

## **REGULATION**

### **on the Conditions, Procedure and Methods for Environmental Assessment of Plans and Programs**

Adopted with Letter of the Council of Ministers No 139 of 24.06.2004, promulgated in State Gazette, number 57/ 2.07.2004, enforced as of 1.07.2004.

#### Chapter One GENERAL PROVISIONS

Article 1. This Regulation sets forth the conditions, procedure and methods for environmental assessment of plans and programs, which are in progress and/or subject to approval by the central and local executive authorities, the local self-government authorities and the Parliament, hereinafter referred to as “environmental assessment” or “EA”.

Article 2. (1) EIAs shall be mandatory performed for the plans and programs, required under article 85, paragraph 1 of the Law for the Protection of the Environment (LPE) in accordance with Annex 1.

(2) The necessity of performing an EIA shall be established in accordance with the provisions of Annex 2 for the following:

1. plans and programs and their amendments in accordance with Annex 2, which outline the framework for future development of investment proposals under the terms of Annex 1 and Annex 2 to Article 81, paragraph 1, item 2 of the LPE;
2. plans and programs under Annex 1 of the local level for small territories;
3. amendments to the plans and programs under Annex 1;
4. plans and programs outside the scope of Annex 1 and Annex 2, in case their application is presumed to exert a substantial impact on the environment.

Article 3 (1). The Environmental impact assessment shall be performed in the following succession:

1. evaluation of the needs, the scope and methods for the EIA;
2. preparation of an EIA report;
3. consultations for learning the public opinion, the interested bodies and third parties, in case there is a chance to affect them by the plan or the program;
4. indicating the results of the above consultations in the EIA report;
5. defining the supervision and control measures under the plan or program application;
6. issuing an EIA statement;
7. supervision and control under the plan or program application;

(2) The activities under paragraph 1, item 1 – 7 or those of them that are applicable according to the respective situation shall be compatible with the stages of the procedure for preparation and approval of the plan/program under compliance with the following conditions:

1. The environmental impact assessment shall be performed simultaneously with the preparation of the plan or program and the statement thereof shall be issued prior to the plan/program approval;
2. The documentation required for the performance of an EIA under the provisions of this Regulation may be amended in compliance with the respective special law for the plan/program;

(3) The Provisions pertaining to the EIA report shall be applied to the ecological part of the plan/program when such an assessment is required as a part of the plan/program under the conditions of a special law.

Article 4. The competent bodies for EIA of plans and programs shall be:

1. for the plans and programs approved by the central bodies of the executive power and by the Parliament – the Minister of Environment and Waters;
2. for the plans and programs, approved by the territorial bodies of the executive power or by the municipal councils – the director of the respective Regional Inspectorate for Environment and Waters (RIEW) or the Minister of Environment and Waters within the scope of their competency, as determined in Article 10, paragraph 2 of the LPE or the respective special law.

Article 5. (1) In executing their powers the bodies under Article 4 hereof shall be supported by:

1. The Interdepartmental Commission, hereinafter referred to as “the commission” – a special board of the Supreme Expert Ecological Council (SEEC) to the Minister of Environment and Waters;
  2. An Ecological Expert Council (EEC) to the Regional Inspectorate for Environment and Waters.
- (2) In the Commission and the Expert Councils under paragraph 1 except for the representatives of the Ministry of Environment and Waters (MOW) there must be mandatory representatives of the Ministry of Health, the Ministry of Agriculture and Forestry and the Ministry of Regional Development and Welfare.

Article 6. (1) The assignor of the plan/program shall ensure the assignment of the EIA and the necessary support by the experts for carrying out consultations with the bodies, responsible for the preparation and application of the plan/program, the interested and affected bodies and with the team that develops the plan or program.

(2) The assignor shall ensure the funds necessary for the implementation of an EIA.

Article 7. The Ministry of Environment and Waters shall keep a public register of the procedures for EIA of plans and programs as a database to the register under Article 102 of LPE.

