

# Clean Ambient Air Act

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Text in Bulgarian: Закон за чистотата на атмосферния въздух

## Chapter One GENERAL PROVISIONS

**Article 1.** The goal of this Act shall be to protect the people's and their generation's health, the animals and the plants, their communities and habitats, the natural and cultural values from harmful effects, as well as to prevent the occurrence of dangers and damages to society in case of changes in the ambient air quality resulting from various activities.

**Article 2.** This Act shall regulate:

1. the specification of indices and standards of ambient air quality;
2. the limitation of emissions;
3. the rights and obligations of the state and municipal authorities, of the legal and natural persons as regards the control, management and maintenance of the ambient air quality.
4. (new, SG No. 102/2001, supplemented, SG No. 99/2006) the requirements for the quality of liquid fuels, including the control of compliance with the requirements for liquid fuel quality at the time of their placing on the market and their distribution, transportation and use.
5. (new, SG No. 99/2006) the limitations on the emissions of sulphur dioxide from the use of liquid fuels, the limitations on the sulphur content of oil derivatives and the method of their combustion by vessels staying in the ports of the Republic of Bulgaria, the Bulgarian section of the Danube river, the inland sea waters, the territorial sea and the exclusive economic zone.

**Article 3.** (1) The requirements of this Act shall refer to:

1. sites and facilities intended for production and non-production purposes which are being designed, built and operated;
2. means of transport and other individual sources of pollution;
3. construction and other open sites;
4. construction, destruction, extraction, transport, communal, agricultural and other activities;
5. (new, SG No. 102/2001, amended, SG No. 99/2006, SG No. 42/2011) tanks for storage and use of liquid fuels, petrol facilities, terminals, gasoline stations, road and railway tankers, ship fuel tanks, with the exception of motor vehicle fuel tanks.

(2) The requirements of this Act shall not refer to:

1. processes and activities using radioactive materials;
2. (amended, SG No. 99/2006) emissions of harmful physical factors;
3. vessels outside the territorial waters of the country;
4. (amended, SG No. 102/2001, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) mobile equipment of the Ministry of Defence and the Ministry of Interior.

## **Chapter Two**

# **INDICES AND STANDARDS OF AMBIENT AIR QUALITY**

**Article 4.** (1) (Amended, SG No. 27/2000) The basic indices characterising the ambient air quality in the ground layer of the atmosphere shall be the levels of

1. (amended, SG No. 27/2000) suspended particulate matter;
2. (new, SG No. 27/2000) fine particulate matter;
3. (previous item 2, amended, SG No. 27/2000) sulphur dioxide;
4. (previous item 3, amended and supplemented, SG No. 27/2000) nitrogen dioxide and/or nitrogen oxides;
5. (previous item 4, amended, SG No. 27/2000) carbon oxide;
6. (previous item 5, amended, SG No. 27/2000) ozone;
7. (previous item 6, SG No. 27/2000) lead (aerosol).
8. (new, SG. No. 27/2000) benzene;
9. (new, SG. No. 27/2000) polycyclic aromatic hydrocarbons
10. (new, SG. No. 27/2000) heavy metals - cadmium, nickel and mercury;
11. (new, SG. No. 27/2000) arsenic.

(2) (Amended, SG. No. 27/2000) For separate regions, depending on the nature of the emission sources and the specific health risk, the Minister of the Environment and Water, on his own initiative, as well as upon a proposal made by the Minister of Health or by the municipal bodies, may determine indices additional to those referred to in Paragraph 1.

(3) The limit values for harmful substances (pollutants) in the ambient air and the measured concentrations for the individual indices shall be defined as mass contained in one cubic meter of air under normal conditions for a specific period of time.

**Article 5.** The limit values for deposits of harmful substances (pollutants) from the air shall be defined as mass per one square meter of open surface for a specific period of time.

**Article 6.** (1) (Amended, SG No. 27/2000) The Minister of Environment and Water and the Minister of Health shall jointly issue regulations approving limit values for harmful substances (pollutants) in the ambient air and limit values for deposits of harmful substances (pollutants).

(2) (Amended, SG No. 27/2000) Taking into account the time needed for implementing the measures for improving the ambient air quality and the actual pollutant levels, when approving the limit values referred to in Paragraph 1 the Minister of Environment and Water and the Minister of Health may define margins of tolerance for these limit values.

(3) (New, SG. No. 27/2000) The margins of tolerance referred to in Paragraph 2 for the limit values referred to in Paragraph 1 shall decrease gradually to reach the levels of the respective limit values at the end of a defined period, specific for the individual harmful substances (pollutants), in accordance with the established time limits for implementation of these limit values.

(4) (New, SG. No. 27/2000) The limit values and the margins of tolerance shall be developed and changed in accordance with the requirements of Article 1 on the basis of health and environmental research and/or the recommendations of the specialized international organizations.

(5) (Previous Paragraph 3, amended, SG No. 27/2000) The Minister of Health or the municipal bodies may propose for approval stricter limit values than the ones established pursuant to Paragraph 1 in certain towns or villages, municipalities or regions, depending on the level and the nature of pollution of the ambient air above them.

**Article 7.** (Amended, SG No. 27/2000) Where necessary, with a view to preventing health risks for the population in separate regions, under meteorological conditions and other factors leading to temporary but considerable aggravation of the air quality, the Minister of Environment and Water and the Minister of Health shall issue regulations approving alert thresholds for the levels of harmful substances (pollutants) in the ambient air for the respective indices referred to in Article 4, Paragraphs 1 and 2.

(2) The alert thresholds referred to in Paragraph 1 shall be developed and changed on the basis of health and environmental research and/or the recommendations of the specialized international organizations.

**Article 8.** (Amended, SG No. 27/2000, SG No. 102/2001, No. 95/2005, No. 99/2006) (1) (Amended, SG No. 82/2009, effective 16.10.2009) The Council of Ministers shall, upon proposal by the Minister of Economy, Energy and Tourism, the Minister of Environment and Water and the Chairperson of the State Agency for Metrological and Technical Surveillance, approve a regulation determining the technical and qualitative requirements for liquid fuels, the limit values for content of lead, sulphur and other harmful substances (pollutants) in them, hereinafter called "requirements for liquid fuel quality" as well as the conditions, the procedure and the method of control over liquid fuels.

(2) The placing on the market, distribution, transportation and use of liquid fuels which do not comply with any of the quality requirements laid down in the regulation referred to in Paragraph 1 shall be prohibited.

(3) The placing on the market, distribution and use of liquid fuels under names other than those specified in § 1, item 21 of the supplementary provisions shall be prohibited.

(4) The end distributors shall be obliged to refuel the motor vehicles with liquid fuels according to their intended use specified in the regulation referred to in Paragraph 1 and the trade marks notified by them.

(5) Each lot of liquid fuel, during placing on the market, distribution, transportation and use, shall be accompanied by a declaration of conformity with the quality requirements, hereinafter called a "declaration of conformity".

## **Chapter Three LIMITATION OF EMISSIONS**

### **Section I Emissions from Stationary Sources**

**Article 9.** (1) (Amended, SG No. 27/2000) The Minister of Environment and Water shall, together with the respective interested ministers, issue regulations establishing emission limit values for harmful substances (pollutants) released in the atmosphere by sites and activities with stationary sources of emissions.

(2) (Supplemented, SG No. 27/2000) The emission limit values are developed on the basis of the level of equipment and technology at the given moment, the scientific achievements and the results of the practical application of these achievements in the country and in the advanced countries, with a view to ensuring ambient air quality corresponding to the established standards for harmful substances (pollutants) referred to in Paragraph 6.

(3) (Amended, SG No. 27/2000) The limit values shall be obligatory for all sites and activities except in the cases referred to in Article 3, Paragraph 2, Articles 10 and 10a.

**Article 9a.** (New, SG No. 99/2006, amended, SG No. 6/2009, effective 24.02.2009) (1) Any new and existing installations within the scope of the activities listed in Annex 1 to Article 2, Paragraph 1 of Ordinance No. 7/2003 on emission limit values for volatile organic compounds released to the ambient air from the use of solvents in certain installations (promulgated, SG No. 96/2003, amended, SG No. 20/2007) shall be operated in compliance with the emission limit values and related requirements laid down in that Ordinance.

(2) The use of any volatile organic compounds listed in Article 10, Paragraph 1, Item 1 of the Ordinance in the installations referred to in Paragraph 1, where there is no economically and technically accessible substitute, shall be carried out on the basis of the following:

1. an integrated permit where one is required under the Environmental Protection Act, or

2. a permit issued by the Minister of Environment and Water under the terms and in accordance with the procedure laid down in Paragraphs 3 to 10.

(3) Authorisation of the use of the compounds referred to in Paragraph 2 shall be carried out provided:

1. the lack of risk to human health and the environment has been demonstrated;

2. the requirements laid down in the ordinance referred to in Paragraph 1 have been complied with, and

3. the Best Available Techniques (BAT) are implemented.

(4) In order to be granted a permit pursuant to Paragraph 2, Item 2 operators shall submit to the Minister of Environment and Water an application in conformity with the format and content set forth in the ordinance referred to in Paragraph 1.

(5) The following shall be appended to the application referred to in Paragraph 4:

1. an endorsed management plan for solvents from the previous year

2. an assessment of the installation in terms of any BAT used;

3. up-to-date protocols of working environment analyses;

4. the opinion of the relevant Regional Environment and Water Inspectorate following an inspection aimed at demonstrating the conformity of the documents referred to in Items 1, 2, and 3;

5. receipt for the fee paid.

(6) Within 14 days of receipt of the application referred to in Paragraph 4 the Minister of Environment and Water, or a person authorised by him, shall notify the operator in writing of any irregularities or deficiencies in the application and shall set a period of up to one month for their elimination.

(7) The Minister of Environment and Water shall issue the permit referred to in Paragraph 2, Item 2 within one month of receipt of the application required under Paragraph 4 or of the amended application in the cases falling under Paragraph 6.

(8) The term of validity of the permit issued shall be set on a case-by-case basis depending on the availability of an economically and technically accessible substitute.

(9) The Minister of Environment and Water shall refuse to issue a permit with a reasoned decision issued within one month of finding any non-conformity of the documents appended to the application referred to in Paragraph 5 with the requirements laid down in the ordinance referred to in Paragraph 1 and/or other legislative acts, as well as where the irregularities or deficiencies referred to in Paragraph 6 have not been eliminated within the timeline set.

(10) The procedure and manner of issuing the permit shall be laid down in the ordinance referred to in Paragraph 1.

**Article 9b.** (New, SG No. 99/2006, supplemented, SG No. 42/2011) Any equipment and installations for refuelling, loading, unloading and storage of gasolines in terminals, gasoline stations and mobile tankers for gasoline transportation, as well as the systems, corresponding to Stage II of petrol vapour recovery (PVR) during refuelling of vehicles, shall be designed (constructed), equipped and operated in compliance with the emission limit values for volatile organic compounds (VOC) released to the ambient air and the technical requirements laid down in Regulation No 16/1999 on restricting the emissions of volatile organic compounds during storage, loading or unloading and transportation of gasolines (SG, No 75/1999).

**Article 10.** (1) Temporary emission limit values for operating sites where the type of raw materials and the level of equipment do not allow attainment of the established values, as well as the time limits for achieving compliance with them, shall be approved by:

1. the Minister of Environment and Water;

2. the Council of Ministers, upon a proposal made by the Minister of Environment and Water, in consultation with the institutions concerned - for sites related to the national fuel-energy balance of the country.

(2) (Amended, SG No. 27/2000) The time limits referred to in Paragraph 1, save those determined in the programmes referred to in Article 10a, may not be shorter than one year and shall be determined on the basis of the technical and technological research and the negotiations between the interested parties in which representatives of environmental public organisations and movements may also participate.

(3) The temporary limit values referred to in Paragraph 1 shall be revoked by the authority which has approved them upon the occurrence of events dangerous to human health, established by the competent authorities.

(4) (Amended, SG No. 27/2000) The municipal authorities may, depending on the conditions on their territory, propose for approval to the Minister of Environment and Water, jointly with the concerned ministers, more stringent emission limit values than the established ones for individual sites and activities in certain towns, villages, municipalities or regions."

**Article 10a** (New, SG No. 27/2000) (1) The Minister of Environment and Waters, jointly with the respective ministers concerned, shall develop and submit for adoption to the Council of Ministers programmes for gradual abatement of the total annual emissions of certain harmful substances (pollutants): sulphur dioxide, nitrogen oxides and others emitted in the ambient air from certain operating sites and activities, such as the large combustion plants and others.

(2) The programmes referred to in Paragraph 1 shall be adopted with a decision of the Council of Ministers.

(3) The programmes referred to in Paragraph 1 shall determine measures and time limits for their implementation specific for the sites and activities.

(4) The implementation of the programmes shall be reported to the Council of Ministers at intervals not shorter than three calendar years.

(5) The programmes referred to in Paragraph 1 may establish emission limit values for certain harmful substances (pollutants) specific to the relevant operating sites or activities which shall have the validity of temporary limit values within the meaning of Article 10.

**Article 11.** (1) The production and ventilation gas flows that carry emissions shall be emitted in the ambient air in an organised manner.

(2) The height of the emitting devices shall be determined so that as a result of the dispersion the concentrations of pollutants in the ground layer do not exceed the admissible concentrations of harmful substances (pollutants) in the ambient air.

(3) The Minister of Environment and Water, jointly with the Minister of the Regional Development and Public Works and the Minister of Health, shall approve a methodology of calculating the height of the emitting devices, the dispersion and the expected concentrations of pollutants in the ground layer, which shall be compulsory in the design and construction of new sites

and in the reconstruction and expansion of operating sites and activities.

(4) The Minister of Environment and Water shall approve a regulation on the prevention and limitation of the unorganised release of emissions in the ambient air.

(5) (New, SG No. 99/2006, as concerns the intensity see § 32 of Transitional And Final Provisions to the Amendment and Supplement Act to the Clean Ambient Air Act of 8.12.2006, amended, SG No. 87/2010, effective 1.01.2012) The manufacture of charcoal by the open-cast method shall be prohibited.

