

LAW FOR PRESERVATION OF THE AGRICULTURAL LANDS

Prom. SG. 35/24 Apr 1996, amend. SG. 14/18 Feb 2000, amend. SG. 26/29 Mar 2000, amend. SG. 28/23 Mar 2001, amend. SG. 112/23 Dec 2003

Chapter one. GENERAL PROVISIONS

Art. 1. This law settles the preservation from damaging, the restoration and improvement of the fertility of the agricultural lands and determines the conditions and order of changing their designation.

Art. 2. (1) The agricultural lands are a basic national wealth and it shall only be used for agricultural purposes.

(2) The designation of the agricultural lands is for production of vegetal production and pasture in a way, not to damage the soil fertility and the health.

(3) The change of the designation of the agricultural lands is admitted only as an exception, for proven needs and under conditions and by an order, determined by this law.

(4) The preservation from damaging, the restoration and the improvement of the fertility of the agricultural lands shall also apply for agricultural lands, included in the construction limits of the populated areas and the forest fund, which are used for production of vegetal production and pasture.

Chapter two. PRESERVATION OF AGRICULTURAL LANDS FROM DAMAGE

Art. 3. The owners and the users of agricultural lands shall be obliged to preserve them from erosion, pollution, salination, oxidation, swamping and other damages and to maintain and improve their production quality.

Art. 4. (1) The Ministry of agriculture and forests shall provide for the owners and users of agricultural lands official information for:

1. the productive, technological, ecological and economic qualities of the agricultural lands, including their basic prices, as well as the potential risks of the worsening of these qualities due to erosion, pollution, salination, oxidation and swamping;

2. the preservation of the soil surface and its adherent ecological functions from damage;

3. the obligatory limitation in using the agricultural lands;

4. the pesticides, the fertilisers, the industrial or household waste, the biologically active and other substances, registered and approved for application, and the sanitary norms of their use, as well as the substances, prohibited for application.

5. the quality of the irrigation waters, the sanitary norms and the maximum admissible technological norms of their use, as well as the waters prohibited for irrigation of agricultural lands;

6. the anti-erosion crop-rotation for erosion threatened territories;

7. suitable systems and equipment for soil processing.

(2) (amend., SG 14/2000) The Ministry of agriculture and forests shall maintain an information system for the agricultural soil resources. The information system shall contain a special register of the agricultural lands:

1. polluted with heavy metals and metalloids, radionuclides, oil products and other organic pollutants, industrial, construction and household waste;

2. threatened by erosion, salination, pollution, acidity and swamping.

(3) The register under para 2 shall also contain information about:

1. physical and corporate bodies or their successors, agents of pollution;
2. restricting and recommending regimes of land using and prescription for removal of the offences;
3. humus depots;
4. industrial waste, fit for reclamation and improvement of the agricultural lands;
5. short-term and long-term programmes for improvement of the productive qualities of the agricultural lands and their protection from erosion, pollution, salination, acidity and swamping.

(4) (amend., SG 14/2000) The Ministry of agriculture and forests shall have the right to impose obligatory restrictions for using agricultural lands for established:

1. damaging of agricultural lands;
2. non-compliance of the produced vegetal and animal production with the hygienic norms;
3. worsening of the ecological functions of the soil surface and the quality of the surface and underground waters;
4. other cases, stipulated by a law.

(5) (amend., SG 14/2000) The Ministry of agriculture and forests shall prescribe forest meliorative and hydrotechnical measures protecting the soil surface from water and wind erosion.

Art. 5. (1) The owner shall freely choose the way of using the agricultural land if, by this, he does not change its designation and does not cause damages to his own land, the lands of the other owners or the quality of the surface and underground waters.

(2) When, on the use of the agricultural land restrictions are imposed by the force of a law, the owner, respectively the user, shall be obliged to observe them.

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

1. the compliance with the hygienic norms of the produced vegetal or animal production from the agricultural land;
2. the damages inflicted on the agricultural lands, property of other owners, as well as for damaging the quality of the surface and underground waters.