## Chapter Two ASSESSMENT OF THE NEED, SCOPE AND METHODS FOR ENVIRONMENTAL IMPACT ASSESSMENT

Article 8. (1) The assigner of the plan/program shall submit a request in writing to the attention of the respective competent body under Article 4 hereof for the assessment of the need of an EIA. This request shall comprise:

1. information about the assigner (a body or a legally authorized third person): name, complete postal address, contact person – phone number, fax and email;
2. general information on the proposed plan/program:
  - a) grounds for the development of the plan/program – a legislative or an administrative act;
  - b) action period and stages of the plan/program implementation;
  - c) territorial scope (national, regional, provincial, municipal, for smaller territories) where the respective regions and municipalities are explicitly mentioned;
  - d) affected elements of the National Ecological Network (NEN);
  - e) primary purposes of the plan/program;
  - f) funding of the plan/program (for example from the state and municipal budget, international programs, finance institutions);
  - g) time and stages for the preparation of the plan or program and requirements for public discussions or other procedural form for public participation;
3. the body responsible for the plan/program implementation.

(2) The following shall be added to the request under paragraph 1 hereof:

1. plan/program characteristics with regard to:
  - a) the investment proposals under Annexes 1 and 2 to Article 81, paragraph 1, item 2 of the LPE and/or other investment proposals with probable substantial impact on the environment, to which the proposed plan or program have laid down criteria, legislation requirements and other guiding principles that are important for their future acceptance or approval with regard to their location, character, scope and exploitation conditions;
  - b) the place of the proposed plan/program in the general process or planning hierarchy, extent of the details of the forecasts;
2. justification of the specific need for the plan/program preparation;
3. information of plans and programs and investment proposals, relating the plan/program proposed, including already implemented EAs or environmental impact assessment (EIA);
4. characteristics of the affected territory and of the anticipated impacts on the environment;
5. a map or other up-to-date graphic material of the affected territory, tables, schemes, photographs and other annexes – after the assignor’s discretion.

(3) For the assessment of the need of EIA of plans/programs with legally required ecological part, an assignment shall be submitted for the implementation of such plans/programs in the scope stipulated in the Territory Development Act or in another respective legislative or administrative act. The information under paragraph 2, item 1, letter “a” shall not apply for the development schemes and plans.

(4) In case the assigner is also a competent body under Article 4, the request in writing shall be

submitted by the head of the structural administration body responsible for the plan/program development.

Article 9. (1) In case the request under Article 8, paragraph 1 hereof goes along with documents about the circumstances in accordance with the legally stipulated exceptions, the competent body shall confirm with an assessment, that the no EIA implementation shall be necessary for the plan/program, when:

1. the plan/program is under Article 85, paragraph 3 of the LPE and the request has been submitted by a Minister, a regional governor or a municipal mayor;

2. the plan/program has been developed for an investment proposal included in Annex 1 or 2 to Article 81, paragraph 1, item 2 of the LPE, for which an environmental impact assessment (EIA) shall be implemented under the Regulation of Article 101 of the LPE;

3. there is duplication of the procedures for environmental impact assessment of plans and programs, which, concern protected areas from the National Ecological Network or from the management of the water basins;

4. the environmental impact assessment of the plan/program has been stipulated for in an international agreement to which the Republic of Bulgaria is a party and the EIA is assigned under the terms of a procedure stipulated therein.

(2) In case the circumstances under paragraph 1, item 3 and 4 are available, the body under Article 4 may determine mandatory requirements for the carrying out of consultations with the public together with the assessment.

Article 10. (1) In case the plan/program is required to have an ecological part under Article 3, paragraph 3, the competent body under Article 4 shall rule out that EIA shall not be assigned as an independent report.

(2) In the assessment under paragraph 1 within the term under Article 85, paragraph 5 of the LPE, the competent body shall include instructions for the ecological part in relation to the plan/program specifics, as well as to the EIA methods.

(3) If necessary, together with the assessment under paragraph 1, the competent body under Article 4 shall also give instructions for the carrying out of consultations with the public in compliance with the provisions of the LPE and this Regulation.

Article 11. When the competent body under Article 4 confirms with an assessment that an EIA shall be assigned as an independent report, in its assessment in the term under Article 85, paragraph 5 of the LPE, the body shall instruct on the report's content depending on the plan/program's specifics as well as on the methods for EIA.

Article 12. (1) The competent body shall review the request under Article 8, paragraph 1 and the annexes thereto within 14 days and shall specify the applicable procedure under Article 3, paragraph 1 for each specific case.

(2) In case of incomplete documents, omissions or inaccuracies in the request or in the submitted documentation, the assignor shall be required to correct these in writing and/or to submit additional information within a specified term.

(3) In case the inaccuracies are not corrected and/or no additional information is submitted within the term under paragraph 2, the request reviewing procedure shall be cancelled and the submitted documentation shall be returned to the plan assignor.