(6) (New, SG No. 87/2010, effective 6.12.2010) The release of emissions to the ambient air from the manufacture of charcoal by other methods shall be performed in an organised way in compliance with the emission limit values of harmful substances according to Regulation 1 about the emission limit values of harmful substances (pollutants) released in the atmosphere by sites and activities with stationary sources of emissions (SG No. 64/2005).

## **Section II**

### **Emissions from Mobile Sources**

**Article 11a.** (New, SG No. 99/2006) (1) The Council of Ministers shall adopt a regulation on restricting the emissions of VOC from the use of organic solvents in certain paints, lacquers and car refinishing products with the aim of preventing and minimizing the ambient air pollution.

(2) The regulation referred to in Paragraph 1 shall lay down:

1. categories of paints, lacquers and car refinishing products falling within its scope
2. limit values for content of VOC in the products referred to in Item 1;
3. procedure for issuing permits for use of specified quantities of products containing VOC in excess of the established limit values referred to in Item 2;
4. rules for labelling of the products referred to in Item 1.

(3) Placing any products which do not comply with the limit values for content of VOC laid down by the regulation referred to in Paragraph 1 on the market shall only be allowed if these are used:

1. in installations which comply with the requirements of Regulation No 7/2003 on emission limit values for volatile organic compounds released to the ambient air from the use of solvents in certain installations;
2. in limited quantities - for the purpose of restoring and maintaining sites listed as monuments of culture according to Article 4 of the Monuments of Culture and Museums Act, for which the Minister of Environment and Water, or an official authorized by him, has issued an authorization.

(4) To obtain an authorization within the meaning of Paragraph 3, Item 2, the persons shall submit an application conforming to the model shown in the regulation referred to in Paragraph 1 to the Minister of Environment and Water, or an official authorized by him.

(5) In the event of establishing errors or deficiencies in the submitted application referred to in Paragraph 4 or in the documents certifying the status of the site under Article 4 of the Monuments of Culture and Museums Act, the applicant shall be informed within 14 days of receipt thereof. The applicant shall be obliged to make good for the errors or deficiencies within 7 days of receiving the notice.

(6) The authorization shall remain valid for up to 6 months from the date of issue thereof and shall be exclusively applicable to the categories and product quantities listed therein and to restoring and maintaining the site in respect of which the authorization has been issued.

(7) The Minister of Environment and Water, or an official authorized by him, shall issue the authorization within 30 days

of the date of submitting the application or receiving the necessary information in conformity with the model shown in the regulation referred to in Paragraph 1, or a substantiated refusal appealable according to the procedure established by the Administrative Procedure Code.

(8) The procedure for the issue of an authorization shall be laid down in the regulation referred to in Paragraph 1.

(9) (Amended, SG No. 6/2009, effective 24.02.2009) Upon written request by the Ministry of Environment and Water, the National Revenue Agency shall provide information on product quantities as per specific codes under the Combined Nomenclature of the European Union and on the persons carrying out activities with them.

(10) (New, SG No. 6/2009, effective 24.02.2009) Upon written request by the Ministry of Environment and Water, the Customs Agency shall provide information on the exporters and importers of the products listed in the ordinance provided for in Paragraph 1 that should at least include individualised data on:

1. the quantities as per the codes under the Combined Nomenclature of the European Union;
2. the countries of destination and the countries of origin;
3. the unified identification code under BULSTAT or the Personal Identification Number, or the Identification Document Number in the case of foreign nationals.

**Article 12.** The determination of limit values for harmful substances (pollutants) in the exhaust gases from internal combustion engines shall be carried out using the following indices: smoke and content of carbon dioxide, nitrogen oxides and hydrocarbons.

**Article 13.** (1) The limit values for emissions of harmful substances (pollutants) in the exhaust gases from motor vehicles shall be approved by the Minister of Transport, Information Technology and Communications jointly with the Minister of Environment and Water and the Minister of Health.

(2) The limit values shall be developed on the basis of the level and the condition of equipment and the economic possibilities to achieve them, with a view to ensuring the ambient air quality.

**Article 14.** (1) The Minister of Environment and Water and the Minister of Health shall approve an instruction on the location of the points for ascertaining the impact of motor vehicles on the ambient air quality.

(2) The Minister of Health, the Minister of Agriculture and Food and the Minister of Transport, Information Technology and Communications shall issue regulation on the limitation of economic activities and the use of the plant products from the strips of land along the roads depending on the pollution of the ambient air from motor vehicles.

## **Chapter Four**

# **DESIGN, CONSTRUCTION AND EXPLOITATION OF SITES WITH SOURCES OF EMISSIONS**

**Article 15.** (Repealed, SG 27/2000).

**Article 16.** (1) (Amended, SG No. 27/2000) Before use of the construction sites is permitted, the investor of the respective sites shall present to the representatives of the municipal authorities and of the Ministry of Environment and Water in the acceptance commission the following:

1. records from the testing of the individual devices, units and sections of the treatment plants;
2. records from the technological tests at standard loading of the treatment plants (installations);
3. records of the measured emissions;

4. instructions for operation and control of the treatment plants;

5. list of the persons responsible for environmental protection at the site and for the operation and control of the individual treatment plants.

(2) (Amended, SG No. 27/2000) Based on the information presented and on additional research (examinations, measurements, review of projects, etc.) the representatives of the municipal authorities and of the Ministry of Environment and Water shall give their consent for permitting the use of the respective construction sites or a motivated refusal thereof.

**Article 17.** (1) (Amended, SG No. 87/2010, effective 6.12.2010) The measures on the implementation of Regulation (EC) No. 1005/2009 of the European Parliament and of the Council of September, 16 2009 on substances that deplete the ozone layer (OJ, L 286/1 of 31 October 2009), hereinafter referred to as "Regulation (EC) No. 1005/2009", shall be laid down in an ordinance issued by the Council of Ministers.

(2) The measures on the implementation of Regulation (EC) No. 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases, hereinafter referred to as "Regulation (EC) No. 842/2006", shall be laid down in an ordinance issued by the Council of Ministers.

(3) The Minister of Environment and Water, directors of Regional Environment and Water Inspectorates, or officials authorised by them, shall exercise control on the compliance with the requirements laid down in the legislative acts referred to in Paragraph 1.

(4) The Minister of Environment and Water, directors of Regional Environment and Water Inspectorates, or officials authorised by them, shall exercise control on the compliance with the requirements laid down in the legislative acts referred to in Paragraph 2 with regard to stationary refrigeration and air-conditioning systems, heat pumps, high-voltage switchgear, air-conditioning systems in certain motor vehicles that contain certain fluorinated greenhouse gases, as well as equipment containing fluorinated greenhouse gas-based solvents.

(5) The director of Fire Safety and Protection of the Population General Directorate with the Ministry of Interior, or an official authorised by him, shall exercise control on the compliance with the requirements laid down in the legislative acts referred to in Paragraph 2 as regards stationary fire protection systems and fire extinguishers that contain certain fluorinated greenhouse gases.

(6) When exercising control on the compliance with the requirements laid down in the legislative acts referred to in Paragraphs 1 and 2 the control bodies referred to in Paragraphs 3 and 4 shall have the right to:

1. free access to the sites inspected;

2. (amended, SG No. 87/2010, effective 6.12.2010) request information and documents with the purpose of establishing the compliance of the substances, equipment and products covered by Regulation (EC) No. 1005/2009 and/or Regulation (EC) No. 842/2006;

3. (amended, SG No. 87/2010, effective 6.12.2010) request information on the quantities of substances that deplete the ozone layer or fluorinated greenhouse gases produced, imported, exported, and placed on the market, as well as on the quantities of products and equipment that contain, depend on, or are made of substances that deplete the ozone layer or fluorinated greenhouse gases, produced, imported, exported, and placed on the market

4. (amended, SG No. 87/2010, effective 6.12.2010) give binding prescriptions on the containment, prohibition for placement on the market, distribution, use, or recall of substances, equipment, and products, and reduction of emissions where non-conformities with the requirements of Regulation (EC) No. 1005/2009 and/or Regulation (EC) No. 842/2006 have been found;

5. (amended, SG No. 87/2010, effective 6.12.2010) impose fines or pecuniary sanctions on the persons who import, export, place on the market, and/or use substances that deplete the ozone layer or products and equipment that contain, depend on, or are made of such substances, in violation of the requirements laid down in Regulation (EC) No. 2037/2000;

6. (amended, SG No. 87/2010, effective 6.12.2010) impose fines or pecuniary sanctions on the persons who import,



export, place on the market, and/or use fluorinated greenhouse gases or products and equipment that contain, depend on, or are made of such substances, in violation of the requirements laid down in Regulation (EC) No. 842/2006;

7. (amended, SG No. 87/2010, effective 6.12.2010) to impose fines or pecuniary sanctions on the operators of equipment covered by Regulation (EC) No. 1005/2009 or Regulation (EC) No. 842/2006 who do not ensure that the leakage checking, recovery of gases, installation, installing, servicing, or maintenance of such equipment is carried out by persons who hold a certificate of competence granted under the terms laid down in the ordinance provided for in Paragraph 2.

(7) When exercising control on the compliance with the requirements laid down in the legislative acts referred to in Paragraph 2 the control body referred to in Paragraph 5 shall have the right to:

1. free access to the sites inspected;

2. request information and documents with the purpose of establishing the compliance of the substances, equipment and products covered by Regulation (EC) No. 842/2006;

3. request information on the quantities of products and equipment covered by Regulation (EC) No. 842/2006 that contain, use, or are made of fluorinated greenhouse gases, that have been produced, imported, exported, and placed on the market

4. give binding prescriptions on the containment, prohibition for placement on the market, distribution, use, or recall of products and equipment, and reduction of emissions where non-conformities with the requirements of Regulation (EC) No. 842/2006 have been found;

(8) The control body referred to in Paragraph 5 shall immediately notify the control body referred to in Paragraph 4 of any non-conformities with the requirements laid down in Regulation (EC) No. 842/2006 and in the ordinance referred to in Paragraph 2 that have been found.

(9) The control bodies referred to in Paragraphs 3, 4, and 5 shall be bound not to disclose any information that represents a manufacturing or trade secret that became known to them during or on the occasion of exercising the control.

(10) The persons who carry out activities related to:

1. (amended, SG No. 87/2010, effective 6.12.2010) recovery of substances that deplete the ozone layer from refrigeration or air-conditioning systems or heat pumps for the purpose of recycling and reuse of these substances shall be bound to hold a certificate of competency granted under the terms laid down in the ordinance provided for in Paragraph 2;

2. (amended, SG No. 87/2010, effective 6.12.2010) leakage checking, servicing, and maintenance of refrigeration or air-conditioning systems or heat pumps containing substances that deplete the ozone layer shall be bound to hold a certificate of competency granted under the terms laid down in the ordinance provided for in Paragraph 2;

3. (amended, SG No. 87/2010, effective 6.12.2010) recovery of substances that deplete the ozone layer for the purpose of reclamation or destruction shall transfer these substances to persons who hold a permit granted under Article 37 of the Waste Management Act or an integrated permit pursuant to Article 117 of the Environmental Protection Act.

(11) (Repealed, SG No. 87/2010, effective 6.12.2010).

(12) Before 1 April each year the Customs Agency shall submit to the Ministry of Environment and Water information on:

1. (supplemented, SG No. 87/2010, effective 6.12.2010) the importers/exporters of substances that deplete the ozone layer and/or fluorinated greenhouse gases, as well as of products and equipment that contain, depend on, or are made of such substances;

2. (supplemented, SG No. 87/2010, effective 6.12.2010) the type, as per the Customs Tariff Code, and quantity of imported/exported substances that deplete the ozone layer and/or fluorinated greenhouse gases, as well as on the products and equipment that contain, depend on, or are made of such substances for the period from 1 January through 31 December of the previous year;

3. (supplemented, SG No. 87/2010, effective 6.12.2010) the country from/to which the substances that deplete the ozone layer and/or fluorinated greenhouse gases have been imported/exported, as well as on the products and equipment that contain, depend on, or are made of such substances;

4. (amended, SG No. 87/2010, effective 6.12.2010) the cases of non-compliance with the provisions of Articles 15, Article 17, Article 20, § 1 and/or Article 24, § 1 of Regulation (EC) No. 1005/2009 and or Article 9, Paragraph 1 of Regulation (EC) No. 842/2006 found during the import and export of substances that deplete the ozone layer and/or fluorinated greenhouse gases, as well as of products and equipment that depend on, use, or are made of such substances.

(13) Before 1 April each year the Fire Safety and Protection of the Population Directorate General with the Ministry of Interior shall submit to the Ministry of Environment and Water information on:

1. operators of fire protection systems and fire extinguishers that contain 3 kg or more of fluorinated greenhouse gases located on the territory of the Republic of Bulgaria;

2. the type and quantity of fluorinated greenhouse gas contained in the fire protection systems and fire extinguishers.

(14) (Amended, SG No. 87/2010, effective 6.12.2010) The control on the implementation of the requirements laid down in Regulation (EC) No. 1005/2009 shall be exercised by:

1. the Minister of Environment and Water, or an official authorised by him, as regards the use of chlorofluorocarbons, hydrobromofluorocarbons and partially halogenated chlorofluorocarbons;

2. the Minister of Agriculture and Food, or an official authorised by him, as regards the use of methyl bromide for quarantine and pre-shipment and/or for critical uses;

3. the Minister of Defence or the Minister of Transport, Information

Technology and Communications, or officials authorised by either of these, as regards the use of halons for critical uses.

(15) (Repealed, SG No. 87/2010, effective 6.12.2010).

(16) (Amended, SG No. 87/2010, effective 6.12.2010) The Minister of Environment and Water, or an official authorised by him, shall be the competent authority responsible for implementing the requirements of Regulation (EC) No. 1005/2009 and Regulation (EC) No. 842/2006.

(17) (Amended, SG No. 87/2010, effective 6.12.2010) The Minister of Environment and Water shall be the competent authority for drafting the reports under Regulation (EC) No. 1005/2009 and Regulation (EC) No. 842/2006.

