

AMENDMENTS TO THE LAW ON PROTECTION OF THE ENVIRONMENT ADOPTED
BY THE 36TH NATIONAL ASSEMBLY ON 4 DECEMBER 1992 AND SIGNED BY
ALEKSANDUR YORDANOV, NATIONAL ASSEMBLY CHAIRMAN.

Amendments to Law on Protection of Environment

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[Amendments to the Law on Protection of the Environment adopted by the 36th National Assembly on 4 December 1992 and signed by Aleksandur Yordanov, National Assembly chairman.

Ukase No. 293 of President of the Republic Zhelyn Zhelev Issued in Sofia on 9 December 1992 and Sealed With the State Seal

On the basis of Article 98, Item 4 of the Constitution of the Republic of Bulgaria, I hereby decree that the Law on Amendments and Supplements to the Law on Protection of the Environment, adopted by the 36th National Assembly on 4 December 1992, be published in DURZHAVEN VESTNIK.

Law Amending and Supplementing the Law on the Protection of the Environment

(DV, No. 86, 1991)

1. Article 2 is amended to read as follows:

"Article 2. The risk to human health and the environment and its relation to sustained damages and lost benefits are the foundations for the formulation of an ecological policy."

2. Article 3 is amended to read as follows:

"Article 3. (1) Those who engage in activities that pollute the environment within the limits of admissible standards shall pay fees.

"(2) The funds collected from fees for pollution within the limits of admissible standards are allocated as follows: 40 percent to the township environmental protection funds; 60 percent to the national environmental protection fund.

"(3) For harming or polluting the environment above the admissible standards, persons shall pay fines and legal entities will be subject to monthly penalties as defined in Article 32 of this law.

"(4) The sums paid for fees imposed as per Paragraph 3 are allocated as follows: 30 percent to the township environmental protection funds and 70 percent to the national environmental protection fund.

"(5) The assets of such funds shall be used exclusively to finance activities related to environmental protection."

3. A new Article 3(a) is created, to read as follows:

"Article 3(a). Natural resources for the use of which fees are paid are defined by a law."

4. In Article 5 the word "environment" is substituted by the words "surrounding environment."

5. Article 7 will be subject to the following amendments and supplements:

1. Paragraph 1 is amended to read as follows:

"(1) It is forbidden to introduce waste and dangerous substances in the country:

"1. Of undetermined chemical composition, as well as those for which there are no methods for analysis applicable in the Republic of Bulgaria;

"2. With a view to their storing, depositing, destruction, or recycling;

"3. With a view to their use for production purposes, providing that the decision of the competent authority as per Article 27 on assessing their influence on the environment is negative."

2. In Paragraph 2 the words "refuse and" are added after the words "hauling off of."

3. Paragraph 3 is amended to read as follows:

"(3) It is forbidden to build and operate enterprises and other projects and carry out activities without treatment and protective installations, should they be necessary."

4. A new Paragraph 4 is added to read as follows:

"(4) The use of licenses and patents, and importing equipment and technologies which create the danger of pollution exceeding the limits of existing standards and norms, is prohibited."

6. Article 11 is amended to read as follows:

1. In Paragraph 1 replace the words "the Ministry of Agriculture and Food Industry" with the words "the Ministry of Agricultural Development, Land Utilization, and Restoration of Land Ownership, and the National Statistical Institute."

2. In Paragraph 2 the expression "Article 8, Item 2" is replaced with "Article 8, Items 2 and 3."

3. Paragraph 3 is amended to read as follows:

"(3) The authorities as per Paragraph 1 must submit and make public information through the mass information media or by any other means in a form accessible to the citizens."

7. In Article 12, Paragraph 3, the words "Item 2" are deleted.

8. A new Article 13 is added to read as follows:

"Article 13a. In cases of direct threat of substantial pollution or harm to the environment, the authorities and individuals as per Article 12, Paragraph 1 must immediately inform the population and take urgent steps to prevent any eventual harmful consequences."

9. In Article 17, Paragraph 3, the word "formulated" is replaced by the word "approved."

10. Paragraphs 2, 3, 4, 5, and 6 of Article 19 are deleted.

11. Article 20 is amended to read as follows:

"Article 20. (1) A mandatory assessment must be provided on the impact on the environment for the following:

"1. All projects and sites in the list as per Addenda Nos. 1 and 2;

"2. National and regional development programs, and territorial and urban structural plans and their amendments;

"3. Plans for the reconstruction and expansion of existing projects as per the preceding items.

"(2) Projects and activities other than those stipulated in Paragraph 1 may be reassessed by the competent authorities as per Article 27.

"(3) Assessments of environmental impact may be provided also by proposal of interested persons or legal entities, addressed to the competent authorities as per Article 27.

"(4) In the case of functioning projects, the environmental impact assessment must be tested periodically as prescribed by the competent authorities. For major polluting projects an assessment must be made no less than once every five years."