(4) The time that shall be determined for the correction of inaccuracies and omissions in the documentation shall not be included in the pronouncement term under Article 85, paragraph 5 of the LPE.

Article 13. (1) The competent body under Article 4 shall submit the documentation presented together with the request under Article 8, paragraph 1 for getting a statement by the specialized competent bodies of the Ministry of Health and if necessary – to the municipal authorities and other specialized bodies, and the term for an answer by the above bodies shall be thirty days.

(2) In case the respective authorities do not present a statement within the term under paragraph 1, then it shall be presumed that there are no objections, comments and suggestions on the documentation.

Article 14. (1) The competent body under Article 4 shall assess the need of performing an EIA, by determining the extent of importance of the impact on the environment and the human health based on:

1. the information presented by the assignor under Article 8 hereof;

2. the criteria under Article 85, paragraph 4 of the LPE;

3. the statements under Article 13 hereof.

(2) Within the term under Article 85, paragraph 5 of the LPE, the body under Article 4 shall pronounce an assessment for the need of performing an EIA, that shall comprise:

1. the assigner's data and the data for the proposed plan/program;

2. motives;

3. conclusion.

(3) In case the assessment is that the respective plan/program shall not be subjected to an EIA, the motives shall include detailed grounds for the respective conclusion, i.e. that the plan/program implementation does not presume any substantial impact on the environment.

Article 15. Within 7 days after the pronouncement under Article 9, paragraph 1, Article 10, paragraph 2 or Article 14, paragraph 2, the competent body shall:

1. present an assessment of the plan/program to the assigner and the assigner shall be obliged to make it public within three days from its obtaining via the assigner's web site and/or in another appropriate manner, including the manner for issuing the plan/program assignment as per the provisions of the respective special law (promulgation, publication in an official bulletin, etc.);

2. provides information on the assessment and for the access to the assessment by posting an announcement on the web sites of the Ministry of Environment and Waters and/or the RIEW and in their respective premises.

### Chapter three

#### PREPARING AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Article 16. (1) The development of an EIA report or the ecological part of the plan/program shall be assigned to experts registered under Article 83, paragraph 9 of the LPE.

(2) The experts under paragraph 1 hereof shall present a declaration under Article 83, paragraph 1 of the LPE.

(3) The experts under paragraph 1 shall not be personally interested, in case:

1. they are not assigner of the plan/program;

2. they are not related persons in the sense of paragraph 1 of the additional provisions of the Commercial Act or are not in any labor, civil or employment relations with the assigner of the plan/program;

3. are not in any labor, civil or employment relations with the competent bodies under Article 10 of the LPE;

4. are not members of the Commission / the Expert Ecological Council under Article 5 hereof or the SEEC under Article 12, paragraph 1, item 1 of the LPE.

(4) The head of the experts shall be responsible for:

1. determining the team of experts necessary for the implementation of the EIA, with regard to the plan./program specifics and the respective conditions;

2. the consideration of a scheme, proposed by the assigner, for compatibility of the planning process with the main procedural stages of the EIA in accordance with Article 3, paragraph 1, including the interaction of the teams for the plan/program development and the EIA/ecological part report;

3. the completeness and credibility of the information used for the EIA and the selection of methods for the EIA, included in the assessment under Article 10, paragraph 2 and Article 11;

4. the indication of the consultation results;

5. the impartiality of the conclusion in the report for the EIA/ecological part of the plan/program;

6. the quality of the EIA report.

(5) The expert who has developed the respective item of the EIA report shall bear the responsibility for the completeness, credibility, impartiality and quality of the respective items.

Article 17. (1) The EIA report shall be an integral document that shall include:

1. a basic part under the requirements of Article 86, paragraph 3 of the LPE and the instructions in the assessment under Article 11;

2. a list of information sources for the methods used for assessment and forecast of the impact on the environment and reference to the source whether the above have been published;

3. a list of the experts and the head of the experts who have prepared the EIA report; where every person shall certify the item(s) he/she has developed by placing his/her signature;

4. copies of the certificates for entering the registry of the MEW under Article 83, paragraph 4 of the LPE;

5. declarations under Article 16, paragraph 2 hereof;

6. references for the carried out consultations and the opinions and suggestions obtained thereafter as well as the way they have been indicated.

