects of waters throughout the country by network organized and managed by it, shall receive compensation from the state budget where the obligation to perform public service for protection from the harmful effects of waters results in a net cost and represents an unfair financial burden for the company.

(7) (new - SG 26/14) The amount of the unfair financial burden shall be determined on the ground of the net costs, calculated by methodology adopted by the Council of Ministers.

(8) (new - SG 26/14) The amount of the compensation may not exceed the amount of the unfair financial burden resulting from the public service related to protection from harmful effects of waters.

(9) (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08; amend. – SG 52/08; prev. text of para 7 - SG 26/14; amend. – SG, 58/2015, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) At privatisation of commercial companies, in whose capital are included dams, except these of art. 13, item1 and art. 19, item 4, letter "c", the Minister of Agriculture and Food shall undertake the necessary activities for decreasing of the capital of the companies with their revalued value.

(10) (prev. text of para 8 - SG 26/14; amend. – SG 61/15) \* Within two years term after the Act enters into force the owners of art. 16 which have not been indemnified for the land and the forests on which have been constructed water economic facilities, shall be indemnified by the order of the Farm Land Ownership and Use Act and the Restoration of Ownership of Forests and Forestry Fund Lands Act.

§ 4a. (New - SG 26/14) (1) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The obligation to provide the public service related to protection from harmful effects of waters shall be awarded to Irrigation Systems EAD (a single member joint-stock company) by a contract with the Minister of Agriculture and Food.

(2) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The funds needed for compensation of the unfair financial burden resulting from the public service related to protection from harmful effects of waters shall be provided to Irrigation Systems EAD in compliance with Art. 2, paragraph 1. Letter “a” of Commission Decision of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OB, L 7/3 of January 11, 2012). The funds shall be provided and accounted through the budget of the Ministry of Agriculture and Food.

(3) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) After the contract under para 1 his signed, the funds intended for compensation of unfair financial burden resulting from providing public service related to protection from harmful effects of waters shall be made available to Irrigation Systems EAD in advance for the current year through the budget of the Ministry of Agriculture and Food.

(4) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The Minister of Agriculture and Food shall envisage the necessary advance funds under para 3 in the three-year budget estimates and project budgets of the Ministry of Agriculture and Food.

§ 4b. (New - SG 26/14) (1) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The company liable to provide the public service related to protection from harmful effects of waters shall present before a commission appointed by an order of the Minister of Agriculture and Food a statement of expenses incurred in the performance of the public service related to protection from harmful effects of waters for the preceding year together with the required evidence by 31 March of the current year.

(2) (amend. – SG 95/16) The documents relating to the calculation of the net costs of the public service related to protection from harmful effects of waters shall be submitted to the Commission under para 1 and verified by a registered auditor, according to the Independent Financial Audit Act, designated by it.

(3) Within three months from submission of the statement under para 1 the commission shall announce a decision on the following:

1. the presence of unfair financial burden resulting from performance of the public service related to protection from harmful effects of waters;

2. the amount of the compensation due to the company liable to provide the public service related to protection from harmful effects of waters for the preceding year;

3. comparison between the amount of unfair financial burden suffered with the the funds provided in advance for the respective period.

(4) Within the time limit fixed in para 3 the Commission may require the applicant to provide further information and evidence within 7-day term.

(5) (amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) In the course of the budget procedure the Minister of Agriculture and Food shall submit its decision under para 3 and the other materials thereto to the Minister of Finance.

(6) Where the costs under para 3 incurred for the preceding year exceed the amount of the funds under § 4a para 3 provided in advance for the same year, the Minister of Finance shall include the amount of the difference to the estimated advance payments for the next year in the draft Act on the State Budget of the Republic of Bulgaria.

(7) Where the costs under para 3 incurred for the preceding year are less than the amount of the funds under § 4a para 3 provided in advance for the same year, the estimated advance payments for the next year shall be reduced by the amount of the difference.

§ 4c. (New - SG 55/18) (1) Repair works and reconstructions of dams - state and municipal property - with the exception of those given on concession, for which the concession contract stipulates that repair and restoration works to be done by the concessionaire, may be awarded by a commercial company with one hundred percent state participation, determined by the Council of Ministers.

(2) The Council of Ministers, upon a proposal from the Chairperson of the State Agency for Metrological and Technical Surveillance, shall approve a list of the dam walls and the facilities to them of the dams under Para. 1, to be fully repaired or reconstructed.

(3) For the approved dams from the list under Para. 2, depending on the degree of their walls or facilities' damaged tructural integrity, the expert council of the commercial company shall determine the type and volume of the activities under Para. 1 which must be performed to ensure the safety, durability and efficiency of the dam walls and their facilities, and the protection of the environment.

(4) Repair and reconstruction works of state owned dams, given for use and management to the "National Electric Company" EAD, "Irrigation Systems" EAD, "Zeminvest" EAD, Water and sewerage operators with state or state and municipal participation in the capital, may be carried out by the commercial company under Para. 1 where funds are not available and at the request of the companies.



(5) The municipalities shall refund to the company under Para. 1 the costs for the repairs and reconstructions of municipal dams, except when the ownership right is gratuitously transferred to the state after a decision of the municipal council.

(6) In the cases under Para. 4, the costs for the repairs and reconstructions of state owned dams shall be reimbursed by the company using and managing them ("National Electric Company" EAD, "Irrigation Systems" EAD, "Zeminvest" EAD, Water and sewerage operators with state or state and municipal participation in the capital) to the commercial company under Para. 1.

§ 5. (1) The mineral water from the water sources of item 74 and 83 of appendix No 2 of art. 14, item 2 shall be gratuitously granted for use to the Capital municipality for a term of 15 years.

(2) At the use of the mineral water from the pointed out water sources the Capital municipality shall be obliged:

1. to manage and maintain fit the facilities, to ensure the use of the mineral water without breaching the public interests and in the interest of the population;

2. to implement activities for prevention of the harmful impact of the mineral water over the underground infrastructure and the surrounding buildings;

3. to conduct the necessary control over the quantity of the mineral water designated for common use and pouring by the population conceding annually information to the Ministry of Environment and Waters.

§ 6. (1) Within 3 months from the enforcement of the present Act, the facilities of art. 13, items 2 and 4 shall be registered by the order of the State Property Act.

(2) The Council of Ministers shall grant the facilities pointed out in para 1 to the Ministry of Environment and Waters for execution of its functions by the order of art. 13, para 3 of the State Property Act.

§ 7. (1) In the cases when a public municipal property under this Act is already granted as concession or the right over it are transferred to third persons, or contracts are concluded for the use of these facilities, the rights shall be brought in conformity adhering to the procedure, provided in art. 20 of the present Act.

(2) When the rights over the public municipal property of para 1 include also a right to use waters which are public state property, the interested persons have to require the issuing of a permit for water use by the order of this Act within 6 months after the Act has entered into force.

§ 8. (1) In the cases when rights for use of mineral waters which are exclusive state property are granted, the already existing permits shall be brought in conformity with the present Act and with the Concessions Act, when the conditions of art. 47, para 1 from the present Act are present, and in the other cases at request by the competent body of art. 52, para 1, item 2 of the present Act or by any interested person, shall be started a procedure for issuing a new permit.

(2) The concession contracts for conceded special right to use mineral waters - exclusive state ownership, shall be reshaped in compliance with the provisions of this Act within one year after the Act enters into force.

(3) (new, SG 81/00) For using mineral waters in the active facilities found by this Act, meeting the normative requirements, for which application has been filed for opening a procedure for granting concession, a temporary permit shall be issued for using mineral water for a period no longer than 1

year.

(4) (New - SG 81/00, amend. - SG 86/23, in force from 13.10.2023) The holders of the permits under para 3 shall pay a fee for the permitted water quantity amounting to 5 levs/cubic m for bottling mineral water and 2 levs/cubic m for quantities of water used in the applicable cases in the extraction of hydrogeothermal energy, which are not returned to the water body.

(5) (new, SG 81/00) The permit under para 3 shall not be considered an advantage in carrying out the competition for determining a concessionaire.

§ 9. When the use of the waters is realised on the basis of issued permits or without any grounds, the person who uses the waters shall be obliged to pay the fees, provided for in the present Act , starting from the enforcement of the tariffs, provided for by the present Act , notwithstanding of the stage, at which is the procedure for issuing or reformatting of his permit.

§ 10. (1) The already existing permits shall be brought in conformity with the requirements of the law:

1. (amend. - SG 65/06, in force from 11.08.2006) For water taking:

a) over 1 m<sup>3</sup>/s for surface waters;

b) over 30 l/s for the underground waters - within 1 year from the enforcement of the present Act , and for all other cases - within 3 years;

2. For discharging of waste waters over 5,000 m<sup>3</sup> per 24 h - within 1 year from the enforcement of the present Act , and for all other cases - within 2 years.

(2) The register of the issued permits shall be prepared within 1 year from the promulgation of the Act;

(3) (new – SG 94/05; amend. - SG 65/06, in force from 11.08.2006) The found rights and permits for water taking and use of water site for production of aquacultures shall be brought officially in compliance with the requirements of the law, at equal or more favorable conditions from the ones acquired with the act of their establishing.

§ 11. (amend. - SG 65/06, in force from 11.08.2006) Unfinished production activities related to water taking or use of water sites, water supply systems and installations, shall be finished under the present Act .

§ 12. (1) For the preparation of the water economic cadastre in the Ministry of Environment and Waters shall be presented information by:

1. (amend. - SG 65/06, in force from 11.08.2006; amend. – SG 36/08, amend. – SG 58/17, in force from 18.07.2017, amend. – SG 102/22, in force from 01.01.2023, amend. - SG 102/23) The Ministry of Agriculture and Food - for the hydro-melioration systems and installations, the dams for irrigation, including these which are former property of the Labour Collective Agricultural Farms and Agricultural Industrial Complexes, the fish farms for artificial breeding of fish;

2. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Ministry of Regional Development and Public Works - for the water supply systems, the drinking water sources, the sewerage collectors and the drinking and waste water treatment plants;

3. (amend. - SG 108/01) The Ministry of Power Engineering and Energy resources - for all hydro-energy facilities;

4. The municipalities:

- a) for all sites, registered as municipal property, according to the Municipal Property Act;
  - b) for the hydro-melioration systems and installations, the dams for irrigation, including the ones which were formerly owned by the Labour Collective Agricultural Farms and Agricultural Industrial Complexes, the fish farms for artificial breeding of fish;
  - c) for the water taking systems and installations for underground waters, the systems and installations for drainage or drying, the systems and installations for artificial feeding of the underground waters and the systems and installation for discharge into the earth bowels the waste waters, containing hazardous substances, constructed on their territory until the enforcement of the present Act , regardless of their ownership, their functional condition and their use.
- (2) The information of para 1 shall be presented within 1 year after the Act enters into force.

§ 13. (1) The Basin Directorates shall be established within 2 years after the Act enters into force.

(2) Until the establishment of the Basin Directorates, their functions, with the exception of these of art. 155, item 3 shall be executed by one of the Regional Inspectorates for Environment and Waters within the respective basin, determined by an order of the Minister of Environment and Waters.

(3) (amend. - SG 65/06, in force from 11.08.2006) Until the establishment of the Basin Directorates, the permits for water taking and/or use under the present Act shall be issued by the Minister of Environment and Waters.

(4) The Basin Councils are established within 6 months from the establishment of the respective Basin Directorate.

§ 14. (1) The river basin management plans shall be compiled within 5 years after the Act enters into force.

(2) (amend. - SG 65/06, in force from 11.08.2006) Until the preparation of the plans of para 1 shall be worked out general schemes for use of the waters, on the basis of which permits for water taking shall be issued.

(3) The schemes of 2 shall be elaborated within 1 year from the promulgation of the Act.

§ 15. (1) The owners of lands on which there are abandoned wells shall be obliged within 1 year from the enforcement of the present Act to clean them and bring them in condition, suitable for use or to liquidate them.

(2) The rights of art. 112 for construction of water conveyance shall be arranged in two years term after the Act enters into force.

§ 16. (1) Within 3 months from the enforcement of the present Act , the mineral waters according to appendix No 2 to art. 14, item 2, registered as municipal property until the enforcement of the present Act, shall be excluded from the register according to the Municipal Property Act.

(2) Within 3 months from the enforcement of the present Act , the municipal administrations shall be obliged to prepare a form for registration of the wells on the territory of the municipality, which should contain data about the property, where is located the well, the names of the owner of the estate, the year of construction of the well declared by the owner, the purposes for which the water is used and the method for extraction of the water.

(3) Within 6 months from the enforcement of the present Act , the owners or the users of estates, where there are constructed wells, shall be obliged to register them declaring data about the

estate where is located the well, the names of the owner of the estate, the year of construction of the well, the purposes for which the water is used and the method for extraction of the water. The municipalities shall send every year a copy of the prepared register to the Ministry of Environment and Waters.

§ 17. Until the approval of the National Water Economic Plan the Minister of Environment and Waters shall develop and submit for approval to the Council of Ministers national programmes for construction, expansion, reconstruction and modernisation of facilities and/or systems for use and preservation of the waters.

§ 18. (amend. - SG 65/06, in force from 11.08.2006) Until the passing of an Act regulating the activities of the Ministry of State Policy related to Disasters and Accidents for the protection of the waters in emergency cases and for protection from their harmful impact:

1. The Minister of Defence shall determine the contents of the emergency plans of art. 131, para 1 and art. 138, para 3;

2. The owners or the users of water sites shall be obliged to provide forces and resources for the implementation of the emergency plans, to maintain in proper condition the roads and the communication links to the water sites, the dikes and the water economic systems;

3. The regional managers shall appoint committees for annual review of the technical and operational condition of the potentially dangerous water bodies.

