

REGULATIONS FOR IMPLEMENTATION OF THE LAW FOR PROTECTION OF AGRICULTURAL LANDS

Prom. SG. 84/4 Oct 1996, amend. SG. 100/31 Oct 1997, amend. SG. 14/18 Feb 2000, amend. SG. 48/13 Jun 2000, amend. SG. 63/1 Aug 2000, amend. SG. 41/26 Apr 2001, amend. SG. 66/27 Jul 2001, amend. SG. 31/4 Apr 2003, amend. SG. 41/18 May 2004

Chapter one. GENERAL PROVISIONS

Art. 1. (prev. para 1 - SG 100/97) The regulations determine the conditions, order, responsibilities, rights and obligations of the state and municipal bodies, specialised offices, physical persons and corporate bodies in implementing the Law for protection of agricultural lands (LPAL).

Art. 2. (1) (prev. art. 3 - SG 100/97) The protection of agricultural lands from damage shall be assisted and regulated by the state through:

1. providing to the owners and users of agricultural lands the necessary information, described in Art. 4, para 1 of the LPAL;
2. granting tax and credit preferences under conditions, determined by Art. 5, para 4 of LPAL;
3. restriction of activities leading to the damage of the ecological functions of the soil in the cases, described in Art. 4, para 4 of LPAL;
4. prohibition of activities damaging the ecological functions of the soil (Art. 6 of LPAL).

(2) (prev. para 2 of art. 1 - SG 100/97) (amend. SG 66/01) The owners and the users of agricultural lands, as well as the physical persons and corporate bodies, owners or users of industrial, construction and other sites, whose activities could cause damages to agricultural lands, shall be obliged to provide free access to their territories to officials authorised by the Ministry of Agriculture and Forests (MAF), for taking measurements and soil and vegetal samples.

(3) (prev. para 2 of art. 1 - SG 100/97) State bodies and corporate bodies who, by budget resources, collect, store and maintain information, necessary for the implementation of the law, shall be obliged to submit it to the specialised offices at MAF, within 10 days upon the request for it. The submitting of the information shall be free of charge, with the exception of the actual expenses related to making copies of the documentation.

Art. 3. (prev. art. 2 - SG 100/97) (1) The change of the designation of agricultural lands shall be admitted as an exception, for proven need and under conditions and by an order, determined by these regulation.

(2) (amend. SG 100/97) Without changing the designation of agricultural lands construction on them of sites not connected with the use of the farm lands cannot be performed.

(3) (amend. SG 100/97, SG 66/01) The inclusion of agricultural lands within the construction boundaries of the settlements and settlement formations, determined with general and detailed development plans, shall be implemented with a decision of the commission of art. 17, para 1 of LPAL for changing their designation by the order of chapter five, section I and this shall be subject to approval by the order of the Law for spatial planing (LSP).

(4) (new - SG 100/97, revoked SG 66/01)

(5) (new - SG 100/97; amend., SG 41/04) For agricultural lands without construction, included within the construction boundaries of settlements, determined by a construction and regulation plan (CRP) or by a surrounding polygon, approved by June 1, 1973 the procedures by the order of the regulations shall not be carried out. Change of the functional designation and of the regulation adjudications for these lands shall be carried out by the order of LSP.

(6) (new - SG 100/97; amend., SG 41/04) For agricultural lands without construction, included within the construction boundaries of the settlements areas, determined by the construction and regulation plans or by

a surrounding polygon, approved after June 1, 1973, for which the procedures have not been carried out or they have not been concluded by a decision of the Commission for the land, according to the revoked Law for protection of the cultivated land and pastures (LPCLP) a procedure shall be carried out for a change of the designation.

(7) (new - SG 100/97) The proving of the circumstances under para 5 and 6 shall be established by a duly enclosed and certified copy of the order for approval of a sketch - copy of the approved plan or surrounding polygon.

(8) (new - SG 100/97, amend. SG 66/01; amend., SG 41/04) The requests for constructing on agricultural lands in industrial zones shall be extended to the technical office at the respective municipality which, jointly with representatives of the regional office "Land ownership" at the Ministry of Agriculture and Forests (MAF) shall study the request and shall provide written decision, representing an integral part of the file. The allocation of the terrain shall be carried out by the order of LSP upon a positive decision by the commissions under art. 17, para 1 of LPAL for the change of the designation of the land and payment of the fees under Art. 30 of the Law for protection of agricultural lands.

(9) (prev. para 4 - SG 100/97, amend. SG 100/97; amend., SG 41/04) Lands, excluded from the boundaries of the construction and regulation plans as well as from the boundaries of the surrounding polygons of the settlements by decisions of the former executive committees of the regional, district and municipal people's councils, in fulfilment of acts of the Presidium of the National Assembly, the State Council or the Council of Ministers, or by the force of administrative acts, which have approved these plans and polygons, shall be included again within the construction boundaries by a decision of the Commission for agricultural lands, at the proposal of the mayor of the municipality to which shall be attached a decision of the expert council for the spatial planning of the municipality. No fee shall be due for these lands and no co-ordination shall be carried out with the departments of art. 35 of the Regulation for implementation of the LPAL.

(10) (new - SG 100/97; amend., SG 41/04) The provisions of Ordinance No 2 for constructing on agricultural lands (SG 48/98) shall not apply for agricultural lands within the construction boundaries of the settlements, industrial, resort and villa zones, determined by development plans or by surrounding polygons, as well as for agricultural lands used on the grounds of acts of the Presidium of the National Assembly, of the State Council or of the Council of Ministers.

(11) (prev. para 5 - SG 100/97, amend. SG 100/97; amend., SG 41/04) The inclusion of agricultural lands within the boundaries of the forest entirety shall be made by an order of the Minister of Agriculture and Forests on the grounds of a decision of the Commission for the agricultural lands for change of their designation.

(12) (prev. para 6 - SG 100/97)(suppl. SG 100/97, revoked - SG 66/01)

Chapter two.

PROTECTION OF AGRICULTURAL LANDS FROM DAMAGE

Section I.

(Section I - revoked - SG 100/97)

Section II.

Providing information (prev. section II - SG 100/97)

Art. 4. (1) (amend. SG 100/97, SG 41/01, SG 66/01) The official information about the productive, technological, ecological and economic qualities of the agricultural lands, including their basic prices, as well as about the potential risks of deterioration of these qualities due to erosion, pollution, salination, acidulation and swamping; the protection of the soil and its ecological functions from damages and the obligatory restrictions in using agricultural lands shall be provided to the owners and users of agricultural lands by the Executive agency for soil resources at the Minister of Agriculture and Forests.

(2) The information about pesticides, fertilisers, industrial or household waste, biologically active and other substances, registered and approved for use, and the sanitary norms for their use, as well as for substances,

prohibited for use, shall be provided by the National Office for vegetal protection, quarantine and agrochemistry at MAF.

(3) (amend. SG 100/97) The information about the quality of the waters for irrigation, the sanitary norms and the maximum admissible technological norms for their use, as well as about the waters, prohibited for irrigation of agricultural lands, shall be provided to the owners and users of agricultural lands by MAF through the water suppliers, on the grounds of official data from the Ministry of the Environment and Waters.

Art. 5. (1) The productive, technological and ecological qualities of the agricultural lands shall be determined by their fitness for:

1. growing the main agricultural cultures, determined by quality assessment;
2. growing production not threatened by pollution by:
 - a) heavy metals and metalloids;
 - b) radio nuclides;
 - c) oil products and other organic pollutants;
3. various types of irrigation, defined as:
 - a) not fit;
 - b) fit only for drop irrigation;
 - c) fit only for spraying;
 - d) fit for all types of irrigation;
4. machine processing of the soil, defined as:
 - a) not fit;
 - b) fit only for minimal types of processing;
 - c) fit for all types of processing, as well as for soil resistance, such as:
high (over 75 kg/cm²);
medium (50 - 75 kg/cm²);
low (up to 50 kg/cm²);
5. construction of local sanitary systems, defined as:
 - a) not fit;
 - b) fit, with restrictions;
 - c) fit.

(2) The potential risks of damaging the ecological functions of the soil shall be established by:

1. prognosis for water and wind erosion, determined by complex indices, accounting:
 - a) the climatic factors (erosive rain and wind);
 - b) the relief characteristics of the lots;
 - c) the nature of land use;
2. pollution of the soil by heavy metals and metalloids, radio nuclides, oil products, other organic pollutants, industrial and household waste at levels:
 - a) threatening the health of people and animals;
 - b) harming the growth of plants;
 - c) leading to pollution of underground waters;
3. salination of the soil, deteriorating the growth of the plants, and caused by:
 - a) improper irrigation or draining;
 - b) industrial activity;
4. acidulation of the soil, deteriorating its buffer characteristics and harming the growth of plants and caused by:
 - a) industrial activity;
 - b) improper fertilisation;
5. swamping of the soil, caused by improper irrigation or draining.