(2) In the reference under paragraph 1, item 6, the assigner of the EIA report and the registered experts shall describe the comments, recommendations or suggestions that they have taken into account or have disregarded and shall enclose the documents they have prepared about the consultations results (protocols, statements, enquiries, etc.).

(3) As a separate independent annex to the EIA report there shall be a non-technical summary written in common language that should be not less than 10 percent of the original report. Besides the text the summary shall contain also the necessary visual materials (maps, photographs, schemes).

Article 18. (1) The assigner may require the competent body under Article 4 to make a review of the report quality of the EIA/ecological part of the plan/program, by presenting the report/ a copy of the ecological part.

(2) The body under Article 4 shall check the compliance of the report with:

1. the procedural rules;

2. the requirements for content and accuracy of the presented information;

3. the applicable legislation and administrative requirements.

(3) The body under Article 4 shall notify the assigner about the results from the quality check within 14 days.

#### Chapter Four

#### CARRYING OUT CONSULTATIONS AND INDICATING THE RESULTS THEREOF

Article 19. (1) The assigner shall organize consultations with the public, the interested bodies and third parties that might be affected by the plan or program.

(2) The bodies under Article 4 shall ensure the discussions under paragraph 1 hereof, when they are concurrently an assigner of the plan/program.

(3) The consultations shall be performed as per a scheme developed by the assigner, and in the cases under Article 9, paragraph 2 and Article 10, paragraph 3, the scheme shall follow the instructions of the competent body.

(4) The consultations with the public, the interested bodies and third parties shall be performed under the provisions for compatibility of the draft with the legislative act or the individual administrative act, which approves the plan or program, as well.

Article 20. (1) The consultations shall include:

1. Publication of an announcement for the consultation that shall include:

a) the information under Article 8, paragraph 1, as well as the information for the bodies that approve and implement the plan/program;

b) a public place and announced time for seeing the plan/program draft, the EIA report and the materials thereto;

c) a term for communicating a statement, which shall not be less than 14 days;

d) a manner for communicating the statement, which shall not be only via internet or other electronic media;

2. Ensuring:

a) access and adequate technical opportunity for seeing the materials of the EIA report, the draft of the plan/program and the visual material for each of the evaluated alternatives;

b) a registered expert or a person with the necessary qualifications from the planning team who shall be responsible for providing additional verbal clarifications on the spot;

c) the acceptance of the statements that have been communicated within the scheduled term.

(2) The consultations may be performed in one or more of the following manners:

1. sending announcements to the central and territorial authorities of the executive power and to the municipal councils;

2. preparing and distributing a leaflet or a brochure with brief information on the plan/program;

3. organizing expert or public groups under the assessment scope;
  4. sending opinions, suggestions, statements and recommendation to the EIA report team and the assigner via regular mail or email;
  5. public discussions.
- (3) The announcement under paragraph 1, item 1 shall be posted on the assigner's web site and/or via another publicly accessible manner.

Article 21. (1) The public discussion of the EIA report shall be mandatory when:

1. it is required under the provisions of a special law for the draft plan/program;
2. there are more than two motivated negative statements or suggestions for alternatives, indicated in the EIA report or during the consultations.

(2) The public discussions shall be performed in the following succession:

1. the assigner shall notify in writing the body under Article 4, as well as the bodies that have participated in the consultations, for the availability of circumstances under paragraph 1, and sets the place, date and time for holding the public discussion;

2. the assigner shall notify in writing the persons who have presented a statement under paragraph 1, item 2, and after their own discretion may notify in writing other persons, bodies and organizations for the public discussion as well;

3. the public discussion shall be convened earliest 7 days after the notification under item 1 and shall be headed by the assigner or by a person who has been duly authorized by the assigner;

4. the assigner shall ensure the attendance of the head of the independent experts during the public discussion; the independent experts shall briefly introduce the attending people to the plan or program and the respective results from the implemented EIA;

5. minutes of the public discussion shall be kept by a person determined by the assigner; the minutes shall be signed by the representative of the assigner and by the minutes-keeper and the written statements presented in advance or during the discussion shall be enclosed to the minutes;

6. the person under item 5 shall provide the materials with the results from the public discussion to the assigner within three days after the discussion date.

Article 22. If as a result of the consultations it becomes necessary to consider and evaluate other alternatives, opinions or suggestions to the plan or program, the assigner shall assign an amendment to the EIA report and shall assess the need of continuing the consultations, including a new public discussion under Article 21, paragraph 2.