§ 19. (Amend., SG 74/02, amend. SG 69/03) The provision of art. 193, para 3 shall enter into force five years after the promulgation of this Act.

§ 20. The acts of secondary legislation provided in this Act shall be issued within one year from the promulgation of the Act.

§ 21. In art. 58, para 1 of the Act on the Sea Areas of the Republic of Bulgaria (prom. SG 55/87; amend, SG 11, 26/98 and SG 23/99), the words "and from coastal sources" shall be deleted.

§ 22. In the Act on Protection of Waters and Soils from Pollution (prom. SG 84/63, amend. and suppl. SG 26/68, SG 29/69, SG 95/75, SG 3/77, SG 1/78, SG 26/88, SG 86/91, SG 100/92, SG 45/96, SG 85/97, SG 11/98) the following amendments shall be made:

1. In the title of the Act the words "waters and" shall be deleted;

2. In art. 1 the words "waters and" shall be deleted;

3. Art.s 2 and 3 are changed as follows:

"2. "Pollution of soils" means such deterioration of their composition, qualities and properties which renders them unsuitable or harmful for the people, animals and plants.

3. The Ministries, the departments and the municipalities shall undertake measures for protection of the soils from pollution.

The Minister of Environment and Waters shall exert control for protection of the soils from pollution.

The Minister of Health shall exert sanitary control over the condition of the soils. He shall

issue, in coordination with the Minister of Environment and Waters, sanitary standards and rules which are obligatory for all departments, organisations and persons.

At the carrying out of the control of para q, 2 and 3 the Ministry of Environment and Waters and the Ministry of Health shall assign technically competent bodies and persons from other departments.

The Minister of Agriculture, Forests and Agrarian reform with the help of the Agriculture Academy shall issue standards and rules obligatory for all departments, organisations and persons in connection with the protection of the animals and the agricultural crops and shall also carry out supervision over their implementation."

4. Art. 4 shall be repealed;

5. Art.s 8 - 13 shall be repealed;

6. In art. 15 the words "the people's councils" shall be substituted by "the municipalities".

7. Art. 17 shall be repealed;

8. In art. 20, item a) shall be repealed;

9. In art. 20a shall be made the following amendments:

a) in para 1 the words "the Ministry of Agriculture and Forests or of the municipal people's councils and when the breach is in connection with pollution of the sea waters, by the bodies of the Ministry of Environment and Waters or of the Ministry of Transport" shall be substituted by "the Ministry of Agriculture, Forests and Agrarian Reform or of the municipalities";

b) Para 2 shall be changed as follows:

"The punitive decisions shall be issued by the Minister of Environment and Waters."

10. In Art. 21 the words "the Minister of Public Health and Social Care" shall be substituted by "the Minister of Health" and the words "the waters or" shall be deleted;

11. In art. 23 shall be made the following changes:

a) para 1 shall be changed as follows:

"For all already existing industrial plants, cattle-breeding farms and others of the kind, as well as for separate sites, polluting the soils with solid and liquid pollutants, shall obligatory be constructed treatment facilities with funds, provided for in the state and the municipal budgets, as well as in the perspective and annual plans of the enterprises and the other organisations.";

b) in para 2 the words "the Ministry of Economy and Planning" shall be deleted and the words "the Ministry of Environment and Waters and the Ministry of the Public Health and Social Cares" shall be substituted by "the Minister of Environment and Waters and the Minister of Health".

12. Everywhere in the Act the words "the Ministry of the Public Health and Social Cares" and "the Minister of the Public Health and Social Cares" shall be substituted respectively by "the Ministry of Health" and "the Minister of Health", and the words "the Ministry of Agriculture and Forests" and "the Minister of Agriculture and Forests" shall be substituted respectively by "the Ministry of Agriculture, Forests and Agrarian Reform" and "the Minister of Agriculture, Forests and Agrarian Reform".

§ 23. In the Municipal Property Act (prom. SG 4/96; amend. SG 104/96, SG 55/97, SG 22, 93/98, SG 23, 56/99) shall be made the following changes and supplements:

1. In art. 2, para 1:

a) item 2 shall be changed to:

"2. the waters, water sites, water economic facilities and installations, determined by an Act;"

b) in item 3 the words "the water reservoirs, the beaches adjacent to them and" shall be deleted.

2. In art. 57:

a) in item 4 the words "the territory of the water reservoir" shall be substituted by "the water sites - municipal ownership";

b) item 5 shall be created:

"5. the mineral waters - public municipal properties."

§ 24. In the Concessions Act (prom. SG 92/95; SG 16/96 - Decision No 2 of the Constitutional Court of 1996; amend. SG 44/96, SG 61, 123/97, SG 93/98, SG 23, 56/99) in art. 4, para 1, item 7 shall be changed to:

§ 25. In the Public Health Act (prom. SG /73, corr. SG 92/73; amend. and suppl. SG 63/76, SG 28/83, SG 66/85, SG 27/86, SG 89/88, SG 87, 99/89, SG 15/91; corr. SG 24/91; amend. SG 64/93, SG 31/94, SG 36/95, SG 12, 87, 124/97, SG 21, 70, 71, 93/98, SG 30, 62/99) the following amendments and supplements shall be made:

1. In art. 46:

a) in para 1 after the words "The mineral waters" shall be added "in the resorts announced under this Act";

b) para 2 shall be repealed.

2. In art. 47, para 1 and 2 the words "the mineral waters and" shall be repealed.

3. In art. 48, para 1 the words "mineral waters" shall be repealed.

4. In the Additional Provisions §3 and 4 shall be repealed.

§ 26. In the State Property Act (prom. SG 44/96; amend. SG 104/96, SG 55, 61, 117/97, SG 93, 124/98) in art. 68, para 7 the words "the mineral springs" shall be substituted by "the mineral waters - exclusive state property".

§ 27. In the Environmental Protection Act (prom. SG 86/91; corr. SG 90/91; amend. SG 100/91, SG 31, 63/95, SG 13, 85, 86/97, SG 62/98, SG 12/99) art. 4a with the following content shall be created:

"Art. 4a. (1) The Council of Ministers shall approve Ordinance for the conditions and the order for implementation of the Protocol for protection of the environment of the Agreement for the Antarctic (SG 69/98).

(2) The implementing of activity in the Antarctic in breach of the provisions of the ordinance of para 1 shall constitute breach under art. 32, and for the administrative punitive procedure art. 35 shall be applied."

§ 28. The Act on Waters (prom. SG 29/69; amend. SG3/77, SG 36/79, SG 44/84, SG 36/86, SG 24/87, SG 85/97, corr. SG 87/97).

§ 29. Until the issuing of the acts of secondary legislation provided in this Act, the acts of secondary legislation issued on the implementation of the Act on Waters shall temporarily remain in force.

§ 30. The present Act shall enter into force 6 months after its promulgation in the State Gazette.

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The Act was passed by the 38Th National Assembly on July 13, 1999 and is affixed with the

official seal of the National Assembly.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 42/03)

§ 3. (1) (Suppl. - SG 6/04) Contracts concerning the use of water supply and sewage systems, facilities and durable tangible assets concluded by commercial companies in which the state owns not less than 50 percent of the capital, shall be terminated from the entry into force of this Act.

(2) Within 20 days from the entry into force of this Act, the assets under para. 1 shall be handed over to the owner who provided them for use.

(3) In case of non-fulfilment of the obligation under para. 2 the companies under para. 1 may request the issuance of a writ of execution for forced execution for the transfer of the assets under para. 1 based on the documents with which they are submitted for use.

(4) The owner is obliged to ensure the operation and maintenance of the water supply and sewage systems and the continuity of the supply of water for the population as well as the discharge and treatment of waste water, starting from the date of receipt of the assets under para. 1.

§ 4. (1) The owners of privatized wastewater treatment plants, to which there are built facilities for bringing the waters and have the technical and technological possibility to treat both domestic sewage and industrial waste water from the settlements in the municipality where they are located, within a period of one month from the entry into force of this Act, are obliged to ensure, against the payment of a fee, the treatment of waste water.

(2) The Council of Ministers within the term under para. 1, on the proposal of the Minister of Regional Development, determines with a tariff the amounts of the fee for the treatment of waste water from the settlements under para. 1

(3) The persons operating the sewage network of the settlements within the period under para. 1, undertake to:

1. take the waste water to the treatment plants;
2. include the fee under para. 2 as part of the price of the service provided by them;
3. transfer the monthly collected fees under item 2 to the owners of the treatment plants.

**Transitional and concluding provisions  
TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 31. In the Act on Waters (prom. SG – 67/99; amend. – SG 81/00, 34, 41 and 108/01, 47, 74, 91/02, 42, 69, 84 and 107/03, 6 and 70/04, 18, 77 and 94/05) the words "Administrative Proceedings Act" shall be replaced by "Administrative Procedure Code".

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§ 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 CONCESSIONS ACT**

(PROM. – SG 36/06, in force from 01.07.2006)

§ 23. The Act shall enter into force from 1 July 2006 except Art. 42, para 3 and Art. 58, para 4 which shall enter into force from the date of accession of the Republic of Bulgaria to the European Union.

### **Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 65/06, IN FORCE FROM 11.08.2006, CORR. – SG 66/06; amend. – SG 22/07, in force from 11.02.2007; AMEND. – SG 95/09, IN FORCE FROM 11.08.2006, AMEND. - SG 98/18, IN FORCE FROM 27.11.2018)

§ 120. Everywhere in this present Act :

1. The words "water use", "the water use" and "water uses" shall be replaced respectively with "water taking", "the water taking" and "water takings".

2. The words "the Minister of Industry", and "the Ministry of Industry" shall be replaced respectively with "the Minister of Economy and Energy" and "the Ministry of Economy and Energy", words "Minister of Agriculture, Forests and Agrarian Reform", "the Minister of Agriculture, Forests and Agrarian Reform" and "the Ministry of Agriculture, Forests and Agrarian Reform" shall be replaced respectively with "Minister of Agriculture and Forestry", "the Minister of Agriculture and Forestry" and "the Ministry of Agriculture and Forestry", and the words "Civil defense" shall be replaced with "the Ministry of State Policy for Disasters and Accidents"

3. The words "bed" and "beds" are replaced respectively with "course" and "courses".

4. The word "qualities" is replaced with "the quality".

§ 121. The procedures for granting permits opened prior to entering into force of this Act shall be accomplished under the existing procedure.

§ 122. (1) Owners of water taking facilities for underground waters, to which no water usage rights have been granted, within three months after entering of this present Act into force, shall submit to the respective Basin Directorate an application for entering of the facilities into the register under Art. 118d.

(2) To the application under para 1 shall be attached:

- a) a document of ownership for the property, on which the water taking facility is located;
- b) facility coordinates;



- c) information about the facility depth and structure;
- d) information about facility equipment for operation;
- e) statement about the year of its construction;
- f) information about the purpose of use of the drawn water;
- g) document of a paid fine or proprietary sanction under Art. 200, para 1, item 2.

(3) In cases when the facility is not equipped for operation, to the application under para 1 a statement about owner's intentions concerning facility abandoning or liquidation shall be attached;

(4) Within one month after submission of the application the Basin Directorate shall study the documents under para 2 and 3 and shall carry out:

- 1. inspection of constructed facilities and their equipment;
- 2. assessment of the necessity of facility abandoning or liquidation.

(5) Within 7 days after the inspection under para 4 the facility shall be subject to entering into register.

§ 123. (1) (amend. – SG 22/07, in force from 11.02.2007) Owners of properties, which prior to entering of this present Act into force have started the construction or have already constructed wells under Art. 44, para 4 and 5, which are not registered, within 12 months shall submit an application for registration with the respective Basin Directorate.

(2) Municipal mayors within three months after entering of this present Act into force shall submit with the respective Basin Directorate the developed register under the revoked Art. 25 of the wells under Art. 44, para 4.

§ 124. (1) Until entering into force of the regulation of §48 in its part related to Art. 118a, para 1, item 1 direct discharge of hazardous substances shall be prohibited and direct discharge of harmful substances into underground waters under the conditions and according to the procedure, set out in the Ordinance under Art. 135, item 2 shall be restricted.

(2) The list of hazardous and harmful substances under para 1 for underground waters shall be set in the Ordinance under Art. 135, item 2.

§ 125. Until issuing the methodology under Art. 135, item 1, the minimum allowable run-off in the rivers shall be set to 10 per cent of the average annual water quantity, but not less than the minimum average monthly water quantity with security of 95 per cent at the point of each facility for run-off control or for water taking.

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§ 136. Programs of water monitoring under Section VIII of Chapter Ten shall be developed and the initiation of their implementation shall be not later than 22 December 2006.

§ 137. (1) Programs of measures for waters protection and recovery under Section V of Chapter Ten shall be developed by 22 December 2009 and their implementation shall start not later than 22 December 2012.

(2) Programs under para 1 shall be subject to revision and if required shall be updated not later than 22 December 2015.

§ 138. (1) River basins management plans shall be developed and announced to the public by 22 December 2008 and shall be promulgated not later than 22 December 2009.

(2) Plans under para 1 shall be reviewed and updated not later than 200 December 2015.

§ 139. Measures for securing pricing policy under Art. 192, para 2, item 2 and the contribution of water users under Art. 192a, para 1, item 1 shall be implemented by 2010.

§ 140. Measures under Art. 156i, para 2, item 7 and 8, related to application of an integrated approach with regard to point and diffusion contamination sources, shall be scheduled and applied not later than 22 December 2012.

§ 141. Analyses and the review under Art. 156h shall be subject to revision and if required shall be updated not later than 22 December 2013.

§ 142. (1) Environmental protection objectives and provision of a good condition of the surface and underground waters, of a good environmental potential of the artificial and highly modified water bodies, as well as a good chemical condition of the surface waters in them shall be achieved not later than on 22 December 2015.

