ENVIRONMENTAL PROTECTION ACT

*Prom. SG. 91/25 Sep 2002, corr. SG. 98/18 Oct 2002, amend. SG. 86/30 Sep 2003, amend. SG. 70/10 Aug 2004, amend. SG. 74/13 Sep 2005, amend. SG. 77/27 Sep 2005, amend. SG. 88/4 Nov 2005, amend. SG. 95/29 Nov 2005, amend. SG. 105/29 Dec 2005, amend. SG. 30/11 Apr 2006, amend. SG. 65/11 Aug 2006, amend. SG. 82/10 Oct 2006, amend. SG. 99/8 Dec 2006, amend. SG. 102/19 Dec 2006, amend. SG. 105/22 Dec 2006, amend. SG. 31/13 Apr 2007, amend. SG. 41/22 May 2007, amend. SG. 89/6 Nov 2007, amend. SG. 36/4 Apr 2008, amend. SG. 52/6 Jun 2008, amend. SG. 105/9 Dec 2008, amend. SG. 12/13 Feb 2009, amend. SG. 19/13 Mar 2009, amend. SG. 32/28 Apr 2009, amend. SG. 35/12 May 2009, amend. SG. 47/23 Jun 2009, amend. SG. 82/16 Oct 2009, amend. SG. 93/24 Nov 2009, amend. SG. 103/29 Dec 2009, amend. SG. 46/18 Jun 2010, amend. SG. 61/6 Aug 2010, amend. SG. 35/3 May 2011, amend. SG. 42/3 Jun 2011, amend. SG. 32/24 Apr 2012, amend. SG. 38/18 May 2012, amend. SG. 53/13 Jul 2012, amend. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, amend. SG. 27/15 Mar 2013, amend. SG. 66/26 Jul 2013, amend. SG. 22/11 Mar 2014, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 62/14 Aug 2015, amend. SG. 95/8 Dec 2015, amend. SG. 96/9 Dec 2015, amend. and suppl. SG. 101/22 Dec 2015, suppl. SG. 81/14 Oct 2016, amend. and suppl. SG. 12/3 Feb 2017, amend. SG. 58/18 Jul 2017, amend. and suppl. SG. 76/19 Sep 2017, amend. SG. 96/1 Dec 2017, **amend. SG. 53/26 Jun 2018***

Chapter one.
GENERAL PROVISIONS

Section I.
Application field and scope of the Act

Art. 1. This Act shall provide the public relations, connected with:

1. the environmental protection for the present and the future generations and protection of human health;

2. the preservation of the biological diversity in compliance with the natural bio-geographic characteristic of the country;

3. the preservation and the use of the components of environment;

4. the control and the management of the factors, damaging the environment;

5. the implementing of control over the status of environment and the sources of pollution;

6. the prevention and the restriction of pollution;

7. the creating and the functioning of the National system for monitoring of the environment;

8. environmental protection strategies, programmes and plans;

9. the collecting and the access to the information about environment;

10. the economic organisation of environmental protection activities;

11. the rights and the obligations of the state, the municipalities, the corporate bodies and the individuals regarding environmental protection.

Art. 2. The objectives of the Act shall be achieved by:

1. regulating of the regimes for preservation and use of the components of the environment;

2. control over the status and the use of the components of the environment and sources for its pollution and damaging;

3. establishing of admissible standards for emissions and for quality of the environment;

4. management of the components and the factors of the environment;

5. implementing of environmental impact assessment (EIA);

6. issuing of permissions for prevention, restriction and control of the pollution;

7. announcing and management of territories with special regime of protection;

8. development of the system of monitoring of the components of the environment;

9. introduction of economic regulators and financial mechanisms for management of the environment;

10. regulation of the right and the obligations of the state, the municipalities, the corporate bodies and the individuals.

Art. 3. The environmental protection shall be based on the following principles:

1. sustainable development;

2. prevention and reduction of the risk for human health;

3. priority of the prevention of pollution to follow-up removal of the damages, caused by it;

4. participation of the public and transparency in the process of decision taking in the field of environment;

5. informing of the citizens about the status of the environment;

6. the polluter shall pay for the caused damages;

7. preservation, development and protection of the ecosystems and their intrinsic biological diversity;

8. restoration and improvement of the quality of environment in the polluted and damaged regions;

9. prevention of pollution and damaging of the clean regions and other unfavourable impacts on them;

10. integration of the environmental protection policy in the sector and the regional policies for development of economy and public relations;

11. access to justice on issues, referring to environment.

Art. 4. The components of environment are: the atmospheric air, the atmosphere, the waters, the soil, the earth bowels, the landscape, the natural sights, the mineral diversity, the biological diversity and its elements.

Art. 5. The factors, polluting or damaging the environment, can be: natural and anthropogenic substances and processes; different kinds of waste and their location; risk energy sources – noises, radiation, as well as some genetically modified organisms.

Art. 6. The management, preservation and control of the components of environment and of the factors, influencing them, shall be implemented by an order, determined by this Act and the special acts for the components and the factors of the environment.