## Chapter Five

### ANNOUNCEMENT OF A STATEMENT ON THE ENVIRONMENTAL IMPACT ASSESSMENT

Article 23. (1) The assigner shall require a statement for EIA by the competent body under Article 4, to which the assigner shall enclose:

1. the EIA report and the non-technical summary – in three copies on hard copy and soft copy;
2. documents for the results of the public consultations and the consultations with the interested and affected bodies and persons.

(2) In the cases under Article 3, paragraph 3, the assigner shall submit a request supplemented by a copy of the ecological part of the plan/program.

(3) The request under paragraph 1, that has not been submitted according to the requirements shall be returned to the assigner within 7 days with the respective instructions.

(4) The assigner shall provide access to the plan/program draft and the supplementing documentation, including the results of the public consultations to the representatives of the competent body under Article 4.

Article 24. (1) Within 7 days after submitting the request under Article 23, paragraph 1, the body under Article 4, based on the documentation shall propose measures for the supervision and control of the plan or program implementation.

(2) The body under Article 4 shall send to the assigner and the body responsible for the plan/program implementation, the suggested measures under paragraph 1 and shall stipulate a term for their concurrence, that shall not be shorter than 7 days.

(3) If within the term under paragraph 2 there is no answer, it shall be deemed that there are no

objections and the measures shall be accepted as a condition for the plan/project implementation.

Article 25. (1) Within 30 days after submitting the request under Article 23, paragraph 1, the competent body under Article 4 shall pronounce a statement based on a decision of the Commission/ the Expert Ecological Council under Article 5, paragraph 1.

(2) To decide under paragraph 1 the commission/the expert council shall evaluate the documents under Article 23, paragraph 1 and 2 for compliance with the requirements for:

1. structure and content of the EIA report under Article 86, paragraph 3 of the LPE;
2. the profile of the report, including the necessary enclosures;
3. credibility and up-to-date of the data sources;
4. consideration of reasonable alternatives, including a "zero" alternative, for achieving the primary goals of the plan/program;
5. compatibility of the goals and the measures of the plan/program with the main goals and priorities of the National Environmental Strategy and with the municipal environmental programs of the affected municipalities;
6. organization for developing the EIA report along with the plan/program;
7. indicate the consultation results in the EIA report.

(3) In the decision under paragraph 1 the commission/the expert council shall include the measures under Article 24, paragraph 1, agreed with the assigner and with the body responsible for the plan/program implementation.

Article 26. (1) The competent body under Article 4 shall pronounce a statement on the EIA and shall:

1. concur the plan/program, when the estimations of the plan/program comply with the legal requirements for the environment and as a result of the consultations there are not any motivated objections in terms of legal compliance;
2. not concur the plan/program, when the estimations of the plan/program do not comply with the legal requirements for the environment and/or in the EIA report there are certain motivated objections against its implementation or there are motivated objections in terms of legal compliance;

(2) The statement shall comprise:

1. motives for the conclusion for the preferred alternative in terms of the environment, including the consideration of the results of the consultations of the interested bodies and the public;
2. measures for prevention, decreasing or possibly complete remedy of the presumable unfavorable consequences of the plan/program implementation for the environment;
3. the measures of supervision and control of the plan/program implementation, including regular reports on the control and supervision.

Article 27. (1) The EIA statement shall be given to the assigner within 5 days of its announcement and shall be announced together with the plan/program in the assigner's web site and/or in another appropriate manner, including the manner for announcing the plan/program, as stipulated in the respective special law.

(2) The competent body shall ensure access to the EIA statement content after its announcement.

(3) The access to the EIA report/ the ecological part of the plan or program shall be performed under the provisions of Chapter Two of the LPE.

## Chapter Six

### SUPERVISION AND CONTROL OF THE PLAN/PROGRAM IMPLEMENTATION

Article 28. The body under Article 4, that has issued the statement under Article 26, paragraph 1, item 1, or a duly authorized person under Article 14, paragraph 2 of the LPE shall be competent for the supervision and control of the measures as indicated in the EIA statement, during the plan/program implementation.

Article 29. (1) The assigner shall be obliged within 14 days prior to the final adoption or approval of the plan/program to send to the bodies under Article 28 and to the bodies responsible for the plan/program implementation a summarized reference, including analysis of:

1. the plan/program compliance with the main results and recommendations in the EIA report and

with the results from the consultations included in the EIA statement;

2. the plan/program compliance with the grounded alternative in the EIA statement under Article 26, paragraph 2, item 1 for reaching the goals of the plan/program;

3. the extent to which the measures under Article 26, paragraph 2, item 2 and 3 have been provided for in the plan or program.

