

REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY

WATERS ACT

*Promulgated State Gazette No. 29/11.04.1969
Amended SG Nos. 3/1977; 36/1979; 44/1984; 36/1986; 24/1987; 85/1997*

I. GENERAL PROVISIONS

Article 1

All waters - surface and ground - within the boundaries of the People's Republic of Bulgaria, including the territorial and inshore sea waters, are state, all people's property. State property are also the coasts and the land, covered by the surface natural internal waters and by the territorial and inshore sea waters, within the boundaries outlined by their shores.

Article 2

Waters are utilized and managed in a planned and comprehensive manner, with a view to providing water for the domestic and medicinal needs of the population and for watering places for the animals, for the needs of the national economy, for the anti-fire precautions and the defense of the country, and for the development of aquatic sports.

Article 3

(Amended, SG No. 24/1987, 85/1997) The Ministry of Environment and Waters elaborates and implements the government water utilization and reproduction policy, and realises water economic measures.

Article 4

- (1) (Amended, SG No. 85/1997) For the development of the water economy in the People's Republic of Bulgaria, the Ministry of Environment and Waters, together with the ministries, committees, central agencies, and district people's councils concerned, shall draw up a unified long-term water economic plan, which shall be endorsed by the Council of Ministers.
- (2) The concrete water economic measures shall be specified by the unified plan for the country's socioeconomic development.
- (3) In the carrying out of the water economic measures the necessary measures for the sanitary protection of the communities, for the purity of the surface and ground waters, for the hygienic conservation of mineral and curative waters, as well as for the conservation of agriculture, forestry, and fish husbandry shall be provided for and applied.

Article 5

(Amended, SG No. 85/1997) The waters of the comprehensively used dams shall be utilized under a procedure established by the Ministry of Environment and Waters, upon the proposal of the agencies and economic organizations concerned.

II. WATER UTILIZATION

Article 6

Each citizen may, without obtaining special permission, utilize the surface waters to satisfy his hygienic and other needs, to engage in aquatic sports, and for watering places for animals, with the exception of the waters in the storage ponds intended for domestic purposes, and of the waters placed under guard with a view to their use or as a protection against their destructive force.

Article 7

- (1) The citizens who are owners or users of land areas are entitled to use, without obtaining special permission, the surface and ground waters on such areas to satisfy the needs of their private farming plots, as well as to build the relevant facilities.
- (2) (Amended, SG No. 85/1997) The mayors of the municipalities may direct that such waters be used, in whole or in part, for satisfaction of state or public needs, leaving the amount of water required for the domestic needs of the owner or user. The complaints against such directives of the executive committees of the district people's councils shall be settled by the Ministry of Environment and Waters.

- (3) In case of a change in the utilization of the waters, the water economic facilities built by the owner or user shall be paid for by the new water user. In the absence of an agreement, the amount of the indemnity shall be determined under the procedure specified in Art. 36.

Article 8

- (1) A prior permission is required for any water utilization through water intake facilities, with the exception of the water utilization under Art. 7, para. 1.
- (2) (Amended, SG No. 85/1997) The permits for ground and spring water utilization for drinking and heating domestic purposes shall be issued by the municipalities from whose territory the water is taken, in coordination with the Ministry of Health and the Ministry of Environment and Waters as regards the water quality.
- (3) The permits for the utilization of mineral waters for medicinal purposes, for bottling, and for extracting derivatives for the needs of the health services shall be issued by the Ministry of Public Health.
- (4) (Amended, SG No. 85/1997) The permits for the utilization of deep-ground waters for extracting components for economic purposes shall be issued by the Ministry of Environment and Waters.
- (5) (Amended, SG No. 85/1997) The permits for water utilization in all other cases shall be issued by the Ministry of Environment and Waters.
- (6) The water utilization permits shall be issued before the approval of the preliminary projects for the units which are to be supplied with water. When water is taken from a built water source, the issuance of permits requires the prior opinion of the user of the water source.

Article 9

- (1) The water utilization permit may be revoked, in case the water user does not comply with the water utilization terms and conditions, or be modified or revoked, in case it is necessary to satisfy more important state or public needs. The revocation or modification of the permit shall be done by the body which has issued it.
- (2) In the event of a revocation or modification of a water utilization permit for the sake of satisfying more important state or public needs, the facilities built by the water users affected shall be paid by the new water user. The amount of the compensation shall be determined under the procedure specified in Art. 36.