(3) The recommendations for protection of the ecological functions of the soil include:

1. alternative anti-erosion agrotechnical and engineering measures, depending on the danger from erosion of the land and the selected cultures;
2. suitable cultures and preventive meliorate measures, depending on the physiological characteristics of the plants, the nature and the level of pollution;

3. suitable cultures, depending on their resistance to salination;
4. tentative norms for introducing lime to acid soil;
5. agrotechnical measures, reducing the risks of superficial excessive moisturising of soil.

(4) The obligatory restrictions of land using are necessary because of:

1. the high risk of fast erosion, determined as prohibition of growing:

- a) earthen-up crops;
- b) earthen-up crops and crops with fused surface;
- c) crops requiring processing of the soil;

2. the risk of growing production, not corresponding to the hygienic norms, determined as prohibition

of:

- a) growing definite types of crop;
- b) using definite types of crop for human consumption.

(5) The economic qualities of agricultural lands shall be determined by their basic prices, by an ordinance, approved by the Council of Ministers. The basic prices of agricultural lands shall be fixed by normative and periodically updated by the state monetary equivalence of a complex of qualities of the agricultural lands for its using according to its function, stipulated by the preceding paras and differentiated according to:

1. the average annual income and production expenses for the cultures and the crop;
2. transport accessibility of the lots from the available roads to the closest populated area;
3. the real possibility of irrigation;
4. the location of the land regarding the markets.

(6) (amend. SG 100/97) The map, table and text information under the preceding paras shall be created and updated on the basis of:

- 1.(amend. SG 41/01) basic, special, updating and expert large-scale soil studies, analytical studies and applied interpretation in scales, complied with the nature of land use, carried out by the Executive agency for soil resources or through assigning - by specialised scientific organisations and companies;
2. subject interpretation of the available information;
3. methodological development by specialised scientific organisations and firms.

Art. 6. (1) (amend. SG 100/97, SG 41/01, SG 66/01) The executive agency on soil resources at the Minister of Agriculture and Forests shall establish and maintain an information system for the agricultural soil resources.

(2) The information system for the agricultural soil resources, besides the information under Art. 5, shall keep a special register for:

1. the physical persons and corporate bodies, agents of pollution;
2. restrictive and recommending regimes of land using and prescriptions for elimination of violations;
3. humus depots;
4. industrial waste, fit for re cultivation and improvement of the agricultural lands;
5. short-term and long-term programmes for improvement of the reproductive qualities of the agricultural lands and their protection from erosion, pollution, salination, acidulation and swamping.

(3) (amend. SG 100/87, SG 66/01) The Minister of Agriculture Forests shall approve the conditions and order of:

1. the dissemination and use of the official information under Art. 5;
2. establishment and maintenance of the information system for the agricultural soil resources.

Section II.

Rights and obligations of owners and users of agricultural lands (prev. section III - SG 100/97)

Art. 7.(1) According to Art. 5, para 1 of LPAL the owner shall choose freely the way of using the agricultural land, if it does not change its designation and does not harm the own land, the lands of other owners or the quality of the surface and underground waters.

(2) The owners of agricultural lands shall have the right to free and gratuitous obtaining of the information under Art. 5 about his own land and shall only pay the actual expenses for copying this information. The other persons shall use this information under conditions and by an order, determined by Art. 6, para 3.

(3) (amend. SG 66/01) The expenses for the cases provided in art. 8, para 2 and 5 of LPAL shall be ensured by the budget of the Ministry of Agriculture and Forests.

(4) The fulfilment of the conditions under para 3 shall be certified by the respective territorial offices at MAF.

Art. 8. (1) When the use of agricultural lands is restricted under Art. 9, the owner, respectively the user, shall be obliged to observe them.

(2) The owners and the users of agricultural lands shall be responsible for:

1. the compliance of their vegetal and animal production from the agricultural land, with the hygienic norms, approved by the Ministry of Health;

2. the damages caused to the agricultural lands, owned by other owners, established by the territorial offices of MAF.

(3) The physical persons and corporate bodies shall bear responsibility if the territorial offices of MAF establish that with their activities they harm the quality or the ecological functions of the agricultural lands.

Section III.

Rights and obligations of the specialised state bodies, applying the law (prev. section IV - SG 100/97)

Art. 9. (1) (amend. SG 100/97, SG 66/01) The Ministry of Agriculture and Forests shall have the right to impose obligatory restrictions for using agricultural lands upon establishing:

1. damages to agricultural lands;

2. inadequacy of the vegetal and animal production with the hygienic norms;

3. deterioration of the ecological functions of the soil and the quality of the surface and underground waters;

4. other cases, stipulated by the law.

(2) (amend. SG 100/97, SG 66/01) The obligatory restrictions in using the agricultural lands, according to para 1, shall also be imposed at the proposal of the regional directorates "Agriculture and forests" or the structural units of the Ministry of Health, the Ministry of the Environment and Waters, and the mayor of the respective municipality.

(3) (amend. SG 100/97, SG 66/01) The imposing of prescriptions for restrictions of using agricultural lands shall be carried out by an order of the Minister of Agriculture and Forests under the conditions and by the order, stipulated by the regulations, and their appeal shall be implemented by the order of the Law for the administrative proceedings.

Chapter three.

RESTORATION AND IMPROVEMENT OF THE PRODUCTIVE QUALITY OF AGRICULTURAL LANDS

Art. 10. (1) (amend. SG 100/97) According to Art. 8, para 2 of LPAL subject to restoration and improvement with resources from the budget of the Ministry of Agriculture and Forests shall be agricultural lands for which, by the order of Art. 5, para 2 of the regulations, damage of the ecological functions of the soil has been established.

(2) (amend. SG 100/97, SG 66/01) The restoration and improvement of the agricultural lands under para 1 shall be carried out on the grounds of preliminarily developed, co-ordinated and approved technologies and projects, which shall be approved by an expert council of MAF.

(3) The expert council under para 2 shall approve normative for limit expenses for measures and

technologies.

(4) (amend. SG 100/97, SG 66/01) The contractors of the technologies and projects, financed by the budget of the MAF shall be determined by the order of the Law for the public orders.

Art. 11. (1) (amend. SG 100/97, SG 66/01) The individuals and corporate bodies, agents of the pollution or damage of the agricultural lands, shall take over the expenses for the activities under Art. 10.

(2) The agent of the pollution or damage of the agricultural lands shall be established on the grounds of the information under Art. 5, upon inspection on the spot, and shall be determined by a decision of the Commission for the agricultural lands.

(3) The decision of the Commission for the agricultural lands under para 2 shall be subject to appeal by the order, stipulated by Art. 40, para 3 of LPAL.

Art. 12.(amend. SG 66/01) The expenses for elimination of the reasons for not fulfilling the recommendations for protection of the soil and its ecological functions and permanent ecological damages and pollution of the soil as a result from past activities and lack of activity of state bodies and organisations, or when the agent of the damages is not established, can be ensures from the budget of the Ministry of Agriculture and Forests and/or the National fund "Protection of environment" under art. 3, para 6 of LPE.

Art. 13. (1) The owners of lands, on which projects and technologies have been applied, according to Art. 7, para 1 of LPAL, shall be obliged to comply with their requirements and prescriptions.

(2) (amend. SG 66/01) For failure to meet the requirements and prescriptions the owners of the lands shall reimburse the expenses to the budget of the Ministry of Agriculture and Forests or of National fund "Protection of environment".

(3) The control over the compliance with the recommendations, requirements and prescriptions to the owners and users of agricultural lands shall be carried out by the territorial offices of MAF and by the municipal bodies.

Art. 14. (1) (amend. SG 6/01) The requests for financing the developments and for applying projects for improvement of agricultural lands, approved by the expert council under Art. 10, para 2, with resources of the budget of the Ministry of Agriculture and Forests shall be presented by the mayor of the respective municipality through the regional directorates "Agriculture and forests" to the Commission for agricultural lands.

(2) (amend. SG 100/97, revoked SG 66/01)

(3) (amend. SG 66/01) The motivated requests under para 1 shall prove the necessity of restoration or improvement of the proposed lands, as well as the necessity of using the resources of the respective fund.

(4) (new - SG 100/97, amend and suppl. SG 66/01) The Commission for the agricultural lands shall consider the proposals for financing developments and approved projects and shall take a decision. On the basis of the decision of the Commission for agricultural lands the Minister of Agriculture and Forests shall issue an order for opening a procedure for assigning a public order.

Art. 15. (1) (amend. SG 100/97, SG 66/01) In compliance with Art. 10 of LPAL MAF, respectively the municipality, can concede, for a period, determined by a contract, gratuitous right of use to individuals and corporate bodies, who have restored or improved, with their own resources, state or municipal agricultural lands, if they have been:

1. polluted with heavy metals and metalloids, radio nuclides, oil products, other organic waste, industrial and household waste;
2. salinated by industrial activity or improper irrigation or draining;
3. acidulated by industrial activity;
4. ravines, gullies, swamps, strongly eroded or stony soils and other terrains, determined as agricultural land which cannot be categorised.

(2) The contract under para 1 shall be concluded on the grounds of a project for restoration or improvement of the land, approved by the expert council under Art. 10, para 2 of the regulations.