(2) The body under Article 28 shall pronounce in writing on the reference under paragraph 1 within 7 days after its submission and shall notify the body that approves the plan thereof.

Article 30. (1) The assigner shall prepare a report on the supervision and control during the plan/program implementation, including the measures for prevention, decreasing or remedy of the ecological damages as a result of the plan/program implementation on the regular basis, as determined in the EIA statement.

(2) The body under Article 28 shall approve the report under paragraph 1 or shall return it for amendments with mandatory instructions.

(3) The assigner shall ensure public access to the report under paragraph 1 and the reference under Article 29, paragraph 1.

Article 31. (1) In the cases when there is no request under Article 8, paragraph 1, reference under Article 29, paragraph 1, the procedure has been cancelled with the returning of the documents to the assigner or if the announcement under Article 29, paragraph 2 or under Article 30, paragraph 2 is negative, the competent body under Article 28 may discontinue the plan/program preparation and implementation depending on the implementation stage, as a compulsory administrative control measure, as well as may propose to other control bodies to undertake measures under their competence.

(2) The institutions that control the funding of the plan/program with budget and public finances, shall notify the bodies under Article 28 for any ascertained violations of the requirements for EIA implementation as well as for non-observance of the measures under Article 26, paragraph 2, items 2 and 3.

## Chapter Seven

### IMPLEMENTATION OF ENVIRONMENTAL IMPACT ASSESSMENT IN TRANSBOUNDARY CONTEXT

Article 32. Environmental impact assessment of plans and programs with transboundary impact shall be implemented in compliance with the requirements of the LPE, this Regulation, the Convention on the Environmental Impact Assessment in Transboundary Context (The Convention on EIATC), ratified by an act (State Gazette, number 86 of 1999) and an international agreement between the Republic of Bulgaria and any affected country or countries.

Article 33. The competent body for the EIA procedure in transboundary context shall be the Minister of Environment and Waters. The other bodies related with the environment shall be obliged to provide in due timing any information they have received on any implemented procedures and to support the competent body and the assigners.

Article 34. (1) In case it has been assessed that a plan/program proposed for EIA will most probably have a substantial impact on the environment of the territory of another country or counties, to which the Republic of Bulgaria is a source country, the Minister of Environment and Waters shall notify the assigner and the affected country or countries thereof and shall determine a term for an answer whether the respective country will participate in the procedure.

(2) In the notification under paragraph 1 hereof, shall be indicated the following:

1. the affected country or countries;

2. data on the assigner;

3. the term when the assigner shall be obliged to send a copy of the plan/program, including an ecological part or the EIA report, after being informed about the contact person in the affected country;

4. the term when the affected country shall provide the necessary information on the contact person under item 3 hereof.

(3) In case of a positive answer by the affected country, with enclosed decision of the competent national body for participation in the procedure, the transboundary aspects shall be taken into account and bilateral or multilateral interstate consultations shall be held for reaching an agreement about:

1. the procedure for notification and providing opportunities for expressing a statement by the competent bodies for protection of the environment and healthcare and the affected public in a specified term;
2. defining a reasonable term for the consultations duration;
3. ensuring access to the EIA statement.

Article 35. The environmental impact assessment of the plans and programs with transboundary impact, implemented on the territory of other countries, to which the Republic of Bulgaria is the affected country, shall be performed in the following succession:

1. when obtaining a notification for a plan/program that will be implemented on the territory of another country with a presumable substantial impact on the territory of the Republic of Bulgaria, within the term specified in the notification the MEW shall notify the country of source for its decision to participate or not to in the EIA procedure:

a) in case of expressed consent the national procedure of the country of source shall be followed, unless stipulated otherwise in an international agreement to which the republic of Bulgaria is a party;

b) the Minister of Environment and Waters shall ensure public access to the presented information on EIA under the conditions of Article 20 and shall send in due timing all statements on the documentation prior to the decision of the competent body of the other country;

2. in case there is no notification by the country of source about a plan/program with transboundary context, which might have a substantial impact on the territory of the Republic of Bulgaria, the MEW shall make the necessary steps in front of the competent body of the country of source for holding consultations for participation in the procedure.