Article 10

- (1) (Amended, SG No. 85/1997) The acts of the bodies under Art. 8, paras 2 and 3, by which water utilization permits are granted, refused, revoked, or modified, may be appealed before the Ministry of Environment and Waters, within 30 days after the date of the notification of such acts.
- (2) (Amended, SG No. 85/1997) The Ministry of Environment and Waters may reconsider the cases when it has refused to issue a permit or has revoked or modified a permit issued.

Article 11

The owner or the user of a land area or water economic facility shall not direct the waters to adjacent properties and cause damages to them by changing the natural water regime.

Article 12

- (1) In case of default under the preceding article, the chairman of the executive committee of the municipal (borough) people's council (or the mayor) shall oblige the owner or the user of a land area or a water economic facility to restore the initial condition of the waters, specifying the deadline for it as well.
- (2) The order of the chairman of the executive committee of the municipal (borough) people's council (or the mayor) may be appealed before the court of first instance within 14 days of the notification. The appeal shall not stay the enforcement of the order.
- (3) The damages caused to adjacent properties shall be paid for by the owner or the user of the land area or the water economic facility. In the absence of an agreement, the compensation shall be determined under the procedures specified in Art. 36.

Article 13

- (1) (Amended, SG No. 85/1997) In the event of floods, as well as in other cases of *force majeure*, which have caused damages to water economic facilities, the chairman of the executive committee of the district people's council may restrict or temporarily ban water utilization, taking measures for the provision of water for the population's domestic needs, for watering places for the animals, for the locomotive equipment, and for the water-protection systems of radio broadcasting. When the restriction or ban concern dams whose waters are used comprehensively the chairman of the executive committee of the district people's council shall simultaneously notify the organization managing the dam. The

order of the chairman of the executive committee of the district people's council may be appealed before the Ministry of Environment and Waters, within 7 days of its issuance. The appeal shall not stay the implementation of the order. The Ministry of Environment and Waters shall provide a ruling within 7 days.

- (2) In fire-fighting, any water may be used in unlimited amounts.

III. WATER UTILIZATION SPECIAL RULES

Article 14

- (1) Water utilization for the population's domestic needs takes precedence.
- (2) For domestic water supply, water may also be taken from a territory belonging to another community, in case it is not required for its own domestic needs.

Article 15

(Amended, SG No. 85/1997) Besides by the Ministry of Environment and Waters, control over the correct and expedient water utilization is exercised by:

- a) The bodies of the Regional Development Committee and the executive committees of the district people's councils, in coordination with the bodies of the Ministry of Public Health - as regards domestic water supply and the drainage of towns and villages;
- b) The Ministry of Public Health - as regards mineral waters and curative silts, as well as the extraction of derivatives from them for the needs of the health services;
- c) (Amended - the State Gazette, No. 24 of 1987) The executive committees of the district people's councils and the Central Cooperative Union - as regards irrigation, draining and watering places for the animals;
- d) The Energetika Economic Association - as regards power generation.

Article 16

- (1) (Amended, SG No. 85/1997) The mineral and thermal mineral waters which are found in the cups of dams may be flooded with the permission of the Minister of Health and the Minister of Environment and Waters.
- (2) After their flowing out of the territory of balneotherapeutic establishments, the mineral and thermal mineral waters become subject to general use.

Article 17

When new industrial facilities are built or old ones are reconstructed, the investors shall introduce technologies with the lowest consumption of water, and the highest utilization of reclaimed water.

Article 18

- (1) The farming land areas found in the vicinity of water reclamation projects shall be regulated simultaneously with the preparation and endorsement of the projects.
- (2) The arable land, pastures, buildings, etc. outside the boundaries of communities, on which cooperative or public organizations or individuals have rights of ownership or land use, but which are required for water reclamation, water power and domestic projects, shall be expropriated together with the approval of the water economic project, in compliance with the provisions of the Arable Land and Pastures Conservation Act. They may be taken possession of after compensating the owners or the holders of land use rights. The provisions for expropriation of property for state and public need shall apply in cases of compensation of. With the approval of the water economic project, the rights to build water supply facilities in the respective land plots shall be created.

Article 19

- (1) The water economic projects built by the State shall be managed and maintained by the respective state-owned enterprises.
- (2) The Council of Ministers may permit the formation of mixed state-cooperative enterprises for water utilization.

Article 20

(Amended, SG No. 85/1997) The utilization of irrigation canals for power generation requires the consent of the National Agro-Industrial Union, and of the water-power canals for irrigation and water supply - the consent of the Energetika Economic Association. In case of a dispute, the matter shall be resolved by the Ministry of Environment and Waters.