Art. 16. (1) (amend. SG 66/01, amend. SG 31/03) The fulfilment of the contract for restoration or improvement and use of state agricultural lands shall be controlled by the respective regional specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands, and of the municipal agricultural lands - by the respective municipal administration.

(2) If violations are established the contract shall be discontinued unilaterally by MAF, respectively by the municipality.

Chapter four.

RECLAMATION OF LANDS AND UTILISATION OF THE HUMUS LAYER

Art. 17. (1) Subject to re cultivation shall be the damaged terrains, according to Art. 11 of LPAL.

(2) The re cultivation shall be carried out on the grounds of approved project, which shall be an integral part of the main project for the site and shall be worked out together with it.

(3) The terrains subject to re cultivation shall be determined simultaneously with the layout of the main site. If this is not done, the terrains shall be determined by the order of this chapter.

Art. 18. (1) If necessity of cultivation of a terrain arises a request shall be extended for appointment of commission for determining the size and the limits of the terrain.

(2) The commission shall be appointed by:

1. (amend. SG 66/01) the mayor of the municipality - when the land proposed for reclamation is municipal property, property of an individual or corporate body and when the reclamation shall be carried out with resources of the municipal budget;

2. (amend. SG 66/01) the Minister of Agriculture and Forests or his deputy - when the land offered for reclamation is state property and when the reclamation shall be carried out with resources of the budget of the Ministry of Agriculture and Forests.

Art. 19. (1) The commission, appointed by the mayor of the municipality, shall be chaired by a representative of the municipal administration.

(2) (amend. SG 100/97, SG 66/01) The commission, appointed by the Minister of Agriculture and Forests or his deputy, shall be chaired by:

1.(amend. SG 66/01, amend. SG 31/03) a specialist from the respective regional specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands when the terrain is up to 300 decares;

2. (amend. SG 100/97, SG 66/01, SG 31/03) a specialist from specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands when the terrain is over to 300 decares.

(3) (amend. SG 66/01) The members of the commission of para 1 shall include: the investor of the site for state and municipal needs, the owner of the land, an authorised representative of the mayor of the municipality and representatives of the specialised control bodies or the regional services of the Ministry of Agriculture and Forests, the Ministry of Regional Development and Public Works and the Ministry of Environment and Waters.

(4) (new - SG 66/01) When the commission has been appointed by the Minister of Agriculture and Forests and the area of the land is over 300 decares, in the members of the commission of para 1 shall obligatory be included also representatives of the Ministry of Regional Development and Public Works and the Ministry of Environment and Waters.

Art. 20. (1) (suppl. SG 66/01) When the minutes of the commission of art. 18, para 2 is signed with

reserves by a representative of an administrative body, it shall be co-ordinated in writing with this administrative body.

(2) The person, who has appointed the commission, shall approve the minutes.

(3) (amend. SG 100/97, SG 66/01) In cases of disputes the chairman of the commission shall submit the record about the proposed terrain for reclamation to the Ministry of Agriculture and Forests for approval by the Minister or a person authorised by him.

(4) (amend. SG 100/97) Upon approval of the size and limits of the terrain for reclamation the individual or the corporate body required the appointment of the commission shall prepare or assign the preparation of a project for reclamation.

Art. 21. (1) The re cultivation of terrains, expropriated for state or municipal needs, shall be carried out by the investor of the project.

(2) (amend. SG 66/01) The size and the limits of the land to be reclaimed shall be determined by the order of art. 17 and 18 or by the order of section I of chapter five.

(3) The expenses for reclamation of the damaged terrain, in compliance with the approved project, shall be included in the general account and in the calculated value of the site.

(4) (amend. SG 100/97) When using sites for which regular reclamation works are implemented (mines, quarries, linear sites), for reclamation can be used up to 70 percent of the due fee under art. 30 of LPAL.

(5) (new - SG 100/97, amend. SG 66/01) The regional directorates "Agriculture and forests" shall control the implementation of the reclamation activities of para 4.

Art. 22. (1) (amend. SG 66/01) The project for reclamation shall be co-ordinated with the interested administrative bodies, stipulated by the Ordinance for reclamation of damaged terrains, improvement of low-production lands, removal and utilisation of the humus layer.

(2) The project for reclamation shall be approved by:

1. the investor - for reclamation of terrains, expropriated for state and municipal needs, and the value of the reclamation is included in the calculated value of the site;

2. (amend. SG 100/97, prev. item 3 - amend. SG 66/01) the Minister of Agriculture and Forests or his deputy - when the reclaimed terrain is state property and the reclamation is carried out with resources from the budget of the Ministry of Agriculture and Forests;

3. (prev. item 2, amend. SG 66/01) the mayor of the municipality - in the other cases.

4. (revoked SG 100/97)

(3) The order stipulated by para 1 and 2 shall not apply for sites, for which a project has been approved prior to the enactment of LPAL.

Art. 23. (1) The technical reclamation shall be received by a commission, appointed by:

1. the mayor of the municipality - when the reclaimed terrain is municipal property or a property of individuals or corporate bodies;

2. (amend. SG 100/97, suppl. SG 66/01) the Minister of Agriculture and Forests or his deputy - when the reclaimed terrain is a state property or the reclamation has been implemented with resources from the budget of the Ministry of Agriculture and Forests.

(2) The commission shall be chaired by:

1. (amend. SG 100/97) a specialist from the regional office "Land ownership", when the land is municipal property or a state property up to 100 decares;

2. (amend. SG 100/97, SG 66/01, SG 31/03) a specialist from specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands, when the land is a state property over 100 decares.

(3) (amend. SG 66/01) The members of the commission shall be the same as it is pointed out in art. 19, para 3 and with the participation of a representative of the contractor of the technical reclamation.

Art. 24. (1) The re cultivated land, determined for agricultural use, shall be categorised by the order of

the Ordinance for categorisation of agricultural lands for change of their use.

(2) The re cultivated state agricultural land shall be added to the State land fund, and the re cultivated municipal land - to the land fund of the respective municipality.

(3) (revoked SG 100/97)

(4) The land, reclaimed by the order of Art. 12, para 2 of LPAL, shall become property of the investor of the site.

(5) (amend. SG 66/01) The reclaimed land cannot become property of the investor when the reclamation is carried out with resources from budget of the Ministry of Agriculture and Forests or for the account of the state fee under Art. 30 of LPAL.

(6) (amend. SG 66/01, SG 66/01) The compliance with the requirements for acquiring ownership of reclaimed land shall be established by the commission for receiving the technical reclamation and shall be marked in the minutes of the commission. The minutes of the commission shall be approved by the Minister of Agriculture and Forests, when the land has been expropriated for state needs, and by the mayor of the respective municipality, when the land has been expropriated for municipal needs.

Art. 25. (1) When the physical person or the corporate body re cultivates with own resources state or municipal damaged terrains and wishes to use them gratuitously as agricultural lands, he shall extend a motivated request to MAF, respectively to the municipality.

(2) The contract for using the land shall be concluded by the order of Art. 15, and the control shall be carried out by the order of Art. 16 of the regulations.

Art. 26. (1) (amend. SG 66/01) In the explanatory note of the detailed development plan (DDP) of the plot (the track) of given site shall be determined from what part of the plot (the track) the humus layer will be taken away and at what depth it should be taken.

(2) (suppl. SG 100/97, amend. SG 66/01) When the humus layer cannot be utilised immediately upon its removal, in the plan of para 1 shall be determined the location, the boundaries and the area of the plot for the humus deposit. The term for use of the land for humus deposit shall be determined with a contract by the order of section IV "Temporary use".

(3) (new - SG 100/97, amend. SG 66/01) When the humus layer cannot be used due to pollution or other reasons, established by the due order, this shall be reflected in the decisions of the commission and in DDP and the humus layer shall not be removed and shall not be used for reclamation.

Chapter five.

CHANGE OF THE DESIGNATION OF AGRICULTURAL LANDS FOR NON AGRICULTURE PURPOSES

Section I.

Determining and approval of plots for construction, tracks for linear sites and terrains for inclusion within the boundaries of the settlements and the settlement formations and in the boundaries of the forest entirety (title amended - SG 66/01)

Art. 27. (1) (amend. SG 66/01) For each site, proposed for construction or expansion on agricultural land, shall be determined the necessary plot or track except for sites connected with the use of farm land.

(2) By the order of para 1 shall be determined:

1. plots for all types of new sites, whose construction has not started;

2. (amend., SG 41/04) plots of quarries and ore fields for development of ores and minerals, for construction of dam lakes and electric power stations and other hydro-technical end energy sites, plots of railway stations, container terminals, airports, ports, waste depots and other plots for treatment of waste;

3. (amend., SG 41/04) layouts for:

a) motor ways, roads, railway tracks, navigation, irrigation and draining canals and other layouts of

sites of the technical infrastructure located on the surface of the terrain;

b) aerial linear sites of the technical infrastructure, such as electric trunks, rope, telephone, telegraph, communication and surface pipelines, element of networks of the technical infrastructure;

c) underground linear sites of the technical infrastructure, such as water pipes, sewerage collectors, central heating pipes, gas pipes, oil pipes and other pipelines, underground cables and other underground piping.

