

**MINISTRY OF ENVIRONMENT AND WATER
MINISTRY OF REGIONAL DEVELOPMENT AND URBANISATION
MINISTRY OF HEALTH
MINISTRY OF AGRICULTURE, FORESTS AND AGRARIAN REFORM**

**DECREE No. 4
(07.07.1998)
ABOUT ENVIRONMENTAL IMPACT ASSESSMENT**

F i r s t c h a p t e r

GENERAL PRINCIPLES

Cl. 1 This decree settles the conditions and rules for realising of environmental impact assessment (EIA) of the projects, objects and activities, determined in cl. 20 and #9 of the National Law for protection of environment (LPE).

Cl. 2 (1) Subject of EIA are:

1. national and regional investment programs for development;
 2. common and detailed plans for urbanisation and territorial arrangement and their changes, which provide for changes in the function of the constructions with activities and production, determined in cl. 20, paragraph 1, p.1 of LPE;
 3. construction decisions, related to changes in the function of the land in the land and forest fund, with activities and production, determined in cl.20, paragraph 1, p.1 of LPE;
 4. projects for new objects or for expansion and re-arrangement, that are related to changes in the producing activity of the objects, when this activity is included in the addition to cl. 20, paragraph 1. p.1 of LPE;
 5. objects in exploitation, according to cl. 20, paragraph 4 of LPE:
 - a) periodically - according to a list, confirmed annually by the Minister of Environment and Water, as for big objects contaminators environmental impact assessment must be realised at least once in 5 years;
 - b) when a systematical violation of the environmental laws is noticed, after an order of the Minister of Environment and Water
 6. objects, subjects to privatisation or restitution - when a grounded prescription of the competent department for environment supposes ecological damages from past actions or inaction, that have taken place before the moment of restitution or privatisation;
- (2) Environmental impact assessment may be realised after a proposal of concerned natural or juridical subjects, sent to the competent department, according to

cl. 27 of LPE. The competent department must announce its decision about the proposal in a period of 30 days after its receiving.

Cl. 3 The results from environmental impact assessment are written in the form of a report, prepared according to conditions and rules, determined with this decree.

Cl. 4 (1) The preparation of the report of EIA is assigned by:

1. the person or department, that finances the investment program for development or the arrangement plan;
2. the investor of the construction project or construction decision;
3. the owner or user of the object;
4. the department, responsible for completing of privatisation or restitution;

(2) The expenses for the preparation of the report of EIA are paid by the person or department, that assigns the report.

(3) The person or department that assigns the report must provide the information, necessary for the realisation of the assessment.

Cl. 5 (1) The reports of EIA are prepared by a group of independent experts, that have the respective professional competence.

(2) Independent experts are those, that:

1. are not directly concerned with the realisation of the project or the activity as:

- a) persons or departments, that have assigned the program or the arrangement plan;
- b) investors of the construction;
- c) owners or users of the object;
- d) leaders or members of the management or control departments of the

juridical person, that has assigned the program or plan or is investor, owner or user;

2. are not persons, that are

(a) in legal labour relationships with the Ministry of Environment and Water, the regional Inspectorates for environment and water or the National Centre for environment and stable development;

(b) members of the expert councils for taking of decisions about EIA;

3. have not participated in the preparation of the respective project, according to cl. 2, paragraph 1, p. 3 and 4;

(3) The professional competence is determined with a license, issued by the Minister of Environment and Water.

Second chapter

PROCEDURES, RELATED TO EIA

Cl. 6 The specific procedure, related to EIA, for each national or regional investment program for development is determined according to the kind, characteristics, specific features, sphere and function of the program by the Minister of Environment and Water, in accordance with the Minister of Regional Development and Urbanisation, the Minister of Health and the Minister of Agriculture, Forests and Agrarian Reform.

Cl. 7 The environmental impact assessment of territorial arrangement and urbanisation plans and their changes is realised according to the following sequence:

1. preparation of a report of EIA along with preparation of preliminary project of the plan;
2. public discussion of the report of EIA along with the realisation of public assessment of the plan; when public assessment is not realised, public discussion is realised along with the agreement of the plan;
3. complementing of the report of EIA - when it is necessary as a result of changes, occurred in the decisions about the final project of the plan or of the public discussion;
4. taking of a decision about the report of EIA;

Cl. 8 (1) The environmental impact assessment of construction decisions is realised in the following sequence:

1. preparation of a preliminary report of EIA of the project of the construction decision;
2. public discussion of the preliminary report of EIA;
3. taking of a decision about the preliminary report of EIA;
4. preparation of a final report of EIA of the project, in the stage of designing, on the basis of which a permission for construction of the object on the territory, for which the construction decision is prepared, is issued;
5. public discussion of the final report of EIA;
6. taking of a decision about the final report of EIA;

(2) The department for environment may take final decision about EIA when a prognosis and an assessment of the expected specific influence over the environment are realised and necessary measures for limitation of the influence over the environment are determined with the preliminary report of EIA. In such cases, final report of EIA is not prepared.