**Article 17a.** (New, SG No. 52/2008) (1) (Amended, SG No. 87/2010, effective 6.12.2010) Certificate of competency to persons, carrying out activities related to check-ups on leakage, recovery of ozone layer damaging substances, aiming at their recycling and repeated usage for service and maintenance of freezing and air-conditioning installations and heating pumps, shall be issued by the Bulgarian Branch Chamber - Machine Building under the conditions and terms set by the ordinance in accordance with Article 17, Paragraph 2.

(2) (Amended, SG No. 87/2010, effective 6.12.2010) The authority under Paragraph 1 shall create and maintain information data base of the persons referred to in Paragraph 1, who have received certificate of competence.

(3) (New, SG No. 87/2010, effective 6.12.2010) The database under Paragraph 2 is available on the website of the authority under Paragraph 1.

**Article 17b.** (New, SG No. 6/2009, effective 4.07.2009) for natural or legal persons who have been carrying out one or more of the activities provided for in Article 2 of Regulation (EC) No. 303/2008 and Regulation (EC) No. 305/2008 and Article 1 of Regulation (EC) No. 305/2008, Regulation (EC) No. 307/2008, Regulation (EC) No. 306/2008 before 4 July 2008. (1) The natural persons who carry out activities related to:

1. leakage checking of stationary refrigeration and air-conditioning systems and of heat pumps containing 3 kg or more of fluorinated greenhouse gases, or 6 kg or more where they are hermetically sealed and labelled as such, as well as of fire protection systems and fire extinguishers containing 3 kg or more of fluorinated greenhouse gases;

2. recovery of fluorinated greenhouse gases;

3. installation

4. servicing or maintenance of stationary refrigeration and air-conditioning systems, heat pumps, stationary fire protection systems and fire extinguishers containing fluorinated greenhouse gases;

5. recovery of fluorinated greenhouse gases from high-voltage switchgear or air-conditioning systems in certain motor vehicles, as well as fluorinated greenhouse gas-based solvents from equipment

shall be bound to hold a certificate of competence in accordance with the requirements laid down in Articles 3 and 4 of Regulation (EC) No. 842/2006 that has been issued under the terms of the ordinance provided for in Article 17, Paragraph 2.

(2) The legal persons who carry out activities related to the installation, servicing, or maintenance of stationary refrigeration and air-conditioning systems, heat pumps, stationary fire protection systems and fire extinguishers containing fluorinated greenhouse gases shall be bound to hold a certificate of competence in accordance with the requirements laid down in Articles 3 and 4 of Regulation (EC) No. 842/2006 that has been issued under the terms of the ordinance provided for in Article 17, Paragraph 2.

(3) The certificates of competence referred to in Paragraphs 1 and 2 shall be granted by:

1. the Bulgarian Branch Chamber of Machine Building, as regards activities related to leakage checking of stationary refrigeration and air-conditioning systems and of heat pumps containing 3 kg or more of fluorinated greenhouse gases, or 6 kg or more where they are hermetically sealed and labelled as such, recovery of such gases, installation, servicing, or maintenance of stationary refrigeration and air-conditioning systems, heat pumps containing fluorinated greenhouse gases, as well as recovery of fluorinated greenhouse gases from air-conditioning systems in certain motor vehicles;

2. The Institute of Applied Fire Safety and Rescue Operations Science with the Fire Safety and Protection of the Population Directorate General of the Ministry of Interior, as regards activities related to leakage checking of stationary fire protection systems and fire extinguishers containing 3 kg or more of fluorinated greenhouse gases, recovery of such gases, installation, servicing, or maintenance of stationary fire protection systems and fire extinguishers containing fluorinated greenhouse gases;

3. the Bulgarian Branch Chamber of Power Engineers, as regards activities related to recovery of fluorinated greenhouse gases from high-voltage switchgear containing fluorinated greenhouse gases;

4. the Bulgarian Industrial Association, as regards activities related to recovery of fluorinated greenhouse gas-based solvents from equipment.

(4) The activities of the bodies referred to in Paragraph 3 shall be carried out in accordance with:

1. Article 10 of Commission Regulation (EC) No. 303/2008 of 2 April 2008 establishing pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air-conditioning and heat pump equipment containing certain fluorinated greenhouse gases (OJ L 92/3, 3.4.2008) and Article 3 of Commission Regulation (EC) No. 307/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases (OJ L 92/25, 3.4.2008) where the certificates of competence are issued by the body referred to in Paragraph 3, Item 1;

2. Article 10 of Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing

certain fluorinated greenhouse gases (OJ L 92/12, 3.4.2008) where the certificates of competence are issued by the body referred to in Paragraph 3, Item 2;

3. Article 5 of Commission Regulation (EC) No. 305/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear (OJ L 92/17, 3.4.2008) where the certificates of competence are issued by the body referred to in Paragraph 3, Item 3;

4. Article 4 of Commission Regulation (EC) No. 306/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment (OJ L 92/21, 3.4.2008) where the certificates of competence are issued by the body referred to in Paragraph 3, Item 4;

(5) The bodies referred to in Paragraph 3 shall establish and maintain an information database of the natural and legal persons referred to in Paragraphs 1 and 2 who have been granted a certificate of competence.

(6) The information database provided for in Paragraph 5 shall be accessible on the web pages of the relevant bodies referred to in Paragraph 3.

**Article 17c.** (New, SG No. 6/2009, effective 24.02.2009) (1) (Amended, SG No. 87/2010, effective 6.12.2010) Natural persons who carry out activities related to leakage checking of stationary refrigeration and air-conditioning systems and of heat pumps containing 3 kg or more of fluorinated greenhouse gases, or 6 kg or more where they are hermetically sealed and labelled as such, recovery of such gases, installation, servicing, or maintenance of stationary refrigeration and air-conditioning systems, and heat pumps may be issued with interim certificates of competence until 4 July 2009 where they hold a certificate of qualification issued under the terms of Article 4d of the Ordinance on the control and management of substances that deplete the ozone layer (promulgated, SG No. 3/2000, amended No. 4/2001, No. 96/2002, No. 15/2007, No. 3/2009).

(2) Legal persons who carry out activities related to installation, servicing, or maintenance of stationary refrigeration and air-conditioning systems, and heat pumps may be issued with interim certificates of competence until 4 July 2009 where they employ persons who hold interim certificates of competence referred to in Paragraph 1 and the necessary tools for carrying out the activities for which the certificate of competence has been granted in accordance with the requirements laid down in the ordinance provided for in Article 17, Paragraph 2.

(3) (Amended, SG No. 87/2010, effective 6.12.2010) Persons with professional experience acquired before the date set forth in Article 5, Paragraph 2 of Regulation (EC) No. 842/2006, may be issued with an interim certificate of competence for carrying out activities related to leakage checking of stationary fire protection systems and fire extinguishers containing 3 kg or more of fluorinated greenhouse gases, recovery of such gases, installation, servicing, or maintenance of stationary fire protection systems and fire extinguishers containing fluorinated greenhouse gases without passing a training or an exam in accordance with the provisions of the ordinance provided for in Article 17, Paragraph 2 where they demonstrate that they have such experience by producing a work-book or record of service, or other document in evidence of that.

(4) Legal persons who carry out activities related to installation, servicing, or maintenance of stationary fire protection systems and fire extinguishers containing fluorinated greenhouse gases may be issued with interim certificates of competence until 4 July 2009 where they employ persons who hold interim certificates of competence referred to in Paragraph 3 and the necessary tools for carrying out the activities for which the certificate of competence has been granted in accordance with the requirements laid down in the ordinance provided for in Article 17, Paragraph 2.

(5) Interim certificates of competence referred to in Paragraphs 1 and 2 shall be issued by the Bulgarian Branch Chamber of Machine Building.

(6) Interim certificates of competence referred to in Paragraphs 3 and 4 shall be issued by the Institute of Applied Fire Safety and Rescue Operations Science with the Fire Safety and Protection of the Population Directorate General of the Ministry of Interior.

(7) Interim certificates of competence referred to in Paragraphs 1 and 2 shall be valid until 4 July 2011 and shall not be subject to mutual recognition under Article 13 of Commission Regulation (EC) No. 303/2008 of 2 April 2008 establishing,

pursuant to Regulation (EC) No. 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air-conditioning and heat pump equipment containing certain fluorinated greenhouse gases.

(8) Interim certificates of competence referred to in Paragraphs 3 and 4 shall be valid until 4 July 2010 and shall not be subject to mutual recognition under Article 13 of Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases.

**Article 18.** The legal and the natural persons performing activities with sources of emissions into the ambient air shall be obliged to:

1. (supplemented, SG No. 27/2000) conduct emission control, including their own measurements - continuous (automated) and/or periodic, carry out regular check-ups, develop and implement a programme for technical maintenance of the treatment plants with a view to securing compliance with the emission limit values in the permit;

2. duly inform the municipal authorities and the regional inspectorates of environment and water about forthcoming changes in the raw materials and in the technological processes which will lead to changes in the conditions and requirements for ensuring the ambient air quality, as well as during repair of the treatment plants;

3. inform within a one-month period the municipal authorities and the regional inspectorates of environment and water about changes in the subject of activity or the name of the owner of the site and the persons responsible for environmental protection;

4. inform immediately the municipal authorities and the regional inspectorates of environment and water about the occurrence of production failures or other incidents which might cause an increase of emissions or worse ambient air quality, as well as take measures in compliance with the legal framework on actions in cases of industrial accidents or disasters;

5. provide unlimited access of the control authorities to the sites and facilities and to all documents and data related to emissions in the ambient air, as well as assist them in the performance of their functions.

**Article 18a.** (New, SG 102/2001) (1) (Amended, SG No. 99/2006) Persons placing liquid fuels on the market shall be obliged to ensure and guarantee their compliance with the quality requirements determined by the regulation referred to in Article 8, Paragraph 1.

(2) (Amended, SG No. 99/2006) Persons placing liquid fuels on the market shall be obliged to draw up a declaration for compliance with the quality requirements determined by the regulation referred to in Article 8, Paragraph 1 for each batch, which shall accompany the liquid fuels in their placing on the market, distribution, transportation and use.

(3) (Amended, SG No. 99/2006) The compliance of the liquid fuels with the quality requirements determined by the regulation referred to in Article 8, Paragraph 1 shall be declared upon testing of a representative average sample of each batch in laboratories accredited by the Executive Agency "Bulgarian Accreditation Service", or in foreign laboratories accredited by an accreditation authority which is party to agreements on mutual recognition in an organization that the Executive Agency "Bulgarian Accreditation Service" is a member of.

(4) The requirements for the contents of the declaration for compliance shall be stipulated in the regulation referred to in Article 8, Paragraph 1.

(5) The persons referred to in Paragraph 2 shall be responsible for the truthfulness of the declaration for compliance.

(6) (Amended, SG No. 99/2006) The persons referred to in Paragraph 2 shall be obliged to keep the declaration of conformity for each batch of liquid fuel for a period of no less than five years of the date of issue thereof.

(7) (Amended, SG No. 95/2005, No. 99/2006, SG No. 6/2009, effective 24.02.2009) Upon request, the persons referred to in Paragraph 2 shall be bound to present to the control authorities referred to in Article 30b originals or copies, certified by themselves, of the declarations of conformity, and also documents evidencing the commercial transaction concluded

for the checked batches of liquid fuels in cases of import from third countries or introduction from another Member State.

(8) (New, SG No. 99/2006) Upon fuel delivery, the distributors of ship fuels shall be obliged to present a receipt for the delivered fuel in accordance with Annex VI of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by Protocol of 1978 (MARPOL 73/78) and the Protocol of 1997, accompanied by a sealed sample signed by the shipbroker or the shipmaster.

**Article 18b.** (New, SG No. 102/2001, amended, SG No. 99/2006) (1) The persons who distribute liquid fuel shall be:

1. responsible for the conformity of the liquid fuel distributed by them with the quality requirements laid down in the regulation referred to in Article 8 (1);

2. (supplemented, SG No. 6/2009, effective 24.02.2009) obliged to produce, for the purpose of each subsequent distribution or use, a copy of the declaration of conformity for the distributed batch of liquid fuel, in which they shall state the quantity of liquid fuel, the person to whom it is being supplied and the date and number of the shipment document, and to enter the number and date of the declaration of conformity for the batch of liquid fuel in any other document that accompanies it;

3. obliged to present a certified copy of the declaration of conformity referred to in Item 2 to the control authorities referred to in Article 306;

4. obliged to keep the copy of the declaration of conformity referred to in Item 2 for one year from the date of issue thereof.

(2) Upon request, the persons who transport liquid fuel shall be obliged to present a certified copy of the declaration of conformity referred to in Paragraph 1, Item 2 to the control authorities referred to in Article 306 together with the documents accompanying the fuel that is being transported by them.

(3) The persons who use liquid fuel within the meaning of this Act, or who represent end distributors of such fuel, shall be:

1. responsible for the conformity of the liquid fuel distributed or used by them with the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1;

2. obliged to present a copy of the declaration of conformity referred to in Paragraph 1, Item 2 for the inspected fuel and a copy of the shipment document to the control authorities referred to in Article 306.

(4) (Amended, SG No. 6/2009, effective 24.02.2009) The persons referred to in Paragraph 1 and in Article 18a, Paragraph 1, as well as the end distributors, shall be bound to affix markings in accordance with § 1, Item 25 of the supplementary provisions in the locations referred to in Article 3, Paragraph 1, Item 5 and the following information to a conspicuous place:

1. fuel type;

2. quality requirements, as laid down in the regulation referred to in Article 8, Paragraph 1;

3. declaration of conformity for the distributed batch.