4. (revoked SG 100/97)

5. (suppl. SG 100/99, amend. and suppl. SG 66/01; amend., SG 41/04) terrains for creating new zones for resort and villa construction, as well as expansion of industrial, production and trade sites, hospitals, sport premises and parks, including cemeteries and plots for treatment of waste, as well as other terrains for inclusion within the boundaries of the settlements and the settlement formations;

6.(amend. SG 100/97, amend. SG 66/01) terrains for inclusion within the limits of the forest entirety;

7.(amend. SG 66/01) terrains for inclusion in the most internal belt "I" of sanitary protected zones around water sources and installations for supply of drinking water and around the sources of mineral waters used for medical, prophylactic, drinking and hygiene needs;

8. terrains for inclusion in protected and servitude zones, sites and installations, when these lands cannot be used for growing agricultural production.

(3) The plots, the tracks and terrains under para 2 shall be determined by this order, when they are located on:

1. (amend. and suppl. SG 66/01) agricultural lands, outside the boundaries of the settlements and the settlement formations, determined with DDP and outside the boundaries of the forest entirety;

(item 2 - revoked - SG 100/97)

2. (prev. item 3 - SG 100/97; amend. SG 66/01) non agricultural lands (gullies, ravines, taluses and old river beds) within the limits of the farm land entirety.

Art. 28.(amend. SG 66/01) (1) The necessary plot or track for construction or extension of the site on farm lands shall be determined with a design of DDP, which for the sites around the road shall contain also communication - transport plan of the road connections and their location.

(2) (suppl., SG 41/04) The design for detailed development plan shall be worked out observing the requirements for assigning, the normatives for the necessary land for building up and the extent and the contents of DDP, defined in the LSP.

(3) Simultaneously with the basic plot or track for each site shall be determined the necessary auxiliary and additional plots, communications, plots for humus depots, terrains for reclamation, terrains for temporary use etc., connected with the construction of the site.

(4) The tracks of linear sites shall be determined as principle parallel at the minimum admissible distance to the existing linear and other sites and they shall be complied, if possible, with the property boundaries with regard to diminishing the necessary area for the site and creating minimum difficulties for the use of farm land.

(5) (amend., SG 41/04) At determining the tracks for roads and railway lines in mind shall be taken only the land within the scope of the road according to the Law for the roads and the Law for the railway transport. The plots for all the auxiliary and additional sites out of the servitude shall be determined, coordinated and proven separately as independent sites.

(6) For each site, when the affected land is from first to sixth category, at least two lots or tracks shall be determined.

(7) A plot or a track shall be possible, regardless of the category of the land, to be determined for obtaining of underground deposits, water use, expansion of other linear and other sites, as well as when change of the designation of the farm land of individuals and corporate bodies is required for own needs.

Art. 29.(amend. SG 66/01) (1) In the explanatory note of the DDP design shall be pointed out:

1. the name of the site/sites and/or data about the provided activity;

2. the location of the site - locality, territory of the settlement and its functional type, municipality, region, distance to the general and/or the detailed development plan of the settlement, distance to the republican

road network and /or to other closest existing sites;

3. the area and the boundaries of the proposed plots or tracks for the basic site and of the proposed auxiliary and additional plots and tracks of networks and facilities of the technical infrastructure, connected with the site, road connections, plots for reclamation (improvement) and for humus depots for temporary use;

4. (amend., SG 41/04) for mines (open pits) - the extent of the investigated deposits, the amount of the layer, the annual production and the annually necessary area;

5. the areas provided with the general and with the detailed development plans for including in the boundaries of the settlements and the settlement formations, and the motives for this shall be described;

6. at the tracks of air and underground sites - the area of the farm land which can be used under certain restrictions, the kind and the character of these restrictions if such are imposed;

7. for terrains to be included in protection and servitude areas - the kind and the character of the restrictions under which the farm land can be used;

8. explicitly the part, the detailed boundaries and dimensions of the defined plot or track which affects areas of the forest entirety.

(2) When two or more plots or tracks of the site are described, a motivated proposal shall be made which variant to be approved as ultimate.

Art. 30. (amend. SG 66/01) (1) A file shall be compiled for each site, containing:

1. a proposal by the persons of art. 18 and 19 of LPAL for approval of a plot or a track for construction or extension of the site on farm land;

2. sketch of the property (properties) in the coordinate system "1970" in two copies with plotted boundaries of the proposed plots or tracks, certified by the land commission, respectively by the cadastral services;

a) for plots - in scale 1:500 to 1:5000 with coordinates of the bends;

b) for the tracks - in appropriate scale, but not smaller than 1:10000, with coordinates of the bends of the axis of the linear site;

3. in the cases when lands of the forest entirety are affected a statement of the corresponding state forestry shall be attached;

4. (suppl., SG 41/04) a certificate whether the land is irrigable, issued by the Minister of Agriculture and Forests or by a person authorised by him within 7-day period;

5. act about the categorisation of the land, issued according to art. 17, para 2 of LPAL and the Ordinance for categorisation of the farm lands at change of their designation;

6. (amend., SG 41/04) a decision or statement, issued by the order of Chapter Six of the Law for protection of the environment - for the cases when such are required;

7. design of a detailed development plan and explanatory note;

8. (revoked, SG 41/04)

(2) When certain plot or track is determined for the needs of an individual or corporate body, a copy shall be attached of the ownership document or of the document for development right on the land. When the property is co-owned a declaration certified by a notary shall be attached about the consent for the required change by the co-owners.

(3) (new, SG 41/04) The determining of a plot or layout for the needs of an individual or a corporate body on lands of the state landed fund shall be carried out upon a written consent of the Minister of Agriculture and Forests or a decision of the municipal council.

(4) (prev. para 3 – SG 41/04) To the design of a plot determined with DDP for expansion of an existing site shall be attached a copy of the document for ownership in the existing terrain, respectively a document with which is conceded, alienated or changed the designation of the land for the existing site, and a sketch - cadastral plan (map) of the implemented construction.

(5) (prev. para 4 – SG 41/04) When for the site have been proposed two or more plots or tracks, a comparative table shall be applied where are pointed out the area, the quality, the irrigability, the way of permanent use and the ownership of the affected farm lands.

Art. 31. (amend. SG 66/01) (1) The proposal for approval of a plot or track for construction or

expansion of sites on far land shall be sent to the commissions of art. 17, para 1 of LPAL by:

1. the individual or the corporate body - for implementing of construction on own land; when the land is co-owned or inherited, a declaration certified by a notary shall be attached about the consent for the required change by the co-owners (the heirs)

2. (suppl., SG 41/04) the mayor of the municipality - for sites for municipal needs, located on the territory of the respective municipality, or for inclusion of agricultural lands within the boundaries of the urbanized territories (settlements and settlement formations);

3. the regional governor - for sites for state needs located on the territory of the respective region;

4. the Minister of Regional Development and Public Works - for sites for state needs, located on the territory of more than one region.

(2) In the proposal about the site for state and municipal needs shall be pointed out: the area and the location of the possible plots, out of which at least one to be on low productive land or land unfit for agricultural use of sixth to tenth category. The ownership and the cultivation kind of land shall also be pointed out.

(3) To the proposal for exploitation of registered deposits of underground resources shall be attached an excerpt from a record of the MEW about the approved deposits of the concrete site or from the report about hydro-geologic investigations.

(4) In the proposal for including of agricultural lands in the forest entirety shall be clarified the purposes for which they will be used, the area and the boundaries, the way of indemnification or exchange with other equal lands of the forest entirety. In the cases of exchange with equal lands of the forest entirety to the file shall be attached scaled sketch of the lands with plotted on precise boundaries, as well as characteristic of the areas, certified by the corresponding state forestry.

Art. 32.(amend. SG 66/01) (1) (suppl., SG 41/04) The commission of art. 17, para 1 of LPAL shall discuss the proposal for each site and in one month term after the submitting of the written requirement, if it has been arranged and compiled according to the requirements, approve with a decision the necessary plot or track for construction of the site or for inclusion of agricultural lands within the boundaries of the urbanized territories. If the requirement is not arranged and compiled, it shall be returned to the proposer with the corresponding instructions.

(2) (amend., SG 41/04) When the site will be used for state or municipal needs and affects irrigable area or land of first to fourth category with area over 100 decares, the Commission for agricultural lands shall discuss the proposal and shall offer a draft decision which shall be put forward to the Council of Ministers by the Minister of Agriculture and Forests. The decision of the Council of Ministers shall permit the designing and construction of the site according to art. 23 of LPAL.

(3) The commission of art. 17, para 1 of LPAL shall not approve a plot or a track for designing of the project when:

1. there exists an opportunity the site to be constructed on other land in the same territory of settlement which is less productive or unfit for agricultural use, except the cases of art. 28, para 7;

2. the site or the provided activity will have negative impact on the environment, established by the due order by MEW;

3. the proposed plot or track is not complied with hygiene and construction requirements or with imposed restrictions under other laws;

4. the plots are sites by the road located on the servitude strips of the roads of the republican road network; in the servitude shall be admitted shall be admitted only the construction of road junctions to the sites.