Cl. 9 (1) The environmental impact assessment of projects is realised in the following sequence:

1. preparation of a preliminary report of EIA of the project in the first stage of designing;
2. public discussion of the preliminary report of EIA;
3. taking of a decision about the preliminary report of EIA;
4. preparation of a final report of EIA of the project, in the stage of designing, on the basis of which the permission for construction is issued;
5. public discussion of the final report of EIA;
6. taking of a decision about the final report of EIA;

(2) In the cases, mentioned in cl.8, paragraph 2, final report of EIA is not prepared;

(3) In the cases of one-phase designing and two-phase designing, during which the work designing is realised along with the construction, EIA is realised in the following sequence:

1. preparation of a final report of EIA of the project, on the basis of which the permission for construction is issued;
2. public discussion of the final report of EIA;
3. taking of a decision about the final report of EIA;

(4) EIA of objects, that are introduced into exploitation in stages, is realised in the following sequence:

1. preparation of a preliminary report of EIA of the project in the first stage of the introduction of the object into exploitation, on the basis of which the permission for construction is issued, and the report of EIA also determines the general environmental impact of the object;
2. public discussion of the preliminary report of EIA;
3. taking of a decision about the preliminary report of EIA; the department for environment may take final decision about EIA at this stage when, a prognosis and an assessment of the expected specific influence over the environment are realised and the necessary measures for limitation of the admissible influence over the environment of the project are determined with the preliminary report of EIA at the first stage of the introduction of the object into exploitation;
4. preparation of a final report of EIA of the projects for each stage of the introduction of the object into exploitation;
5. public discussion of each following stage of the introduction of the object into exploitation;
6. taking of decisions about the final report of EIA of each following stage of the introduction of the object into exploitation;

Cl. 10 The environmental impact assessment of objects in exploitation is realised in the following sequence:

1. preparation of a report of EIA;

2. public discussion of the report of EIA;
3. taking of a decision about the report of EIA;

Cl. 11 (1) The environmental impact assessment of objects, that are subjects to restitution or privatisation, is realised in the following sequence:

1. preparation of a report of EIA, including the assessment of ecological damages, that have occurred until the moment of privatisation or restitution;
2. public discussion of the report of EIA;
3. taking of a decision about the report of EIA;

(2) When new construction, expansion or re-arrangement with changes in the function of the object or a part of it will be realised after the privatisation or restitution, the regulations of cl. 9 are applied.

Cl. 12 The environmental impact assessment of projects with international impact is realised according to the requirements of this decree and of the Convention for international environmental impact assessment in the following sequence:

1. informing of the concerned states about the activity, foreseen in the investment plan and has environmental impact over their territories;
2. preparation of a report of EIA;
3. the Ministry of Environment and Water consigns the report of EIA to the concerned states;
4. public discussion of the report of EIA and carrying out of consultations with the concerned states about the results of the public discussion;
5. taking of a decision about the report of EIA;

T h i r d c h a p t e r

DOCUMENTS OF EIA

Cl. 13 (1) The report of EIA is prepared according to the requirements in the additions of this decree:

1. report of EIA of programs and plans - according to the general requirements of addition N1;
2. preliminary and/or final report of EIA of the projects in the addition to LPE, including the construction decisions - according to the requirements of addition N2;
3. report of EIA of objects in exploitation, including objects, that are subjects to restitution or privatisation - according to the requirements of addition N3;

(2) Environmental impact assessment, with which the possible ways for realisation of the projects, including the “zero” alternative, are considered at equal basis, is realised and the limitation parameters for the following stages of designing are determined with the preliminary report of EIA.

(3) A preliminary report of EIA is obligatory for projects, which foresee phasal construction and introduction into exploitation of the objects and the preliminary report of EIA must determine the general environmental impact of the whole object.

(4) The level of the technologies in the project is assessed, an inventory of the temporary environmental components is made and a prognosis about the expected impact over them is given with the final report of EIA. The measures for providing of the admissible environmental impact are specified on this basis.