(5) The persons referred to in Paragraphs 1, 2 and 3 and in Article 18a, Paragraph 1 shall be obliged:

1. to notify the control authorities within one month of any change in the scope of activity, the name of the facility's owner, the registered address of the company or the tax address;

2. to provide unrestricted access to the facilities referred to Article 3, Paragraph 1, Item 5 for the control authorities referred to in Article 306;

3. to notify forthwith the control authorities referred to in Article 306 of any action taken with the aim of withdrawing the liquid fuel as a result of coercive measures within the meaning of Article 30d, Paragraph 1, Item 2;

4. to make available to the control authorities referred to in Article 306 any accounting, commercial or other books, as well as documents pertaining to the company's registration, BULSTAT, the registered address and the tax number of the inspected person and personal data and other information relating to an established administrative violation within the meaning of Article 34 - 34d;

5. to carry out regular checks of the storage, loading/unloading and refueling equipment, as well as drafting and implementing a program for their technical maintenance with view to ensuring compliance with the specified liquid fuel quality requirements;

6. to take forthwith measures aimed at managing the occurred industrial accidents and other incidents which can result in deteriorating the liquid fuel quality, as well as taking measures in accordance with the regulatory procedures for emergency response in the event of industrial accidents and disasters.

7. provide assistance for the control authorities referred to in Article 306 in the discharge of their duties.

## **Chapter Five**

### **MANAGEMENT AND CONTROL**

**Article 19.** (1) The Ministry of Environment and Water shall pursue the governmental policy on preservation of the clean ambient air with a view to securing sustainable development.

(2) The municipal authorities and the regional inspectorates of environment and water shall control and manage the activities related to ensuring the clean ambient air on their territory.

(3) The disputes for competence between the various authorities shall be settled by the Minister of Environment and Water.

**Article 20.** (Amended, SG No. 27/2000) (1) The ambient air quality shall be monitored by the national System for Monitoring, Control and Information about the Status of the Environment with the Ministry of Environment and Water.

(2) The municipal authorities, in co-ordination with the Minister of Environment and Water, may establish local systems for monitoring and control of the ambient air quality in regions on their territory.

3) In cases where a certain site is a basic source polluting the ambient air, the Ministry of Environment and Water may oblige the person carrying out the activity, to establish a system for monitoring the emission source and the air quality in the region of the site.

(4) (Amended and supplemented, SG No. 27/2000) The national and the local systems for monitoring and control shall interact on the basis of contracts.

(5) The stations from the national system and the local systems for monitoring and control on the state of the environment, as well as the stations for cross-border transfer of pollutants and background quality of the air, shall be public state or municipal property.

**Article 21.** (1) (Amended, SG No. 27/2000) The national and the local systems shall ensure control and assessment of the indices for the ambient air quality referred to in Article 4.

(2) (Amended, SG No. 27/2000) The Minister of Environment and Water, in coordination with the Minister of Health, shall issue a regulation on assessment and management of the ambient air quality ensuring uniformity in establishing and operating the systems referred to in Article 20, as well as of the methods for measurement and processing of the primary information.

(3) (New, SG No. 27/2000) The terms and the procedure for developing programmes for abatement of the pollutant levels and for reaching the approved limit values referred to in Article 6 and the operational action plan shall be determined with a regulation on the assessment and management of the ambient air quality.

**Article 22.** (1) The control and monitoring of the cross-border transfer of pollutants, of the background quality of the ambient air, as well as of the impact of ambient air pollution on the global processes in the atmosphere, shall be carried out by the Ministry of Environment and Water and by the National Institute on Meteorology and Hydrology with the Bulgarian Academy of Sciences.

(2) The assessment of the health and environmental risk connected with the ambient air quality shall be carried out by the Ministry of Health and the Ministry of Environment and Water.

**Article 23.** (1) The information from the national system and from the local systems for monitoring the ambient air quality shall be state property and shall be kept at the Ministry of Environment and Water and its authorities.

(2) The information from the national system and from the local systems for monitoring the ambient air quality shall be published in the official bulletins and shall be accessible to everyone for free.

(3) Any additional information from monitoring, measurements, data processing, etc., shall be paid for by the interested person according to a tariff approved by the Council of Ministers.

(4) (New, SG No. 99/2006) The control authorities shall carry out checks and assessments of the ambient air quality in response to complaints about non-compliance with the limit values for the content of harmful substances in the ambient air filed by individuals by:

1. calculating (modelling) the dispersion of the emissions and the expected ground level concentrations of harmful substances;

2. measurement data from existing stationary points and monitoring stations while assessing their scope and representativeness;

(5) (New, SG No. 99/2006) Measurements using mobile automatic stations or other equipment shall be carried out in cases where the calculations and data referred to in Paragraph 4 do not enable the performance of reliable assessment of the ambient air quality.

(6) (New, SG No. 99/2006) Additional measurements using mobile automatic stations or other equipment shall be carried out where a compliance with the limit values for the contents of harmful substances in the ambient air during an assessment of the ambient air quality within the meaning of Paragraph 4 has been established and the person has questioned the results. Where the results of the assessment have been corroborated, the expenses shall be borne by the person.

(7) (New, SG No. 99/2006) The expenses referred to in Paragraph 6 shall be determined and paid by the person according to the tariff referred to in paragraph 3

**Article 24.** The immediate control over the condition and the operation of sites with sources of emissions to the ambient air, on the operation of the treatment plants and on the emissions from individual sources is carried out by:

1. (amended, SG No. 49/1996) the Minister of Environment and Water, the regional inspectorates of environment and water and the municipal authorities in accordance with Article 19;

2. the authorities of the Ministry of the Interior and of the Ministry of Transport, Information Technology and Communications - for motor vehicles.

**Article 25.** (1) The emissions from a specific site shall be established through:

1. measurements made following established methods;

2. calculations made following a balance method.

(2) (Amended, SG No. 27/2000) Established methods and tools for measuring emissions shall be those established with standardization documents, and, where no such documents exist, measurements shall be made using methods approved by the Minister of Environment and Water.



(3) The control authorities shall measure the emissions from a specific stationary source at least once in two years, and those from motor vehicles - at least once a year.

(4) (New, SG No. 27/2000) The managers of sites with stationary sources shall ensure the measuring of the emissions in compliance with the procedure and method for measuring the emissions of harmful substances (pollutants) emitted in the ambient air by sites with stationary sources issued by the Ministry of Environment and Water and with the recommendations of the control authorities.

(5) (Repealed, Previous Paragraph 6, amended SG No. 27/2000) The measured values of the emissions from the stationary sources shall be entered into a register. The register, as well as the diagrams from the automatic registering of the emissions, shall be kept for 8 years and shall be presented to the control authorities upon request.

(6) (New, SG No. 27/2000) The Minister of Environment and Water shall, in co-ordination with the ministers concerned, issue an order for approval of a methodology for calculating the balance emissions of harmful substances (pollutants) emitted in the ambient air.

**Article 26.** On the basis of violations established during an examination of the sources of pollution, the control authorities shall issue prescriptions whose implementation shall be obligatory.

**Article 27.** (1) (Amended, SG No. 27/2000, SG No. 91/2002) Where, in a specific region the total mass of the emissions leads to exceeding of the limit values for harmful substances (pollutants) in the ambient air and of the limit values for deposits, the mayors of municipalities shall develop and the municipal councils shall adopt programmes for abating the levels of pollutants and for reaching the established limit values referred to in Article 6 within the time limits established for this purpose, whose implementation shall be obligatory.

(2) (New, SG No. 27/2000, amended, SG No. 91/2002) The programmes referred to in Paragraph 1 shall form an integral part of the municipal environmental programmes referred to in Article 79 of the Environmental Protection Act.

(3) (New, SG No. 27/2000) The programmes referred to in Paragraph 1 shall also include: the objectives, the stages and the time limits for achieving them, the resources for ensuring the implementation of the programme; the system for reporting and control of the implementation and the system for assessment of the results; the measures for regulating automobile traffic.

(4) (Previous Paragraph 2, SG No. 27/2000) The programme may be amended in case of changes in the conditions under which it was originally drawn up.

**Article 28.** (1) (Corrected, SG No. 49/1996) The Minister of Environment and Water, within the range of his competency, the regional inspectorates of environment and water and the municipal authorities, within the range of their competency pursuant to Article 19, may limit or suspend production or other activities in the cases, where:

1. the type and the degree of pollution of the ambient air from the source increase considerably the risk to human health and the environment;

2. the prescriptions referred to in Article 26 are not observed;

3. the measures of the programme referred to in Article 27 are not observed.

(2) The limiting and the suspending referred to in Paragraph 1 shall be carried out with an order of the respective authority and shall be in force until the reasons which caused the issuing of the order are removed.

(3) In case of an obvious disturbance of the clean ambient air caused by motor vehicles, the control authorities of the Ministry of Environment and Water shall inform the control authorities of the Ministry of the Interior or of the Ministry of Transport, Information Technology and Communications, depending on the owner of the motor vehicle, so that they can take the respective actions referred to in Article 41, Paragraph 1, item 4, with relation to Article 36, Paragraph 2, item 2 of the Road Traffic Act, against the specific violators.

**Article 29.** (Amended and supplemented, SG No. 27/2000) The municipal authorities, in co-ordination with the

authorities of the Ministry of the Interior, shall organise and regulate the automobile traffic in the towns and villages with a view to ensuring the ambient air quality in compliance with the established standards for harmful substances (pollutants) referred to in Article 6.

**Article 30.** (1) (Amended, SG No. 27/2000) With a view to restricting the damages on the health of population where there is a risk of exceeding the established limit values or alert thresholds, in unfavourable meteorological conditions and other factors, the municipal authorities, in co-ordination with the respective regional inspectorate for environment, shall develop an operational action plan determining the measures which are to be undertaken in order to decrease the risk in question and restricting the duration of similar events.

(2) (Amended, SG No. 27/2000) The operational action plan shall be developed on the basis of investigations in the region and of the approved thresholds referred to in Article 7 and shall be discussed with the interested parties and with the environmental organisations and movements.

(3) (Amended, SG No. 27/2000) The implementation of the operational action plan shall be placed where necessary, upon an order issued by the mayor of the municipality.

**Article 30a.** (New, SG No. 102/2001, amended, SG No. 95/2005, No. 99/2006) (1) The Chairman of the State Agency for Metrological and Technical Surveillance shall exercise control over the compliance with the liquid fuel quality requirements at the time of their placing on the market, distribution, transportation and use by:

1. setting up, developing and maintaining a liquid fuel quality monitoring, control and information system;
2. carrying out checks, sampling and sample testing in accredited laboratories and enforcing coercive measures through authorized officials of the Directorate General "Liquid Fuel Quality Control";
3. issuing penal rulings;
4. submitting annual information on the liquid fuel quality for the previous year to the Minister of Environment and Water;
5. providing the mass media with information on the liquid fuel type, quality and trademark and the results of checks, measures and enforced sanctions imposed on the persons referred to in Article 18a, Paragraph 1 and Article 186, Paragraphs 1-3.

(2) The Customs Agency shall provide the State Agency for Metrological and Technical Surveillance with trimestrial information on the imported quantities of liquid fuel according to the types specified in the regulation referred to in Article 8, Paragraph 1, as well as information on their importers.

(3) The National Statistical Institute shall provide the State Agency for Metrological and Technical Surveillance with annual information on the types and quantities of liquid fuels placed on the market.

(4) The persons referred to in Article 18a, Paragraph 1 and Article 186, Paragraph 1 who carry out distribution of liquid fuels according to the types specified in the regulation referred to in Article 8, Paragraph 1, shall be obliged to provide the State Agency for Metrological and Technical Surveillance, by 10 January and 10 July each year, with information for the previous 6 month period on all companies and facilities, including the end distributors in the territory of the country, with whom they have commercial dealings, as well as on their location.

(5) The quality control of used fuel onboard the ships shall be exercised by the Executive Agency "Maritime Administration".

**Article 30b.** (New, SG No. 102/2001, amended, SG No. 95/2005, No. 99/2006) (1) The officials referred to in Article 30a, Paragraph 1, Item 2, hereinafter called "the control authorities", shall be entitled:

1. to unrestricted access to the locations referred to in Article 3, Paragraph 1, Item 5;;
2. to request a declaration of conformity and accompanying documents, as well as withdrawing certified copies thereof;

3. to request original accounting, commercial or other books and documents, as well as documents pertaining to the company's registration, BULSTAT, registered address and tax number of the inspected person, personal data and other information material to establishing violations within the meaning of Articles 34 - 34d, and withdraw certified copies thereof;

4. to request and obtain reports, excerpts and other documents necessary for performing the liquid fuel quality control and/or establishing administrative breaches under Articles 34 - 34d from third persons;

5. to take free of charge such quantities of samples as necessary for the control activities in compliance with the regulation referred to in Article 8, Paragraph 1;

6. to test liquid fuel samples in accredited mobile and/or stationary laboratories specified by them;

7. based on the report of testing carried out by a mobile laboratory - to come up with an expert conclusion on the conformity of the tested liquid fuels with the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1;

8. based on the report of testing carried out by a stationary laboratory, to draft a report of established conformity of the tested liquid fuels with the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1;

9. to carry out checks and, upon establishing violations, draw up statements according to the procedure established by the Administrative Violations and Sanctions Act;

10. to obtain assistance by the authorities of the Ministry of Interior, the municipalities and the mayoralities during, or in connection with, the discharge of their official duties in accordance with this Act;

11. to take out an insurance at the expense of the budget of the State Agency for Metrological and Technical Surveillance against injury during or in connection with the discharge of their official duties.

(2) The officials of the Executive Agency "Maritime Administration" shall be entitled to take free of charge such quantities of samples as necessary for the control activities onboard the ships

**Article 30c.** (New, SG No. 102/2001, amended, SG No. 95/2005, No. 99/2006) (1) The control authorities shall take a sample of the liquid fuel for testing in presence of the owner or manager of the inspected facility, or of an official from the inspected facility, while:

1. dividing the sample into an arbitration and a control part depending on the purpose;

2. handing a portion of the control part over for testing;

3. in the event the concerned party has questioned the test results, it shall be obliged to request, within 7 days of receiving the test reports and statements, for an arbitration sample to be tested at its expense in a third accredited laboratory. The results of the arbitration sample testing and the drafted expert examination statement shall be final;

4. the results of the sample testing referred to in Items 2 and 3 shall serve as evidence in resolving the dispute in court.