(2) Conformity to all standards and objectives for water protection zones shall be achieved not later than 22 December 2015, unless in the act, under which the zone has been determined, a longer period is provided.

§ 143. The deadline for termination of outfalls, emissions and technical losses of priority hazardous substances in surface waters under Art. 118, para 2, item 1 shall be set in the time schedule under Art. 16, item 6 of the Directive 2000/60/EC of the European Parliament and the Council.

§ 144. (1) The ordinances under Art. 135, items 2, 5 and 13 shall be put in conformity with the requirements of this present Act within 6 months after its entering into force.

(2) Ordinances under Art. 135, item 1a, 6, 9 and 14 shall be issued within 6 months after entering into force of this present Act .

(3) (corr. – SG 66/06) The ordinance under Art. 135, item 7 shall be issued within 6 months after entering into force of the provision of §60, item 5.

(4) Until the issuing of the ordinance under para 3 the Ordinance No.11 for the quality of waters for swimming (SG-25/02) shall be applied.

§ 144a. (new – SG 95/09, in force from 11.08.2006) (1) (amend. - SG 98/18, in force from 27.11.2018) Up to the adoption of the ordinance under Art. 135, item 6

1. the borders and security regimes of the sanitary security zones around facilities designed for drinking and domestic water supply and for mineral water and for their construction, designation and exploitation shall be defined according to the Ordinance № 3 of October 16, 2000 for the conditions and the order of studying, designing, approval and utilization of the sanitary protected zones around the

water sources and the utilities for drinking and household water and around the water sources of mineral waters used for healing, prophylactic, drinking and hygiene needs (SG 88 of 2000)

2. the boundaries and the regimes of the intermediate and of the external sector of the established before 28 January 2000 sanitary-protective zones of mineral water fields shall not apply, and the boundary of the most external sector, where it is meant for protection of water taking facility, shall be kept.

(2) In the most external sector of the zones and within the term under par. 1 operations shall not be allowed and restrictions and limitations beyond those, laid down in this Act shall not apply.

(3) In the territories, determined as zones of protection of waters in water bodies and as sanitary-protective zones of water taking facilities for mineral waters the measures, set out in the river basins management plans, shall apply.

§ 145. This Act shall enter into force on the day of its promulgation in the State Gazette, except for the provisions of:

1. paragraph 18, item 3, which shall enter into force one year after entering of this present Act into force;

2. paragraph 48 – in the part related to the provision of Art. 118a, para 1, item 1, which shall enter into force on 22 December 2013;

3. paragraph 60, item 5, which shall enter into force on 1 March 2007;

4. paragraph 73 – in the part related to the provision of Art. 155a, para 1, item 1, which shall enter into force one year after entering of this present Act into force.

#### **Concluding provisions**

#### **TO ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS (PROM. – SG 22/07, IN FORCE FROM 11.02.2007)**

§ 2. The Act shall enter into force from February 11, 2007.

#### **Transitional and concluding provisions TO THE CIVIL PROCEDURE CODE**

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven "Special rules related to proceedings on civil cases subject to application of European Union legislation"

2. paragraph 2, par. 4;

3. paragraph 3 related to revoking of Chapter Thirty Two "a" "Special rules for recognition and admission of fulfillment of decisions of foreign courts and of other foreign bodies" with Art. 307a – 307e and Part Seven "Proceedings for returning a child or exercising the right of personal relations" with Art. 502 – 507;

4. paragraph 4, par. 2;

5. paragraph 24;

6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

#### **Transitional and concluding provisions**

**TO THE ACT AMENDING AND SUPPLEMENTING THE FISHERIES AND AQUACULTURE  
ACT**

(PROM. - SG 36/08)

§ 96. The following amendments and supplementations shall be made to the Act on Waters (prom. – SG 67/99; amend. – SG 81/00; SG 34, 41 and 108/01; SG 47, 74 and 91/02; SG 42, 69, 84 and 107/03; SG 6 and 70/04; SG 18, 77 and 94/05; SG 29, 30, 36, 65/06; corr. – SG 66/06; amend. – SG 105 and 108/06; SG 59/07):

.....

2. Everywhere in the Act the words "the Minister of Agriculture and Forests", "Minister of Agriculture and Forests" and "the Ministry of Agriculture and Forests" shall be replaced respectively with "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 ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL  
PROTECTION ACT**

(PROM. - SG 52/08)

§ 39. The following amendments are made to the Act on Waters (prom. – SG 67/99; amend. – SG 81/00; SG 34, 41 and 108/01; SG 47, 74 and 91/02; SG 42, 69, 84 and 107/03; SG 6 and 70/04; SG 18, 77 and 94/05; SG 29, 30, 36, 65/06; corr. – SG 66/06; amend. – SG 105 and 108/06; SG 22 and 59/07 and SG 36/08):

2. Everywhere in the Act the words "the Ministry of Agriculture and Food Supply", "the Minister of Agriculture and Food Supply", "Minister of Agriculture and Food Supply", "the Ministry of the State Policy for Disasters and Accidents", the Minister of the State Policy for Disasters and Accidents" and "Minister of the State Policy for Disasters and Accidents" shall be replaced respectively with "the Ministry of Agriculture and Food", "the Minister of Agriculture and Food" and "Minister of Agriculture and Food", "the Ministry of Emergency Situations", the Minister of Emergency Situations" and "Minister of Emergency Situations".

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE TAX INSURANCE PROCEDURE  
CODE**

(PROM. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. – SG 32/09)

§ 68. This Act shall enter into force from May 1, 2009 except for § 65, 66 and 67, which shall enter into force from the date of its promulgation in the State Gazette and § 2 - 10, § 12, items 1 and 2 - regarding para 3, § 13 - 22, § 24 - 35, § 36, paras 1 - 4, § 37 - 51, § 52, items 1 - 3, т. 4, letter "a", item 7, letter "f" - regarding para 10 and 11, т. 8, letter "a", items. 9 and 12 and § 53 - 64, which shall enter into force from January 1, 2010.

**Transitional and concluding provisions**

**TO THE ACT ON THE DEFENCE AND ARMED FORCES OF THE REPUBLIC OF  
BULGARIA**

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TRANSITIONAL AND FINAL PROVISIONS TO THE ACT AMENDING AND  
SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 47/09, IN FORCE FROM 23.06.2009; AMEND. – SG 95/09, AMEND. AND  
SUPPL. – SG, 58/2015, AMEND. AND SUPPL. - SG 55/18)

§ 28. (1) In order to bring the concession contracts concluded till the entry into force of this Act in compliance with the requirements of Art. 47, para 9 and 10, the concessionaire may submit an application to the body that signed the concession contract within a month from the entry into force of this Act (term of preclusion). In the said application the concessionaire shall announce the total quantity of annual exploitation resource that he wishes to get, as well as a time-table for its appropriation step by step according to Art. 47, para 10, item 3.

(2) In order to bring the concession contracts concluded till the entry into force of this Act in compliance with the requirements of Art. 47, para 9 and 10, within three months from the expiry of the term of para 1 the body that signed the concession contract shall submit to the Council of Ministers, respectively to the municipal council a draft decision for permitting amendment and supplementation of the concession contract.

(3) The exploitation resource shall be determined according to the resolutions of the Minister of Environment and Waters for approval of exploitation resources, effective by the date of entry into force of this Act. Upon increase of the resource infringement of the rights acquired within the meaning of Art. 49, para 3 shall not be allowed.

(4) In case no application has been filed within the term of para 1 the body that has signed the concession agreement shall submit to the Council of Ministers, respectively to the municipal council a draft decision for permitting amendment and supplementation of the concession contract in order to bring it in compliance with Art. 47, para 10, items 1, 2 and 4.

(5) In those cases where the concessionaire does not conclude an annex within 6 months from adoption of the decisions referred to in para 2 or 4, the concession contract shall be terminated ex lege from the date on which this term expires.

(6) The terms for granting a concession for mineral waters extraction fixed in the concession contracts, concluded till the entry into force of this Act, may be extended by common consent of the parties. Within one month from the entry into force of this Act (term of preclusion), concessionaires shall submit a written proposal to the body that has signed the concession contract for extension of the concession period. The overall period for granting a concession may not exceed 35 years. The terms of extension of the concession period shall be included in the decision under para 2 and 4.

(7) If till the entry into force of this Act have been concluded two or more concession contracts for a given water taking facility, the overall exploitation resource as per Art. 47, para 9 for each of them shall be calculated by allocating its exploitation resource between all concessionaires in proportion to the total exploitation resource under the concession contracts, defined by the moment of entry into force of this Act.

(8) (amend. – SG 95/09, in force from 23.06.2009) The concession contracts on enforced but yet not finalized by the rime of entering of this Act into force procedures of granting of concessions for

production of mineral waters, shall be concluded pursuant to Art. 47, para 10.

§ 29. (In force from 24.09.2009) (1) (amend. – SG 95/09, in force from 24.09.2009) The managing bodies of trade companies – W&S operators with state and/or municipal participation shall prepare lists of W&S systems and facilities as per Art.13, para 1, items 5 - 7 and Art. 19, para 1, item 4, letters "a", "b" and "c" and para 2, which are assets of the companies within 6 months from entry into force of this Act.

(2) Within the term fixed in para 1 the district governors and mayors of municipalities shall prepare lists of W&S systems and facilities as per Art.13, para 1, items 5 - 7 and Art. 19, para 1, item 4, letters "a", "b" and "c" and para 2, which are not included in the assets of the companies by the date of entry into force of this Act.

(3) (amend. – SG 95/09, in force from 24.09.2009) The water supply and Sewage systems and the facilities, for which there are no documents of title and/or for their construction, shall be described in the lists by type, locations and balance cost. The lists mentioned in para 1 and para 2 shall be sent to the Minister of Regional Development and Public Works, who shall work out written statements on the asset distribution between the state and the municipalities on the ground of Art.13, para 1, items 5 - 7 and Art. 19, para 1, item 4, items "a", "b" and "c" and para 2.

(4) (amend. – SG 95/09, in force from 24.09.2009) The Minister of Regional Development and Public Works and the municipalities exercising their ownership rights in single ownership companies with state or municipal participation or rights over shares and stocks in trade companies as per para 1, in which the state or municipality is a shareholder or a stockholder shall undertake the measures required for capital reduction by the value of the assets mentioned in para 1 within three months from the delivery of the certificates of distribution under para 3.

(5) The assets mentioned in para 1 are considered public state property, respectively – public municipal property from the registration of the decision for capital reduction.

(6) Writing off the balance of trade companies – W&S operators of property and assets – public state and/or public municipal property shall be for the account of their capital and shall not affect the financial result established pursuant to the Corporate Income Taxation Act, provided that Art. 161 of the said Act is applied only to the assets which are not public state and/or public municipal property.

(7) VAT according to the Value Added Tax Act shall not be due on the value of the property and the assets under para 1.

(8) Assets granted to companies in winding up or insolvency procedures which are public state and/or public municipal property may not be subject to sale according to Art. 268, para 1 and Art. 716 of the Commerce Act and may not be included in the insolvency mass as per Art. 614 of the Commerce Act.

§ 30. (In force from 24.09.2009) (1) The assignment of activities as per Art. 198o shall be carried out by concluding a contract between the chairperson of the W&S association, according to a decision of its general assembly, or the mayor of the municipality, according to a decision of the municipal council, on the one hand, and the W&S operator, carrying out activity in the respective separate territory, on the other hand, by the date of entry into force of this Act.

(2) The contract as per para 1 shall define at least the following:

1. scope of the activities and liabilities of the W&S operator related to provision of W&S services;

2. the liabilities of the W&S operator related to operation, maintenance and reconstruction of W&S systems and facilities;

3. the investment liabilities of the W&S operator related to construction of new W&S systems

and facilities;

4. the terms and the procedure for providing the newly constructed and future W&S systems and facilities to the W&S operator in the separate territory;

5. the terms for providing the W&S systems and facilities to the W&S operator in order to start operation;

6. the terms for delivery of the W&S systems and facilities by the W&S operator after termination of the contract;

7. the criteria and indices for exercising control over the activity of W&S operator;

8. the term of the contract;

9. liability of the parties in case of non-fulfillment of the contract;

10. the grounds and the procedure for termination of the contract ahead of term;

11. (amend. - SG 17/15, in force from 06.03.2015) the terms and the procedure for undertaking and putting out financial liabilities from the W&S operator carrying out activity in the respective separate territory by the date of entry into force of this Act and which are included in the business plan of the latter, approved by the Energy and Water Regulatory Commission.

(3) The term of the contract mentioned in para 1 may not be longer than:

1. ten years, unless there are no liabilities for the W&S operator provided in it as regards to construction of new W&S infrastructure;

2. fifteen years, in case it provides liabilities for the W&S operator as regards to construction of new W&S infrastructure;

(4) W&S operators shall continue their activity according to their approved business plans and the general terms of the contracts between the respective W&S operator and the users for provision of W&S services.

(5) W&S operators in the respective separate territory shall accept W&S systems and facilities for operation along with the relevant documentation required for their exploitation.

(6) Operators assigned according to para 1 shall calculate depreciation deductions as per Art. 15 of the Accountancy Act regarding the assets – W&S systems and facilities -public state and/or public municipal property which are granted to them for management. These depreciation deductions shall be reinvested by the W&S operator in the W&S systems according to the business plan of the W&S operator.

(7) The contract under para 1 shall be terminated in case:

1. its term has expired;

2. a natural or legal person has acquired stocks or shares in the company that is a W&S operator;

3. a decision for terminating the contract with the W&S operator has been taken by the general assembly of the W&S association or the municipal council;

4. there is a final decision for initiation of insolvency proceedings;

5. there are other grounds thereof provided in it.

(8) A W&S operator shall fulfill his duties under the contract as per para 1 till the new W&S operator starts providing the W&S service.