(5) An analysis and an assessment of the working and natural environmental impact, caused by the producing activity, of the accordances and deviations from the environmental laws, of the providing of healthy and safe working conditions and of the program for settling of ecological issues, are realised with the report of EIA of objects in exploitation.

Cl. 14 (1) The person that assigns EIA and the independent experts may carry out consultations about the requirements for the reports and about the preliminary determination of its sphere together with the competent department, that issues the permissions of EIA.

(2) The sphere of the report of EIA of projects and plans, according cl. 2, paragraph 1, p. 1 and 2, as well as the requirements for the reports, are defined by a

joint committee of the Ministry of Environment and Water, with participation of representatives of concerned ministries or other departments, depending on the kind, characteristics, specific features, sphere and function of the program or plan.

Cl. 15 In order a decision about EIA to be taken, the person, that assigns EIA, must present to the competent department:

1. at least three copies of the report of EIA;
2. at least three copies of non-technical (explanatory) summary of the results of EIA;
3. a list of the licensed experts, that have prepared the report of EIA, in which each experts puts his signature under the report parts, prepared by him;
4. a copy of the licenses, confirming the professional competence;
5. written statements of the experts, that state their independence, according to the regulations of cl. 4, paragraph 2;
6. the sources of information about the environmental components, that have been used by the authors of the report of EIA;
7. other documents, which are found necessary by the competent department for taking of the decision;

Cl. 16 (1) When a state, official or other secret, protected by law, exists, the person, that assigns EIA, presents it to the competent department in the form of a separate addition to the report of EIA.

(2) The competent department, responsible for the decision, does not have the right to consign to other people the information, received according to paragraph 1;

F o u r t h c h a p t e r

PUBLIC DISCUSSION OF THE RESULTS

OF EIA

Cl. 17 (1) The public discussion of the results of EIA is organised by the municipal departments together with the competent department, that issues the permission of

EIA;

(2) Representatives of the municipal administrative departments, of state and public organisations, the public and concerned natural and juridical subjects participate in the public discussion.

(3) The public discussion of the results of EIA is realised in the following sequence:

1. along with the presentation of the documents, related to EIA according to cl. 15, the person, that assigns EIA, presents one copy of these documents to the administrative department of the municipality, on whose territory the respective program, arrangement plan or project will be realised, or on whose territory the respective activity will be carried out.

2. the departments, mentioned in cl.17, paragraph 1, determined the place, date and hour of the public discussion, as well as the place and time of public access to the documents, related to EIA, and announce them by means of the mass media or in any other suitable way at least one month before the meeting for public discussion.

3. carrying out of the meeting for public discussion, as it is led by a representative of the department, that issues the permission of EIA

(4) A record of the public discussion is kept by a representative of the competent department for environment, to which written statements of the public discussion are applied.

(5) The departments, mentioned in cl.17, paragraph 1, present a copy of the materials with the results of the public discussion to the person, that has assigned the report of EIA, not later than 14 days after the public discussion.

(6) The person, that assigns the report of EIA, assigns complementing of the report, in accordance with the notes and recommendations from the record of the public discussion and with the written statements, applied to it, in a period, determined by the competent department for taking of decisions about EIA.

Cl.18 The expenses of the public discussion are paid by:

1. the persons, that assign EIA - the expenses of the announcement of the public discussion;

2. the departments, mentioned in cl. 17, paragraph 2 - the expenses, related to providing of premises, in which the access to the documents, related to EIA, is realised and the public discussion is carried out, as well as the expenses of the participation of their representatives in the discussion;

3. the participants in the public discussion - the expenses, related to their preliminary introduction in the documents, related to EIA and the expenses for their participation in the public discussion;

F i f t h c h a p t e r

DECISION ABOUT EIA

Cl. 19 (1) The decision about EIA is taken, as follows:

1. by the Ministry of Environment and Water:

a) for the national and regional investment programs for development;

b) for the territorial arrangement and urbanisation plans, that are considered by the Superior council of territorial and village arrangement, construction and architecture of the Ministry of Regional Development and Urbanisation.

c) for the projects and objects, mentioned in the addition to LPE, in accordance with the determined criteria for competence;

2. by the regional inspectorates for environment and water:

a) for territorial arrangement and urbanisation plans, that are considered by the architectural and urbanisation committees of the municipalities;

b) for the projects and objects, mentioned in the addition to LPE, in accordance with the determined criteria for competence;

(2) When EIA must be realised according to cl. 20, paragraph 3 of the Law for protection of environment, the competent department, responsible for taking of the decision about EIA, is determined by the Minister of Environment and Water for each separate case.