(4) The owners and the users of agricultural lands shall have the right to tax and credit preferences when they offer:

1. the obligatory restrictions for using the agricultural lands;
2. anti-erosion agrarian technology;
3. the recommendations for preservation of the soil surface and its adherent ecological functions;
4. the systems of organic agriculture and agriculture with reduced use of herbicides, pesticides and artificial fertilizers;
5. the projects for reconstruction and improvement of the productive quality of the agricultural lands.

(5) The physical and corporate bodies shall bear responsibility if, by their activities they damage the quality or the ecological functions of the agricultural lands.

Art. 6. (1) Prohibited is:

1. The use of pesticides, mineral foliage fertilizers and micro fertilizers, as well as of biologically active substances, which are not given biological and toxicological registration by the special commissions and councils at the Ministry of agriculture and forests, the Ministry of Health and the Ministry of the Environment;
2. (amend., SG 14/2000) the burning of stubble and other vegetal residuals on agricultural lands;
3. (amend., SG 14/2000) the use of organic sediments from industrial and other waters and household waste for the agricultural lands without the permit by the specialized bodies of the Ministry of agriculture and forests;
4. the destruction or the change of constructed anti-erosion and hydromeliorative constructions without the explicit consent of the respective state bodies.

(2) It shall not be permitted to use for irrigation waters, which contain harmful substances and waste above the admissible norms.

(3) The organizations, which manage and supply water for irrigation, shall carry out periodical control over the quality of the water and, in cases when harmful substances are found and waste over the limit

of the admissible norms, they shall inform the users and shall stop the supply of the water until the recreation of its quality. The users of the waters, for the period of suspension, shall have the right to request compensation for suffered damages and missed profit by a claim order.

Chapter three.

RECREATION AND IMPROVEMENT OF THE PRODUCTIVE QUALITIES OF AGRICULTURAL LANDS

Art. 7. (1) Recreation and improvement of eroded, polluted, salted, acid and swamped agricultural lands is a complex of measures or technologies aiming at:

1. recreation of the damaged ecological functions of the soil surface;
2. reduction or elimination of the health and veterinary risks from the use of vegetal and animal production;
3. preservation and improvement of the soil fertility.

(2) The recreation and the improvement of eroded, polluted, salted, acid and swamped agricultural lands shall be carried out on the grounds of preliminarily developed, coordinated and approved technologies and projects.

(3) (amend., SG 14/2000) The technologies and projects shall be approved by an expert council of the Ministry of agriculture and forests, with the participation of representatives of the Ministry of the Environment and the Ministry of Health.

(4) The executors of the technologies and projects shall be appointed by a competition, announced by the expert council under para 3.

Art. 8. (1) (amend., SG 14/2000) The Ministry of agriculture and forests shall annually administer under its budget the proceeds from: the fees under art. 30, para 1; 40 percent of the proceeds from rent and lease for using lands of the State land fund, as well as 50 percent of the proceeds from their sale; the proprietary sanctions and the fees under this law, as well as the expenses under art. 10, para 10 of the law for the ownership and use of agricultural lands.

(2) (new, SG 14/2000) The received resources under para 1 shall be spent for: designing and construction of meliorate and anti-erosion sites; reclamation of damaged terrains; improvement of the productive quality of the lands; structure and creation of the infrastructure of the agricultural territories; assessment of the quality and categories of the lands; monitoring and control of the condition of the land resources; provision for the activity of the Commission for the agricultural lands, as well as of other activities related to the implementation of this law.

(3) (new, SG 14/2000) The financing of the activities under para 2 shall be carried out according to an annual programme approved by the Ministry of Finance.

(4) (prev., para 2 - SG 14/2000) The sources of the pollution or damaging of the agricultural lands shall be liable for the expenses for the activities under Art. 7 or he shall owe to the state the expenses made for this purpose.