12. Article 21 is amended to read as follows:

"Article 21. (1) The assessment is assigned by the investor or initiator of the activities to independent experts who:

"1. Are professionally competent;

"2. Declare that they do not have any direct interest in the implementation of the project or activity and have not participated in the drafting of the project.

"(2) The experts submit their conclusion, guided by the requirements of Article 2 and the country's norms and standards relative to the admissible pollution of the environment."

13. Article 22 is amended to read as follows:

"Article 22. The procedure and conditions for the evaluation are defined on the basis of a regulation issued by the minister of the environment together with the minister of territorial development, housing policy, and construction, the minister of health care and the minister of agricultural development, land use, and restoration of land ownership."

14. Article 25 is amended to read as follows:

"Article 23. (1) The investor or initiator of the activities submits to the competent authority a report on the assessed impact on the environment, which must mandatorily include:

- "1. Annotation of the project;
- "2. Description of the environment subject to the impact;
- "3. Prognosis on the anticipated impact;
- "4. Description of possible means of implementation of the project;
- "5. List of countries which may be affected by the impact of the project on the environment;
- "6. Other elements as assessed by the minister of the environment;
- "7. Conclusion of the experts who have made the evaluation.

"(2) The cost of assessing the environmental impact is borne by the investor or initiator of the activity."

15. New Articles 23a, 23b, and 23c are created to read as follows:

"Article 23a. (1) The competent authority organizes a discussion of the submitted results of the evaluation of the environmental impact, with the participation of the local administrative authorities, and representatives of public organizations, the public, and interested persons and legal entities.

"(2) The individuals as per Paragraph 1 must be informed by the competent authority through the information media or by any other suitable means no later than one month prior to the discussion.

"Article 23b. (1) The competent authority issues a resolution after a discussion of the results of the evaluation, but no later than three months after the conclusion of the procedure as per Article 23a.

"(2) The resolution is reported in writing to the assigners of the evaluation as per Article 21 and is made public through the mass information media or by any other suitable means within 14 days after its adoption.

"(3) Interested persons may appeal the resolution to the respective okrug court in accordance with the Law on Administrative Procedures, within 14 days of the announcement as per Paragraph 2 for local procedures and 30 days for projects of national significance.

"(4) The resolution on assessing the environmental impact of nonstarted projects and activities remains valid for a period not to exceed one year.

"Article 23c. The competent authority must prohibit or stop activities or implementation of projects for which the environmental impact assessment has been negative or for which the mandatory evaluation has not been completed, or else which have not been equipped with the necessary treatment and protective installations."

16. Article 23 shall be amended and supplemented as follows:

1. Paragraph 1, Item 2, is amended to read as follows:

"2. Controls the national environmental protection fund and allocates funds for activities related to environmental protection, scientific research, and projects, including persons and legal entities";

2. The following is added to Paragraph 1, Item 3: "prohibits or stops activities harmful to the environment";

3. The following words are added to Paragraph 1, Item 4: "in terms of the environment";

4. Paragraph 1, Item 7, is amended to read as follows:

"7. Formulates together with the minister of health, the minister of agricultural development, land use, and restoration of land ownership, the minister of territorial development, housing policy, and construction, and other state authorities:

a. Standards for emissions and concentrations of harmful substances by rayon, environmental component and type of pollutant, as well as the utilization of renewable and nonrenewable natural resources;

"b. Special systems for areas with an endangered environment, and projects and measures for the restoration of the normal qualities of the environment within them, submitted for approval by the Council of Ministers;

"c. Instructions on labeling goods in accordance with the stipulations of Article 14;

"d. Rates of fees charged for the use of natural resources and admissible pollution;

"e. Instructions on the transportation, storing, utilization, and dumping of dangerous substances";

5. Paragraph 1, Item 8, is amended to read as follows:

"8. Directs and controls the preservation of the biological variety and natural ecosystems, and declares protected species and territories";

6. Paragraph 1, Item 9, is deleted.

7. Item 10 of Paragraph 1 becomes Item 9, and is amended to read as follows:

"9. Issues and publicizes methods for the control and evaluation of the impact on the environment as per Chapters 3 and 4; organizes a national system for observation and oversight of the condition of the environment";

8. Item 11 of Paragraph 1 becomes Item 10.

9. In Paragraph 2 the words "Items 7 and 9" become "Item 7."

17. Article 25 is amended to read as follows:

1. Paragraph 1 is amended as follows:

"(1) The minister of the environment organizes rayon environmental inspectorates as the ministry's agencies and defines their functions and territorial jurisdiction. The rayon inspectorates serve the townships that have no equipment and personnel for environmental protection."