(4) When at the discussion of the proposal for certain sites occur issues to be further clarified, the commission of art. 17, para 1 of LPAL can postpone its consideration and to assign additional investigation.

Art. 33.(amend. SG 66/01) For determining of the necessary land for removal of the consequences of natural disasters and production accidents the Commission for the agricultural lands shall take a decision about a proposal of the chairman of the Permanent commission for protection of the population at disasters and accidents at the Council of Ministers. In this case the procedures of this chapter shall not be carried out and fee under art. 30 of LPAL shall not be due. The removal of the consequences can start immediately.

Art. 34.(1) For the mines and the quarries designs for exploitation and reclamation shall be worked out.

(2) (suppl., SG 41/04) The area of the necessary land for building up for each site shall be determined in compliance with the approved normatives for building up.

Art. 35.(1) (suppl., SG 41/04) The detailed development plan for the approved plot or track or an approved terrain for inclusion within the boundaries of the urbanized territories shall be submitted by the owner of the land or by the investor of the site for approval to the expert councils of art. 3, 4 and 5 of LSP and for approval by the order of art. 129 of LSP.

(2) The designs for exploitation and reclamation of mines and quarries shall be approved by an expert council of the interested department.

Art. 36. (revoked - SG 66/01)

Section II.

Change of the designation of agricultural lands in the construction boundaries of settlements or settlement formations (new - SG 66/01)

Art. 37.(new - SG 66/01) (1) The agricultural lands (built up and not built up), included in the construction boundaries of the settlements and in other settlement formations, determined with a construction and regulation plan or with a surrounding polygon, approved by the entering into force of the revoked Law for preservation of the arable land and the pastures of 1973, shall not be subject to the procedure by the order of LPAL and this regulations. A change of the functional designation and of the regulation adjudications of these lands shall be implemented by the order of LSP.

(2) For unbuilt and built up farm lands included in the construction boundaries of the settlements and the settlement formations, determined with a building up and regulation plan or surrounding polygon, approved under the revoked Law for territorial and urban development after July 1, 1973, for which the procedures have not been implemented or they have not been finished with a decision by the Commission for the land under the revoked Law for preservation of the arable land and the pastures of 1966, the Commission for the farm lands without carrying out a procedure for determining and approval of a plot, shall rule a decision for change of the designation of the land. In these cases shall be paid the unite extent of the fee of art. 30 of LPAL.

(3) The proving of the circumstances of para 2 shall be made with a certified copy of the order for approval of the plan and sketch - copy of the approved plan or of the surrounding polygon.

(4) The owner of the farm land shall prepare a motivated proposal for change of the designation to the commission of art. 17, para 1 of LPAL for the lands of para 2 as well as for these of art. 3, para 3, to which shall be attached:

1. a copy of the decision of the Commission for the farm lands and an excerpt from the mapping material for it - for the lands of art. 3, para 3, or the documents pointed out in para 3 - for the lands of para 2;

2. a copy of the document for ownership in the land;

3. a sketch of the property from a cadastral plan or a cadastral map, certified by the technical service of the municipality, respectively by the cadastral service - in 2 copies;

4. (amend., SG 41/04) detailed development plan for the properties included in the construction boundaries, defined by CRP, development plan or a surrounding polygon;

5. act about the category of the land issued by the regional directorate "Agriculture and forests";

6. certificate whether the land is irrigable;

7. decision on EIA when such is necessary.

(5) The fee of art. 30, para 1 of LPAL at application of the previous paras shall be determined officially by the Ministry of Agriculture and Forests, respectively by the regional directorate "Agriculture and forests".

Art. 38.(new - SG 66/01) (1) Lands excluded from the boundaries of the CRP as well as from the boundaries of the surrounding polygons of the settlements and of the other settlement formations with decisions of the former executive committees of the regional and of the municipal people's councils in implementation of acts of the Presidium of the National Assembly, of the State council or of the Council of Ministers, or by force of administrative acts with which are approved these plans or surrounding polygons, shall be included again in their boundaries with a decision of the Commission for the agricultural lands on the basis of DDP, approved by the corresponding expert council for development of the territory.. For these lands fees shall not be due under art. 30 of LPAL and no procedure for determining of plot shall be carried out.

(2) For the lands of para 1 the mayor of the municipality shall prepare a motivated proposal to the Commission for agricultural lands, to which shall be attached:

1. a proposal by owners of land about the including of properties in the construction boundaries of the settlements or of the settlement formation;
2. a copy of the old plan from which to be evident that the proposed lands had been in the construction boundaries, and the act about its approval;
3. a copy of the plan in effect with which are excluded these lands and a copy of the document for excluding them;
4. documents of ownership of the properties and sketches for them;
5. detailed development plan;
6. decision of the respective expert council for development of the territory.

Art. 39. (revoked - SG 66/01)

Section III.

Change of the designation of agricultural lands for own non agricultural needs (prev. section II, title amend. SG 66/01)

Art. 40.(amend. SG 66/01) (1) (amend., SG 41/04) If there is enacted detailed development plan for the site the individual or the corporate body - owner of the land, can submit a proposal for change of the designation of the land when the site is constructed for his own needs.

(2) The persons of para 1 shall prepare a motivated proposal to the commission of art. 17, para 1 of LPAL to which shall be attached:

1. (amend., SG 41/04) a copy of the enacted DDP - in 2 copies;
2. (amend., SG 41/04) for pits (quarries) - projects for exploitation and reclamation;
3. (amend., SG 41/04) for linear sites - a copy of the enacted detailed development (parcel) plan with coordinates of the bends of the site in two copies.

(3) When the land is property of an individual or a corporate body and on it has been approved plot or track for construction of a site in the cases of art. 18 of LPAL the person constructing the site or the investor can require change of the designation of the agricultural land after he acquires ownership or construction right in it.

(4) When the land is in the state land entirety or in the municipal land entirety and on it has been approved a plot or a track for construction of site by an individual or a corporate body (investor) out of the cases of art. 19 of LPAL, he shall be obliged to acquire right of ownership or construction right in the land before the change of the land's designation by the order of para 1 and 2.

(5) A proposal shall be made by the order of para 1 and 2 by the investor of the site for change of the designation of municipal lands for municipal needs and of state land for state needs.

Art. 41.(amend. SG 66/01) (1) The commission of art. 17, para 1 of LPAL shall discuss the proposal in 14 days term after the date of submitting take a decision.

(2) The change of the designation of the farm land can be permitted at stages in compliance with the requirement of the owner of the land or the investor.

(3) In the decision of the commission shall be pointed out the extent of the fee which should be paid under art. 30 of LPAL for the whole area or for the corresponding stage as well as other obligations ensuing

from the provisions of LPAL and this ordinance.

(4) The decision for change of the designation of the land shall enter into force after the due fee for the site is paid.

Art. 42. (amend. SG 66/01) (1) In 7 days term after the decision for change of the designation of agricultural lands for non agricultural needs enters into force the corresponding commission shall send a copy of it to the cadastral service at the location of the property for entering in the cadastre. When with the decision for change of the designation of part of the landed property new properties are formed according to art. 26, para 3 of the Law for the cadastre and the property register the cadastral service shall give identifier for the newly formed landed properties.

(2) After the entering into the cadastre of para 1 upon a request of the owner the boundaries of the landed property shall be marked on the place with permanent signs on the basis of the cadastral data by the corresponding cadastral service at the location of the property.

Art. 43. (amend. SG 66/01) a permission for construction on own land shall be issued to an individual or to a corporate body only after there is an entered into force decision of the commission of art. 17, para 1 of LPAL for change of the designation of the farm land, after setting out of the boundaries by the order of art. 42, para 2 and after the humus layer is taken and utilised according to art. 14 and 15 of LPAL.

Section IV.

Change of the designation of agricultural lands - property of individuals or corporate bodies, for state and municipal needs (prev. section III, title amend. SG 66/01)

Art. 44. (1) (amend. SG 100/97, SG 66/01; amend., SG 41/04) If there is an enacted detailed development plan for sites for state needs or for municipal needs, located on farm land - ownership of individuals or corporate bodies, and for pits and quarries - and approved overall project for production and a project for reclamation, a motivated proposal shall be submitted to the commission of art. 17, para 1, item 2 of LPAL for change of the designation of the necessary land.

(2) (amend. SG 66/01) The proposal shall be submitted within one year after the approval of the plot or the track of the site by the persons or the bodies of art. 31, para 1, items 2, 3 and 4.

(3) When the site is constructed in stages, proposal shall be presented within the stipulated term, for change of the use of the necessary land for construction on the first stage.

(4) (new - SG 100/97) The one year term of para 2 shall not refer to approved tracks of motor ways, roads of I, II and III class, railway lines, electric power lines, gas pipelines and for approved plots for mines, electric power plants, depots for solid household waste for towns with more than 100 000 residents and other industrial sites of national importance.

(5) (prev. para 4 - SG 100/97, amend. SG 66/01) The report shall be accompanied by the documents and statements, stipulated by Art. 40, para 2.