(5) (prec. para 3 - SG 14/2000) The state shall take over the expenses for the elimination of the causes of the non-fulfilment of the prescriptions for preservation of the soil surface and its adherent ecological functions, if they are a result of the activities or inactivity of state bodies or if the agent of the damage is not established.

Art. 9. (1) (amend., SG 14/2000) The conditions and order of accepting the projects and technologies, their implementation and maintenance, shall be determined by an ordinance of the Minister of agriculture and forests.

(2) The owners of lands, on which projects and technologies have been applied, shall be obliged to comply with the requirements and prescriptions determined by them.

(3) For failure to comply with the requirements and prescriptions under para 2, the owners of the lands shall owe to the state the invested resources.

Art. 10. (amend., SG 14/2000) The Ministry of agriculture and forests, respectively the municipality, can cede, for a period determined by a contract, gratuitously, a right of using to a physical or a corporate body, who have reinstated or acquired with their own resources state and municipal low-production agricultural lands.

Chapter four. RECLAMATION OF LANDS

Art. 11. (1) Subject to reclamation shall be:

1. mines, pits and other lands with damaged soil profile;
2. cinder depots;
3. tailings pond;
4. tracks of abandoned canals, roads, railway roads and construction sites, upon dismantling of the engineering installations, lining and upper construction.

(2) The reclamation shall be made on the basis of a preliminarily made, coordinated and approved project which is an integral part of the project for the construction of the object.

Art. 12. (1) The reclamation of the terrains, expropriated for state and municipal needs, shall be carried out by the investor of the object, at his account.

(2) When the investor of the object has paid the due state taxes under Art. 30 and the value of the land to its former owners, he shall become owner of the reclaimed land.

(3) The use, for agricultural purposes, of land reclaimed under para 1 and 2, shall be possible through changing its designation by the order of this Law.

(4) When the investor has paid the state taxes under Art. 30 and the value of the land to its former owners, but he has not carried out reclaiming of the terrain, he can request a change of the designation of the land for other non-agricultural needs, by paying for it or receiving the difference from the due taxes, according to the new type of activity.

Art. 13. (amend., SG 14/2000) The Ministry of agriculture and forests, respectively the municipality can present, for a period, determined by a contract, gratuitous right of using by physical and corporate bodies, who have reclaimed with own resources state or municipal lands as agricultural.

Art. 14. (1) The construction on agricultural land from first to sixth category shall only be performed upon removal of the humus layer.

(2) The humus layer shall be removed from the entire site or track of the object, with the exception of terrains, designated for planting.

(3) The humus layer shall not be removed from lands, designated for cemeteries, planting, and those included in sanitary protected zones, as well as in the cases when its thickness is under 10 cm.

(4) (amend., SG 14/2000) The humus layer of the agricultural lands, polluted with heavy metals and metalloids, radionuclides, organic and other pollutants, above the admissible limits of concentration, shall be used by special technologies, approved by the Minister of agriculture and forests and the Minister of the Environment.

Art. 15. (1) The humus layer shall be used for reclamation of damaged terrains, and if there are none - for improvement of low productivity lands.

(2) The removed humus layer from mines and pits shall be used for reclamation of the same areas, in time or after the conclusion of their exploitation or for reclamation of other damaged terrains.

(3) The removed humus layer during laying underground pipings shall be used for reclamation of the excavations upon their filling up.

(4) The removal and utilization of the humus layer, under para 1, 2 and 3, shall be carried out by the

investor of the object with his own resources.

(5) The removed humus layer by physical or corporate bodies during construction on their own land shall be used for their needs.

Art. 16. (amend., SG 14/2000) The order of using the humus, the reclamation, the improvement of lands and the acceptance of reclaimed areas shall be determined by an ordinance, issued by the Minister of agriculture and forests, coordinated with the Minister of the Regional Development and Public Works.

Chapter five.