(9) Concession contracts for assignment of activities related to management, maintenance and exploitation of W&S systems and provision of W&S services which have been concluded prior to the entry into force of this Act, shall be effective till their termination.

(10) Upon selection of a new W&S operator the employment legal relations of the workers and employees with the former W&S operator shall be arranged according to Art. 123 and 123a of the Labour Code.

§ 31. (1) (suppl. – SG, 58/2015) Complex and significant dam lakes, including their reservoirs

up to their highest water level as well as the collecting derivations, according to a list of appendix No 1 shall be owned by legal persons having 100% state participation or by legal persons with mixed state and municipal participation, provided that the state has a majority share, or by trade companies, whose capital is owned by other trade companies with state participation.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. - SG 55/18, amend. – SG 102/22, in force from 01.01.2023) The terms and procedure for granting dam lakes – public state property included in the list of appendix No 1 shall be specified by an act of the Council of Ministers by a mutual proposal of the Minister of environment and waters, the Minister of Regional Development and Public Works, the Minister of Agriculture and the Minister of Energy.

(3) (New - SG 55/18) Dams under Para. 1 shall be given for use and management with an act of the Council of Ministers.

(4) (New - SG 55/18) In case of privatization of commercial companies or parts of such companies, in whose capital or assets are included dams, the respective competent Minister shall take the necessary actions for their removal from the capital, respectively, write-off of the assets.

§ 32. (In force from 24.09.2009, repealed – SG, 58/2015)

§ 33. (In force from 24.09.2009) The W&S services single information system and the register of W&S associations and W&S operators shall be established within three months from the adoption of the ordinance as per Art. 198v.

§ 34. (In force from 24.09.2009) (1) A separate territory shall cover the territory of the regional and municipal W&S operators carrying out activity in this territory till the entry into force of this Act.

(2) Separate territories established by this Act shall be announced by a decision of the Minister of Regional Development and Public Works within three months from its entry into force.

(3) The decision referred to in para 1 shall contain information about the territorial scope and boundaries of each separate territory.

(4) The decision under para 1 shall be promulgated in the State Gazette.

§ 35. (In force from 24.09.2009) W&S associations shall be established within three months from entry into force of this Act.

§ 36. (In force from 24.09.2009) (1) For the purpose of allocation of votes between the municipalities in each W&S association, the number of residents in the municipalities shall be calculated according to their permanent address by the date of the last official census in the Republic of Bulgaria.

(2) If any changes are found in the number of population due to a follow-up census, the votes between municipalities in the W&S association shall be redistributed according to the up-to-date information.

(3) The said redistribution shall be carried out on the first session of the general assembly of the W&S association, following popularization of the results from the official census.

(4) In the event of redistribution of the votes according to para 3, the ratio of the funds, granted by the municipality budgets for maintenance of the W&S association, shall be updated in the year following the year when the results of the official census have been announced.



§ 37. (1) Regional general plans of W&S systems and facilities and general plans of agglomerations with over 10 000 equivalent residents of W&S systems and facilities shall be worked out and adopted within two years from the entry into force of this Act.

(2) Investment programmes to regional general plans of W&S systems and facilities and general agglomeration plans of over 10 000 equivalent residents of W&S systems and facilities shall be worked out and adopted within three years from the entry into force of this Act.

(3) Till the adoption of these regional general plans and general agglomeration plans, W&S systems and facilities shall be constructed according to the previous procedures.

§ 38. Regional general plans and general agglomeration plans of agglomerations with over 10 000 equivalent residents which are in process of working out by the moment of entry into force of this Act, shall be harmonized and approved according to the procedures provided in it.

§ 39. In those cases any documents required for the delivery and exploitation of W&S systems and facilities are missing, their owners and the respective W&S operator shall restore them within one year from ascertainment of the absence.

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§ 45. The acts of secondary legislation provided in this Act shall be issued within three-months from its entry into force.

§ 46. The Act shall enter into force from the date of its promulgation in the State Gazette, except for § 26, 29, 30, 32 - 36 and 40, which shall enter into force within three months from its promulgation.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE TOURISM ACT**

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 21. In the Wine and Alcoholic Beverages Act the words "the Minister of Economy and Energy", "Minister of Economy and Energy" and "the Ministry of Economy and Energy", "Ministry of Economy and Energy" shall everywhere be replaced by the Minister of Economy, Energy and Tourism", "Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism", "Ministry of Economy, Energy and Tourism" respectively.

.....

§ 59. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT**

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The Act shall enter into force one month after its promulgation in the State Gazette, except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the day of its promulgation.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 95/09)

§ 11. The ordinance under Art.135, item 6 shall be adopted by 31 March 2010.

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§ 13. Paragraph 8 shall enter into force from 1 January 2007, § 9 and 12 shall enter into force from 11 August 2006, § 10, item 1 shall enter into force from 23 June 2009 and § 10, item 2 shall enter into force from 24 September 2009.

**ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 61/10)

§ 132. In the remaining texts of the Act:

1. The words "the bodies under Art. 52, par. 1, item 3" shall be replaced with "the body under Art. 52, par. 1, item 4".

2. The words "the body under Art. 52, par. 1, items 2 and 3" and "body under Art. 52, par. 1, items 2 and 3" shall be replaced respectively with "the body under Art. 52, par. 1" and "body under Art. 52, par. 1".

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. – SG 61/10, AMEND. AND SUPPL. - SG 55/18)

§ 133. (in force from 01.01.2011) (1) (Suppl. - SG 55/18) The Minister of Environment and Waters may allocate free of charge for management and use to the respective municipalities for a period of 25 years from the enforcement of this Act mineral waters from the deposits or from a separate section of a deposit included in Appending No. 2 of Art. 14, item 2, by which the following has not been granted:

1. concessions for abstraction of mineral water and no applications for granting of concessions for mineral waters have been filed;
2. permits for water taking for potable household water supply to more than one municipality;
3. permits for use of more than 51 per cent of the approved operational resources of the deposit.

(2) (New - SG 55/18) For the sections of the mineral water deposits under Items 31, 99, 100, 101 and 102 of Appendix 2 to Art. 14, item 2:

1. the boundaries shall be situated along the administrative boundaries of the respective municipality;

2. shall be determined the exploitation resources of the mineral waters in the area of the groundwater body and the technical feasible flow rate of the water abstraction facilities, whereas:

a) the sum of the resources in the separate sections cannot exceed the resources of the mineral water deposit;

b) the resources and the technical feasible flow rate of the water abstraction facilities are to be calculated at a given reduction equal to zero, at the boundaries of the relevant section;

3. shall be reasonably suggested and defined a buffer zone along the administrative boundary of the municipality, where construction of new water abstraction facilities that would violate the fulfillment of the requirement under item 2 is not to be allowed.

(3) (Previous Para. 2, suppl. - SG 55/18) List of the deposits and sections under Para. 1 shall be published annually by 31 December on the website of the Ministry of Environment and Waters.

(4) (Previous Para. 3, amend. - SG 55/18) Allocation of mineral waters under Para. 1 shall be done upon a written application by the Mayor after a decision of the Municipal Council of the respective municipality, submitted by 31 January of the year following the publication of the list under Para. 3.

(5) (Previous Para. 4, amend. - SG 55/18) The Minister of Environment and Waters, within 14 days from filing of the application under Para. 4, by a decision, shall allocate the mineral water deposit to the respective municipality. The decision shall be published on the website of the Ministry of Environment and Waters.

(6) (New - SG 55/18) While providing mineral water deposits or separate sections of a mineral water deposit from Annex 2 to Art. 14, item 2, defined as water bodies in the River Basin Management Plans (RBMP), in the decision under Para. 5 shall include specific requirements, including:

1. equality between the available resources of the groundwater body and the exploitation resources of the mineral water deposit;

2. collecting, maintaining and providing the relevant Basin Directorate with the information necessary for the purposes of the RBMP;

3. implementation of the planned monitoring at the designated points for quantitative and chemical status of the groundwater body;

4. implementation of the water body measures provided for in the RBMP;

5. determination of the part of the natural and available resources of the groundwater body that is given to the respective municipality;

6. determination of permissible reductions at the water level so as not to create a risk for decrease of water levels:

a) in areas located in neighbouring municipalities;

b) and changing the location of the boundary between the mineral water deposit and adjacent water bodies with waters with a temperature of less than or equal to 20° C;

7. restrictions on the construction of new water abstraction facilities, which may impede the fulfillment of the conditions under item 6 along the border with the neighbouring municipalities and adjacent underground water bodies.

(7) (Previous Para. 5 - SG 55/18) The municipality Mayor shall administer the allocated mineral waters under Para. 1 in compliance with the requirements, set out in the ordinance referred to in Art. 135, Para. 1, item 2.

(8) (Revoked previous Para. 6 - SG 55/18) The municipalities shall have the right to use for free the information available in the Ministry of Environment and Waters on mineral waters deposits allocated to the respective municipality.

(9) (Previous Para. 7 - SG 55/18) For the use of mineral waters under Para. 1:

1. the municipal council shall determine by a decision:

a) pursuant to the provision of Art. 41, the total water taking of mineral water from the deposits referred to in Para. 1 for drinking and water use by the people, where the mineral water is of a composition and quality, suitable for its use for this purpose;

b) whether the application for granting of a permit for use of mineral water complies with the municipality policy and development plan and whether to grant a permit for water taking or to grant a concession for abstraction of mineral water;

c) whether the mineral water of a particular deposit is to be allocated for use for free or against payment of a fee, determined by a tariff, adopted by the municipal council;

2. the municipality Mayor shall:

a) administer and maintain serviceable the facilities in compliance with the requirements of the ordinance referred to in Art. 135, Para. 1, item 2;

b) provide for the use of mineral water, without disturbing public interests and in the interest of people;

c) (suppl. - SG 55/18) issue the permits for water taking under Art. 52, Para. 1, item 3, letter "a";

d) (new - SG 55/18) amend, continue, reissue, terminate or revoke permits issued prior to the provision of the mineral water deposit for management and use by the municipality;

e) (new - SG 55/18) control:

aa) the fulfillment of the parameters and conditions in the issued permits for water abstraction from the deposit or part of a mineral water deposit;

bb) upholding and observing prohibitions in the belts and areas for the conservation of the deposit or the section of a mineral water deposit;

f) (new - SG 55/18) collect the fees for water abstraction from mineral waters;

g) (new - SG 55/18) spend the collected fees for water abstraction from mineral waters from the deposits or sections under Para. 1 for the purposes of Para. 15, item 2;

h) (previous letter "d", amend. - SG 55/18) send copies of the issued administrative acts under letters "c" and "d" and the protocols of findings for the control exercised under letter "e" to the Ministry of Environment and Waters, and publish them on the website of the respective municipality;

i) (previous letter "e", amend. - SG 55/18) annually by 31 March shall submit:

aa) to the Minister of Environment and Waters a report on the use of mineral waters, including: balance of resources by deposits/sections, balance by water taking facilities, with indication of the approved technically feasible flow rate of each facility, the allocated for use flow rate of each facility and the free capacity of each facility, a list of water users with information of the permitted and actually used volumes of mineral water throughout the previous year, and the fees paid for water taking.

bb) to the Director of the respective Basin Directorate a list of the water users with data on the permitted and actually used volumes of mineral water in the previous year, and the paid water abstraction fees, and information on the implemented measures on the territory of the municipality - when the mineral water deposit is defined as a water body in the relevant River Basin Management Plan.

(10) (Previous Para. 9, amend. - SG 55/18) For the deposits of mineral water, given to municipalities to use and manage, the fees for water taking:

1. shall be determined with a tariff adopted by the Municipality Council, whereby:

a) the principle of reimbursement is to be applied when determining the size of the fees;

b) for mineral water deposits, in which sections are separated, the fees for the respective water abstraction purposes are to be the same in the individual sections; in case the municipalities do not reach agreement on the amount of the fees, the tariff under Art. 194, Para. 6 shall apply;

c) for mineral water deposits designated as water bodies in River Basin Management Plans:

aa) the water abstraction objectives are to be determined in accordance with the water services defined in the economic analysis of water use under Art. 192, Para. 2, item 1;

bb) the amount of the fees is to consider the defined target level of reimbursement of the cost of the service in the River Basin Management Plans;

2. shall be transferred to the account of the respective municipality, published on the website of the municipality.

(11) (Previous Para. 10, amend. – SG 55/18) The Mayor of a municipality shall amend ex officio the permits issued before the provision of the mineral water deposit for management and use by the municipality, in the part defining the rules and obligations to pay the water abstraction fees.

(12) (New - SG 55/18) The Mayor of the municipality shall determine the rules and obligations for the payment of the water abstraction fees in the issued permits and in the amended permits under Para. 11 for the period of provision of the mineral water deposit for management and use by the municipality, determined by the decision under Para. 5.

(13) (Previous Para. 11, suppl. – SG 55/18) The Director of the Basin Directorate shall not consider any applications for granting permits for water abstraction from mineral waters from deposits and sections included in the list of Para. 3, filed in the period between January 1st - February 15th.

(14) (Previous Para. 12, amend. – SG 55/18) Within 14 days after issuance of the decision under Para. 4, the Director of the Basin Directorate shall send ex-officio the filed documents referred to in Para. 13 by competency to the Mayor of the respective municipality.

(15) (Previous Para. 13, amend. – SG 55/18) The funds collected from fees for water extraction under Para. 10:

1. shall be accounted as income in the municipal budget.

2. shall be spent for:

a) preservation and efficient use of the mineral water;

b) implementation of the measures planned in the River Basin Management Plans (RBMP) to achieve and maintain a good quantitative and chemical state of the water body on the territory of the municipality - when the mineral water deposit is defined as a water body in the respective River Basin Management Plan.