(2) (Amended, SG No. 42/2011) The officials of the Executive Agency "Maritime Administration" shall take samples of the ship fuel to be tested in presence of the shipmaster and/or the shipbroker in compliance with the requirements under Paragraph 1. The testing shall be carried out in accredited laboratories.

**Article 30d.** (New, SG No. 102/2001, amended, SG No. 99/2006) (1) Upon establishing any violations, the control authorities shall be entitled to enforcing the following coercive administrative measures:

1. stop temporarily any placing on the market, distribution, transportation or use of liquid fuels in cases where:

a) no declaration of conformity has been submitted;

b) the contents of the declaration of conformity does not conform to the requirements under Article 186, Paragraph 1,

Item 2 and of the regulation under Article 8, Paragraph 1;

c) following testing carried out in a mobile laboratory and an expert conclusion, it has been established that the liquid fuel does not meet any of the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1;

2. (amended, SG No. 6/2009, effective 24.02.2009) prohibit the placing on the market, distribution, transportation, or use of liquid fuels where non-conformity with at least one of the quality requirements laid down in the ordinance provided for in Article 8, Paragraph 1, regardless on the contestation referred to in Article 30c, Paragraph 1, Item 3, has been found;

3. (new, SG No. 6/2009, effective 24.02.2009) order the recall of liquid fuels where:

a) in the cases of contestation referred to in Article 30c, Paragraph 1, Item 3 the results of the arbitration sample testing confirm the non-conformity found;

b) the test result has not been contested within the period set forth in Article 30c, Paragraph 1, Item 3.

(2) The coercive administrative measures referred to in paragraph 1 shall be enforced by the Chairperson of the State Agency for Metrological and Technical Surveillance, or by officials authorized by him under Article 306, by issuing mandatory prescriptions or posting certification signs of the control authorities. The type of the signs shall be specified by order of the Chairperson of the State Agency for Metrological and Technical Surveillance.

(3) (Amended, SG No. 6/2009, effective 24.02.2009) In the cases falling under Paragraph 1, Item 1, the measures shall be repealed by the authority referred to in Paragraph 2 where following testing carried out in a mobile or stationary laboratory the tested fuel has been found to be in conformity with the quality requirements laid down in the ordinance provided for in Article 8, Paragraph 1.

(4) The mandatory prescriptions may be appealed against according to the procedure established in the Administrative Procedure Code.

(5) Filing an appeal does not prevent the enforcement of a prescribed coercive administrative measure.

(6) All damages, losses and lost profits resulting from the enforced coercive administrative measures shall be at the expense of the owners of the liquid fuel being inspected, save where the measures have been repealed by the court.

**Article 30e** (New, SG No. 99/2006) The control authorities shall be obliged:

1. not to publicize any information representing a business or commercial secret that they have come into knowledge of during and in connection with the conduct of the control activities, as well as not to use it beyond its intended scope of use;

2. to legitimize themselves by a business card during the conduct of the control activities.

**Article 30f** (New, SG No. 99/2006) (1) The expenses on liquid fuel sampling and sample testing in the absence of a declaration of conformity shall be borne by the persons referred to in Article 18a, Paragraph 1 and Article 18b, Paragraphs 1, 2 and 3 regardless of the obtained testing results.

(2) The expenses on liquid fuel sampling and sample testing where these do not comply with at least one of the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1 shall be borne by the persons referred to in Article 18a and 18b.

(3) The expenses referred to in Paragraphs 1 and 2 shall be determined on the basis of the actual expenditure incurred under Article 25, Paragraph 3 of Tariff No 11 on the fees collected within the system of the State Agency for Metrological and Technical Surveillance under the Stamp Duty Act (promulg. SG, No 50 of 1999, amended No 10 of 2000, Nos 94 and 115 of 2002, Nos 17 and 19 of 2003, correct. Nos 27 and 33 of 2003, amended, No. 49 of 2003, Nos 32 and 104 of 2004 and Nos 15 and 40 of 2006).

(4) Where the liquid fuels comply with the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1, the costs of sampling and sample testing shall be at the expense of the budget of the State Agency for

**Article 30g** (New, SG No. 99/2006) Liquid fuel testing in the cases referred to in Article 306, Paragraph 1, Item 6 may not be carried out in laboratories having conducted the testing referred to in Article 18a, Paragraph 3.

**Article 30h** (New, SG No. 99/2006) (1) The Minister of Environment and Water, or an official authorized by him, shall exercise control over the compliance with the requirements of the regulation referred to in Article 11a, Paragraph 1, including in respect of the persons who place on the market products among those listed in the regulation.

(2) In connection with exercising the control for compliance with the requirements of Article 11a, Paragraph 1 of Regulation No 7 of 2003 on emission limit values for volatile organic compounds released to the ambient air from the use of solvents in certain installations and Regulation No 16 of 1999 on reducing the emissions of volatile organic compounds in storage, loading or unloading and transportation of gasolines, the control authorities shall be entitled:

1. to unrestricted access to the facilities being inspected;
2. to request information, documents and reports from the product sample testing in an accredited laboratory to ascertain their compliance with the emission limit values and/or the limit values for VOC, and with the requirements pertaining to them.
3. to take product samples for laboratory testing with the aim of ascertaining their compliance with the requirements of the regulation referred to in Article 11a, Paragraph 1;
4. to undertake actions and/or issue mandatory prescriptions for restricting, prohibiting the placing on the market, distribution and use, or withdrawing from the market of products falling within the scope of the regulation referred to in Article 11a, Paragraph 1 in cases of an established non-compliance with the specified requirements.
5. to impose fines and proprietary sanctions on the persons placing on the market products which do not comply with the specified requirements of the regulation referred to in Article 11a, Paragraph 1.

(3) The product sampling frequency and that of sample testing in accordance with Paragraph 2, Items 2 and 3, shall be as specified in the regulation referred to in Article 11a, Paragraph 1.

(4) The control authorities referred to in Paragraph 1 shall be obliged not to publicize any information representing a manufacturing or commercial secret that they have come into knowledge of during or in connection with exercising the control.

**Article 30i.** (New, SG No. 6/2009, effective 24.02.2009) (1) The Bulgarian Ship Suppliers Association shall establish, maintain, and keep up to date a register of local suppliers of ship fuel.

(2) Local suppliers of ship fuel shall be bound to submit an application for entry into the register and, on an annual basis, declaration for maintaining their registration.

(3) A certificate of registration shall be issued for entry into the register.

(4) The following details of the suppliers referred to in Paragraph 2 shall be entered into the register provided for in Paragraph 1:

1. sequential number and date of the registration;
2. name, seat, and registered office;
3. Unified Identification Code;
4. number of the certificate of registration issued;
5. type of the fuel bunkered;
6. the date of deletion of the registration and the grounds for any such action.

(5) Deletion from the register shall be done where the supply activities have been wound up, and to this end a declaration should be submitted to the Chairperson of the Bulgarian Ship Suppliers Association.

(6) The manner in which the registration referred to in Paragraph 1 is to be carried out shall be laid down in rules of procedure issued by the Chairperson of the Bulgarian Ship Suppliers Association.

**Article 30j.** (New, SG No. 42/2011) Control over the effectiveness of systems, corresponding to Stage II of PVR, shall be applied by means of inspections by the Chairman of the Bulgarian Institute of Metrology or by legal entities, authorised by him, which are independent third parties and have an established and functioning quality assurance system in accordance with BSS EN ISO/IEC 17 020.

(2) The inspections under Paragraph 1 shall be conducted applying a methodology of the Bulgarian Institute of Metrology.

(3) The order, manner and requirements for authorisation of the persons under Paragraph 1 shall be determined by the Chairman of the Bulgarian Institute of Metrology.

(4) The charges for the inspections under Paragraph 1 shall be determined by the Schedule of charges, collected by the Bulgarian Institute of Metrology.

(5) The Bulgarian Institute of Metrology shall provide to the Regional Inspectorates of Environment and Water information on the findings of the inspections under Paragraph 1 in compliance with the requirements of the Ordinance under Article 9b.

(6) Persons - owners of gasoline stations - shall be obliged to inform the Bulgarian Institute of Metrology in case of malfunction of the systems, corresponding to Stage II of PVR.

## **Chapter Six** **(New, SG No. 27/2000)**

# **FEES FOR FUEL OIL AND HEAVY FUEL OIL WITH SULPHUR CONTENT EXCEEDING 1 PERCENT FOR THE ENTERPRISE FOR MANAGEMENT OF THE ENVIRONMENTAL PROTECTION ACTIVITIES**

**(Title amended, SG No. 91/2002, SG No. 6/2009, effective 24.02.2009)**

**Article 31.** (Amended, SG No. 91/2002; SG No. 112/2003, SG No. 6/2009, effective 24.02.2009) (1) The end users of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent shall pay fees in the amount of BGN 22 per ton to the account of the Enterprise for Management of the Environmental Protection Activities.

(2) The fees referred to in Paragraph 1 shall be paid for the quantities of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent for each quantity drawn from the relevant tax warehouse on the territory of the Republic of Bulgaria

(3) The end users of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent shall pay the fees referred to in Paragraph 1 to the Enterprise for Management of the Environmental Protection Activities prior to their release for use from the relevant tax warehouse.

(4) The invoice for the fee shall contain:

1. the type of fee and the grounds for its payment;
2. the quantities of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent.

**Article 31a.** (New, SG No. 41/2010) (1) Any person, exporting respective quantities of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent with the fee under Article 31 already paid, shall be entitled to refund of such fee within 20 days of submission of documents, certifying the exportation, to the Enterprise for Management of the Environmental Protection Activities (EMEPA).

(2) The person under Paragraph 1 shall certify the exportation performed by means of the following documents:

1. invoice for any quantities of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent, purchased at prices including the fee, wherein such fee shall be shown separately;

2. export invoice;

3. customs declaration for export or other document, certifying the export operation performed, in compliance with the customs legislation of the Republic of Bulgaria;

4. copy of payment order for making the payment of the fee to account of EMEPA;

5. application in standard form according to the annex.

(3) After verifying the grounds for the request the Enterprise for Management of the Environmental Protection Activities shall reimburse the amount to an account of the person under Paragraph 1.

**Article 32.** (Amended, SG No. 91/2002; SG No. 112/2003, SG No. 6/2009, effective 24.02.2009) (1) The fees collected under Article 31 shall be spent on environmental projects and on reducing the pollution from motor vehicles and from power generation.

(2) Thirty percent of the fees referred to in Paragraph 1 collected by the Enterprise for Management of the Environmental Protection Activities shall be spent on targeted funding of environmental projects in mountainous areas.

(3) Thirty percent of the fees referred to in Paragraph 2 shall be allocated to natural and legal persons for funding projects aimed at environmentally-sound production activities and sustainable development of mountainous areas.

**Article 32a.** (New, SG No. 6/2009, effective 24.02.2009) Licensed warehouse operators shall release the relevant quantity of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent after the end user has produced a primary accounting document for the fee paid under Article 31.

**Article 33.** (Repealed, New SG No. 27/2000, amended, SG No. 91/2002, SG No. 112/2003, SG No. 6/2009, effective SG No. 24.02.2009) Before 31 March each year the Customs Agency shall submit to the Ministry of Environment and Water information from the register provided for in Article 24, Paragraph 5 of the Excise Duties and Tax Warehouses Act on the certificates issued during the preceding calendar year to end users of fuel oil and heavy fuel oil with sulphur content exceeding 1 percent and the quantities released for use on the territory of the Republic of Bulgaria, as well as on the persons who have paid excise duty.

## **Chapter Seven**

### **(Previous Chapter Six - SG No. 27/2000)**

# **COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENAL LIABILITY**

## **(Title amended, SG No. 6/2009, effective 24.02.2009)**

**Article 33a.** (New, SG No. 6/2009, effective 24.02.2009) The Minister of Environment and Water, or an official authorised by him, shall take coercive administrative measures according to the provisions of Article 9a, Paragraph 1, Article 9b, Article 11a, Paragraph 1, and Article 17, Paragraphs 1 and 2 in the cases of:

1. accidents caused by the actions or inactions of operators of sites and territories;

2. immediate danger of pollution of or damage to the environment and damage to the health and property of people;

3. prevention or cessation of administrative violations related to environmental protection, as well as the prevention and/or elimination of the harmful consequences of any such violations.

**Article 33b.** (New, SG No. 6/2009, effective 24.02.2009) (1) The following shall constitute coercive administrative measures:

1. suspending or limiting the activities of installation operators;

2. limiting the operators' access to the installations, including by applying a lead seal or a rubber stamp;

3. giving mandatory written instructions for the cessation of certain actions or for such actions to be mandatorily undertaken within a certain period;

4. ordering the following to be carried out:

a) analyses, expert reviews, inspections, testing of substances and products, installations, equipment, parts thereof, systems, or components;

b) supplementing and amending the curricula and courses and provision of additional training, including check-ups on the knowledge and skills;

5. limiting, prohibiting the placement on the market, distribution, use, or recall of substances, products, and installations covered by the regulations and ordinances referred to in Article 9a, Paragraph 1, Article 9b, Article 11a, Paragraph 1, and Article 17, Paragraphs 1 and 2.

(2) The marking on the lead seal and the manner of applying a lead seal or a rubber stamp under Article 1, Item 2 shall be endorsed by an order of the Minister of Environment and Water.

**Article 33c.** (New, SG No. 6/2009, effective 24.02.2009) (1) The coercive administrative measures shall be imposed by a reasoned order of the competent authority referred to in Article 33a.

(2) The order whereby the coercive measures are imposed shall set an appropriate timeline for its implementation. The coercive administrative measures shall be effective until the reasons that lead to their imposing have been eliminated.

(3) The order provided for in Paragraph 1 shall be communicated to the person concerned in accordance with the procedure laid down in the Administrative Procedure Code.

(4) The order provided for in Paragraph 1 may be appealed in accordance with the procedure laid down in the Administrative Procedure Code.