CHANGE OF THE DESIGNATION OF THE AGRICULTURAL LANDS FOR NEEDS DIFFERENT FROM THE AGRICULTURAL

Art. 17. (Amend., SG 28/2001) (1) The change of the designation of the agricultural lands for needs different from agricultural shall be permitted depending on the productive qualities and the purposes of the change by:

1. commissions to the regional directorates "Agriculture and forests" - when the requested area is up to 50 decares and the land is located in the land areas of the settlements on the territory of the respective region;

2. the Commission for the farm lands - in the remaining cases.

(2) During the procedures for change of the designation of the agricultural lands they shall be categorized in 10 categories according to the productive capacities of the soil and climatic conditions, the relief and technological qualities of the land, its fitness for production of different kinds of vegetal production, and the imposed restrictions of land usage, under conditions and by an order, determined by an ordinance, issued by the Council of Ministers.

(3) In cases of disagreement with the category, determined according to para 2 the owner and/or the investor of the object, can request an expertise, which shall be assigned by the Minister of agriculture and forests by the order, determined by the ordinance under para 2.

(4) The Minister of Agriculture and Forests shall determine the list of the commissions to the regional directorates "Agriculture and forests" which shall include representatives of the regional structures of the Ministry of Environment and Waters, the Ministry of Health, the Directorate for national construction supervision at the Ministry of Regional Development and Public Works, the regional administrations, the interested agricultural and economic industrial branch organisations and a member of the Commission for farm lands or an expert from the Ministry of Agriculture and Forests.

(5) The Commission for farm lands shall exercise control over the work of the commissions under para 1, item 1.

Art. 18. (Amend., SG 28/2001) The owners of farm lands can request determining and approval of sites and a change of the designation of the land, whenever they need it for the construction of objects, not related to the use of the land according to its designation.

Art. 19. (1) (prev. art. 19 - amend., SG 14/2000; Amend., SG 28/2001) The proposals for approval of sites or a track for designing and for change of the designation of the farm land for state needs shall be made by the Minister of Regional Development and Public Works for sites and facilities on the territory of more than one region, by the regional governor - for sites and facilities on the territory of the respective region, and for municipal purposes - by the mayor of the respective municipality.

Art. 20. (Amend., SG 28/2001) (1) The boundaries and the designation of the farm lands included in the construction limits of the settlements and populated areas shall be determined by a general or detailed development plan.

(2) Change of the designation of the farm lands included in the construction limits of the settlements can also be carried out in quarters in compliance with the development of the plan upon a proposal of the mayor

of the municipality.

Art. 20a. (New, SG 28/2001) (1) The owners of farm lands shall file a request to the mayor of the municipality for inclusion within the construction limits of the settlements and for change of its designation.

(2) The mayor of the municipality shall, within 30 days from receiving the application, make proposal to the commission under art. 17, para 1, which shall take a motivated decision within 7 days from filing the proposal. In case of a positive decision the mayor shall immediately issue an order for inclusion of the farm land within the construction limits of the settlement and for working out a detailed development plan. Not announcing a decision by the deadline shall be considered implied denial.

(3) The explicit or implied denial of the commission under art. 17, para 1 can be appealed by the order of the Law for the administrative proceedings.

Art. 21. (Amend., SG 28/2001) (1) For each site proposed to be built-up or expanded on farm lands shall be determined the necessary platform or track with a project for detailed development plan and a positive decision for environmental impact assessment, issued by the order of the Law for protection of the environment.

(2) Determined, simultaneously with the basic platform or track, shall also be the necessary auxiliary and additional platforms, communications, terrain for temporary use and others, related to the construction of the site.

(3) When affecting lands from first to sixth category determined for the site shall be at least two platforms or tracks, with exception of the lands proposed for extraction of underground natural resources.

Art. 22. (Amend., SG 28/2001) (1) The platforms and tracks of the sites under art. 21 shall be approved by a decision of the commissions under art. 17, para 1, upon request of the owner of the land - for the cases under art. 18 and upon request of the investor of the site - for the cases under art. 19. The decision shall be issued within one month from filing the written request.

(2) The platform or the track shall not be approved when the proposed platform does not comply with hygienic, construction and other requirements or with restrictions stipulated by other laws.