(16) (Previous Para. 14, amend. – SG 55/18) The right of management and use of mineral waters under Para. 1 shall lapse in case of:

1. its non-exercising for a period of 5 years.

2. expiration of the term under Para. 1.

(17) (New - SG 55/18) Upon lapsing of the right of management and use of mineral waters under Para. 1, the Director of the Basin Directorate shall ex officio amend the permits for water abstraction from mineral waters from the respective deposit, the part defining the rules and obligations for the payment of the water abstraction fees.

§ 134. (1) Within two months after the enforcement of this Act the monitoring points and stations of the quantity of waters, managed by the basin directorates for water management, including those, covered by the early warning systems, meant for monitoring and forecasting of risk factors, which may cause flood, shall be assigned by an order of the Minister of Environment and Waters for administration and maintenance to the National Institute of Meteorology and Hydrology of Bulgarian Academy of Sciences.

(2) Within the term referred to in par. 1 the Director of the Executive Agency "Survey and Maintenance of Danube river" shall submit to the National Institute of Meteorology and Hydrology of Bulgarian Academy of Sciences information on the monitoring points of the quantity of Danube river.

(3) The Director of the National Institute of Meteorology and Hydrology of Bulgarian Academy of Sciences within 6 months after the enforcement of this Act shall produce a register and shall submit to the Minister of Environment and Waters the register and the documentation of the monitoring points and station of the quantity of waters, incl.:

1. on the monitored as of the time of entering of the Act into force points and stations;
2. on the closed after 1990 points and stations;
3. assigned by the basin directorates points and stations;
4. points and stations, monitored by the Executive Agency "Survey and maintenance of Danube river".

(4) Within 14 months after the enforcement of this Act the points and the stations referred to in par. 1 shall be registered as public state property by the regional governors by the place of their location following the provisions of the State Property Act.

§ 135. (1) The permits, issued pursuant to the provisions of the Act in the period from 28 January 2000 to 30 July 2001 by an official, acting in the public as a body referred to in Art. 52, item 2, without being legally authorized to act as such, shall generate all legal consequences of duly issued permits as from the time of entering of this Act into force, if the following conditions are met:

1. the period of validity of the permit has not expired;
2. the granted by the permit rights are used as of the date of entering of this Act into force, and
3. all terms and conditions specified in the permit have been met within the specified term thereof;
4. annually within the set term and in the full amount the due fees for water use or for use of a water body have been paid.

(2) Meeting the terms and conditions referred to in par. 1, items 2, 3 and 4 shall be proven by:

1. inspection by the Director of basin directorate or by an official authorized by him/her – in cases referred to in par. 1, items 2 and 3;

2. payment documents and an extract from the accounts of:

- a) the National Fund of Environmental Protection – by 31 December 2003;

- b) the Enterprise for management of environmental protection activities – from 1 January 2004.

- (3) The provisions of par. 1 and 2 shall not apply to permits, pronounced as null and void by the court.

§ 136. Art. 146b, par. 1, items 1 and 2 shall apply by 22 December 2010.

§ 137. (1) Preliminary flood risk assessment under Art. 146a shall be carried out by 22 December 2011.

(2) The assessment referred to in par. 1 or the assessment and the decisions referred to in Art. 146b shall be reviewed and updated by 22 December 2018 and every 6 years thereafter.

§ 138. (1) The maps under Art. 146e, par. 1 shall be produced by 22 December 2013.

(2) The maps referred to in par. 1 shall be reviewed and updated by 22 December 2019 and every 6 years thereafter.

§ 139. (1) The management plans referred to in Art. 146i shall be produced and published by 22 December 2015.

(2) The plans referred to in par. 1 shall be reviewed and updated by 22 December 2021 and every 6 years thereafter.

§ 140. (1) Before the adoption of the ordinance under Art. 117a, par. 2 the justification of the ordered water volumes shall be prepared on the grounds of determined by other regulating acts quantities for the respective purpose of use.

(2) In cases referred to in par. 1 the justification of the required water volumes should contain a reference to the title of the respective regulating act.

(3) Where for a particular purpose of use of water there are no legally determined quantities, the justification under par. 1 shall be done in compliance with the technological requirements for the particular purpose, by applying facilities technical specifications, based on which the required quantity is determined.

§ 141. (1) Before the adoption of ordinances referred to in Art. 135, par. 1, items 1a, 2, 6 and 13 the content of the registers referred to in Art. 182, par. 1, item 1, items "a", "b", "d", "e" and "f", items 2, 3 and 4 and Art. 183, item 1 shall be determined by an order of the Minister of Environment and Waters.

(2) The project categories of surface waters, determined by an order of the Minister of Environment and Waters, shall remain in force up to adoption of the ordinances referred to in Art. 135, par. 1, item 17 and 18.

§ 142. The provisions of Art. 118, par. 1 and par. 5 and of Art. 151, par. 2, item 2, item "v" shall apply up to entering into force of the ordinance referred to in Art. 135, par. 1, item 17.

§ 143. (1) Up to the installation of measuring devices according to the provisions of Art. 194a, par. 1 and where the permit holder is Water Supply and Sewage system operator, the fee for water taking under Art. 194, par. 1, item 1 shall be determined based on the sum of the maximum hourly water quantities, for which the discharge pipelines and the facilities thereto after the water taking from underground waters and/or after the water intake of surface waters are sized in the engineering project.

(2) Before the construction of water treatment plants in residential areas with more than 2000 equivalent residents the fee for contamination referred to in Art. 194, par. 1, item 3, item "a" shall be calculated annually based on the permitted annual water quantity and the individual emission limits, indicated in the permit.

(3) Water supply and sewage system operators shall install measuring devices not later than three years after entering of this Act into force.

§ 144. (1) The owners of facilities for underground waters, meant for water taking, which are used or may be used for water taking both for economic and non-economic purposes, for which no rights for use of waters have been granted, within one year after the enforcement of this Act shall file to the respective basin directorate an application for registration of the facilities in the register under Art. 118d, except for those for own needs.

(2) The following shall be attached to the application under par. 1:

1. document of title on the property, where the water taking facility is located;
2. geographical and geodetic coordinates of the facility;
3. information on the facility depth and structure;
4. information on fitting of the facility for operation;
5. declaration about its year of construction;
6. information about the purpose, for which the taken water is used;

7. document of the paid BGN250 fee.

(3) In cases, where the facility is not fitted for operation, to the application under par. 1 shall be attached also a declaration of owner's intentions concerning the conservation or closing of the facility.

(4) Within one month after filing of the application the basin directorate shall revise the documents referred to in par. 2 and 3 and shall carry out:

1. inspection of the constructed facilities and their equipment;
2. assessment of the relevance of facility conservation or closing.

(5) Within 7 days after the revision under par. 3 the facility shall be registered in the register under Art. 118d.

§ 145. (1) The proceedings for granting of permits, having been initiated prior to entering of this Act into force, shall be finalized by the bodies, having accepted the applications for granting of permits, subject to compliance with the provisions and the restrictions of this Act.

(2) Within three months after entering of this Act into force the Directors of basin directorates shall submit to the mayors of respective municipalities copies of the issued prior to the enforcement of this Act permits for water taking from waters which are public municipal property, and for use of water bodies which are public municipal property, together with a copy of the documents, based on which the permits have been granted.

§ 146. (1) The permits for taking of alluvial deposits issued prior to the enforcement of this Act shall be re-issued subject to compliance with the provisions of this Act within one year after its enforcement.

(2) All permits issued prior to the enforcement of this Act, except for those referred to in par. 1, shall be adjusted to the provisions of the Act at the time of their first amendment or extension.

.....

§ 152. (1) The ordinances referred to in Art. 135, par. 1, items 2, 5, 9, 13 and 14 shall be adjusted to the provisions of this Act within 6 months after its entering into force.

(2) The ordinances referred to in Art. 135, par. 1, items 1a, 6, 17, 18, 19, 20 and 21 shall be issued within 6 months after its entering into force.

(3) The ordinance referred to in Art. 158, par. 3 shall be issued within one year from the enforcement of this Act.

(4) The manuals referred to in Art. 135, par. 2 shall be prepared and issued within 6 months after the enforcement of this Act.

§ 153. The provision of § 133 shall enter into force from 1 January 2011.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. – SG 98/10, IN FORCE FROM 01.01.2011)

§ 121. This Act shall enter into force from 1st of January 2011, except for:

1. paragraphs 1, 16, 20, 29, 30, 32, 33, 34, 35, 42, 44; § 56, items 1 and 2; § 65, 68, 70, 76, 80,



81, 90, 92, 96; § 102, items 3, 4, 5, 7 and 8; § 105, items 1, 3 and 5; § 107, items 1, 2, 3, 4, 6, letter "a", items 7, 10, 11, 13 and 15, letter "a"; § 109, 110, 113, § 115, items 4 and 6; § 117, items 5 and 7; and § 118, item 1 which shall enter into force from the day of promulgation of the Act in the State Gazette;

2. paragraph 102, items 1, 2 and 6 which shall enter into force from 1 March 2011;
3. paragraphs 22, item 1 (regarding Art. 36, Para 1, Sentence Two); § 37; § 48, item 2; § 51 and 59, which shall enter into force from 1 July 2011;
4. paragraph 107, item 15, letter "b", which shall enter into force from 30 September 2011

#### **Concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICINAL PLANTS ACT PROM. – SG 28/11, IN FORCE FROM 05.04.2011)**

§ 49. This Act shall enter into force from the day of its promulgation in the State Gazette.

#### **Transitional and concluding provisions**

### **TO THE ENERGY FROM RENEWABLE SOURCES ACT**

(PROM. – SG 35/11, IN FORCE FROM 03.05.2011)

§ 25. This Act shall enter into force from the day of its promulgation in the State Gazette, except for the provisions of:

1. article 20, par. 1, 2 and 3, which shall enter into force from January 1, 2012 for buildings for public services, and for the remaining buildings – from December 31, 2014;
2. article 21, par 1, 2, 3 and 4, which shall enter into force from December 31, 2012;
3. article 22, par. 1, 2, 3, 4 and 5, which shall enter into force from January 1, 2012;
4. article 23, par. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, which shall enter into force from July 1, 2012.

#### **Transitional and concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE DISASTER PROTECTION ACT**

(PROM. – SG 80/11, IN FORCE FROM 14.10.2011)

§ 57. This Act shall enter into force from the day of its promulgation in the State Gazette.

#### **Concluding provisions**

### **TO THE ACT AMENDING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT (PROM. - SG 77/12, IN FORCE FROM 09.10.2012)**

§ 19. This Act shall enter into force from the day of its promulgation in the State Gazette.

#### **Transitional and concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL PLANNING ACT**

(PROM. - SG 66/13, IN FORCE FROM 26.07.2013)

§ 60. The following amendments and supplementations are made to the Geodesy and

Cartography Act (Prom. SG 29/06; amend. SG 57 and 109/07; SG 36/08; SG 19 and 74/09; SG 77/10; SG 77/12):

.....  
3. In the remaining wording of the act the words "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works", "Deputy Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works" shall be replaced respectively with "Minister of Regional Development", "the Minister of Regional Development", "Deputy Minister of Regional Development" and "the Ministry of Regional Development"  
.....

§ 117. The Act shall enter into force from the date of its promulgation in State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT OF WATERS**

(PROM. - SG 103/13, AMEND. AND SUPPL. – SG, 58/2015)

§ 9. (1) Managing bodies of business companies being W&S operators with state and/or municipal participation, within 4 months after entering of this act into force shall prepare and send to the Minister of Regional Development lists of W&S systems and facilities under Art. 13, 15 and 19, located within the specified territory, which are company assets.

(2) Within the term under par. 1 regional governors and municipal mayors shall prepare and send to the Minister of Regional Development lists of W&S systems and facilities and of parts thereof under Art. 13, 15 and 19, located within the specified territory, which are not included into company assets under par. 1 as of the day of entering of this act into force.

(3) The lists under par. 1 and 2 shall be prepared in a standard form, approved by the Minister of Regional Development. Upon Minister of Regional Development’s request, documents related to construction and ownership of W&S systems and facilities shall be attached to the lists.

(4) The Minister of Regional Development within three months after receiving the lists under par. 1 and 2 shall prepare and send for agreeing upon with the municipal administrations protocols of distribution of ownership of assets between the state and municipal administrations, located within the specified territory.

(5) Municipal administrations may issue opinions on the distribution of ownership of the assets within two months after receipt of the protocols referred to in par. 4. Upon expiration of this term, the Minister of Regional Development shall send to the municipal administrations and the regional governors the final protocols. The final protocols shall have evidential force for the distribution of the ownership of assets between the state and municipalities until proved otherwise.

(6) The Minister of Regional Development and the municipal administrations exercising the right of ownership in solely state-owned or solely municipal-owned business companies or to stakes and shares in any business companies referred to in par. 1 wherein the state or the municipality is a partner of a shareholder, shall undertake measures necessary for writing the assets referred to in par. 1 and their value off the balance sheet of the companies within two months after the drawing up and, respectively, the receipt of the final protocol referred to in par. 5.

(7) Writing off the balance sheet of the business companies which are W&C operators, of property and assets being public state and/or public municipal property shall be at the expense of the equity capital of the said companies, except for the registered (authorized) capital, and also for the

account of received governmental donations (financing), where the respective assets have been received under deeds of gift (financing) without this affecting their tax financial result, acknowledged subject to compliance with the provisions of the Corporate Income Tax Act, whereby Art. 161 of the Corporate Income Tax Act shall apply only to the assets which are not public state and/or public municipal property.