Cl. 20 (1) The competent department takes decision about reports of EIA of programs and plans, according cl 2, paragraph 1, p. 1 and 2, as follows:

1. agrees the program or plan, when the requirements of the environmental laws are followed;

2. returns the report, if significant omissions and alternative decisions, that are not well-grounded are stated in it;

3. does not agree with the program or plan, if the provisions of the program or the decisions of the plan violate the environmental laws;

(2) The competent department takes decision about the preliminary report of EIA, as follows:

1. permits proceeding to the next phase of designing and preparation of the final report of EIA;
2. permits the realisation of the project without preparation of a final report of EIA - when a prognosis and an assessment of the expected specific environmental impact are realised and the necessary measures for limitation of negative impact over the environment are determined in the preliminary report of EIA;
3. returns the report of EIA, if significant omissions exist or if the possible ways for the realisation of the project, including the “zero” alternative are not well-grounded;
4. does not permit the proceeding to the next phase of designing and/or the realisation of the project, when the project decisions violate the environmental laws;

(3) The competent department takes decision about the final report of EIA, as follows:

1. permits the realisation of the project, when the requirements of the environmental laws are followed;
2. returns the report, when it does not include a clear prognosis or impact assessment for one or more environmental components and the competent department cannot take its decision, as a result of that;
3. does not permit the realisation of the project, if the project decisions violate the environmental laws;

(4) The competent department takes decision about the report of EIA of objects in exploitation, including objects - subjects to restitution or privatisation, as follows:

1. permits further industrial activity if the influence over the environment is proved to be permitted by the regulations of the Law for protection of environment;
2. permits industrial activities according to certain conditions and for a certain period of time., when the measures for preventing and eliminating the consequences of negative influence over the environment are not guaranteed.
3. returns the report, if significant omissions in its sphere and subject are noticed, if a program for accordance with the environmental laws and a plan for own monitoring are not available;
4. stops temporarily industrial activities or parts of them, if a violation of the regulations of the Law for protection of environment is noticed and proved.
5. stops the industrial activities or parts of them, when they cause unrecoverable damages to the environment and human health;

(5) The reasons for the issuing of the decision are stated and the conditions, whose following will be controlled by the competent department, are described in the decisions about EIA.

(6) The sections of the report, that are legally returned, are explicitly stated in the decisions about EIA, according to cl. 20, paragraph 2, p.3; paragraph 3, p. 2 and paragraph 4, p.3.

Cl. 21 (1) The decision about EIA must be taken in a period of three months after the introduction of the report of EIA. The continuation of the public discussion and the complementing of the report as a result of the public discussion and the presented written statements of the public discussion are not included in this period.

(2) The positive decision according to cl.20, paragraph 1, p.1 is a reason for approving of the national and regional investment programs for development, the territorial arrangement and urbanisation plans.

(3) The positive decision according to cl. 20, paragraph 2, p.1 is a reason for proceeding to next phase of designing, for selection of platforms or routes for the objects, for issuing of permissions for a change in the function of the land or for the approving of the projects, if insignificant influence over the environment and human health is proved.

(4) The positive decision according to cl. 20, paragraph 2, p.2 and paragraph 3, p.1 is a reason for approving of projects, as well as for issuing of permissions for construction and usage of the constructions.

(5) The positive decision according to cl. 20, paragraph 4, p. 1 and 2 is a reason for permission of further activity of the objects in exploitation.

Cl. 22 (1) The person, that assigns EIA, is informed in a written form about the decision and it is announced by means of the mass media or in other suitable way in a period of 14 days after the decision is taken.

(2) Copies of the decisions are presented to the concerned natural and juridical persons and are available for open public access.

(3) The concerned persons may appeal against the decision in the respective regional court according to the conditions and rules of the Law for administrative proceedings, in a period of 14 days for local projects and 30 days for national projects from the announcement, mentioned in cl. 9.

Cl. 23 (1) The decision about EIA is issued by:

1. the Minister of Environment and Water - on the basis of the decisions of the Superior Expert Ecological Council of the Ministry of Environment and Water;

2. the head of the regional inspectorate for environment and water - on the basis of the decisions of the Expert Ecological Council of the respective regional inspectorate for environment and water.

(2) Representatives of the respective municipal administration, the Ministry of Territorial Development and Construction, the Ministry of Health, the Ministry of Agriculture and Food Processing Industry participate in the ecological councils.