Art. 23. (Amend., SG 28/2001) Not permitted on irrigated areas and lands from first to fourth category shall be designing and construction of sites for state and municipal purposes with area over 100 Dk, except by permit of the Council of Ministers for each individual case, upon proposal of the Commission for the farm lands.

Art. 24. (Amend., SG 28/2001) (1) Upon enactment of the decision for approval of the final platform or track the owner of the land or the investor of the site shall file for approval the respective detailed development plan for the determined platform or track, which shall prove the concrete size of the boundaries of the necessary farm land.

(2) In the presence of an approved detailed development plan the owner of the land or the investor of the site shall propose a change of the designation of the necessary farm land for purposes other than agricultural. The commissions under art. 17, para 1 shall, within 14 days from filing the proposal, take decision for change of the designation of the farm lands.

(3) The change of the farm land can be permitted in stages.

(4) The decision under para 2 shall be enacted upon payment of a state fee according to art. 30.

Art. 24a. (New, SG 28/2001) The decisions under art. 22, para 1 and art. 24, para 2 of the commission under art. 17, para 1, item 1 shall be announced by the order of the Law for the administrative proceedings and can be appealed under the conditions and by the order of the same law.

Art. 25. (Amend., SG 28/2001) (1) Copy of the decision for change of the designation of farm lands for purposes other than agricultural shall be sent within 7 days from its enactment by the respective commission to the cadastre office at the location of the real estate for entry into the cadastre. When the decision for change of the designation of a part of the land property create new property according to art. 24, para 3 of the Law for the cadastre and the property register the cadastre office shall issue identifiers of the newly formed land property.

(2) Upon the entry into the cadastre under para 1, upon request of the owner, the boundaries of the land property shall be marked on the spot by permanent signs on the grounds of the cadastre data by the respective cadastre office at the location of the property.

Art. 26. (Amend., SG 28/2001) Permit for construction shall only be issued upon enacted decision of the commissions under art. 17, para 1 for change of the designation of the agricultural land, after tracing the borders by the order of Art. 25, para 2 and upon removal or utilization of the humus layer according to art. 14 and 15.

Art. 27. (Amend., SG 28/2001) (1) The enacted decisions for changes of the designation of lands, owned by individuals and corporate bodies, necessary for state and municipal needs shall be grounds for expropriation of these lands by the order of expropriation of property for state and municipal needs.

(2) The procedure of expropriation of lands for state and municipal needs shall begin within one year from the enactment of the decision for change of the designation of the land, and when the expropriation is made in stages - within one year for the respective stage.

(3) When the expropriation of lands is made in stages, due to the nature of the constructed object, the owners of the lands shall use them according to their initial designation, without the right of construction of objects and investments of long-standing nature. For failure to comply with these restrictions the owners shall not be compensated for the introduced improvements and shall remove the constructed buildings and installations for their account.

Art. 28. (amend., SG 14/2000; amend., SG 28/2001) The lands expropriated for state needs according to art. 27, para 1 shall receive title deed as public state or municipal property.

Art. 29. (Amend., SG 28/2001) Change of the designation of farm land of the state land fund or of the municipal land fund for the needs of a corporate body or individual shall be carried out after the acquisition by the person of ownership of the land through its purchasing or exchange with own land.

Chapter six.

TAXES FOR CHANGE OF THE DESIGNATION OF AGRICULTURAL LAND

Art. 30. (amend., SG 14/2000) (1) For change of the purpose of agricultural land shall be paid state fee determined by a tariff of the Council of Ministers. The fee shall be paid by the owner of the agricultural land who has required the change of its purpose or by the investor of the site for state or municipal needs.

(2) (suppl., SG 112/03) Fee shall not be paid according to para 1 for construction under the conditions of art. 4, para 2 of the Law for the ownership and use of agricultural lands; for planting forest wood kinds; in the cases under art. 13 of the Law for the forests; for lands excluded from the construction boundaries of the populated areas determined by a construction and regulation plan or by a surrounding polygon when their inclusion within the same limits is requested again; for construction connected with the application of technologies and measures under art. 7, as well as of lands gratuitously conceded on the grounds of an act of the Council of Ministers to investors for priority investment projects.