(8) (Suppl. – SG, 58/2015) In the cases referred to in Art. 198b, item 2 the Minister of Regional Development shall send to the W&S association copies of the final protocols on distribution of ownership under par. 5 immediately after their issuance or after the W&S association establishment within the specified territory, provided that such an association has not been established as of the date of issuance of the final protocols. In such cases, the W&S systems and facilities being public state and public municipal property shall pass under the management of the W&S association of the specified territory concerned as from the date of receipt of the final protocols by the W&S association respectively, after their writing-off subject to compliance with the provision of par. 7. WaS systems and facilities – public state ownership shall be accounted in the balance of the regional administrations of the relevant separate territory.

(9) In the cases referred to in Art. 198b, item 3, the W&S systems and facilities being public municipal property shall pass under the management of the municipal councils as from the date of receipt of the final protocols under par. 5, respectively, after their writing-off subject to compliance with the provision of par. 7.

(10) In the cases referred to in Art. 198b, item 2, the owner of the W&S systems and facilities being public state and public municipal property which have been constructed or commissioned after the drawing up of the protocol on distribution of the assets under par.1 and 2 immediately shall notify the W&S association of the date of their commissioning and shall send it copies of the documents related to the their construction and ownership. In such case the W&S systems and facilities being public state and public municipal property shall pass under the management of the W&S association of the respective specified territory as from the date of receipt of the notification and the documents.

(11) Until the conclusion of a contract subject to compliance with the provision of Art. 198n, par. 4, the assets referred to in par. 8 -10 shall continue being administered, maintained and operated according to the existing procedure by the W&S operators operating as of the date of entering of this act into force within the specified territory within the meaning of § 34 of the Transitional and Concluding Provisions of the Act amending and supplementing the Act on Waters (SG 47/09; amend. SG 95/09).

(12) Writing off the property and assets under par. 6 shall not be regarded as a supply of goods or services within the meaning of Art. 10 of the Value Added Tax Act.

(13) The property and the assets provided to the companies in winding up or bankruptcy proceedings being public state and/or public municipal property, shall not be subject to cashing according to the procedure provided in Art. 268, par. 1 of the Act of Commerce, shall not be included in the bankruptcy structure under Art. 614, par. 1 of the Act of Commerce and shall not be cashed within the meaning of Art. 716 of the Act of Commerce.

§ 10. (1) The concession agreements for assigning of works for management, maintenance and operation of W&S systems and provision of W&S services, which have been concluded prior to entering of this Act into force, shall remain in full effect until their termination. The change of ownership of the water resource systems and facilities with a granted concession thereof, shall be without prejudice to the rights and obligations of both concessionaires and the concession grantors. In case of change in the rights of ownership of the water resources systems and facilities with a granted concession thereof, the concession grantor shall continue exercising the rights and obligations under the concession agreement on behalf of the new owner until its termination.

(2) The functions of a W&S association for the management of W&S systems and facilities

intended for water supply of Sofia Municipality, notwithstanding the ownership and the territories where they are located or pass through, shall be fulfilled by the Municipal Council of Sofia Municipality.

§ 11. The first regional master plans of the W&S systems and facilities and the investment programs thereto, referred to in Art. 198c, par. 4, items 3 and 4, and Art. 198d, items 4 and 5, shall be produced for the specified territories within the meaning of § 34 of the Transitional and Concluding Provisions of the Act amending and supplementing the Act on Waters (SG 47/09; amend. SG 95/09) and shall be adopted by the Minister of Regional Development upon consultations with the persons referred to in Art. 198b, items 2 and 3. The persons referred to in Art. 198b, items 2 and 3 may issue an opinion on the first regional master plans of W&S systems and facilities and the investment programs thereto, referred to in Art. 198c, par. 4, items 3 and 4 and Art. 198d, items 4 and 5 within two months after their receipt. The actions referred to in Art. 198j shall be carried out by the Minister of Regional Development.

§ 12. In the municipalities within the territory of which there are dams being public municipal property for which no contracts for administration, maintenance and operation thereof have been concluded, upon a proposal of the municipality mayor, the Municipal Council shall adopt a resolution on:

1. establishment of a municipal enterprise for carrying out the said activities, or
2. (suppl. – SG, 58/2015) opening of a procedure for selection of an operator of a dam wall for assigning the administration, maintenance and operation of dams by leasing or granting a concession thereof.

.....

§ 14. (1) (amend. – SG, 58/2015) The present regulatory period within the meaning of Art. 10, par. 1 of the Law on Water Supply and Sewerage Services Regulation shall be extended until the 31st of December 2016. The next regulatory period shall commence on the 1st of January 2017.

(2) The business plans for the current regulatory period, which have been approved prior to the entry of this Act into force, shall remain in full effect.

(3) Within three months after the entry of this Act into force the W&S operators shall supplement the business plans under par. 2 with a view of extending the current regulatory period under par. 1. The supplements to the business plans shall be approved according to the provision of Art. 11 of the Law on Water Supply and Sewerage Services Regulation.

(4) Within the term referred to in par. 3 the W&S operators may request a review of the approved prices in consideration of the supplements to the business plans.

(5) (amend. – SG, 58/2015) In the cases referred to in par. 3 and 4 the W&S operators shall follow the directions of the commission referred to in Art. 6, par. 1, item 4 and Art. 16 of the Act on Water Supply and Sewerage Services Regulation.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT OF WATERS**

(PROM. - SG 26/14)

§ 2. The amounts representing unfair financial burden incurred by Irrigation Systems EAD for

the public services provided in the period 2011 - 2013 shall be reimbursed to company through the budget of the Ministry of Agriculture and Food at the expense of the funds provided for in Art. 1, para 2, line 4.1.1 and 4.1.2 of the Act on the State Budget of the Republic of Bulgaria for 2014 by March 31, 2014.

§ 3. The advance funds for 2014 for provision of public services related to protection from the harmful effects of water required under the advance estimates of the Ministry of Agriculture and Food shall be provided to Irrigation Systems EAD after signing the contract under § 4a para 1, in accordance with Art. 1, para 2, line 4.1.1 and 4.1.2 of the Act on the State Budget of the Republic of Bulgaria for 2014, by March 31, 2014.

§ 4. The Council of Ministers shall adopt a methodology under § 4, para 7 of the Transitional and Final provisions within three months from entry into force of the Act.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, in force from 28.11.2014)

§ 55. In the Act on Waters (Prom. SG. 67/27 Jul 1999, amend. SG. 81/6 Oct 2000, amend. SG. 34/6 Apr 2001, amend. SG. 41/24 Apr 2001, amend. SG. 108/14 Dec 2001, amend. SG. 47/10 May 2002, amend. SG. 74/30 Jul 2002, amend. SG. 91/25 Sep 2002, amend. SG. 42/9 May 2003, amend. SG. 69/5 Aug 2003, amend. SG. 84/23 Sep 2003, suppl. SG. 107/9 Dec 2003, amend. SG. 70/10 Aug 2004, amend. SG. 18/25 Feb 2005, amend. SG. 77/27 Sep 2005, amend. SG. 94/25 Nov 2005, amend. SG. 29/7 Apr 2006, amend. SG. 30/11 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 65/11 Aug 2006, corr. SG. 66/15 Aug 2006, amend. SG. 105/22 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 22/13 Mar 2007, amend. SG. 59/20 Jul 2007, amend. SG. 36/4 Apr 2008, amend. SG. 52/6 Jun 2008, amend. SG. 70/8 Aug 2008, amend. SG. 12/13 Feb 2009, amend. SG. 32/28 Apr 2009, amend. SG. 35/12 May 2009, amend. SG. 47/23 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 93/24 Nov 2009, amend. SG. 95/1 Dec 2009, amend. SG. 103/29 Dec 2009, amend. SG. 61/6 Aug 2010, amend. SG. 98/14 Dec 2010, amend. SG. 19/8 Mar 2011, amend. SG. 28/5 Apr 2011, amend. SG. 35/3 May 2011, amend. SG. 80/14 Oct 2011, amend. SG. 45/15 Jun 2012, amend. SG. 77/9 Oct 2012, amend. SG. 82/26 Oct 2012, amend. SG. 66/26 Jul 2013, amend. SG. 103/29 Nov 2013, amend. SG. 26/21 Mar 2014, amend. SG. 49/13 Jun 2014, amend. SG. 53/27 Jun 2014) the words "the Ministry of Regional Development", "Minister of Regional Development" and "the Minister of Regional Development" shall everywhere be replaced respectively by "the Ministry of Regional Development and Public Works", "Minister of Regional Development and Public Works" and "the Minister of Regional Development and Public Works".

.....  
§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTATING THE ACT ON WATERS**

§ 49. The following amendments shall be made in the Act on Waters:

.....  
2. everywhere in the Act the abbreviation SEWRC shall be replaced with EWRC.

§ 57. The Act shall enter into force from the day of promulgation in the State Gazette with exception of § 13, which shall enter into force from 1<sup>st</sup> of January 2016.

## **ACT, AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PUBL. – SG, 58/2015)

§ 61. In the other texts of the act, the words “and micro-dams” shall be deleted.

### **Transitional and concluding provisions TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PUBL. – SG, 58/2015, AMEND. - SG 17/19, IN FORCE FROM 01.08.2016)

§ 62 (1) The ordinance under Art. 141, Para. 2 and the methods under Art. 156f, Para. 9 shall be issued within the term of up to 6 months from the enforcement of this act.

(2) The ordinances under Art. 135, Para. 1, p. 1a, 2, 7, 11, and 13 and the fee tariff for water taking for use of a water site and for contamination under Art. 194, Para. 6 shall be brought in compliance with the requirements of this act within the term of 1 year from its enforcement.

(3) By the time the ordinances under Art. 135, Para. 1, p. 7 and 13 are brought in compliance with this act, the repealed ordinances under Art. 135, Para. 1, p. 10 and 12 shall apply, unless they contradict this act.

(4) (Amend. - SG 17/19, in force from 01.08.2016) Until December 31<sup>st</sup>, 2016, fees for water collection, water use and pollution shall be calculated and paid according to the current order and the current size. As of January 1, 2017, fees for water collection, water use and for pollution shall be calculated and paid according to the new order and in the new sizes defined with tariff under Art. 194, Para. 6.

§ 63. The permits for use of a water site for extraction of alluvial disposals, with the exclusion of ones of the river Danube and the water reservoirs, issued by the time this act is enforces, shall keep their force and shall be terminated after expiry of the term, for which they have been issued, where Art. 78, Para. 2 shall not apply.

§ 64. The started procedures before the enforcement of this act for change of ownership of sites under the repealed § 32 of the Transitional and Final Provisions of the Act. Amending and Supplementing the Act on Waters (publ. – SG, 47/2009, amend. – 95/2009) shall be finalized under the current procedure.

§ 65. (1) Striking off from the balance of trade companies – WaS operators of lands – public state and/or public municipal ownership under Art. 15 and 19 shall be performed within the term of 6 months after defining the sanitary-security zones round the water taking facilities for drinking-household water supply.

(2) Within the term of 6 months after defining the sanitary-security zones, the WaS operators shall undertake all the legal and factual actions for striking off under Para. 1, including if needed they shall undertake accountancy and regulative procedures for separation of belt 1 of the sanitary security zones under the order of the competent body and shall submit to the Minister of Regional Development and Public Works a list, containing indication and individualization of the lands, which are belt 1 of a sanitary-security zone, which are located in the separate territory.

(3) For distribution of the ownership of the lands of belt 1 of sanitary-security zones between

the state and the municipalities, protocols shall be signed according to a standard form. Confirmed by the Minister of Regional Development and Public Works. The protocols for distribution shall be appendix to the protocols of § 9 of the Transitional and Final Provisions to the Act, Amending and Supplementing the Act on Waters (SG, 103/2013).

(4) The provisions of § 9 of the Transitional and Final Provisions of the Act, Amending and Supplementing the Act on Waters (SG, 103/2013) shall also apply correspondingly to the distribution and striking off lands which are public ownership.

§ 66. All the dams on the territory of the country shall be brought in compliance with the requirement under Art. 138c, Para. 1 within the term of 1 year from the enforcement of this act.

§ 67. The owners of dams and facilities to them, which are in exploitation, shall notify in writing the chairperson of the Metrological and Technical Supervision State Agency about the acting operator of a dam wall within 14 day term from the enforcement of this act.

.....

§ 69. Fee for contamination of defuse sources of agriculture shall be due from 1 January 2017.

**Transitional and concluding provisions  
TO THE ACCOUNTANCY ACT**

(PROM. SG 95/15, IN FORCE FROM 01.01.2016)

§ 29. This Act shall enter into force from 1<sup>st</sup> of January 2016, with the exception of Art. 48 – 52, which shall enter into force from 1<sup>st</sup> of January 2017.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE AMBIENT AIR QUALITY ACT**

(PROM. – SG 101/15, IN FORCE FROM 22.12.2015)

§ 36. The Act shall enter into force from the date of its promulgation in the State Gazette with exception of:

1. § 8 about Art. 17c, para 3, 4, 5 and 6, which shall enter into force on 1<sup>st</sup> of January 2017;
2. § 20 about Art. 34i, para 7, which shall enter into force on 1<sup>st</sup> of January 2018.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE DISASTER PROTECTION ACT**

(PROM. - SG 51/16, IN FORCE FROM 05.07.2016)

§ 62. This Act shall enter into force on the day of its promulgation in the State Gazette, except for § 9, which shall enter into force on 1 of August 2016.

**Concluding provisions  
TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY**

(PROM. - SG 58/17, IN FORCE FROM 18.07.2017)

§ 11. Everywhere in the text of Act on Waters words "Minister of Agriculture and Food" and "Ministry of Agriculture and Food" shall be replaced with words "Minister of Agriculture, Food and Forestry" and "Ministry of Agriculture, Food and Forestry".

.....