Cl. 24 (1) The decision about EIA is valid for a period of one year.,

(2) When the permission for construction is not issued in the period of validity, the person, that assigns EIA, is responsible for convincing the competent department to confirm the decision or to issue new decision about EIA.

(3) The period of the validity of the decision about EIA of objects in exploitation is determined by the competent department in the decision, itself.

CONTROL OVER THE DECISION

Cl. 25 (1) The competent departments control the following of the conditions of the decision about EIA, during the application of the plan, the construction or exploitation of the object.

(2) The competent departments control the following of the conditions according to cl. 20, paragraph 5, about:

1. the accordance of the plans and projects, according cl. 2, paragraph 1, with the decisions about EIA for superior plans;
2. the confirmation of the expected environmental impact of the object;
3. the application of the plans for action in case of accidents and volley contaminations;
4. the realisation of the plan for own monitoring of the environmental impact of the object;
5. the execution of the program for accordance of the activity with the environmental laws;
6. the period and the sphere of the conditions, set in the decisions about EIA;

(3) If the conditions in paragraph 2 are not followed, the competent departments announce the permissions, issued by them, to be invalid and inform the respective concerned persons.

ADDITIONAL DECREE

#1. According to the meaning of this decree:

1. **“environmental impact assessment”** is a process of determining, analysing, assessment and taking of a decision for the possible consequences of programs, projects, objects and activities and their practical alternatives, as regards the risk for human health and the protection of environment, in compliance with the existing regulations of the Law for protection of environment.

2. **“regulations of the Law for protection of environment”** are:

a) the laws, normative acts, hygienical, technical and other standards and norms, that determine the admissible influence over the environmental components (atmospheric air, surface and underground water, waste, dangerous substances, dangerous physical factors, land and soil, bowels of the earth, plant and animal world, protected natural territories, landscape, cultural heritage, health-hygienical aspects of the environment) and their parameters and are related to protection of the environment and the lives and healthy state of the population.

b) the ways, used in the preparing of a report of EIA, confirmed by the Minister of Environment and Water, as well as those that are officially published.

3. **“competent departments”** are : the departments, determined in CL. 27 of the Law for protection of environment, that must undertake the obligatory activities and actions of protection of environment, stated in the law, in this decree or in other normative acts, as follows:

a) in the territory of one municipality - the departments of the regional inspectorate for environment and water and the municipal departments;

b) in the territories of several municipalities, situated in the sphere of action of

one regional inspectorate - the departments of the respective regional inspectorate;

c) in the territories of several municipalities, situated in the spheres of action of different regional inspectorates - the Minister of Environment and Water or appointed by him deputy-minister.

4. **“expansion”** is construction of a new sub-object in the territory of an existing object and any extension or superstructure, that are objects, or in which activities, mentioned in Addition N 1 and N 2 of the Law for protection of environment, will be carried out.

5. **“re-arrangement”** is any change in the function of an object or of separate premises, as well as any reconstruction or modernisation of an existing object, carried out in an object or with which new objects or suitable conditions for realising of activities, mentioned in Addition N 1 and N 2 of the Law for protection of environment, are created.

6. **“international impact”** is every influence, not especially with global characteristics, occurred on the territory of a certain state, as a result of a proposed activity, whose physical source of influence or part of it is situated on a territory or a

part of it, that is under the jurisdiction of other state.

7. **“concerned states”** (in international context) are the state - source of environmental impact and the other states, concerned by this environmental impact, that are parties according to the Convention for international environmental impact assessment.

8. **“plan for own monitoring”** is a plan for carrying out of constant or periodical measurements of the emissions of dangerous substances from respective certain sources of contamination, that will be carried out by the owner or user of the object.

9. **“zero alternative”** - the possibility for non-realisation of the activity, provided with the project.

TRANSITIONAL AND CONCLUDING DECREES

#2. This decree is issued on the basis of cl. 22 of the Law for protection of environment and rescinds Decree N1, 1995 about environmental impact assessment (State Journal, issue 73, 1995).

#3. Instructions for application of the decree are given by the Minister of Environment and Water, in accordance with the Minister of Territorial Development and Construction, the Minister of Health and the Minister of Agriculture and Food processing Industry.

Minister of Environment and Water: **E. Maneva**

Deputy Minister of Regional Development and Public Works: **Evg. Chachev**

Minister of Health: **P. Boyadjiev**

Minister of Agriculture and Food processing Industry: **V. Varbanov**