Art. 31. (revoked, SG 14/2000)

Art. 32. (revoked, SG 14/2000)

Art. 33. (revoked, SG 14/2000)

Chapter seven.

REVOKING AND AMENDMENT OF DECISIONS (amend., SG 14/2000)

Art. 34. (1) The decision for approval of the final site for designing an object shall be revoked if, upon expiration of one year from its enactment, the owner of the land or the investor of the object does not extend a request for change of the designation of the land.

(2) When the object is constructed in stages, the decision for approval of a site or a track shall be revoked if, within one year from its enactment a request is not extended for change of the designation of the land for construction on the first stage.

Art. 35. (amend., SG 14/2000) The decision for change of the designation of the land shall be revoked or amended when:

1. the size of the land exceeds the needs for which it has been ceded;
2. the needs for the land have been dropped;
3. within one year from the enactment of the decision the procedure for expropriation of the land for state and municipal needs has not started;
4. (amend., SG 14/2000) the construction of the object has not started within one year from the enactment of the decision for change of the designation of the land.
5. (Revoked, SG 28/2001)

Art. 37. (1) (amend., SG 14/2000; Amend., SG 28/2001) The decision of the commissions under art. 17, para 1 can be revoked or amended when it is established that at the time of issuance an obvious factual mistake was admitted or change of circumstances has occurred, for which they were issued.

(2) When the proposal for revoking or amendment of a decision is not made by the owner of the land, his written statement shall obligatorily be requested.

(3) (amend., SG 14/2000) When the proposal for revoking or amendment of a decision for state or municipal needs has not been made by the investor of the object, his written statement shall obligatorily be requested.

Art. 38. (1) (amend., SG 14/2000) The proposal for revoking or amendment of a decision of the commissions under art. 17, para 1 shall be considered and decided by the body which has issued the decision, by a new decision, within one month from its presentation.

(2) (amend., SG 14/2000) The act, revoking or amending the decision, respectively the refusal for that, shall be announced to the interested persons and it shall be subject to appeal by the order of the Law for administrative procedures.

(3) (amend., SG 14/2000) In cases of revoking the decision for change of the designation of the land the taxes paid for the land, under Art. 30, shall be reimbursed, and the owner shall be paid by the state or by the municipality a compensation for the caused damages and missed profit.

Chapter eight.

COMMISSION FOR AGRICULTURAL LANDS

Art. 39. (1) (amend., SG 14/2000) Commission for agricultural lands is established at the Ministry of agriculture and forests.

(2) The Council of Ministers shall determine the administrative bodies, whose representatives shall be

included in the Commission for agricultural lands and its structure and tasks.

(3) (amend., SG 14/2000) The Minister of agriculture and forests shall be chairman of the Commission for agricultural lands. He shall appoint the members by names, at the proposal of the respective ministers and heads of other administrative bodies.

(4) (amend., SG 14/2000) The Ministry of agriculture and forests shall provide the administrative, technical and financial services to the Commission for agricultural lands.

Art. 40. (1) The Commission for agricultural lands shall, by a decision:

1. approve short-term and long-term programmes for restoration and improvement of the productive qualities of the agricultural lands;

2. (Amend., SG 28/2001) approve sites and tracks for designing any kinds of objects on farm lands with area over 50 Dk in the cases under art. 19, as well as the land is located in territories belonging to the settlement of the populated areas in more than one region;

3. in the presence of an approved general construction or plot plan, decide for the change of the designation of agricultural lands for the construction of the object;

4. permit the change of the designation of agricultural lands in stages, upon request of the owner of the land or the investor of the object;

5. (Amend., SG 28/2001) refuse the approval of the site or track in the cases under Art. 22, para 2;

6. (Amend., SG 28/2001) discuss the requests for change of the designation of irrigated areas and lands from first to fourth category, by making proposals to the Council of Ministers, in the cases under Art. 23;

7. (suppl., SG 14/2000; amend., SG 28/2001) revoke or amend its decisions by an order, stipulated by this Law, decisions according to the revoked Law for preservation of the cultivated land and pastures (SG, No 27 of 173), as well as decisions in connection with the filed complaints by the order of art. 24a.