§ 76. This Act shall enter into force on the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**

## **TO THE CONCESSIONS ACT**

(PROM. – SG 96 OF 2017, IN FORCE FROM 02.01.2018)

§ 10. The provision of Art. 118g, Para. 1, item 4 of the Waters Act shall not apply to water abstraction for hydro-electric power plants, which were put into operation as of 9 August 2010.

.....

§ 41. The act shall enter into force within one month from its promulgation in the State Gazette, with the exception of:

1. Article 45, Para. 5 which shall enter into force within 12 months of the act's promulgation in the State Gazette;
2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on January 31, 2019.

### **Concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE WATERS ACT**

(PROM. - SG 55/18, SUPPL. - SG 61/19, IN FORCE FROM 07.07.2018)

§ 32. The Ordinance under Art. 141, Para. 2 shall be brought into compliance with the provisions of this Act within 6 months of its entry into force.

§ 33. (Suppl. - SG 61/19, in force from 07.07.2018) Within three months from the entry into force of this Act, the mayors of municipalities shall submit to the Ministry of Economy a motivated proposal for changing the ownership of the dams-public municipal property, if a decision is taken by the respective municipal council to gratuitously transfer the property to the state.

### **Transitional and concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;
2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;
3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

### **Transitional and concluding provisions**

#### **TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT**

(PROM. - SG 98/18, IN FORCE FROM 27.11.2018, AMEND. AND SUPPL. - SG 102/20, IN FORCE FROM 27.11.2020, AMEND. – SG 96/22, IN FORCE FROM 27.11.2022)

§ 41. (1) (Amend. - SG 102/20, in force from 27.11.2020, amend. – SG 96/22, in force from 27.11.2022) Owners of groundwater taking facilities built up to 28 January 2000 and water abstraction



taking built up to 23 December 2016 for which no building permits have been issued and which are not entered in a register under Art. 118d, para. 3 of the Act on Waters shall submit an application to the relevant Basin Directorate for registration of the facilities by November 28th, 2025.

(2) To the application under para. 1 shall be applied:

1. the documentation under Art. 118d, para. 5, item 3 of the Act on Waters;
2. information on the equipment of the service facility;
3. declaration for the year of construction of the facility;
4. declaration of the owner's intention to use or preserve the facility;
5. copy of the document for paid fee according to the tariff under Art. 72 of the Environmental Protection Act.

(3) Entry is done if the water taking facility:

1. reveals only one body of water;
2. has a construction that prevents mixing of water from several bodies of water or penetration of water from the surface into the water body through the space around the pipes of the device, and
3. is fit for operation

(4) Within two months from the submitting of the application, the Director of the Basin Directorate shall check the documents under para. 2 and if the requirements of para. 3 are met, enters the facility in the respective register under Art. 118d, para. 3 of the Act on Waters.

(5) When the requirements of para. 3 are not met, the Director of the Basin Directorate shall refuse entry in the relevant register under Art. 118d, para. 3 of the Act on Waters and orders the liquidation of the facility.

(6) The permitting of water taking from registered facilities under para. 1 shall be carried out under the conditions and by the order of the Act on Waters.

(7) (Amend. - SG 102/20, in force from 27.11.2020, amend. – SG 96/22, in force from 27.11.2022) Owners of wells intended for satisfying citizens' own needs located within the boundaries of settlements and settlement formations for which until November 27th, 2018, no applications for entry in the register have been submitted under the Art. 118d, para. 3, item. 5 of the Act on Waters, shall submit an application by November 28, 2025, to the relevant Basin Directorate for entry of the facilities in the register. The application shall contain the information for registration of a built well, determined in the ordinance under Art. 135, para. 1, item 2 of the Act on Waters.

(8) (Amend. - SG 102/20, in force from 27.11.2020) The application under Para. 7 may also be submitted through the respective mayor of a municipality, mayor of a region, mayor of a town hall or the deputy-mayor at the location of the well. The mayors and deputy-mayors shall issue an incoming number for each application received, and every 14 days shall submit to the respective Basin Directorate the applications received during this period.

§ 42. The water taking groundwater facilities built up to 23 December 2016, which have no issued building papers, are tolerable constructions under the Spatial Development Act and are not subject to removal and prohibition of use when they are entered in a register under Art. 118d, para. 3 of the Act on Waters.

§ 43. The Ordinance under Art. 135, item 6 of the Act on Waters shall be adopted by 31 December 2019.

§ 49. The Act shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. paragraph 3, items 1 and 3 concerning Art. 94 para. 1, item 9 and para. 4, § 4, item 2, § 5, 6, § 7, item 2, § 8, 10-12, § 15, item 2, § 16, 17, 21 - 26, 30 and 31, which shall enter into force nine months after its promulgation;

2. paragraph 40, item 24, which shall enter into force on 11 August 2006.

**Transitional and concluding provisions**  
**TO THE ACT OF THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2019**

(PROM. - SG 103/18, IN FORCE FROM 01.01.2019)

§ 21. The Act shall enter into force on 1 January 2019, with the exception of § 9, items 1, § 16 and 17, which shall enter into force on the date of the promulgation of the Act in the State Gazette and § 18, shall enter into force on 20 May 2019.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROTECTION FROM  
THE HARMFUL IMPACT OF CHEMICAL SUBSTANCES AND MIXTURES**

(PROM. - SG 17/19, IN FORCE FROM 26.02.2019)

§ 5. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 4, which shall enter into force on 1 August 2016.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. - SG 61/19, IN FORCE FROM 02.08.2019)

§ 7. (1) Within one month from the entry into force of this Act, the Minister of Economy shall submit to the respective regional governor proposals, submitted until the entry into force of this Act, to the Ministry of Economy by mayors of municipalities for the change in ownership of the dams after a decision adopted by the respective municipal council for the transfer of ownership free of charge to the state.

(2) For the proposals under Para. 1, the regional governor shall apply Art. 19b.

.....  
§ 11. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 6, which shall enter into force on July 7<sup>th</sup>, 2018.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE REGIONAL DEVELOPMENT ACT**

(PROM. - SG 21/20, IN FORCE FROM 13.03.2020)

§ 56. The Act shall enter into force on the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT**

(PROM. - SG 44/20, in force from 14.05.2020)

§ 44. The Act shall enter into force on 14 May 2020, with the exception of § 33, 34 and 35, which shall enter into force on the day of promulgation of the Act in the State Gazette.

**Transitional and concluding provisions**  
**TO THE FOODSTUFFS ACT**

(PROM. - SG 52/20, IN FORCE FROM 09.06.2020)

§ 6. Within 6 months from the entry into force of this Act, the Minister of Health shall officially recognize and enter in the respective list under Art. 68, para. 1 all natural mineral and spring waters, offered on the market as of the date of promulgation of the Act. The marketing of a certain product is

established through inspections by the competent authorities for registration of business operators. Trade names used for natural mineral and spring waters before the date of promulgation of the Act may be used by business operators after that date too, provided that the labels contain information on the place of exploitation and the name of the deposit, respectively - of the groundwater body.

.....  
§ 19. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of the provision of Art. 76, para. 2, item 2, which shall enter into force on 22 February 2021.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT**

(PROM. - SG 102/20, IN FORCE FROM 27.11.2020)

§ 2. This Act shall enter into force on November 27th, 2020.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON WATERS**

(PROM. - SG 20/22, IN FORCE FROM 01.01.2023, AMEND. - SG 66/23, IN FORCE FROM 01.01.2023)

§ 6. The flood risk management plans for the period 2016 - 2021 and the River Basin Management Plans for the period from 2016 - 2021 shall be applied until the adoption of updated plans by the order of Art. 146n and Art. 159.

§ 7. (1) The National Institute of Meteorology and Hydrology under the Minister of Education and Science shall be transferred to the Minister of Environment and Water.

(2) The National Institute of Meteorology and Hydrology is a national scientific organization for the implementation of operational activities in the field of meteorology, hydrology and agrometeorology, as well as for research and for applied research, innovation and education. The National Institute of Meteorology and Hydrology is the National Hydro-meteorological Service of the Republic of Bulgaria and does not perform functions in connection with the exercise of executive power.

(3) The Director General of the National Institute of Meteorology and Hydrology shall be appointed and dismissed by the Minister of Environment and Water.

(4) The activity of the National Institute of Meteorology and Hydrology is carried out by employees who work under an employment contract, incl. those holding academic positions.

(5) (New - SG 66/23, in force from 01.01.2023) The National Institute of Meteorology and Hydrology applies a system of delegated budgeting, with the Director-General as a secondary budgeting officer who:

1. makes compensated changes to the revenue and expenditure plan, notifying the primary budget manager;

2. disposes of the funds of the National Institute of Meteorology and Hydrology;

3. determines the number of personnel and the individual remuneration of the personnel within the framework of approved expenses under the budget of the National Institute of Meteorology and Hydrology for the relevant budget year.

(6) (New - SG 66/23, in force from 01.01.2023) The excess of receipts over payments under the budget of the National Institute of Meteorology and Hydrology established at the end of the year is included in its budget for the following year.

§ 8. The employment relations of the employees of the National Institute of Meteorology and Hydrology under the Minister of Education and Science, incl. those holding academic positions shall be settled in accordance with Art. 123 of the Labor Code.

§ 9. The property, the archive, as well as all rights and obligations, including membership in national, European and international organizations in meteorology and hydrology and the right to train doctoral students in accredited doctoral programs of the National Institute of Meteorology and Hydrology at the Ministry of Education and Science transferred to the National Institute of Meteorology and Hydrology at the Ministry of Environment and Water.

§ 10. Within two months from the entry into force of this law the Council of Ministers upon proposal of the Minister of Environment and Water shall adopt the necessary changes in the Rules on the structure and activity of the National Institute of Meteorology and Hydrology.

.....  
§ 12. Paragraphs 1 and 3 shall enter into force on 1 January 2022.

**Concluding provisions**  
**TO THE ACT AMENDING THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT**

(PROM. – SG 96/22, IN FORCE FROM 27.11.2022)

§ 2. The act shall enter into force on 27th of November, 2022.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE AGRICULTURAL PRODUCERS SUPPORT ACT**

(PROM. – SG 102/22, IN FORCE FROM 01.01.2023)

.....  
§ 45. In the Act on Waters, the words "Ministry of Agriculture, Food and Forestry" and "Minister of Agriculture, Food and Forestry" are replaced by "Ministry of Agriculture" and "Minister of Agriculture" respectively.

.....  
§ 106. The Act enters into force on January 1, 2023, with the exception of Art. 33a, para. 2, which enters into force on March 1, 2023.

**Transitional and concluding provisions**  
**TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR 2023**

(PROM. - SG 66/23, IN FORCE FROM 01.01.2023)

- .....  
§ 46. The Act enters into force on January 1, 2023, with the exception of:
1. paragraph 1, para. 3 and 5, § 25, para. 3 - 7, § 27 and 28, which enter into force on August 1, 2023;
  2. paragraph 3, § 29, item 1 and § 30, which enter into force on July 1, 2023;
  3. paragraph 4, § 29, item 2, letter "a" and letter "b", regarding para. 10, § 33 and 38, which enter into force from the day of its promulgation in the State Gazette;
  4. paragraph 7, items 1 and 2, § 8 and § 26, item 3, which enter into force on September 1, 2023;
  5. paragraph 7, item 3, § 14, item 9, § 26, item 4, § 27, item 8 and § 40, which enter into force on December 1, 2023;
  6. paragraph 13, § 14, items 7 and 8, item 10 regarding Art. 182d, items 11, 12, 13 and item 19, letter "a", § 15, 21, 22, 23, 34, 35, 36 and 37, which enter into force three days after its promulgation in the State Gazette ;
  7. paragraph 14, items 1, 3, 4 and 5, item 6, letters "a" - "c" and "e" - "n" and item 16 and § 29, item 2, letter "b " regarding para. 11, which shall enter into force on October 1, 2023;

8. paragraph 14, item 2, item 10 regarding Art. 182a - 182d, items 14, 15, 17, 18 and item 19, letter "b", § 17, 18 and 20, which enter into force 9 months after its promulgation in the State Gazette";

9. paragraph 14, item 6, letter "d", § 24, items 3 - 9 and item 10, letters "a" - "d", § 25, para. 1 and 2 and § 26, items 1 and 2, which enter into force on January 1, 2024;

10. paragraph 19, which enters into force 8 months after its promulgation in the State Gazette;

11. paragraph 32, which enters into force on January 1 of the second year following the publication of the results of the population and housing census in the Republic of Bulgaria in 2021.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY FROM RENEWABLE SOURCES ACT**

(PROM. - SG 86/23, IN FORCE FROM 13.10.2023)

.....  
§ 86. Within 6 months from the entry into force of this act, the basin directorates shall:

1. make a list of all permit holders who use hydrogeothermal resources within the scope of their permits, and shall categorize the relevant facilities in the register pursuant to Art. 118d, Para. 7 of the Waters Act;

2. give to the National Geological Fund all available geological and hydrogeological data related to the activities under the Waters Act.

§ 87. Within three months from the entry into force of this act, the secondary legislation on the implementation of the Waters Act shall be brought into compliance with it.

.....  
§ 90. The act shall enter into force on the day of its promulgation in the State Gazette.

### **Transitional and concluding provisions**

## **TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PLANT PROTECTION**

(PROM. - SG 102/23)

.....  
§ 61. In the Act on Waters (promulgated, SG No. 67 of 1999; amended, No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006; Amended, No. 66 of 2006; Amended, Nos. 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 ., No. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, No. 61 and 98 of 2010, No. 19, 28, 35 and 80 of 2011, No. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49, 53 and 98 of 2014, Nos. 12, 14, 17, 58, 61, 95 and 101 of 2015, Nos. 15, 51, 52 and 95 of 2016, Nos. 12, 58 and 96 of 2017, Nos. 55, 77, 98 and 103 of 2018, Nos. 17, 25 and 61 of 2019, Nos. 21, 44 and 52 of 2020, Nos. 13 and 17 of 2021, Nos. 20 and 102 of 2022 and Nos. 66 and 86 of 2023) the words "Ministry of Agriculture" and "Minister of Agriculture" are replaced by "Ministry of Agriculture and Food" and "Minister of Agriculture and Food".