#### ADDITIONAL REGULATION

§ 1. In the sense of this Regulation:

1. "Country of source" shall be a party to an agreement or a party to the Convention on IECC or to the Protocol for strategic environmental impact assessment to the Convention above, as well as any other country, under whose jurisdiction shall be implemented the plan/program.

2. "Affected country" shall be a party to an agreement or a party to the Convention on IECC or to the Protocol for strategic environmental impact assessment to the Convention above, as well as any other country, that might be affected by transboundary impact of the plan/program on the environment.

3. "Body responsible for the implementation of the respective plan/program" shall be the body as stipulated in the respective legal or administrative act, and when such body has not been explicitly provided for – the assigner.

#### MISCELLANEOUS

§ 2. (1) The environmental impact assessments and enforced decisions under the Environmental Impact Assessment (EIA) of plans and programs, that have been performed prior to the enforcement of this Regulation, shall remain in force.

(2) Procedures for EIA of plans and programs, for which an assignment has been approved under Article 7, paragraph 1 of the repealed Regulation № 2 from 2003 for the procedures for environmental impact assessment of the national, regional and province development plans and program, the development plans and their amendments (State Gazette, number 24 from 2003), shall be finalized under the provisions of this Regulation.

(3) For a period of 24 months from the date of enforcement of this Regulation for plans and programs and their amendments under Article 1 – that are in preparation process, and that have not been approved by a central or a territorial body of the executive power and by a municipal council or the draft of the such plan/program has not been submitted to the Parliament as of the date of enforcement of this Regulation, then the need for an EIA shall be assessed under the provisions of Chapter Two.

§ 3. (1) The assigners of plans/programs in the areas under Article 85, paragraph 1 of the LPE, that are developed and adopted on the grounds of a legislation or administrative act, or amendments to the above plans/programs, which have been enforced after July 1<sup>st</sup>, 2004, shall notify the Minister of Environment and Waters upon the enforcement of the respective act.

(2) In case of any changes in the names of the plans/programs under Annexes 1 and 2 due to legal changes, the requirements for EIA shall apply for the respective plans/programs according to the new

requirements.

§ 4. The Minister of Environment and Waters shall provide instructions on the application of this Regulation.

§ 5. (1) This Regulation shall be adopted on the grounds of Article 90 of the LPE.

(2) This Regulation shall be in force as of July 1<sup>st</sup>, 2004.

#### Annex 1 to Article 2, paragraph 1

Plans and programs, for which the implementation of environmental impact assessment is mandatory

(Area under Article 85, paragraph 1 of the LPE /legislative act/plan or program)

##### 1. Agriculture

###### 1.1. Irrigation Co-Operations Act

™ Strategy for Irrigated Agriculture

##### 2. Forestry

###### 2.1. Forests Act

™ National Strategy for Long-term Development of the Forests and the Forestry in the Republic of Bulgaria

™ Program for Accelerated Forestation of the Deforested and Eroded Regions in the Country through Stimulation of Alternative Employment

##### 3. Fish Husbandry

###### 3.1. Fish Husbandry and Aquacultures Act

™ National Program for the Fish Husbandry and Aquacultures

##### 4. Transport

###### 4.1. Roadways Act

™ Medium-term and Long-term Programs for Development of the Roadways Network

###### 4.2. Railway Transport Act

™ Program for the Development of the Railway Transport and the Railway Infrastructure

™ Long-term Program for Development of the Railway Infrastructure and its Safe and Reliable Exploitation, Including Crisis Situations (Acts of God, Acts of Terrorism and Warfare)

##### 5. Power Generation industry

###### 5.1. Power Generation Act

™ Strategy for the Power Generation in the Republic of Bulgaria

###### 5.2. Power Generation Efficiency Act

™ National Long-term Programs for Power Generation Efficiency

##### 6. Waste Management

###### 6.1. Waste Management Act

™ National Program for Management of the Waste Collection Activities

##### 7. Water Resources Management

###### 7.1. Waters Act

™ National Water Administration Plan

™ Plans for River Basins Management

##### 8. Industry, including Extraction of Underground Resources

###### 8.1. Underground Resources Act

™ Strategy for Exploration, Research and Extraction of the Underground Resources and Preservation of the Earth Core on the Territory of the Republic of Bulgaria in the Continental Shelf and in the Exclusive Economic Zone of the Black Sea.