(2) The decisions under para 1 shall be announced to the interested persons by the order of the Law for the administrative procedures.

(3) (Amend., SG 28/2001) The permits for changing the designation of farm lands for purposes other than agricultural and the refusal to issue a decision can be appealed before the Supreme Administrative Court by the order of the Law for the administrative procedures. The decision of the court shall be final and shall not be subject to appeal.

Chapter nine.

ADMINISTRATIVE AND PUNITIVE PROVISIONS

Art. 41. (1) (amend., SG 14/2000) Fined from 120 levs to 2000 levs shall be a physical person who:

1. carries out activity, leading to a damage, pollution and destruction of agricultural land;

2. (amend., SG 14/2000) uses the agricultural land for purposes different from the agricultural, without a permit for change of the designation of the land;

3. (Amend., SG 28/2001) occupies land without tracing its borders under Art. 25, para 2 or in violation of the determined borders;

4. destroys the humus layer;

5. starts the construction of an object on a larger area than the permitted, or moves it to a land of a higher category;

6. does not vacate the land ceded for temporary use or does not return it in its initial state.

7. (new, SG 14/2000) violates the prohibition under art. 6, para 1, item 2.

(2) (amend., SG 14/2000) For repeated violation the penalty shall be a fine from 240 levs to 4000 levs.

(3) A corporate body shall be fined with a proprietary sanction in the amounts under para 1 and 2.

Art. 42. (1) (amend., SG 14/2000) Fined with 180 levs to 2400 levs shall be an official who:

1. permits the start of construction on agricultural land, whose designation has not been changed by the order of the Law;

2. (Amend., SG 28/2001) traces the borders of a land for construction under Art. 25, para 2, without

the documents and decisions necessary for it;

3. does not inform the offices for land registration for the change in the cases stipulated by the Law;

4. (amend., SG 14/2000) orders or admits under art 8 for purposes other than the ones stipulated by the Law.

(2) (amend., SG 14/2000) For repeated violation the fine shall be from 360 levs to 5000 levs.

Art. 43. (1) (amend., SG 14/2000) Fined with 120 levs to 960 levs shall be a person, who does not maintain anti-erosion or other installation for preservation of the land.

(2) Fined with a fine equal to the doubled value of the installation shall be a person, who destroys or damages anti-erosion or other installation for preservation of the land.

(3) (amend., SG 14/2000) For repeated violation under para 1 the fine shall be from 180 levs to 720 levs, and under para 2 - the quadruplicate amount of the value of the installation.

Art. 44. (1) (amend., SG 14/2000) The violation shall be established by an act of an official appointed by the Minister of agriculture and forests and the mayor of the municipality.

(2) (amend., SG 14/2000) The penalty decree shall be issued by the Minister of agriculture and forests, or by a person authorized by him.

(3) The penalty decrees shall be issued, appealed and fulfilled by the order of the Law for administrative offences and penalties.

Art. 45. (1) (amend., SG 14/2000) When establishing a violation of the law, the Minister of agriculture and forests shall give obligatory prescriptions and shall determine a term of removal of the consequences.

(2) (amend., SG 14/2000) For failure to fulfill the prescriptions and for not removing the consequences within the term, the Minister of agriculture and forests shall stop, by an order, the construction of the object. The order shall be subject to appeal by the order of Art. 40, para 3.

Art. 46. (revoked, SG 14/2000)

Additional provisions

§ 1. In the sense of this Law:

1. "Reclamation" is a complex of technical and biological activities, by which the initial use of the land is restored, and if it is not possible, another kind of use is created or a suitable landscape is formed.