### **Editor`s note**

\* **Editor`s note:** The amendment to issue of the State Gazette (No. 12 and No. 61) refers to replacing a word with its synonym, which is practically untranslatable in English.

### **Appendix No 1 of art. 13, item 1**

(amend. - SG 98/18, in force from 27.11.2018)

## List of complex and important dams

1. Alexander Stamboliyski
2. Asenovets
3. Aheloy
4. Batak
5. Beglika
6. Beli Lom
7. Belmeken
8. Borovitsa
9. Vacha
10. Georgy Traikov
11. Golyam Beglik
12. Gorni Dubnik
13. Domlyan
14. Dospat
15. Dyakovo
16. Enitsa
17. Zhrebtchevo
18. Ivaylovgrad
19. Iskar
20. Yovkovtsi
21. Kalin
22. Kamtchiya
23. Karagyol
24. Kokalyane
25. Koprinka
26. Kritchim
27. Kula
28. Kurdzhali
29. Malko Sharkovo
30. Ognyanovo
31. Ogosta
32. Pancharevo
33. Poroy
34. Pchelina
35. Pyasutchnik
36. Rabisha
37. Rozov Kladenets
38. Sopot
39. Sretchenska Bara
40. Studen Kladenets
41. Studena
42. Saedinenie
43. Ticha
44. Topolnitsa
45. Toshkov Chark
46. Trakiets
47. Christo Smirnenski (Yantra)

48. Chaira
49. Shiroka Polyana
50. Yasna Polyana
51. Yastrebino
52. (revoked - SG 98/18, in force from 27.11.2018)

**Appendix No 2 of art. 14, item 2**

(Amend. and suppl. - SG 55/18)

List of Mineral Waters which are Exclusive State Property

1. "Aytos" - Bourgas region, municipality of Aytos, town of Aytos
2. "Banite" - Smolyan region, municipality of Banite, village of Banite
3. "Bankya" - Capital region of Sofia, town of Bankya
4. "Banya" - Pazardzhik region, municipality of Panagyurishte, village of Banya
5. "Banya" - Plovdiv region, municipality of Karlovo, village of Banya
6. "Banya" - Sliven region, municipality of Nova Zagora, village of Banya
7. "Bedenski Bani" - Smolyan region, municipality of Devin, village of Beden
8. "Belovo" - Pazardzhik region, municipality of Belovo, town of Belovo
9. "Beltchinski Bani" - Sofia region, municipality of Samokov, village of Beltchin
10. "Blagoevgrad" - Blagoevgrad region, municipality of Blagoevgrad, town of Blagoevgrad
11. "Blagoevgrad - Struma river" - Blagoevgrad region, municipality of Blagoevgrad, village of

Zeleni Dol

12. "Bratsigovo" - Pazardzhik region, municipality of Bratsigovo, town of Bratsigovo
13. (amend. - SG 55/18) "Bourgaski Mineralni Bani" - Bourgas region, municipality of

Bourgas, Bourgas

14. "Barziya" - Montana region, municipality of Berkovitsa, village of Burziya
15. "Varvara" - Pazardzhik region, municipality of Septenvri, village of Varvara
16. "Velingrad - Kamenitsa" - Pazardzhik region, municipality of Velingrad, town of Velingrad
17. "Velingrad - Ladzhene" - Pazardzhik region, municipality of Velingrad, town of Velingrad
18. "Velingrad - Chepino" - Pazardzhik region, municipality of Velingrad, town of Velingrad
19. "Voneshta Voda" - Veliko Turnovo region, municipality of Veliko Turnovo, village of

Voneshta Voda

20. "Varshets" - Montana region, municipality of Vurshets, town of Vurshets
21. "Guliyana Banya" - Blagoevgrad region, municipality of Razlog, village of Banya
22. "Devin" - Smolyan region, municipality of Devin, town of Devin
23. "Dzhebel" - Kurdzhali region, municipality of Dzhebel, town of Dzhebel
24. "Dobrinishte" - Blagoevgrad region, municipality of Bansko, village of Dobrinishte
25. "Dolna Banya" - Sofia region, municipality of Dolna Banya, town of Dolna Banya
26. "Dolni Rakovets" - Pernik region, municipality of Radomir, village of Dolni Rakovets
27. "Draginovo" - Pazardzhik region, municipality of Velingrad, village of Draginovo
28. "Eleshnitsa - area St. Varvara - Mesta river" - Blagoevgrad region, municipality of Razlog,

village of Banya

29. "Zamfirovo" - Montana region, municipality of Berkovitsa, village of Zamfirovo
30. (suppl. - SG 55/18) "Izvorishte" - Bourgas region, municipality of Bourgas, village of

Izvorishte and Bourgas

31. (amend. - SG 55/18) "Kazitchene - Ravno Pole", with sections:
  - a) "Kazitchene" - region of Sofia, municipality of Sofia;
  - b) "Ravno Pole" - Sofia region, municipality of Elin Pelin
32. "Kamenar" - Bourgas region, municipality of Pomorie, village of Kamenar
33. "Katuntsi" - Blagoevgrad region, municipality of Sandanski, village of Katuntsi

34. "Kirkovo" - Kurdzhali region, municipality of Kirkovo, village of Kirkovo
35. (amend. - SG 55/18) "Kiten" - Bourgas region, municipality of Primorsko, village of Kiten
36. "Kostenets" - Sofia region, municipality of Kostenets, town of Kostenets
37. "Krasново" - Plovdiv region, municipality of Hisarya, village of Krasново
38. "Krushuna" - Lovech region, municipality of Letnitsa, village of Krushuna
39. "Kuklen" - Plovdiv region, municipality of Rodopi, village of Kuklen
40. "Kyustendil" - Kyustendil region, municipality of Kyustendil, town of Kyustendil
41. "Marash" - Shoumen region, municipality of Shoumen, village of Marash
42. "Marikostinovo" - Blagoevgrad region, municipality of Petrich, village of Marikostinovo
43. "Medovo" - Bourgas region, municipality of Pomorie, village of Medovo
44. "Merichleri" - Haskovo region, municipality of Dimitrovgrad, town of Merichleri
45. "Mihalkovo" - Smolyan region, municipality of Devin, village of Mihalkovo
46. (amend. - SG 55/18) "Momin Prohod" - Sofia region, municipality of Momin prohod,  
Momin Prohod
47. "Nevestino - Barishteto" - Kyustendil region, municipality of Nevestino, village of  
Nevestino
48. "Nevestino - Topilata" - Kyustendil region, municipality of Nevestino, village of Nevestino
49. "Narechenski Mineralni Bani" - Plovdiv region, municipality of Assenovgrad, village of  
Narechenski Bani
50. "Obedinenie" - Veliko Turnovo region, municipality of Polski Trumbesh, village of  
Obedinenie
51. "Ovoshtnik" - Stara Zagora region, municipality of Kazanluk, village of Ovoshtnik
52. "Ovcha Mogila" - Veliko Turnovo region, municipality of Svishtov, village of Ovcha  
Mogila
53. (amend. - SG 55/18) "Ognyanovo - Gurmen" - Blagoevgrad region, municipality of  
Gurmen, villages of Marchevo and Ognyanovo
54. "Pavel Banya" - Stara Zagora region, municipality of Pavel Banya, town of Pavel Banya
55. "Pesnopoy" - Plovdiv region, municipality of Kaloyanovo, village of Pesnopoy
56. "Polikraishte" - Veliko Turnovo region, municipality of Gorna Oryahovitsa, village of  
Polikraishte
57. "Polski Trambesh" - Veliko Turnovo region, municipality of Polski Trumbesh, town of  
Polski Trumbesh
58. "Polyanovo" - Bourgas region, municipality of Aytos, village of Polyanovo
59. "Provadiya" - Varna region, municipality of Provadiya, town of Provadiya
60. "Pchelinski Bani" - Sofia region, municipality of Kostenets, village of Pchelin
61. "Resen" - Veliko Turnovo region, municipality of Veliko Turnovo, village of Resen
62. "Rudartsi" - Pernik region, municipality of Pernik, village of Rudartsi
63. (amend. - SG 55/18) "Rudnik" - Bourgas region, municipality of Bourgas, Bourgas
64. (amend. - SG 55/18) "Rupite - area Kozhuh" - Blagoevgrad region, municipality of Petrich,  
village of Rupite
65. "Razhena" - Stara Zagora region, municipality of Kazanluk, village of Ruzhena
66. "Sandanski" - Blagoevgrad region, municipality of Sandanski, town of Sandanski
67. "Sapareva Banya" - Kyustendil region, municipality of Sapareva Banya, town of Sapareva  
Banya
68. "Svishtov" - Veliko Turnovo region, municipality of Svishtov, town of Svishtov
69. "Simeonovgrad" - Haskovo region, municipality of Simeonovgrad, town of Simeonovgrad
70. "Simmitli" - Blagoevgrad region, municipality of Simmitli, town of Simmitli
71. "Slatina" - Montana region, municipality of Berkovitsa, village of Slatina
72. (amend. - SG 55/18) "Slivenski Mineralni Bani" - Sliven region, municipality of Sliven,



village of Zlati voyvoda

73. "Sluntchev Bryag" - Bourgas region, municipality of Nessebar, town of Nessebar

74. "Sofia - Batalova Vodenitsa" - Capital region of Sofia

75. "Sofia - Gorna Banya" - Capital region of Sofia

76. "Sofia - Zheleznitsa" - Capital region of Sofia

77. "Sofia - Knyazhevo" - Capital region of Sofia

78. "Sofia - Lozenets" - Capital region of Sofia

79. "Sofia - Nadezhda" - Capital region of Sofia

80. "Sofia - Ovcha Kupel" - Capital region of Sofia

81. "Sofia - Pancharevo" - Capital region of Sofia, village of Pancharevo

82. "Sofia - Svoboda" - Capital region of Sofia

83. "Sofia - Centre" - Capital region of Sofia

84. "Starozagorski Mineralni Bani" - Stara Zagora region, municipality of Stara Zagora, village of Starozagorski Bani

85. "Stefan Karadzhovo" - Yambol region, municipality of Bolyarovo, village of Stefan Karadzhovo

86. "Straldzha" - Yambol region, municipality of Straldzha, town of Straldzha

87. "Streltcha" - Pazardzhik region, municipality of Streltcha, town of Streltcha

88. "Sudievo" - Bourgas region, municipality of Aytos, village of Sudievo

89. "Trojan" - Haskovo region, municipality of Simeonovgrad, village of Trojan

90. (amend. - SG 55/18) "Turgovishte - Boaza" - Turgovishte region, municipality of Turgovishte, village of Paidushko

91. "Harmanli" - Haskovo region, municipality of Harmanli, town of Harmanli

92. "Haskovski Mineralni Bani" - Haskovo region, municipality of Mineralni Bani, village of Mineralni Bani

93. "Hisarya" - Plovdiv region, municipality of Hisarya, town of Hisarya

94. "Hotovo" - Blagoevgrad region, municipality of Sandanski, village of Hotovo

95. "Chiflik" - Lovech region, municipality of Trojan, village of Chiflik

96. "Chirpan" - Stara Zagora region, municipality of Chirpan, town of Chirpan

97. "Shipkovo" - Lovech region, municipality of Trojan, village of Shipkovo

98. "Yagoda" - Stara Zagora region, municipality of Muglitzh, village of Yagoda

99. (amend. - SG 55/18) Region "Dolna Kamchiya" - iodine - bromine waters, with sections:

a) Shkorpilovtsi - Novo Orjahovo - Dolny Chiflik - Staro Orjahovo - Varna region, municipality Dolny Chiflik;

b) Avren - Varna region, municipality of Avren.

100. (amend. - SG 55/18) Region "Northeastern Bulgaria" - underground waters from the Malm-Valanginian aquifer with temperature higher than 20° C, with sections:

a) Varna - Varna region, municipality of Varna;

b) Aksakovo - Varna region, municipality of Aksakovo;

c) Suvorovo - Varna region, municipality of Suvorovo;

d) Beloslav - Varna region, municipality of Beloslav;

e) Avren - Varna region, municipality of Avren;

f) Balchik - Dobrich region, municipality of Balchik;

g) Kavarna - Dobrich region, municipality of Kavarna;

h) Shabla - Dobrich region, municipality of Shabla;

i) Shoumen - Shoumen region, municipality of Shoumen.

101. (amend. - SG 55/18) Region "Varna Basin" - underground waters from the Eocene aquifer with temperature higher than 20° C, with sections:

a) Varna - Varna region, municipality of Varna;

b) Balchik - Dobrich region, municipality of Balchik

102. (amend. - SG 55/18) Region "Sofia valley" - underground waters from the pre-neosoic plate and the neogenic sediment complex with temperature higher than 20° C, with sections:

a) Sofia - Sofia region, municipality of Sofia - mineral waters in Triasian rocks;

b) Sofia - Sofia region, municipality of Sofia - mineral waters in Cretaceous rocks;

c) Sofia-West - Sofia region, municipality of Sofia - mineral waters in the Neogene sedimentary complex;

d) Sofia-East - Sofia region, municipality of Sofia - mineral waters in the Neogene sedimentary complex;

e) Kostinbrod - Sofia region, municipality of Kostinbrod - mineral waters in Jurassic rocks;

f) Kostinbrod - Sofia region, municipality of Kostinbrod - mineral waters in Cretaceous rocks;

g) Bozhurishte - Sofia region, municipality of Bozhurishte - mineral waters in Cretaceous rocks.