(5) Any appeal against the order provided for in Paragraph (1) shall not suspend the enforcement thereof.

**Article 33d.** (New, SG No. 6/2009, effective 24.02.2009) All costs related to the implementation of the coercive administrative measures referred to in Article 33b shall be covered by the person in respect of which they have been imposed.

**Article 34.** (Previous Article 31, amended and supplemented, SG No. 27/2000, amended, SG No. 102/2001, No. 99/2006) (1) Any person who places on the market liquid fuels which do not comply with any of the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1 shall be fined by BGN 2 000 to 50 000 or by a proprietary sanction to the amount of BGN 50 000 to 500 000, respectively, unless the act constitutes a crime, regardless of the presence or absence of a declaration of conformity.

(2) Any person who distributes, including as an end distributor, or uses liquid fuels which do not comply with any of the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1 shall be fined by BGN 2 000 to 20 000 or by a proprietary sanction to the amount of BGN 10 000 to 100 000, respectively, unless the act constitutes a crime, regardless of the presence or absence of a declaration of conformity.



(3) The amount of the imposed fines and proprietary sanctions shall increase in proportion to their minimal amount depending on the number of established cases of non-compliance with the quality requirements laid down in the regulation referred to in Article 8, Paragraph 1.

(4) Where the offence is repeated, the amount of the fine or proprietary sanction referred to in Paragraphs 1 and 2 shall be doubled.

**Article 34a.** (New, SG No. 102/2001, amended, SG No. 99/2006) (1) Any person who distributes, from a gasoline station, liquid fuels whose type does not conform to fuel type specified in the declaration of conformity, or to the purpose specified in the regulation referred to Article 8, Paragraph 1, shall be fined by BGN 5 000 or by a proprietary sanction to the amount of BGN 40 000, respectively, unless the act constitutes a crime.

(2) Any person who violates the provisions of Article 8, Paragraph 3, shall be fined by BGN 10 000 or by a proprietary sanction to the amount of BGN 40 000, respectively.

(3) Where the offence is repeated, the amount of the fine or proprietary sanction referred to in Paragraphs 1 and 2 shall be doubled.

**Article 34b.** (New, SG No. 102/2001, amended, SG No. 99/2006) (1) A proprietary sanction to the amount of BGN 7 000 shall be imposed on any person who violates the provisions of Article 18a, Paragraphs 2-6.

(2) A proprietary sanction to the amount of BGN 5 000 shall be imposed on any person who violates the provisions of Article 186, Paragraph 1, Items 2 and 4.

(3) Where the offence is repeated, the amount of the proprietary sanction referred to in Paragraphs 1 and 2 shall be doubled.

**Article 34c.** (New, SG No. 102/2001, amended, SG No. 99/2006) (1) (Amended and supplemented, SG No. 86/2007) Any person who violates the provisions of Article 18a, Paragraph 7, Article 18b, Paragraph 1, Item 3, Paragraph 2, Paragraph 3, Item 2, Paragraphs 4 and 5, shall be fined by BGN 500 or by a proprietary sanction to the amount of BGN 1 000, respectively.

(2) Where the offence is repeated, the fine or proprietary sanction referred to in Paragraph 1 shall be doubled.

**Article 34d.** (New, SG No. 102/2001, amended, SG No. 95/2005, No. 99/2006) Any person who prevents the control authorities of the State Agency for Metrological and Technical Surveillance from exercising their authorities referred to in Articles 30a, Paragraph 4, Article 30b and Article 30c, or does not enforce the mandatory prescriptions referred to in Article 30d, Paragraph 1, shall be fined by BGN 5 000 or a proprietary sanction to the amount of BGN 30 000, respectively.

(2) Where the offence is repeated, the fine or proprietary sanction referred to in Paragraph 1 shall be doubled.

**Article 34e** (New, SG No. 99/2006) (1) A fine to the amount of BGN 1 000 to 5 000 or a proprietary sanction to the amount of BGN 5 000 to 10 000, respectively, shall be imposed on any person who places on the market or uses products not complying with the requirements of the regulation referred to in Article 11a, Paragraph 1.

(2) A fine to the amount of BGN 5 000 or a proprietary sanction to the amount of BGN 15 000, respectively, shall be imposed on any person who violates the rules for labelling laid down in the regulation referred to in Article 11a, Paragraph 2.

(3) A fine to the amount of BGN 5 000 or a proprietary sanction to the amount of BGN 15 000, respectively, shall be imposed on any person who does not comply with the mandatory prescriptions of the control authorities referred to in Article 30h, Paragraph 1.

(4) (Amended, SG No. 6/2009, effective 24.02.2009) A fine to the amount of BGN 500 to 2 000 or a pecuniary sanction to the amount of BGN 1 000 to 3 000, respectively, shall be imposed on any person who has failed to submit in due time information on the products in accordance with the requirements laid down in the ordinance provided for Article 11a, Paragraph 1.

**Article 34f** (New, SG No. 99/2006) Any person who does not comply with the requirements of Regulation No 7 of 2003 on emission limit values for volatile organic compounds released to the ambient air from the use of solvents in some installations, or the emission limit values specified in the IPPC on the grounds of the same regulation, shall be sanctioned as follows:

1. in cases of non-compliance with the emission limit values for VOC - according to the procedure established in the Regulation on procedure for setting and imposing penalties in cases of damaging or polluting the environment in excess of the limit values (SG, No 69/2003).

2. in cases of non-compliance with the limit values for unorganized and total emissions or the target limit values for total emissions - by a proprietary sanction to the amount of BGN 5 000 to 15 000, depending on the activity category.

3. in cases of not issuing a notification to the control authority upon exceeding the respective lower thresholds for solvent use - by a proprietary sanction to the amount of BGN 15 000.

4. in cases of not submitting annual plans for the use of solvents by the operators of plants for which no IPPC's have been issued within the time limit specified in Article 20, paragraph 3 of the regulation or other additionally requested information and/or not implementing the measures aimed at achieving compliance in accordance with Article 20, paragraphs 1 and 2 and Article 22 - by a proprietary sanction to the amount of BGN 15 000.

5. in cases of not submitting the information required under Article 30h, Paragraph 2, Item 2 - by a fine of BGN 1 000 or a proprietary sanction to the amount of BGN 2 000, respectively.

**Article 34g** (New, SG No. 99/2006) Any person who has failed to comply with the requirements of Regulation No 16 of 1999 on reducing the emissions of volatile organic compounds in storage, loading or unloading and transportation of gasolines, in particular any person who has failed to comply with the technical requirements and emission limit values for VOC released to the ambient air, shall be sanctioned for committed violations depending on the output of the respective gasoline storage installations in the terminals and gasoline stations:

1. under Chapter 2 - by a fine of BGN 5 000 to 20 000 or a proprietary sanction to the amount of BGN 15 000 to 50 000, respectively.

2. under Chapters 3, 4 and 5 - by a fine of BGN 2 000 to 10 000 or a proprietary sanction to the amount of BGN 5 000 to 20 000, respectively.

**Article 34h** (New, SG No. 99/2006) A fine or proprietary sanction to the amount of BGN 20 000 shall be imposed on any person who prevents the control authorities from discharging their duties under Article 30h.

**Article 34i.** (New, SG No. 99/2006) (1) (Amended, SG No. 6/2009, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3 000 to 6 000 or a proprietary sanction to the amount of BGN 8 000 to 15 000, respectively, shall be imposed on any person who produces, imports, exports, places on the market, or uses substances that deplete the ozone layer and/or fluorinated greenhouse gases, as well as products and equipments that contain, depend on, or are made of such substances in violation of Articles 4 to 6, Article 15, Article 17, Article 20, § 1 and/or Article 24 § 1 of Regulation (EC) No. 1005/2009 and/or of Article 8 and/or Article 9, Paragraph 1 of Regulation (EC) No. 842/2006.

(2) (Amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3 000 to BGN 6 000 or a proprietary sanction to the amount of BGN 8 000 to 15 000, respectively, shall be imposed on any person who violates the rules for labelling laid down in Article 2, 3 and 4 of Regulation (EC) No 1494/2007 of the Commission of 17 December, 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases (OJ, L332/25 of 18 December 2007) and in Article 32 of the ordinance under Article 17, Paragraph 2.

(3) (New, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3 000 to BGN 6 000 or a proprietary sanction to the amount of BGN 8 000 to 15 000, respectively, shall be imposed on any person who places on the market reclaimed, partially halogenated chlorofluorocarbons in containers which have not been labelled in compliance with the requirements of Article 11 § 3 of Regulation (EC) No 1005/2009.

(4) (New, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1 000 or a proprietary sanction to the amount of BGN 3 000, respectively, shall be imposed on any person who operates refrigeration, air conditioning or heat pump equipment containing reclaimed and/or recycled partially halogenated chlorofluorocarbons which have not been labelled in compliance with the requirements of Article 11 § 6 of Regulation (EC) No 1005/2009.

(5) (Renumbered from Paragraph 3, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3 000 to 7 000 or a proprietary sanction to the amount of BGN 5 000 to 10 000, respectively, shall be imposed on any person who recovers, recycles or disposes of substances that deplete the ozone layer or fluorinated greenhouse gases in violation of the requirements of Regulation (+C) No 1005/2009 and/or Regulation (+C) No 842/2006 and of the regulations referred to in Article 17, Paragraphs 1 and 2.

(6) (Amended, SG No. 6/2009, renumbered from Paragraph 4, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1 000 or a proprietary sanction to the amount of BGN 2 000, respectively, shall be imposed on any person who has failed to maintain/keep and/or has failed to submit a file of the installations containing 3 kg and more of substances that deplete the ozone layer in accordance with the provisions of the ordinance referred to in Article 17, Paragraph 1.

(7) (New, SG No. 6/2009, renumbered from Paragraph 5, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1 000 or a proprietary sanction to the amount of BGN 2 000, respectively, shall be imposed on any person who has failed to maintain/keep and/or has failed to submit a file of the stationary refrigeration and air-conditioning systems, heat pumps containing 3 kg or more of fluorinated greenhouse gases, or 6 kg or more where they are hermetically sealed and labelled as such, as well as of stationary fire protection systems containing 3 kg or more of fluorinated greenhouse gases in accordance with the provisions of the ordinance referred to in Article 17, Paragraph 2.

(8) (Renumbered from Paragraph 5, amended, SG No. 6/2009, renumbered from Paragraph 6, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1 000 or a proprietary sanction to the amount of BGN 2 000, respectively, shall be imposed on any person who carries out leakage checking of refrigeration and air-conditioning systems, heat pumps containing 3 kg or more of substances that deplete the ozone layer without holding a certificate of competency.

(9) (Renumbered from Paragraph 6, amended, SG No. 6/2009, renumbered from Paragraph 7, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1000 or a proprietary sanction to the amount of BGN 2 000, respectively, shall be imposed on any person who carries out servicing and maintenance of refrigeration, air-conditioning installations or heat pump equipment or fire extinguishing installations and fire extinguishers containing substances that deplete the ozone layer without holding a certificate of competency.

(10) (Renumbered from Paragraph 7, SG No. 6/2009, renumbered from Paragraph 8, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3 000 to 7 000 or a proprietary sanction to the amount of BGN 5 000 to 15 000, respectively, shall be imposed on any person who releases substances that deplete the ozone layer or fluorinated greenhouse gases to the ambient air in breach of the requirements of Regulation (+C) No 1005/2009 and/or Regulation (+C) No 842/2006 and of the regulations referred to in Article 17, Paragraphs 1 and 2.

(11) (New, SG No. 6/2009, renumbered from Paragraph 9, SG No. 87/2010, effective 6.12.2010) A fine of BGN 1 000 or a proprietary sanction to the amount of BGN 2 000, respectively, shall be imposed on any person who carries out the activities provided for in Article 17b, Paragraph 1 and/or 2 without holding a certificate of competence.

(12) (New, SG No. 6/2009, renumbered from Paragraph 10, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 2 000 or a proprietary sanction to the amount of BGN 4 000, respectively, shall be imposed on any operator of equipment covered by Regulation (EC) No. 1005/2009 and/or Regulation (EC) No. 842/2006 who fails to provide the regular leakage checking in accordance with Article 23 of Regulation (EC) No. 1005/2009 and/or Article 3 of Regulation (EC) No. 842/2006.

(13) (New, SG No. 6/2009, renumbered from Paragraph 11, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 2 000 or a proprietary sanction to the amount of BGN 4 000, respectively, shall be imposed on any person who operates equipment covered by Article 23, § 2 of Regulation (EC) No. 1005/2009 who allows the leakage checking and/or the recovery of substances that deplete the ozone layer to be carried out by persons who do not hold a certificate of competency.

(14) (New, SG No. 6/2009, renumbered from Paragraph 12, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 2 000 or a proprietary sanction to the amount of BGN 4 000, respectively, shall be imposed on any operator of equipment covered by Regulation (EC) No. 842/2006 who allows the leakage checking, installation, servicing, and maintenance of equipment, as well as the recovery of fluorinated greenhouse gases from equipment that contains any such gases to be carried out by persons who do not hold a certificate of competence.

(15) (New, SG No. 6/2009, renumbered from Paragraph 13, amended, SG No. 87/2010, effective 6.12.2010) A fine of BGN 500 to 2 000 or a proprietary sanction to the amount of BGN 1 000 to 3 000, respectively, shall be imposed on any person who fails to provide in due time information on substances that deplete the ozone layer and/or fluorinated greenhouse gases, as well as on the products and equipment that contain, depend on, or are made of such substances in accordance with the requirements of the ordinances referred to in Article 17, Paragraphs 1 and/or 2.

(16) (New, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3000 to 6 000 or a proprietary sanction to the amount of BGN 8 000 to 15 000, respectively, shall be imposed on any person who delivers reclaimed partially halogenated chlorofluorocarbons or/and fluorinated greenhouse gases to natural or legal persons

(17) (New, SG No. 87/2010, effective 6.12.2010) A fine of BGN 3000 to 6 000 or a proprietary sanction to the amount of BGN 8 000 to 15 000, respectively, shall be imposed on any person who uses reclaimed or/and recycled partially halogenated chlorofluorocarbons for servicing or maintenance of the equipment covered by Regulation (EC) No. 1005/2009 and who does not keep record of the documents for the source of the reclaimed or/and recycled partially halogenated chlorofluorocarbons.