Art. 45. (1) The Commission for agricultural lands shall consider the proposal and shall take a decision.

(2) (new - SG 100/97, suppl. SG 66/01) In the decision of the commission the extent of the fee which should be paid under art. 30 of LPAL for the whole area or for the corresponding stage shall be pointed out. The decision for change of the designation of the land shall enter into force after the due fee is paid for the site.

(3) (prev. para 2 - SG 100/97, amend. SG 100/97) The enacted decision for change of the designation of agricultural land - property of corporate bodies and individuals, necessary for public state or public municipal needs, shall be grounds for starting a procedure for alienation of these lands.

(4) (prev. para 3 - SG 100/97) When the plot (the track) of the site affects agricultural lands and lands of the forest entirety the Commission for agricultural lands shall announce its decision only after the lands of the forest entirety are ceded by the order of the Law for the forests.

Art. 46. (1) The expropriation of agricultural lands for construction of sites, public state property, shall be carried out by the order of Chapter Three of the Law for the state property, and for construction of sites, public municipal property - by the order of Chapter Three of the Law or the municipal property.

(2) The procedure of expropriation should begin within one year from the enactment of the decision for change of the use of the land.

(3) When the expropriation is carried out in stages, the expropriation of the land shall begin within the stipulated term, necessary for the first stage.

(4) (amend. SG 66/01) When the alienation of lands is implemented in stages due to the character of the constructed site, the owners of lands shall use them according to their initial designation, without the right to construct sites and to input investments with long term character. At non observing these restrictions the owners shall not be indemnified for the implemented improvements and shall remove the constructed buildings and facilities for their account.

(5) (revoked - SG 66/01)

Art. 47.(revoked - SG 100/97)

Art. 48. (1) (revoked - SG 66/01)

(2) (new - SG 100/97, amend. SG 66/01) The commission for agricultural lands shall implement the procedures of art. 42, para 1 in 7 days term after the decision of art. 45, para 1 enters into force.

Art. 49. (1) (amend. SG 100/97, SG 66/01) A permit for construction of site for public state or municipal needs shall only be issued after there is a decision of the Commission for the agricultural lands for change of the designation of the land entered into force, the land is alienated, the owner is indemnified, the humus layer is taken and the obligation ensuing from art. 26 of LPAL have been fulfilled.

(2) (amend. SG 66/01)Permissions for construction shall be issued by the bodies of art. 148, para 2 and 3 of LSP.

Section V.

Change of the designation of agricultural land, on which construction has been carried out (prev. section IV, title amend. SG 66/01)

Art. 50. (1) (amend. SG 100/97, SG 66/01) Individuals and corporate bodies - owners of buildings and installations, which construction has started or has finished on agricultural land after July 1, 1973, without the procedures under the revoked Law for preservation of the arable land and pastures, respectively the Law for preservation of the agricultural lands being finished, shall be obliged to submit motivated proposal to the Commission for the agricultural lands for change of the designation of the land built on and of the adjacent land for the functioning of the site.

(2) (amend. SG 66/01) In the proposal shall be specified the kind of site, the size and the nature of the implemented activity, the location, the limits and the size of the requested area, the distance of the site to the settlement area and its functional type.

(3) In the cases under para 1 and 2 for the site shall not be determined and approved a plot (terrain) for designing.

(4) (new - SG 100/97) The provisions of this section shall not be applied with regard to the buildings and the facilities constructed by the labour cooperative agricultural farms and the organisations terminated by the order of § 12 of the transitional and concluding provisions of the Law for ownership and use of farm lands.

(5) (new - SG 66/01) When the buildings and the facilities have been constructed on farm lands out of the construction boundaries of the settlements or settlement formations determined with construction and regulation plan or surrounding polygon before the revoked Law for preservation of arable land and pastures of 1973 has entered into force, it shall be considered that the designation of the land has been changed and the procedure for change of the designation by the order of LPAL and of this regulations shall not be carried out.

The ownership in the land shall be acquired by the order of art. 53.

Art. 51. (1) (amend. SG 100/97) A file shall be compiled for the site to which shall be attached:

1. document of ownership of the constructed buildings and facilities;
2. (suppl. SG 66/01) document for ownership of the land when the owner of the building is owner of the land and updated sketch of the property;
3. (amend. SG 66/01; amend., SG 41/04) an enacted DDP with which the constructed buildings and facilities are preserved;
4. a certificate whether the built up land is irrigable;
5. act about the category of the land before the implementation of the construction, issued by the order of the Ordinance for categorisation of the farm lands at change of their designation;
6. (new - SG 66/01; amend., SG 41/04) proof of the admissibility of the construction in the meaning of § 16, para 1 of the transitional and concluding provisions of LSP or of started proceedings on studying the possibilities of legalization according to § 183, para 3 or § 184 of the transitional and concluding provisions of the Law for amendment and supplement of LSP (SG 65/03).
7. (new - SG 66/01) certificate of the land commission about the taken decision about the built up land about recognised right of ownership, refusal or restored ownership, as well as certificate about pending case of dispute for the right of ownership or on other legal grounds; certificate shall not be required when the construction has been implemented on own land;
8. (new - SG 66/01) proofs of the circumstances under art. 225, para 5 of LSP;
9. (new - SG 66/01) a copy of the compiled act for breaching of LPAL.
(prev. para 2 - 4 - revoked - SG 66/01)

(2) (new - SG 100/97, prev. para 5 - amend. SG 66/01, amend. SG 31/03) The owner of the constructed buildings and facilities shall prepare a report to the Commission for the agricultural lands, to which shall be attached the documents and the statements pointed out in para 1. The full file shall be submitted through the corresponding specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands to the Commission for the agricultural lands after the check and the certification of the attached documents.

(3) (new – SG 31/03) In the cases of art. 50, para 5 the owner of the constructed buildings shall prepare request to the Minister of Agriculture and Forests, to which shall be attached the documents and the statements, pointed out in para 1, items 1, 3, 6, 7 and 8 as well as the valuations of art. 53.

Art. 52. (1) The Commission for agricultural lands shall consider the proposal and shall take a decision on it.

(2) The owner of the buildings and installations shall pay the tax under Art. 30 of LPAL, according to § 2, para 2 of the additional provisions of the Law and sanctions under Chapter Nine of the Law.

(3) The provisions of para 2 shall not regard agricultural lands, whose purpose has been changed prior to the enactment of LPAL, by acts of the Council of Ministers, in connection with the national security and the defence of the country, in compliance with Art. 24, para 3 of LOUFL.

Art. 53. (1) The agricultural land, on which construction has been made prior to the enactment of the LOTAL, without being expropriated, ceded, or its use has been changed by the established order, is state property.

(2) (amend. SG 100/97, SG 66/01) The owner of the buildings and installations shall acquire ownership in the land on which the construction has been implemented by exchange with land equal in value or by payment of its value according to an assessment approved by MAF.

(3) (new, SG 41/04) The owner of buildings and facilities constructed in observance of the requirements of the revoked LPCLP may acquire the right of ownership of the built-up and adherent state lands by the order of para 2. A file shall be opened for the site containing the documents under art. 51, para 3.

(4) (amend. SG 100/97, SG 66/01; prev. para 3 – amend., SG 41/04) The built up land which designation is changed shall be assessed under chapter seven "Basic prices at determining the market prices of

the immovable properties" of the Regulation for implementation of the Law for the state ownership. When the built up land is out of the construction boundaries of the settlement or the villa zone, it shall be valued as being in the last zone or category according to the functional type of the settlement under art. 97, 98, 99, 99a and 100 of RILSO.

(5) (new - SG 66/01; prev. para 4 – SG 41/04) The farm land proposed for exchange shall be valued under the Ordinance for the conditions and the order for establishing current market prices of the farm lands, approved with Decree No 116 of the Council of Ministers of 1998 (prom. SG 64/98; amend. and suppl. SG 63/99, SG 98/00, SG 41, 44/01). The exchange shall be implemented with pecuniary equivalent.

(6) (amend. SG 100/97, prev. para 4 - amend. SG 66/01; prev. para 5 – SG 41/04) The exchanged farm land shall be included in the state land entirety or the value of the land shall be paid to the budget of the Ministry of Agriculture and Forests after the approval of the valuations of para 3 and 4 by MAF and concluding a contract with the Minister for exchange or purchase.

Art. 54. (1) (suppl. SG 100/97) When the land has been built-up after the Law for ownership and use of farm land has entered into force without changing its designation by the due order, its ownership shall be obligatorily clarified and proven. In this case a statement of the land commission shall be attached, where is clarified at what stage is the restoration of ownership in the land on the territory of the settlement and what decision has been ruled for the built-up land - recognised right of ownership, refusal or restoration of the ownership.

(2) The owner of the constructed buildings and installations should acquire the ownership of the land through purchase or exchange, upon which the change of its designation shall be proposed.

(3) (new - SG 100/97, revoked - SG 66/01)

(4) (new - SG 100/97, revoked - SG 66/01)

Art. 55. (amend. SG 66/01) In 7 days term after the decision of art. 52, para 1 enters into force the Commission for the agricultural lands shall implement the procedures of art. 42, para 1.