##### 9. Telecommunications

###### 9.1. Telecommunications Act

™ Sector Policy that Comprises the Strategy, Principles and Development Stages in the

## Telecommunications.

### 10. Tourism

#### 10.1. Tourism Act

™ Strategy for the Development of Tourism

#### 10.2. National Strategy for Eco-Tourism

### 11. Development Planning and Land Utilization

#### 11.1. Territory Development Act

™ National Complex Development Scheme

™ Regional Development Scheme

™ General Development Plans

#### 11.2. Approval and Application of the General Development Plan of the City of Sofia Act

™ General Development Plans of the City of Sofia and the Municipality of Sofia

#### 11.3. Regional Development Act

™ National Operational Program for Regional Development

™ Regional Development Plans

### Annex 2 to Article 2, paragraph 2, item 1

Plans and programs, for which the need of environmental impact assessment is subject to assessment  
(Area under Article 85, paragraph 1 of the LPE /legislative act/plan or program)

#### 1. Agriculture

##### 1.1. Agricultural Land Ownership and Utilization Act

™ Plans for the Formation of Large Agricultural Land Areas and their Utilization

##### 1.2. Agricultural Land Preservation Act

™ Short-term and Long-term Programs for Improvement of the Production Qualities of the Agricultural Lands and their Protection from Erosion, Pollution, Salination, Oxidation and Creation of Marshlands

##### 1.3. Animal Husbandry Act

™ Strategy for Development of the Animal Husbandry by Sub-sectors

##### 1.4. Irrigation Co-operations Act

™ Plan for Irrigation and Water Distribution

™ Program for Design, General Rehabilitation and Reconstruction of the Hydro-melioration Infrastructure

##### 1.5. Wine and Spirit Beverages Act

™ National Strategy for Development of the Vine-cropping and Wipe Production in the Country

##### 1.6. Tobacco and Tobacco Products Act

™ National Strategy for Development of the Tobacco production

#### 2. Forestry

##### 2.1. Forests Act

™ Forestry Development Projects

#### 3. Transport

##### 3.1. Roadways Act

™ Programs for Development and Improvement of the Republican Roads

##### 3.2. Civil Air Flights Act

™ General Plan for Development of the Airport

##### 3.3. Sea Areas, Internal Water Roads and Ports in the Republic of Bulgaria Act

™ General Plans for Building, Reconstruction or Enlargement of the Ports and the Navigation

#### Equipments

#### 4. Power Generation

##### 4.1. Power Generation Act

™ National Long-term and Short-term Programs for Stimulation of the Utilization of Replenishing Energy Sources

##### 4.2. Energy Efficiency Act

™ National Short-term Programs for Energy Efficiency

™ Target Annual Programs for Implementation of Measures for Energy Efficiency

##### 4.3. Safe Utilization of Nuclear Energy Act

™ Strategy for the Management of the Utilized Nuclear fuel and the Radioactive Waste

5. Waste Management Act

5.1. Waste Management Act

™ Municipal programs for management of the Waste Collection Activities – as part of the municipal environmental programs (Article 79 of the LPE)

6. Water Resources Management

6.1. Waters Act

™ National Programs for Building, Enlargement, Reconstruction and Modernization of Equipments and/or Systems for Water Utilization and Preservation

™ National Programs for Priority Building of City Water Treatment Stations for Waste Waters for Towns of Population above Ten Thousand Equivalent People in the Republic of Bulgaria

™ National Programs in the field of protection and sustainable development of waters

™ Programs for Decreasing the Pollution of Water and the Water Sites

7. Industry, including underground resources extraction

7.1. Underground Resources Act

™ Strategy and Approved Long-term Plans for Geological Researched

8. Tourism

8.1. Tourism Act

™ Municipal Program for Development of Tourism

8.2. Strategy for Development of Cultural Tourism

9. Development Planning and Land Utilization

9.1. Territory Development Act

™ Detailed Development Plans

™ Specialized Detailed Development Plans

9.2. Approval and Application of the General Development Plan of the City of Sofia Act

™ Detailed Development Plans of the City of Sofia and the Municipality of Sofia

9.3. Regional Development Act

™ Municipal Development plans

9.4. Protected Territories Act and Biological Diversity Act

™ Plans for Management of Protected Zones and Protected Territories (excluding the reservoirs)

9.5. Protection of the Soil from Pollution Act

™ Programs for development of water treatment processing equipment with funds allocated by the state and the municipal budgets in all existing industrial plants, animal cropping farms, etc, as well as in separate units that pollute the soil with solid and liquid polluters.