**Article 34k** (New, SG No. 99/2006) A fine of BGN 5 000 or a proprietary sanction to the amount of BGN 10 000, respectively, shall be imposed on any person who prevents the authority referred to in Article 17, Paragraph 3 from discharging its duties under Article 17, Paragraph 4.

**Article 34l** (New, SG No. 99/2006) Where the offence is repeated, the fine or proprietary sanction referred to in Article 34e, Article 34f, Article 34g, Article 34h, Article 34i and Article 34k shall be doubled.

**Article 35** (1) (Previous Article 32, SG No. 27/2000, previous Article 35, amended, SG No. 99/2006) Unorganised release of emissions in the ambient air which might have been limited shall be fined by BGN 500 to 5 000.

(2) (New, SG No. 99/2006) A fine or a proprietary sanction to the amount of BGN 1 000 to 5 000, respectively, shall be imposed on any person who has violated the ban referred to in Article 11, Paragraph 5.

**Article 36.** (Previous Article 34 - SG No. 27/2000) (1) (Amended, SG No. 99/2006) Natural persons shall be fined, while legal persons shall be imposed property sanctions amounting BGN 100 to 2000, when they do not carry out the legally provided emission control or regular examinations and do not prepare and secure the implementation of a program for technical maintenance of the treatment plants for compliance with the emission limit values given in the permit.

(2) (Amended, SG No. 99/2006) In case of a repeated violation referred to in Paragraph 1, the fine, respectively the property sanction, shall range from BGN 200 to 4 000.

**Article 37.** (Previous Article 35 - SG No. 27/2000) (1) (Amended, SG No. 99/2006) Anyone who does not provide the information envisaged in Article 18, items 2 and 3 shall be fined BGN 50 to 500.

(2) (Amended, SG No. 99/2006) In case of a repeated violation referred to in Paragraph 1, the fine shall be BGN 100 to 1 000.

(3) (Amended, SG No. 99/2006) In case of a non-compliance with the requirement for provision of information referred to in Article 18, item 4, the fine shall be BGN 200 to 2 000.

**Article 38.** (Previous Article 36 - SG No. 27/2000, amended, SG No. 99/2006) Anyone who does not provide the control authorities with the access and assistance envisaged in Article 18, item 5 shall be fined BGN 50 to 500.

**Article 39.** (Previous Article 37 - SG No. 27/2000) (1) (Amended, SG No. 99/2006) Anyone who damages equipment of the stations from the national system and from the local systems for monitoring and control on the condition of

environment or for cross-border transfer of pollutants and background quality of the air, shall be fined BGN 500 to 1 000, unless the act constitutes a crime.

(2) (Amended, SG No. 99/2006) Anyone who destroys or forges data and information from the systems for monitoring and control of the environment shall be fined BGN 50 to 500, unless the act constitutes a crime.

**Article 40.** (Previous Article 38, SG No. 27/2000) (1) (Amended, SG No. 99/2006) An official who does not ensure free access to information referred to in Article 23, Paragraph 2, shall be fined BGN 10 to 100.

(2) (Amended, SG No. 99/2006) In case of a repeated violation referred to in Paragraph 1, the fine shall be BGN 20 to 200.

**Article 41.** (Previous Article 39 - SG No. 27/2000) (1) (Amended, SG No. 27/2000, No. 99/2006) The manager of a site or an activity with a stationary source, who does not ensure measurement of the emissions in accordance with the procedure and method for their measurement and does not comply with the prescriptions of the control authorities or an order of the mayor of a municipality issued pursuant to Article 30, Paragraph 3, shall be fined BGN 100 to 500.

(2) (Amended, SG No. 99/2006) In case of a repeated violation referred to in Paragraph 1, the fine shall be BGN 200 to 1000.

(3) (Amended, SG No. 99/2006) BGN The manager of a site which constitutes a main source of pollution of the ambient air who does not fulfil his obligations referred to in Article 20, Paragraph 23 for the establishment of a system for monitoring the source of emissions and the air quality in the region of the site, shall be fined BGN 100 to 1 000, in case he is not subject to heavier punishment.

**Article 42.** (New, SG No. 27/2000, amended, SG No. 112/2003, SG No. 6/2009, effective 24.02.2009) For not paying the fees referred to in Article 31, the offenders shall be fined BGN 100 to 500, or fined from BGN 600 to BGN 1200 for a repeated breach, unless that breach is subject to a more severe punishment.

**Article 43.** (Previous Article 40), (1) (Amended, SG No. 85/97) The statements establishing the violations shall be drawn up by the officials appointed by the heads of the control authorities at the Ministry of Environment and Water, the Ministry of the Interior, the Ministry of Health, the Ministry of Agriculture and Food and the Ministry of Transport, Information Technology and Communications.

(2) (New, SG No. 27/2000) The statement establishing the administrative violations referred to in Article 42 shall be compiled by officials appointed by the Minister of Environment and Water.

(3) (Previous Paragraph 2 - SG No. 27/2000) The penal rulings shall be issued by the Minister or by officials authorised by him, in accordance with the departmental affiliation of the persons drawing up the statements.

(4) (Previous Paragraph 3 - SG No. 27/2000) The violations shall be established and the penal rulings shall be issued, appealed and enforced pursuant to the Administrative Violations and Sanctions Act.

**Article 43a.** (New, SG No. 102/2001) (1) The statements establishing the violations referred to in Articles 34, 34a, 34b, 34c and 34d shall be issued by the officials referred to in Article 30b.

(2) (Amended, SG No. 95/2005, No. 99/2006) Where the offender has not reported in order for a statement establishing the administrative violation by the control authorities to be drawn up, the statement shall be forwarded forthwith to be delivered by the municipality or mayoralty to the registered address of the legal person or the sole trader. The municipality or mayoralty shall be obliged to advise the offender by a notice against receipt of the filed statement and deliver it within 14 days of the date of receipt thereof. If the offender has not reported, the statement shall be signed by an official authorized by the municipality or the mayoralty and shall not be delivered. A penal ruling shall be issued within two months of returning the statement, which shall enter into force from the date of issue thereof.

(3) (New, SG No. 99/2006) The penal rulings shall be issued by the Chairman of the State Agency for Metrological and Technical Surveillance, or an official authorized by him, and shall obligatorily state that the imposed fine or proprietary sanction, as well as the costs of liquid fuel sampling and sample testing, shall be at the expense of the budget account of the State Agency

for Metrological and Technical Surveillance and shall serve as an invitation for voluntary execution upon their entry into force.

(4) (New, SG No. 99/2006) Where the offender is known, but has not been found at the address given at the time of delivering the statement certifying the administrative violation, or has left the country, or has only given an address abroad, the penal ruling shall not be delivered. The ruling shall be deemed to have entered into force two months after its issue.

(5) (New, SG No. 99/2006) The proceeds referred to in Paragraph 3 shall be spent on:

1. setting up, developing and maintaining a liquid fuel quality monitoring, control and information system;
2. setting up, maintaining and developing a material base related to the liquid fuel quality control activities;
3. raising the qualification and providing additional material incentives for the officials referred to in Article 30b; the amount of additional material incentives per person for one calendar year may not exceed his or her 8-month basic salary;
4. liquid fuel sampling and sample testing, including for introduction of novel testing methods in conducting liquid fuel quality control.

(6) (New, SG No. 99/2006) The penal rulings whereby a fine not exceeding BGN 1 000 or a proprietary action not exceeding BGN 5 000 has been imposed shall not be appealable.

**Article 44.** (new, SG No. 27/00, amended, SG No. 91/2002) The fines and the proprietary sanctions collected under Article 42, Paragraph 2 shall be paid to the Enterprise for Management of the Environmental Protection Activities.

## SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. (Supplemented, SG No. 27/2000) "ambient air pollution" shall mean any entry of harmful substances (pollutants) in it.
2. (Amended, SG No. 27/2000) "Harmful substance (pollutant)" shall mean each substance introduced directly or indirectly by man in the ambient air which is in position to exert harmful impact over the health of the population and/or the environment.
3. (Amended and supplemented, SG No. 27/2000) "Ambient air quality" shall mean a condition of the open air in the troposphere, save the air at the working places, determined by the composition and the ration of its natural ingredients and the added substances of natural or anthropogenic origin.
4. "Harmful physical factors" shall mean the energies introduced in the ambient air, such as: heat, noise, vibrations, electromagnetic fields, radiation, etc. They shall be regulated by other statutory instruments.
5. (Amended, SG No. 27/2000) "Air under normal conditions" shall mean air reduced to a pressure of 1013 hectopascals and a temperature of zero or twenty degrees Centigrade, depending on the legal requirements after a correction for humidity contents.
6. (Amended, SG No. 27/2000, SG No. 87/2010, effective 6.12.2010) "Alert threshold" shall mean level whose exceeding is connected with a risk for the health of population, including short-term exposition and at the exceeding of which immediate measures shall be undertaken.
7. "Ground layer" shall mean the ambient air at height of up to 100 meters from the surface of the earth.
8. (Amended, SG No. 27/2000) "Emission" shall mean the discharge of harmful substances (pollutants) in the ambient air. The point or the surface from which the discharge takes place shall be called source. The emission shall be determined as mass of certain substance per one cubic meter discharged gas or as discharge of the emitted substance (emission discharge) under normal conditions."

9. "Organised discharge" shall mean a discharge in which the substances are taken into the ambient air through a discharging device - a stack, a canal, etc.

10. "Unorganised discharge" shall mean a discharge in which the substances are released into the ambient air in an unfocused manner from a given site - loading and unloading sites, open warehouses for dust-generating materials, damaged technological equipment, etc.

11. "Deposits" shall mean the charges of harmful substances (pollutants) from the ambient air on an open surface.

12. (Repealed, SG No. 27/2000).

13. "Repeated violation" shall mean an administrative violation committed within one year of the coming into force of a penal ruling for punishing the offender for the same type of violation.

14. (New, SG No. 27/2000) "Total annual emission" shall mean the total mass of the emissions of certain harmful substance (pollutant) discharged in the ambient air by certain sites or activities within one calendar year.

15. (New, SG No. 27/2000) "Emission discharge rate" shall mean the mass or other physical value of the pollutant discharged in the ambient air for a unit of time.

16. (New, SG No. 27/2000) "Manager of a site or activity with a stationary source" shall mean any person responsible for the construction, operation or management of the respective site or activity with possible stationary sources of emissions of harmful substances (pollutants) in the ambient air.

17. (New, SG No. 102/2001, amended, SG No. 99/2006) "Placing on the market" shall mean the provision of any particular product intended for end use free of charge or against payment for the first time on the Bulgarian market, the market of the European Union or the market of a member country of the European Free Trade Association - party to the European Economic Area Agreement, upon which it passes from the stage of production or import to the stage of distribution and/or use.

18. (New, SG No. 102/2001, amended, SG No. 6/2009, effective 24.02.2009) "The persons who place liquid fuels on the market" shall mean

a) the producers of liquid fuels - each legal person who produces and distributes liquid fuels as part of their commercial or professional activities with the purpose of distributing the products on the territory of the country;

b) the persons who introduce liquid fuels from another Member State of the European Union - each legal person who introduces liquid fuels on the territory of the Republic of Bulgaria as part of their commercial or professional activities with the purpose of distributing the products on the territory of the country;

c) importers of liquid fuels - each legal person who imports on the territory of the Republic of Bulgaria liquid fuels from a third country with the purpose of distributing the products on the territory of the country.

19. (Amended, SG No. 99/2006) "Documented complaints" shall mean written complaints by citizens and legal persons relating to the quality of liquid fuels and specifying the data identifying the persons who have sent the complaint.

20. (New, SG No. 99/2006) "End distributor" shall mean gasoline stations which carry out refueling with liquid fuels intended for the fuel tanks of individual motor vehicles from stationary installations (tanks) for storage of such fuels.

21. (New, SG No. 99/2006, supplemented, SG No. 35/2011, effective 3.05.2011) "Liquid fuels" shall mean liquid combustible products of petroleum or biological origin, or mixtures thereof: motor vehicle gasolines, diesel engine fuels, biological fuels, ship distillation fuels and gasoils for off-road equipment, ships navigating in inland waterways, tractors, and recreation vessels, used as an energy source for internal combustion engines, as well as gas oils and bioliquids, including biological fuels for industrial and utility purposes, boiler and heavy fuels intended for other energy conversion devices, suitable for this purpose.

22. (New, SG No. 99/2006) "Use of liquid fuels" shall mean combustion of liquid fuels, except for residual ones, in energy conversion installations.

23. (New, SG No. 99/2006) "Distribution of liquid fuels" shall mean any movement of liquid fuels along the chain between the manufacturer, respectively importer, and the end distributor, including transportation, provision of storage services and storage of liquid fuels in the locations referred to in Article 3, Paragraph 1, Item 5.

24. (New, SG No. 99/2006) "Operational facilities for charcoal manufacture" shall mean facilities for which a permit to carry out activities involving charcoal manufacture has been issued according to the procedure established by the Spatial Development Act before 31 December 2006

25. (New, SG No. 99/2006) "Markings" shall mean information posted at each dosing pump or vessel used for distribution of liquid fuels in accordance with the requirements of BSS EN 228 and BSS EN 590.

26. (New, SG No. 6/2009, effective 24.02.2009) "Local supplier of ship fuel" shall mean any legal person who provides the marine and technical service called provision of ship fuel (bunkering) in the inland sea waters, the territorial sea and inland waterways of the Republic of Bulgaria.

27. (New, SG No. 42/2011) "System, corresponding to Stage II of petrol vapour recovery (PVR)" shall mean equipment, intended for recovery of petrol vapours from a motor vehicle's fuel tank during refuelling at a gasoline station and for transferring such petrol vapours to a reservoir of the gasoline station or returning them to the petrol pumps for new sale.