Article 21

(Amended, SG No. 85/1997) Upon the substantiated request of the bodies managing dams or irrigation and drainage canals, the bodies who have been assigned the control over fishing may temporarily or permanently restrict fishing in them with a view to their special purpose.

IV. WATER CONSERVATION

Article 21a

(Amended, SG No. 85/1997) The Ministry of Environment and Waters exercises the state control over water conservation in the People's Republic of Bulgaria.

Article 22

The conservation of water amounts (volumes) is done through afforestation of the catchment areas of rivers, through water accumulation, through planned water utilization and allocation, through economic consumption of water and taking measures to reduce seepage and evaporation in dams and canals.

Article 23

(Amended, SG No. 85/1997) For the protection of the waters for domestic and medicinal needs from pollution and other harmful influences, sanitary shelter belts shall be created around water sources and facilities. The manner of creating the sanitary shelter belts and the regime of their creation and utilization shall be specified in a regulation of the Minister of Environment and Waters in coordination with the Minister of Health and the Minister of Environment and Waters.

Article 24

- (1) (Amended, SG No. 24/1987) Without the permit of the respective bodies, no construction shall be done and no measures shall be taken which can have an adverse effect on the natural water regime, the runoff, the capacity of the water-courses, the ice-break, and the water qualities.
- (2) (Amended, SG No. 85/1997) The cases in which a permit is required; the bodies issuing it; the terms and procedures of issuing, revoking, and appealing the permit, and the refusals to issue a permit shall be specified in a regulation of the Minister of Regional Development and Public Works and the Minister of Environment and Waters..

Article 25

- (1) (Amended, SG No. 85/1997) The protection of waters from pollution shall be regulated by the Pollution Protection of Water, and Soil Act.
- (2) (Amended, SG No. 85/1997) The discharge of treated waste waters from enterprises using radioactive materials may be done only by permission of the Minister of Health and the Minister of Environment and Waters.

V. PROTECTION FROM THE HARMFUL INFLUENCE OF WATERS

Article 26

The ministries, agencies and executive committees of people's councils and mayors' offices, enterprises, state cooperative farms included, cooperative and public organizations, within the scope of their activities, shall take measures to protect men, animals, land, agricultural crops, forest plantations and other property from the harmful influence of waters.

Article 27

- (1) (Amended, SG No. 24/1987) The enterprises and other economic organizations managing dams, sludge-settling tanks and other storage ponds shall maintain them in technical order.
- (2) The enterprises and organizations shall owe compensation for the damages caused due to non-performance of their obligations under the preceding paragraph.
- (3) The enterprises and the other economic organizations shall conduct annual engineering inspections of the dams, sludge-settling tanks and other storage ponds they manage, and shall take measures for their safety.
- (4) (Amended, SG No. 85/1997) The Ministry of Environment and Waters shall exercise control over the enforcement of the preceding paragraphs.

Article 28

- (1) (Amended, SG No. 24/1987) For the protection of the coasts and the water economic facilities and devices, shelter belts shall be created.

- (2) (Amended, SG No. 85/1997) The procedures and manner of creating the shelter belts, as well as the rates for their size shall be specified by a regulation of the Minister of Regional Development and Public Works and the Minister of Environment and Waters.
- (3) (Amended, SG No. 24/1987, 85/1997) The Ministry of Environment and Waters shall exercise control over the fortification of the coast of the Danube river and the islands in the river.

Article 29

On the dikes, it is prohibited to:

- a) Pass in vehicles and drive domestic animals, outside the designated areas;
- b) Plough, harrow, dig and damage in any way whatsoever the surface of the dikes;
- c) Fix poles or signposts, and plant trees and bushes;
- d) Let loose domestic animals and poultry;
- e) Dig wells, build fish nurseries or do other construction works at a distance of up to 50 metres, and along the Danube river - up to 150 metres, from the foot of the dikes, unless the bodies managing the dikes have given their permission.

Article 30

- (1) (Amended, SG No. 24/1987) For building, through the dikes, of roads, water-conduits, gas-pipelines, electric power lines, telephone cables or other conduits, for erecting ramps and doing construction works which lay crosswise to the dikes, the permission of the bodies managing the dikes is required.
- (2) (Amended, SG No. 85/1997) Any construction affecting the dikes along the Danube river is subject to the direct monitoring and control of the bodies of the Ministry of Environment and Waters and the mayors of the municipalities and the executive committees of the respective district people's councils.