Section VI.

Temporary Use (prev. section V - SG 66/01)

Art. 56. (1) When constructing sites - public property of the state or the municipalities, it shall be possible to use the land for a fixed period, outside the plot (track) of the site.

(2) (new - SG 100/97) By the order of para 1 shall be used lands that are necessary temporary at the construction of underground and air linear sites.

(3) (prev. para 2 - SG 100/97) (amend. SG 100/97) By the order of para 1 land can be used, necessary for geological and other studies.

Art. 57. (1) Contract shall be concluded for the use of the land between the investor of the site and the owner of the land.

(2) (new - SG 100/97) In case of not restored ownership in the farm land the contract shall be concluded with the mayor of the corresponding municipality.

(3) (prev. para 2 - SG 100/97, amend. SG 66/01; amend., SG 41/04) The contract shall be concluded for available approved plot (track, terrain) of the site, by a decision of the commission of art. 17, para 1 of LPAL.

(4) (prev. para 3 - SG 100/97) The contract between the parties shall stipulate the conditions and the term of using the land, the amount of the rent, the caused damages and missed profit, the way of payment and the respective forfeit.

(5) (prev. para 4 - SG 100/97) The contract cannot be concluded for a period longer than 5 years.

Art. 58. (1) The investor of each site shall be obliged to return the land, used temporarily, upon

expiration of the term of the contract, in its initial state or in a state, fit for agricultural use.

(2) The shaping of the land in this state shall be carried out by the investor of the site, for his account, within the time limits set by the contract.

(3) (new - SG 66/01) When during the use of the land occurs need to be constructed buildings and/or facilities of permanent character, the investor of the site shall be obliged within the term of the contract to propose change of the designation of the necessary land.

Art. 59. (1) If the investor of the site does not return the land upon expiration of the permitted period of use, he shall be sanctioned according to Art. 41, para 1, item 6 of LPAL, and a term shall be set for restoration and returning of the land.

(2) (amend. SG 100/97, SG 66/01) If the land has been built-up and it cannot be used for agricultural purposes, the investor of the site shall be sanctioned according to art. 41, para 1, item 2 of LPAL. He shall be obliged to propose a change of the designation of the land by the order of section V "Change of the designation of farm land on which construction has been carried out" of this chapter, paying the fee under art. 30 of LPAL in the double, regardless of all the other due indemnifications for the owner of the land.

(3) If the land has been left with damaged soil profile, but it has not been built-up, besides the sanctions under art. 41 of LPAL, the investor of the site shall be obliged to restore the land in its initial form.

Art. 59a (new - SG 66/01) (1) At construction of sites by corporate bodies and individuals for own needs the use of land out of the plot or of the track of the site shall be admitted but for not more of 5 years.

(2) (amend., SG 41/04) For placement of movable sites which are not permanently connected with the terrain, as well as for other needs, without construction, shall be admitted the using of land by individuals and corporate bodies for a period not longer than 5 years.

(3) (new, SG 41/04) Where the agricultural land is owned by another the terms of temporary using shall be settled by a contract between the persons under para 1 and 2 and the owner of the land.

Art. 59b. (new, SG 41/04) (1) In the cases of art. 56, para 1 and 3 and art. 59a the temporary using of the agricultural land shall be permitted by a decision of the Commission under art. 17, para 1 of LPAL.

(2) A file shall be opened for each site containing:

1. proposal by the owner of the land or of the investor;
2. copy of the document for ownership or an explicit written consent of the owner of the landed property;
3. sketch of the property(ies) in duplicate in scale 1:500 to 1:5000 with marked boundaries of the offered plots, certified by the municipal office for agriculture and forests, respectively by the Cadastre Agency;
4. statement by the respective regional inspection for the environment and waters;
5. detailed development plan or situation sketch for placement of the temporary site.

Chapter six.

FEES FOR CHANGE OF THE DESIGNATION OF AGRICULTURAL LAND

Art. 60. (1) A state fee, according to Art. 30 of LPAL, shall be paid for change of the designation of agricultural land.

(2) (new - SG 100/97, amend. SG 66/01) Fee shall not be paid for change of the designation of the land in the cases determined in art. 30, para 2 of LPAL.

(3) (prev. para 2 - SG 100/97, amend. SG 66/01) Fees shall also be paid for considering the proposals by the commissions of art. 17, para 1 of LPAL for issued documents, implemented investigations, expertise and services for change of the designation of the agricultural lands.

Art. 61. (revoked - SG 66/01)

Art. 62. (revoked - SG 66/01)

Art. 63. (revoked - SG 66/01)

Chapter seven.
REVOKING AND AMENDMENT OF DECISIONS

Art. 64. (1) (suppl. SG 100/97, amend. SG 66/01) The commission of art. 17, para 1 of LPAL shall revoke decisions for approval of ultimate plot (track, terrain) for designing sites when after one year has passed after the decision has entered into force no proposal has been submitted for change of the designation of the land. When the site is constructed in stages the decision shall be revoked if within the term pointed out no change of the designation of the land for the construction of the first stage has been required. The pointed out one year term shall not refer to approved tracks of motor ways, roads I, II, and III class, railway lines, electric power lines, gas pipelines, petrol pipelines and for approved plots of mines, electric power plants, deposits of solid household waste of towns with over 100 000 residents and other industrial sites of national importance.

(2) (amend. SG 66/01) The commission of art. 17, para 1 of LPAL shall revoke or change discussions for change of the designation of the land in the cases pointed out in art. 35 of LPAL.

(3) The decisions under para 1 and 2 can be revoked or amended in compliance with Art. 36 of LPAL and when it is established that, with their issuance obvious error of fact has been admitted, or changes of the circumstances have occurred, under which they have been taken.

Art. 65. (1) (amend. SG 100/97, SG 66/01) Proposals for revoking or amendment of a decision of the commissions of art. 17, para 1 of LPAL can be made by ministers, heads of administrative bodies, regional governors, mayors of municipalities, investors of sites for state or municipal needs, individuals and corporate bodies - owners of lands, as well as by other organisations and persons.

(2) If the proposal for revoking or amendment of a decision for state or municipal needs has not been made by the investor of the site, his written statement shall obligatorily be required.

(3) (suppl. SG 66/01) If the proposal for amendment or revoking of decision for the needs of corporate body or individual has not been made by the owner of the land or by the holder of a limited real right, his written statement shall obligatorily be required.

Art. 66. (1) (amend. SG 66/01) In the cases when the commission of art. 17, para 1 of LPAL revokes, changes its decisions or leaves without respect the proposals for revoking or amendment of a decision, it shall take new decision.

(2) The proposals for revoking or amendment shall be considered and decided within one month from their receipt.

(3) The new decision, respectively the refusal to take it, shall be announced to the interested persons and shall be subject to appeal by the order of the Law for the administrative proceedings.

(4) (revoked - SG 100/97)

Art. 67. (1) When revoking the decision for the change of use of the land the paid state tax under Art. 30 of LPAL shall be reimbursed to the investor of sites for state or municipal needs or to the physical person or corporate body - owner of the land, for sites designated for own needs.

(2) (amend. SG 100/97) When revoking a decision for change of the designation of agricultural lands for state and municipal needs, the state or the municipality shall pay to the owner of the land compensation for caused damages and missed profit.

Art. 67a.(new - SG 66/01) (1) (amend., SG 41/04) When after the change of the designation of the land an expansion on additional area is required, the owner of the land shall be obliged to submit a proposal to

the commission of art. 17, para 1 of LPAL. In this case, without a procedure for approval of a plot or a track being carried out, a file shall be compiled containing an enacted DDP.

(2) When after the change of the designation an expansion is required on additional area for the existing site for state or municipal need, the investor of the site shall be obliged to submit a proposal to the Commission for the agricultural lands. In these cases the procedure for approval of a plot or track shall be carried out by the order of chapter five.

(3) When before the elapse of the terms for starting the construction under art. 35, item 3 and 4 of LPAL change of the functional designation of the site is required, the procedures of chapter five shall be carried out. In this case the commission of art. 17, para 1 of LPAL shall change its decision and determine the extent of the fee of art. 30 of LPAL for the site according to its functional designation. The difference between the paid and the new fee shall be paid by the submitter or it shall be restored to him.

(4) When the proposal of para 1 - 3 is not made and the construction of the site has started, it shall be considered that a breach is made and the provisions of § 2 of the additional provisions of LPAL and of section V of chapter five of this regulations shall be applied.

(5) When with a DDP approved by expert council under art. 3, para 2, art. 4, para 2 or art. 5, para 4 of LSP, the outlines of a plot are changed within the boundaries of the property (properties) without changing the functional designation of the site and the area of the land which designation has been changed for non agricultural needs, no procedure under LPAL and this regulations shall be carried out. The owner of the land shall present the changes of the detailed development plan to the commission of art. 17, para 1 of LPAL and inform the cadastral service about implementing the activities of art. 42.

Chapter eight.