**§ 1a.** (New, SG No. 27/2000) (1) The fees referred to in Chapter Six shall not be included in the tax base for which the excise duty due is calculated for car gasoline and the diesel fuel, but shall be included in the tax base for VAT.

(2) Within the case of supply of liquid fuels carried out by producer which are subject to taxation within the meaning of the Value Added Tax Act, the amount of the fees due by the recipient pursuant to Chapter Six of this Act shall be included in the tax base on which VAT is calculated.

**§ 1b.** (New, SG No. 99/2006) This Act shall transpose the provisions of Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC of the Council.

## **TRANSITIONAL AND CONCLUDING PROVISIONS**

**§ 2.** In the Protection of Soil Against Pollution Act (Promulgated, SG Nos., 84/1963, amended and supplemented, 26/1968, 29/1969, 95/1975, 3/1977, 1/1978, 26/1988, 86/1991 and 100/1992) the following amendments shall be made:

1. The word "air" shall be deleted from the name of the Act and from Articles 1 and 21.

2. Chapter II "Protection of Air from Pollution" shall be repealed.

3. Articles 2 and 3 shall be amended as follows:

"2. "Pollution of waters and soils" shall mean such a worsening of their composition, qualities and properties that makes them unfit or dangerous for people, animals and plants.

3. The ministries, the institutions and the municipal authorities shall perform activities for protecting the waters and the soil from pollution.

The Minister of Environment and Water shall exercise control over the protection of water and soil from pollution.

The Minister of Health shall exercise sanitary control over the condition of waters and soils. He shall issue, in coordination with the Minister of Environment and Water, sanitary standards and rules which shall be obligatory for all institutions, organisations and persons.

In exercising the control referred to in the previous paragraphs, the Ministry of Environment and Water and the Ministry of Health shall involve technically competent authorities and persons from other institutions.



The Minister of Agriculture and Food Supply, with the assistance of the Agricultural Academy, shall issue and control the implementation of standards and rules for the protection of animals and agricultural crops, which shall be compulsory for all institutions, organisations and persons."

4. In Article 23, Paragraph 1 shall be amended as follows:

"23. For all already existing industrial enterprises, stock-farms and the like, as well as for the sewerage systems of towns and villages or of separate sites polluting the waters and the soil with solid and liquid pollutants, treatment plants shall be built compulsorily with funds envisaged in the state and municipal budgets, as well as in the long-term and annual plans of the enterprises and other organisations."

5. Everywhere the words "(the) Committee of Environmental Conservation" shall be replaced by "the Ministry of Environment and Water", while the words "the Chairperson" and "the Chairperson of the Committee of Environmental Conservation" shall be replaced by "the Minister of Environment and Water" or "Minister of Environment and Water".

§ 3. In the Road Traffic Act (promulgated in SG No. 53/1973, amended and supplemented, SG No. 22/1976, 54/1978; corrected, SG No. 58/1978, amended and supplemented, SG Nos. 28/1982, 28/1983, 36/1986, 55 and 73/1987, 26/1988, 21/1990, 32/1991, 21 and 34/1994) Article 47a shall be added:

"Article 47a. The driver of a motor vehicle which does not meet the requirements for protection of the clean ambient air shall be fined BGN 2,000 to 4,000."

§ 4. The enforcement of the Act shall be assigned to the Minister of Environment and Water.

§ 4a. (New, SG No. 27/2000) The Council of Ministers, within one year of the coming into force of this Act, shall adopt regulations referred to in Article 8 for limit values of the content in fuels of lead, sulphur and other harmful substances (pollutants) to the ambient air; until their adoption the regulations issued until now pursuant to Article 8 shall be in force.

§ 4b. (New, SG No. 27/2000, repealed, SG No. 91/2002).

§ 5. (1) (Previous 3 5, SG No. 42/2011) The Minister of Environment and Water shall issue regulations, instructions and rules in connection with the enforcement of this Act.

(2) (New, SG No. 42/2011) The Bulgarian Institute of Metrology shall elaborate the methodology under Article 30j, Paragraph (2) by 31 December 2011.

§ 6. This Act shall come into force one month after its promulgation in the State Gazette.

#### TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act Amending and Supplementing

the Environmental Protection Act

(SG No. 85/1997)

§ 20. In the Clean Ambient Air Act (Promulgated, SG No. 45/1996, corrected, SG No. 49/1996) the words "(the) Ministry of Environment" and "(the) Minister of Environment" shall be replaced respectively by "(the) Ministry of Environment and Water" and "(the) Minister of Environment and Water".

#### TRANSITIONAL AND CONCLUDING PROVISIONS

The Lev Re-denomination Act

(SG No. 20/1999, supplemented SG No. 65/1999, effective 5.07.1999)

§ 4. (1) (Supplemented, SG No. 65/1999) With the coming into force of this Act all numbers quoted in BGN in acts which have become effective prior to 5 July 1999, shall be replaced by numbers divided by 1000 in BGN. The replacement of all numbers in BGN with 1000 times smaller numbers in BGN shall also be applied for all acts adopted prior to 5 July 1999 which have become or shall become effective after 5 July 1999.

(2) The authorities which adopted or issued acts of secondary legislation that became effective prior to 5 July 1999 and contain numbers quoted in levs, shall make the amendments necessitated by this Act, so that these amendments can be applied as of the date of coming into force of the Act.

§ 7. This Act shall become effective as of 5 July 1999.

#### SUPPLEMENTARY PROVISION

to the Act Amending and Supplementing the Clean

Ambient Air Act

(SG No. 27/2000)

Everywhere in this Act, after the words "harmful substance", the word "(pollutant)" shall be added.

#### TRANSITIONAL AND CONCLUDING PROVISIONS

to the Environmental Protection Act

(SG No. 91/2002)

§ 18. (1) The provisions of Articles 60 - 64, § 12, items 1 and 4 and § 14 - 17 shall become effective as of 1 January 2003.

(2) Until the coming into force of the provisions of Paragraph 1 the activities of the National Fund for Environmental Protection shall be performed in accordance with the provisions of § 9 and Appendix No. 7 to § 9 of the Republic of Bulgaria State Budget Act for 2002.

#### TRANSITIONAL AND FINAL PROVISIONS to the Act amending

and supplementing the Clean Ambient Air Act

(SG No. 99/2006, effective 9.01.2007, amended, SG No. 87/2010, effective 6.12.2010)

§ 31. Everywhere in this Act, the words "(the) Regional Inspectorates of Environment", "(the) Minister of Agriculture and Food Industry" and "(the) Ministry of Agriculture and Food Industry" shall be replaced by "(the) Regional Inspectorates of Environment and Water", "(the) Minister of Agriculture and Forestry" and "(the) Ministry of Agriculture and Forestry", respectively.

§ 32. (Repealed, SG No. 87/2010, effective 6.12.2010).

§ 33. The Council of Ministers shall adopt the regulation referred to in Article 11a, Paragraph 1 within one month of the entry into force of this Act.

§ 34. The Council of Ministers shall adopt the regulation referred to in Article 17, Paragraph 2 within one year of the entry into force of this Act.

.....  
§ 37. This Act shall enter into force one month following its promulgation in the Official Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Fisheries and Aquaculture Act

(SG No. 36/2008)

TRANSITIONAL AND FINAL PROVISIONS

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§ 57. Everywhere in the Clean Ambient Air Act (Promulgated in SG No. 45/1996, corrected, SG No. 49/1996, amended, SG No. 85/1997, amended and supplemented, SG No. 27/2000, SG No. 102/2001, amended, SG No. 91/2002, SG No. 112/2003, SG No. 95/2005, amended and supplemented, SG No. 99/2006, amended, SG No. 102/2006, amended and supplemented, SG No. 86/2007) the words "The Ministry of Agriculture and Forestry", "the minister of agriculture and forestry" and "minister of agriculture and forestry" shall be replaced by "The Ministry of Agriculture and Food Supply", "the minister of agriculture and food supply" and "minister of agriculture and food supply".

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Clean Ambient Air Act

(SG, No. 52/2008)

§ 38. In the Clean Ambient Air Act (promulgated in SG No. 45/1996, corrected, SG No. 49/1996, amended, SG No. 85/1997, amended and supplemented, SG No. 27/2000, SG No. 102/2001, amended, SG No. 91/2002, SG No. 112/2003, SG No. 95/2005, amended and supplemented, SG No. 99/2006, amended, SG No. 102/2006, amended and supplemented, SG No. 86/2007, amended, SG No. 36/2008) the following amendments and supplementments shall be made:

.....

2. Everywhere in the Act the words: "the minister of agriculture and food supply", "minister of agriculture and food supply", "The Ministry of Agriculture and Food Supply" and "the Ministry of State Policy for Disasters and Accidents" shall be replaced by "the minister of agriculture and food", "minister of agriculture and food", "The Ministry of Agriculture and Food" and "The Ministry of Emergency Situations".

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TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Clean Ambient Air Act

(SG No. 6/2009, effective 24.02.2009)

.....

§ 21. The Act shall enter into force one month following its promulgation in the State Gazette, except for the provision of § 4 in respect of Article 17b that shall become effective as of 4 July 2009 for natural or legal persons who have been carrying out one or more of the activities provided for in Article 2 of Regulation (EC) No. 303/2008 and Regulation (EC) No. 305/2008 and Article 1 of Regulation (EC) No. 305/2008, Regulation (EC) No. 307/2008, Regulation (EC) No. 306/2008 before 4 July 2008.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplement the Ministry of Interior Act

(SG No. 93/2009, effective 25.12.2009)

.....

§ 97. In the Clean Ambient Air Act (Promulgated, SG No. 45/1996, corrected, SG No. 49/1996, amended SG No. 85/1997, SG No. 27/2000, SG 102/2001, SG No. 91/2002, SG No. 112/2003, SG No. 95/2005, and SG No. 99 and 102/2006, SG No. 86/2007, SG No. 36 and 52/2008 and SG No. 6 and 82/2009 the following amendments shall be done:

.....

2. Elsewhere in the Act the words "Minister of Transport" and "Ministry of Transport" shall be replaced by "Minister of Transport, Information Technology and Communications" and "Ministry of Transport, Information Technology and Communications".

.....

Act amending and supplementing the Clean Ambient Air Act

(SG No. 87/2010, effective 6.12.2010)

§ 8. In the rest of the text of this Act the words "air-tightness checking" shall be replaced by "leakage checking".

Transitional and Final Provisions

§ 9. The competency documents issued shall have effect until their expiration date.

§ 10. The Act shall enter into force one month following its promulgation in the State Gazette, except for § 1, item 1 that shall become effective as of 1 January 2012.

TRANSITIONAL AND CONCLUDING PROVISIONS to the Act, Amending and Supplementing the Ministry of Interior Act

(SG No. 88/2010, effective 9.11.2010)

§ 92. (1) The Fire Safety and Protection of the Population Directorate General, established by this Act, shall be the legal successor of the assets, liabilities, rights and obligations of the Fire Safety and Rescue Directorate General, the Civil Protection Directorate General and of the MoI regional directorates for the Fire Safety and Rescue units.

(2) Upon entry of this Act into effect the existing service and labour legal relationships of civil servants and of the individuals, hired under labour contract at the Fire Safety and Rescue Directorate General, the Civil Protection Directorate General and of the MoI regional directorates - for the Fire Safety and Rescue units - shall be transformed respectively into service and labour legal relationships of civil servants and of individuals, hired under labour contract at the Fire Safety and Protection of the Population Directorate General.

(3) Procedural representation in pending disputes of the Fire Safety and Rescue Directorate General, the Civil Protection Directorate General shall be ensured by the director of the Fire Safety and Protection of the Population Directorate General.

(4) Procedural representation in pending disputes of the respective MoI regional directorate - for the Fire Safety and Rescue units thereof - shall be ensured by the director of the MoI regional directorate.

.....

§ 100. In the Clean Ambient Air Act (Promulgated SG No. 45/1996, corrected, SG No. 49/1996, amended, SG No. 85/1997, amended and supplemented, SG No. 27/2000, amended, SG No. 102/2001, SG No. 91/2002, SG No. 112/2003, SG No. 95/05, amended and supplemented, SG No. 99/2006, amended SG No. 102/2006, SG No. 86/2007, amended, SG

No. 36/2008, amended and supplemented, SG No. 52/2008, SG No. 6/2009, amended, SG No. 82/2009, SG No. 93/2009, supplemented, SG No. 41/2010) throughout the text the phrase "Fire Safety and Rescue Directorate General" shall be replaced by "Fire Safety and Protection of the Population Directorate General".

.....

§ 117. The Act shall become effective from the day of its promulgation in the State Gazette, except § 1 - 23, § 25, § 27 - 30, § 32 - 34, § 40, § 41, § 43 - 55, § 63 - 89 and § 91 - 114, which shall become effective from 1.01.2011.

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**Annex  
to Article 31a, Paragraph 2, item 5  
(New, SG No. 41/2010)**

To the Enterprise  
for Management of  
the Environmental  
Protection Activities  
under Article 60 of EPA

APPLICATION

for refund of fee paid for fuel oil and heavy fuel oil with sulphur content exceeding 1 percent

A. Person's name and address: .....

Taxation number:.....

BULSTAT:.....

B. Types and quantities of fuels exported

Serial No	Fuel type	Quantity (tonnes)	Unit amount of the fee	Amount (BGN)
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Total:

I, the undersigned .....

hereby declare that I am representing the person, indicated in letter "A" and that the information in this form is true and correct. I am aware of my liability under Article 313 of the Penal Code for submission of untrue data. In evidence of the content under letter "B" I am attaching the following documents within the meaning of Article 31a, Paragraph 2 of the Clean Ambient Air Act:

1. ....

2. ....

3. ....

4. ....

Date: .....

Position: .....

Signature and stamp:.....

To be completed by EMEPA

1. Amount to be refunded:.....

2. The truthfulness of the data, indicated by the person under letter "A" was checked by

.....

.....

.....

(own and last name, position)

Date: .....

Note. Forms, completed in handwriting, shall not be reviewed. Values must be indicated in Bulgarian Levs.