Art. 7. At cross-border pollution shall be applied the requirements, contained in agreements and contracts, to which the Republic of Bulgaria is a party.

Section II.
State policy and bodies for management of environment

Art. 8. (prev. text of Art. 8 – SG 42/11) The state environmental protection policy shall be implemented by the Minister of Environment and Waters.

(2) (new – SG 42/11) The Minister of Environment and Waters may issue an order delegating powers to the Deputy Ministers, stating its functions, and may empower officials in relation with

expressions of will and steps which are part of the relevant proceeding for the issue of administrative acts and papers.

Art. 9. The state environmental protection policy shall be integrated in the sector policies – transport, power generation, construction, agriculture, tourism, industry, education etc., and shall be implemented by the competent bodies of the executive power.

Art. 10. (1) Competent bodies in the sense of the Act shall be:

1. the Minister of Environment and Waters;

2. the executive director of the Executive Agency for Environment;

3. the directors of the Regional inspectorates for environment and waters (RIEW);

4. the directors of the basin directorates;

5. the mayors of the municipalities, and in the towns with district division – also the mayors of the districts;

6. the regional governors.

(2) Competent to undertake the actions and activities, provided in the law, shall be:

1. on the territory of one municipality – the director of RIEW

2. on the territory of one region – the regional governor or the director of RIEW;

3. on the territory of several municipalities within the scope of one RIEW – the director of the respective inspectorate;

4. on the territory of several municipalities within the scope of different RIEW – the Minister of Environment and Waters.

Art. 11. (1) (prev. text of Art. 11 – SG 65/06, in force from 11.08.2006) The Minister of Environment and Waters shall:

1. develop environmental protection policy and the strategy in the Republic of Bulgaria together with the bodies of art. 9;

2. manage through the Executive agency for Environment the National system for monitoring of environment;

3. control the status of environment on the territory of the country;

4. co-ordinate the control authorities of the other bodies of the executive power with regard to the environment;

5. issue orders, permissions, instructions and approve methods;

6. together with the interested bodies of the executive power:

a) issue standards for maximum admissible emissions from kinds of pollutants and standards for maximum admissible concentrations of harmful substances for components of the environment in regions;

b) approve methods for EIA;

c) issue standards for rational use of renewable and not renewable natural resources;

d) ensure the collecting and the conceding of information about the status of the environment;

e) approve methods for control of the components of the environment;

7. carry out other activities, related to environmental protection in compliance with the special laws;

8. prepare the annual report about the status of environment;

8a. (new – SG 52/08, amend. – SG, 62/2015, in force from 14.8.2015) realize the activities of organization and coordination Regulation (EU) No 1293/2013 of the European Parliament and of the

Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ, L 347/185 of 20 December 2013);

9. (new – SG 65/06, in force from the date of entering into force of the Contract for accession to the European Union) prepare and submit to the European Commission reports on application of legal acts of the European Union legislation in environmental field.

(2) (new – SG 65/06, in force from 11.08.2006). The procedure and the requirements of reporting to the European Commission regarding the application of legal acts under par. 1, item 9 shall be set out in an Ordinance, adopted by the Council of Ministers.

Art. 12. (1) With the Minister of Environment and Waters shall be created:

1. High expert ecological council;

2. consultative councils for the policy for management of the components of the environment.

(2) (suppl. SG 77/05) At the RIEW and the Executive agency on environment shall be created expert ecological councils.

(3) The functions, the tasks and the members of the councils of para 1 and 2 shall be determined with a regulation by the Minister of Environment and Waters.

Art. 13. (1) The Executive agency for environment at the Minister of Environment and Waters shall implement the management of the National system for monitoring of the environment.

(2) The Executive agency for environment shall be a corporate body.

(3) The Executive agency for environment shall be represented by an executive director.

(4) The activity, the structure, the organisation of work and the staff of the Executive agency for environment shall be determined with a structural regulation, approved by the Council of Ministers.

Art. 14. (1) The regional inspectorates for environment and waters, the directorates of the national parks and the basin directorates shall ensure the conducting of the state environmental protection policy on a regional level.

(2) The bodies of para 1 shall be corporate bodies at the Minister of Environment and Waters at budget maintenance and shall be represented by the respective directors or officials, authorised by them.

(3) (revoked - SG 15/13, in force from 01.01.2014)

(4) (suppl. SG 77/05) The directors of RIEW, the directors of the national parks and the directors of the basin directorates shall compile warning and fact finding records, issue prescriptions, orders for implementation of compulsory administrative measures and penalty provisions.

(5) The number, the territorial scope of activity, the functions and the structure of RIEW, the authorities of their directors, as well as the activity of the directorates of the national parks and of the basin directorates shall be determined with regulations, issue by the Minister of Environment and Waters.