BODIES FOR CHANGE OF THE DESIGNATION OF AGRICULTURAL LAND (title changed - SG 66/01)

Art. 67b.(new - SG 66/01) Change of the designation of the agricultural lands for non agricultural needs shall be permitted depending on the productive qualities of the land and the objectives of the change by:

1. commissions at the regional directorates "Agriculture and forests" of the Ministry of Agriculture and Forests - when the land is ownership of individuals and corporate bodies and the required area is up to 50 decares in the territory of the settlements of the corresponding region;
2. the Commission for the agricultural lands - for the cases when:
 - a) the land is over 50 decares;
 - b) the land is in the territories of settlements in more than one region;
 - c) the land satisfies state or municipal needs regardless of its area.

Art. 67c.(new - SG 66/01) (1) The Minister of Agriculture and Forests shall determine the names of the members of the commissions at the regional directorates "Agriculture and forests".

(2) The commissions at the regional directorates "Agriculture and forests" shall be comprised by:

1. (amend. SG 31/03) chairman - director of regional directorate "Agriculture and forests";
2. (amend. SG 31/03) secretary - expert of regional directorate "Agriculture and forests";
3. members - one representative of the regional structures of the Ministry of Environment and Waters, the Ministry of Health, the Directorate for national construction control and the Ministry of Regional Development and Public Works , the regional administration and of the interested agricultural and economic - industrial branch organisations, proposed by the corresponding ministers, the regional governors and by the Bulgarian economic chamber.

(3) In the sessions of the commissions of art. 17, para 1, item 1 of LPAL shall obligatory participate a member of the Commission for the agricultural lands or representative of the Ministry of Agriculture and Forests, determined with an order by the Minister of Agriculture and Forests or by a person authorised by him.

(4) The chairman of the commission of art. 17, para 1, item 1 of LPAL shall on his discretion be able to invite for participation in a session of the commission representatives of the corresponding municipality in which territory are the sites as well as representatives of other interested parties.

Art. 68. (1) (amend. SG 100/97, SG 66/01) The Ministry of Agriculture and Forests shall establish Commission for agricultural lands.

(2) (amend. SG 100/97, SG 66/01) The Minister of Agriculture and Forests shall be chairman of the Commission for agricultural lands.

(3) The Commission for agricultural lands shall consist of:

1. chairman;
2. (new - SG 100/97, amend. SG 66/01) deputy chairpersons - deputy Minister of Agriculture and Forests and deputy Minister of Regional Development and Public Works;
3. (prev. item 2 - SG 100/97, amend. SG 100/97, SG 66/01, SG 31/03) secretary – determined by the chairman of the Commission the agricultural lands;
4. (prev. item 3 - SG 100/97, amend. SG 100/97, SG 14/00, SG 66/01) members - one representative each of the Ministry of Regional Development and Public Works, the Ministry of Environment and Waters, the Ministry of Health, the Ministry of Justice and the Ministry of Finance and the Ministry of Agriculture and Forests.

(4) The chairman of the Commission for the agricultural lands shall appoint by an order the members, at the proposal of the respective ministries and the heads of other administrative bodies.

(5) (new - SG 100/97) The chairman of the Commission for the agricultural lands can include in it also independent experts.

(6) (prev. para 6 - SG 100/97; amend. SG 100/97, SG 66/01) The chairman of the Commission for the agricultural lands can, upon his discretion, invite for participation at the corresponding session representatives of departments, regional and municipal administrations and of other interested organisations and persons.

(7) (new - SG 100/97, revoked - SG 66/01).

Art. 69. (1) The Commission for agricultural lands shall adopt regulations for its activity, which shall be approved by its chairman.

(2) (amend. SG 100/97, SG 66/01, SG 31/03) The administrative, the technical, the expert and the financial servicing of the Commission for the agricultural lands shall be implemented by the specialised unit at the Ministry of Agriculture and Forests of art. 34, para 4 of the Law of protection of the agricultural lands.

Art. 70. (1) The Commission for agricultural lands shall consider and take decisions on all issues, stipulated by Art. 40, para 1 of LPAL and by these regulations.

(2) (amend. SG 100/97, amend. SG 66/01) A copy - excerpt of the decision for each site shall be conceded after the payment of the fee of art. 30 of LPAL by the interested individual or corporate body. A decision which is not handed over due to non payment of the fee in 3 months term after it has been taken, can be revoked upon proposal by the secretary of the Commission for the agricultural lands.

(3) (suppl. SG 66/01) The decisions of para 1 and the refusal to be issued a decision shall be subject to appeal before the Supreme Administrative Court according to art. 40, para 3 of LPAL.

Art. 70à. (new - SG 100/97) The commission for the agricultural lands shall consider and take decisions about:

1. (revoked - SG 66/01)
2. (amend. - SG 66/01) the names of the sites for financing with resources from the budget of the Ministry of Agriculture and Forests.

Chapter nine.

ADMINISTRATIVE AND PUNITIVE PROVISIONS

Art. 71. (1) The perpetrators of the LPAL shall be punished by the order of Art. 41, 42 and 43 of the same law.

(2) (amend. SG 100/97, SG 66/01) Each breach of the law shall be established with an act compiled by officials determined by the Minister of agriculture and Forests.

(3) (amend. SG 100/97, SG 66/01) The punitive decision shall be issued by the Minister of

Agriculture and Forests or by an official authorised by him.

(4) (revoked SG 66/01).

(5) The penalty decrees shall be fulfilled, appealed and revoked by the order of the Law for the administrative violations and penalties.

Art. 72. (1) (amend. SG 100/97, SG 66/01) For established offences of the law the Minister of Agriculture and Forests shall give obligatory written prescriptions to the offender and shall determine a term of elimination of the consequences from the offence and for restoration of the land, fit for agricultural use.

(2) (amend. SG 100/97) For failure to fulfil the prescription and to remove the consequences within the set period the Minister of Agriculture and Forests shall issue an order for stopping the construction of the site.

Transitional and concluding provisions

§ 1. (1) These regulations are issued pursuant to § 9 of the transitional and concluding provisions of LPAL and revokes the Regulations for implementation of the Law for protection of cultivated land and pastures (RILPCLP) (prom., SG, No 65 of 1973; amend., and rider No 35 of 1975, No 5 of 1976, No 9 of 1978, No 78 of 1985, No 53 of 1987 and No 81 of 1994).

(2) (amend. SG 100/97) In addition to the explicitly stipulated by Art. 9, para 1, Art. 16, Art. 17, para 2 and Art. 23, para 3 of LPAL ordinances of the Minister of Agriculture and Forests shall approve and issue ordinance, instructions, methodologies, directions, technical norms and other documents, necessary for the implementation of the law.

§ 2. (1) Started and unfinished procedures under the revoked LPCPL and the regulations for its implementation shall be concluded by the order of LPAL and these regulations.

(2) A procedure shall be considered started if, by April 27, 1996:

1. an order has been issued for appointment of a commission and minutes have been issued for determining a platform (layout, terrain), according to Art. 3 or 7 of RILPCLP;

2. a building site has been determined by the order of Art. 8 of RILPCLP;

3. a document has been issued by the technical office of the municipal administration for the admissibility and/or legalisation of the constructed site, according to § 1, para 3 of the transitional and concluding provisions of RILPCLP.

(3) (revoked - SG 100/97)

§ 3. (1) (suppl. SG 100/97) If a decision has been issued for a site by the Council of Ministers or by the Commission for the land for expropriation (ceding) of the land for needs other than agricultural, or for change of its designation by April 27, 1996, the investor of the site for state or municipal needs or the individual for sites for own needs, has paid the instalment under Art. 15 of the revoked LPCLP and the construction of the site has started, shall enter into possession by the order of Art. 20 and 21 of the RILPCLP.

(2) (amend. SG 100/97) If the instalment under Art. 15 of the revoked LPCLP has not been paid, but the construction of the site has started, the fee of Art. 30 of LPAL, shall be paid in double extent and a certificate shall be issued by the order of Art. 55. When the construction of the site has not started and the 3 year term has not expired, the fee of art. 30 of LPAL shall be paid and a certificate shall be issued under art. 42 or 48.

(3) (suppl. SG 100/97) If the decision has been issued before 3 and more years and the construction of the site has not started, regardless whether the fee of art. 15 of LPCLP, respectively the fee of art. 30 of LPAL, has been paid, the investor, respectively the individual or corporate body, shall present a new proposal to the Commission for agricultural lands, which shall consider the proposal and shall take a decision.

§ 4. (1) The Commission for agricultural lands can reconsider decisions of the Commission for the land, by revoking or amending them.

(2) The proposals for reconsideration shall be made by the order of Chapter Eight of the regulations.

§ 5. (amend. SG 100/97) The resources raised according to Art. 15 and 16 of the revoked Law for protection of cultivated land and pastures by April 27, 1996, in the non-budget account of the Ministry of Finance, shall be transferred to the non-budget account of the Ministry of Agriculture and Forests, opened in fulfilment of Art. 31, para 3 of LPAL.

§ 6. Until the adoption of a law for the state tax, according to Art. 30, para 1 of the LPAL the Council of Ministers shall approve temporary tariff for the amount of the taxes to be paid in cases of change of the use of agricultural lands.