Article 31

The fight with natural disasters - floods, etc. - shall be organized by the executive committees of the people's councils and mayors' offices, with the direct participation of the bodies of ministries, agencies, enterprises, organizations and farms which are users of water.

Article 32

(Amended - the State Gazette, No. 24 of 1987) The executive committees of the district people's councils shall monitor that no measures are taken which could hamper the protection of areas threatened by floods, and shall stop the implementation of such measures.

VI. FEES

Article 33

- (1) In case the waters are used through water economic facilities built by the State, the water user shall pay for the water used at prices set by the Council of Ministers.
- (2) The Council of Ministers may exempt some water users from paying for the water used.
- (3) The enterprises managing the waters shall collect from the water users fees, whose amount is determined by the Council of Ministers, for the operation and maintenance of the water economic facilities for irrigation, drainage, protection from flooding, industrial and other production purposes. No fees shall be paid when areas are drained or protected from flooding with the help of one's own facilities.

VII. ENDORSEMENT OF THE WATER RESERVES

Article 34

(Amended, SG No. 85/1997) The deposits of fresh underground waters and of deep underground waters for obtaining components for economic purposes shall be approved by the Minister of Environment and Waters, and those of mineral waters - by the Minister of Health.

VIII. ACCESS TO OTHER PERSONS' PROPERTY

Article 35

For the purpose of accomplishing the water utilization tasks, the persons authorized by the competent bodies may enter and pass through property, and make examinations, exercise control and carry out other activities, after the notification of the enterprises, farms and individuals concerned in writing.

Article 36

(1) For the use of land required for exploration, construction sites, temporary roads, and other purposes in connection with the construction or operation of water economic projects, the investors shall compensate the owners of such land or the holders of land use rights for the period during which the land can not be used, as well as for the destruction and damage on the farming crops, the forest plantations, and the other amelioration.

(2) The compensation shall be determined by a commission appointed by the chairman of the executive committee of the municipal people's council, which includes a member of the municipal people's council as chairman and relevant specialists.

(3) The decisions of the commission may be appealed before the respective court within 14 days of the notification. The court ruling is final.

(4) The investors shall reclaim the land to a condition fitting for use, according to its function. In case of default, the reclamation shall be done by the owners or the holders of land use rights at the investors' expense. The reclamation costs shall be determined under the procedures of the preceding two paragraphs.

IX. PENALTY PROVISIONS

Article 37

- (1) (Amended, SG Nos. 24/1987; 85/1997) A fine of 30,000 up to 300,000 Lv shall be imposed on each person, unless such person is liable to a heavier penalty, who:
 - a) Violates the provisions of Art. 8, para. 1;
 - b) Does not observe the terms of the water utilization permit;
 - c) Wastes or allows the waste of waters, or does not use them in accordance with the regime established;
 - d) Builds or reconstructs water utilization projects without a water utilization permit;
 - e) Does work connected with the waters without a permit under Art. 24;
 - f) Does not comply with the provisions of Art. 29, 30, and 35;
 - g) Does not fulfill his obligation under Art. 36, para. 4.
- (2) (Amended, SG No. 85/1997) The offenses shall be established by statements drawn up by the bodies of the Ministry of Environment and Waters and by the municipal bodies.
- (3) (Amended, SG No. 85/1997) On the basis of the statements drawn up, the Minister of Environment and Waters or officials authorised by him shall issue penalty ordinances.
- (4) The statements shall be drawn up, and the penalty ordinances shall be issued and appealed under the procedure established by the Administrative Offenses and Penalties Act (the State Gazette, No. 92 of 1969).
- (5) (Repealed, SG No. 85/1997)

X. TRANSITIONAL AND FINAL PROVISIONS

Article 38

(Repealed, SG No. 85/1997)

Article 39

(Repealed, SG No. 24/1987)

Article 40

With regard to the territorial and inshore sea waters, the waters of the Danube river and of the other border rivers, the provisions of this Act shall apply insofar as the international agreements, to which the People's Republic of Bulgaria is a party, do not provide otherwise.

Article 41

(Repealed, SG No. 85/1997)

Article 42

- (1) This Act shall come into force three months after its promulgation in the State Gazette and shall repeal the Water Economic Act (Izvestia, No. 89 of 1953, amended, Izvestia, No. 13 of 1956) and Art. 60, para. 4 of the Planned Towns and Villages Construction Act.

- (2) The implementation of this Act is assigned to the Council of Ministers.