2. "Linear objects" are highways, railway roads, navigable, draining and irrigation canals, underground and surface central heating pipings, steam pipings, gas pipings, produce pipings, water pipings, sewerage, cables, electric trunks, rope, telephone, telegraph, radio and telecommunication trunks.

3. "plot plan" is a design proving the size of the necessary land for constructing linear objects, the borders and the ownership of the affected property.

4. "Ecological functions of the soil surface" are a reflection of its ability of accumulating water supplies, nutritious elements, active organic substances and the related chemical energy; to provide conditions for the vitality of the plants and micro-organisms; to regulate the chemical contents of the atmosphere, the surface and underground waters; to maintain the resistance of the geological ecological systems.

5. "Damage of the soil surface" is the change of the physical, chemical and biological characteristics of the soil, where a danger occurs for the ecological functions of the soil surface to be damaged or hindered to a considerable degree or for a long period.

6. "Basic price of the agricultural land" is a normative established by the state monetary equivalence of a complex of the productive, technological, ecological and economic qualities of the agricultural land for using it according to its designation.

7. "Humus depot" is a land area, determined for keeping the humus layer by the physical or corporate

body, having received a permit for a change of the designation of the agricultural land.

§ 2. (1) (amend., SG 14/2000) For the construction on agricultural land, without changing its designation, the procedure by the order of this Law shall be performed.

(2) In the cases under para 1 the owner of the constructed buildings shall pay, besides the value of the land, the sanction under chapter nine of the Law and the double tax under Art. 30.

§ 3. Agricultural producers, to whom a sanction is imposed under this law cannot use a subsidy and conclude contracts under Art. 4, para 1 of the Law for the protection of the agricultural producers for the next economic year, as well as to receive resources from the state fund "Agriculture" under Art. 13, para 1, item 1, 2, 3, 4 and 5 of the same law for a period of one year from the enactment of the penalty decree.

Transitional and concluding provisions

§ 4. This Law revokes the Law for preservation of the cultivated land and pastures (prom. SG, No 3 and 102 of 1977, No 102 of 1981, No 58 of 1985, No 24 of 1987 and No 26 of 1989).

§ 5. The found unfinished procedures for determining a site or a track or for a change of the designation of agricultural land shall be completed by the order of this Law.

§ 6. An investor of an object who, by the enactment of this Law, was given a decision for expropriation or ceding land for needs different from the agricultural, shall enter into possession of the land by the order of the Law for preservation of cultivated land and pastures. When the three-year term under Art. 19, para 2 of the above law has passed and the object has not been constructed, the investor shall request a new decision by the order of this Law.

§ 7. The following amendments and supplements are introduced in the Law for the mines and pits:

1. In Art. 22, para 4 is amended as follows:

"The ceding of agricultural lands for the needs under para 1 shall be accomplished by the order of the Law for preservation of the agricultural lands."

2. The following amendments are introduced to Art. 26:

a) new para 2 is created:

"Change of the designation of the agricultural lands shall be made by the order of the Law for preservation of the agricultural lands.";

b) the present para 2 becomes para 3.

§ 8. In the Law for the Roads para 2 of Art. 10 is amended as follows:

"Change of the designation of agricultural lands shall be made by the order of the Law for preservation of the agricultural lands."

§ 9. The fulfilment of this Law is assigned to the Council of Ministers, who shall issue regulations for its implementation.

The Law was adopted by the 37th National Assembly on April 9, 1996 and was affixed with the state seal.

Additional provisions

(SG 14/2000)

§ 22. Everywhere the words "the Ministry of agriculture and forests", "the Minister of agriculture and forests", "the Ministry of Environment" and "the Minister of Environment" are replaced respectively by "the Ministry of Agriculture and Forests", "the Minister of Agriculture and Forests", "the Ministry of environment and waters and Waters" and "the Minister of the Environment and Waters.

Transitional and Concluding Provisions
(SG 28 2001)

§ 21. The started proceedings until the enactment of this law shall be concluded by the previous order.

§ 22. The law shall be enacted on the day of its promulgation in the State Gazette.