2. Paragraphs 2 and 3 are deleted.

3. Paragraph 4 becomes Paragraph 2.

18. Article 26 is amended and supplemented as follows:

1. In Item 1 the words "Ministry of Agriculture and Food Industry" are replaced with "Ministry of Agricultural Development, Land Use, and Restoration of Land Ownership," to which the words "and other competent state authorities" are added;

2. Items 5 and 6 are amended to read as follows:

"5. Organize and control the collecting and treatment of household refuse;

"6. Control the township environmental protection funds."

19. Article 27 is amended to read as follows:

1. Paragraph 1 is amended as follows:

"(1) If the result of the activities of persons, legal entities, and state and township authorities occur or could occur:

"1. On the territory of a township, the respective rayon environmental protection inspectorate or township authorities are competent to undertake the necessary actions and activities as stipulated in the law;

"2. On the territories of several townships within a single rayon environmental protection inspectorate -- the respective rayon environmental protection inspectorate;

"3. On the territories of several townships within different rayon environmental protection inspectorates -- the minister of the environment."

2. Paragraph 2 is deleted.

3. Paragraphs 3 and 4 become, respectively, Paragraphs 2 and 3.

20. The following sentence is added at the end of Article 29: "The compensation may not be lesser than the amount of funds needed for repairing the damage caused."

21. Article 32 is amended to read as follows:

"Article 32. (1) For violations of this law, not qualified as a crime, persons may be fined from 1,000 to 150,000 leva.

"(2) In the case of repeated violation or a violation committed by an official, the fine is from 3,000 to 300,000 leva.

"(3) For obviously minor violations committed by persons, the fine may not exceed 1,000 leva.

"(4) If the environment is harmed or polluted above the admissible standards, legal entities are subject to monthly penalties not to exceed 30 million leva."

22. In Article 34, Paragraph 1, the words "no more than 250,000 leva" are replaced with "no more than 350,000 leva."

23. In Article 35 the words "or individuals authorized by him" are added at the end of the article.

24. The additional stipulations are amended to read as follows:

1. Item 6 is amended as follows:

"6. 'Harming the environment' means the type of change in one or several components of the environment which result in worsening the quality of life of the people, depletion of biological variety, or hindered restoration of natural ecosystems";

2. Item 7 is amended as follows:

"7. 'Dangerous substances and waste' are those which harm or could harm human health, the flora or fauna, and the qualities of the environment as a result of their production, transportation, storage, use, or dumping."

25. The provisional and concluding stipulations are amended as follows:

1. In point 5 the words "Article 24" are replaced with "Articles 18 and 24"; the words "is deleted" are replaced with "are deleted."

2. A new Item 6 is added to read as follows:

"6. In Article 8 of the provisional stipulations of the Law on State Fees (published in IZV. No. 104, 1951; amended and supplemented, No. 89, 1959; No. 21, 1960; DV No. 53, 1973; No. 87, 1974; No. 21, 1975; No. 21, 1990; and No. 55, 1991) add to the first sentence 'as well as fees collected in accordance with the Law on Protection of the Environment.'"

3. A new Item 7 is added to read as follows:

"7. (1) Fees as per Paragraphs 3 and 3a are set by Council of Ministers act.

"(2) The amount and procedure for establishing penalties as per Article 3, Paragraph 3, are defined by Council of Ministers act."

4. A new Item 8 is created to read as follows:

"8. For services related to organizing assessments on the environmental impact, the issuing of permits, certificates, and written agreements, and for setting quotas for the utilization of endangered biological resources, the Ministry of the Environmental shall collect fees in

accordance with a procedure set by the Council of Ministers, said fees to be paid to the national environmental protection fund."

5. A new Item 9 is created to read as follows:

"9. (1) In the case of restitution, privatization, and investment in projects for new construction by foreign and Bulgarian persons and legal entities, such persons and legal entities bear no responsibility for any ecological damages resulting from past actions or inactions.

"(2) The project as per Paragraph 1 must be mandatorily subject to an assessment of the impact on the environment until the time of restitution, privatization, or investment."

6. A new Item 10 is created to read as follows:

"10. The Ministry of the Environment, the Ministry of Territorial Development, Housing Policy, and Construction, and the Ministry of Health Care, together with the township authorities, shall set standards for blocking the discharge of industrial effluents in the sewer systems of settlements."

7. Item 6 becomes Item 11.

26. Item 10 of Appendix No. 1 is amended to read as follows:

"Installations for the destruction or dumping of waste on the surface and under the ground."

27. Appendix No. 2 is amended to read as follows:

1. Letter "c" of Item 2 is amended as follows:

"c. Plants for the extraction of quarry, stone-facing, and active materials";

2. Letter "i" of Item 2 is amended as follows:

"i. Plants for the extraction of bituminous shale, nonore, and mineral raw materials";

3. Letter "i" of Item 3 is amended as follows:

"i. Plans for hydroelectric production of energy";

4. Letter "c" of Item 11 is amended as follows:

"c. Equipment for the processing, treatment, and storage of refuse not included in Appendix No. 1."