Art. 15. (1) The mayors of municipalities shall:

1. inform the population about the status of the environment about the requirements of the law;

2. develop and control together with the other bodies plans for liquidation of the consequences of accident and volley pollution on the territory of the municipality;

3. organise the management of waste on the territory of the municipality;

4. control the construction, the maintenance and the correct exploitation of the treatment stations for waste water in the urban territories;

5. organise and control the purity, the maintenance, the preservation and the expansion of the local green systems in the settlements and the surrounding territories as well as the preservation of the biologic divergence, of the landscape and of the natural and the cultural heritage in them;

6. determine and announce publicly the persons, responsible for the maintaining of clean streets, pavements and the other places for public use on the territories of the settlements, and control the fulfilment of their obligations;

7. organise the activity of eco-inspectorates, created with a decision of the municipal council, including these, having right to compile acts for establishing administrative offences;

8. determine the officials, who can compile acts for establishing administrative violations under this Act;

9. implement their authorities according to the special laws in the sphere of environment.

10. determine the persons of the municipal administration, having the necessary professional qualification for implementation of the activities for management of environment.

(2) The mayors of municipalities can assign the fulfilment of the functions of para 1 to the mayors of mayoralties and regions.

Art. 16. The regional governor shall:

1. ensure the conducting of the state environmental protection policy on the territory of the region;

2. co-ordinate the work of the bodies of the executive power and their administrations on the territory of the region with regard to the conducting of the state environmental protection policy;

3. co-ordinate the activities for conducting of the environmental protection between the municipalities on the territory of the region;

4. issue punitive decrees for acts, compile by the order of art. 15, para 1, item 8.

Chapter two.
INFORMATION ABOUT ENVIRONMENT

Art. 17. Everyone shall have right to access to the available information about environment without being necessary to prove concrete interest.

Art. 18. The information about the environment shall be:

1. existing primary information;

2. existing preliminary processed information;

3. intentionally processed information.

Art. 19. Information about environment is any information in written, visual, audio, electronic or other material form about:

1. the status of the components of art. 4 and the interaction between them;

2. (suppl. SG 77/05) the factors of art. 5, as well as the activities and/or the measures, including the administrative measures, international agreements, policy, legislation, including reports about applying of the legislation in the field of environment, plans and programmes, which render or are able to render impact over the components of environment;

3. the status of human health and the safety of people, as far as they are or can be affected by the status of the components of environment or, through these components, by the factors, the activities

or the measures, pointed out in item 2;

4. sites of the cultural – historic heritage, buildings and facilities, as far as they are or can be affected by the status of the components of environment or, through these components, by the factors, the activities or the measures, pointed out in item 2;

5. analysis of the expenses and the benefits and other economic analyses and assumptions, used within the measures and the activities, pointed out in item 2;

6. emissions, discharges and other harmful impacts over environment.

Art. 20. (1) The access to information about environment may be denied in the cases, when is required:

1. classified information, which constitutes state or official secret;

2. information, which constitutes production or commercial secret, defined with a law;

3. information, which is intellectual property;

4. information, which constitutes personal data, if the individual, with whom this information is connected, does not agree to reveal it, and in compliance with the requirements, provided in the Protection of Personal Data Act;

5. (suppl. – SG 12/17) information, the disclosure of which would influence negatively the interests of a third person, who has conceded the required information without having legal obligation to do this and without being possible such obligation to be imposed and when the person does not agree with the conceding of the information;

6. (suppl. – SG 12/17) information, the disclosure of which will influence adversely the components of environment.

(2) The information about environment shall be conceded up to 14 days after the date of informing of the applicant about the decision of the competent body about conceding of access to the required information.

(3) The persons, who give information about the environment to the competent bodies, shall be obliged to mark the information, about which some of the restrictions for conceding of para 1 exist.

(4) The competent body shall take into account the public interest in revealing of this information at taking decision for denying the conceding of information under para 1.

(5) In the cases of restricted access the existing information about environment shall be conceded in its part, which is possible to be separated from the information of para 1.

(6) The restriction of the right to access to information shall not refer to the emissions of harmful substances in the environment as value of the indices, defined in normative acts.

Art. 21. (1) The competent bodies of this chapter shall be the central and the territorial bodies of the executive power, which collect and dispose of information about the environment.

(2) (amend. SG 15/13, in force from 01.01.2014) Competent bodies in the sense of para 1 shall also be the other bodies and organisations, which are part of consolidated fiscal program and collect and dispose of information about environment, except the bodies of the legislative and the judicial power.

(3) (new – SG 77/05) Obliged to concede information about the environment by the order of this chapter shall be also any individual or corporate body rendering public services connected with environment and implementing this activity under the control of the bodies and the organizations of para 1 and 2.

Art. 22. (1) (amend. SG 77/05; amend. – SG 103/09) The Minister of Environment and Waters shall submit every year to the Council of Ministers a report about the status and of the environment,

which after its approval shall be published as a National report about the status and protection of environment on the Internet site of the Ministry of Environment and Waters and of the Executive Environmental Agency.

(2) (amend. – SG 103/09) The report of para 1 shall be submitted to the Council of Ministers within three months after conceding the data and the information by the National Statistics Institute.

(3) (new – SG 77/05) The Regional inspectorates for environment and waters shall every year till April 30 prepare regional report about the status of environment on their respective territory for the previous year. The content and the scope of the regional report shall be determined with instructions of the Minister of Environment and Waters.

Art. 22a. (new – SG 52/08; amend. – SG 42/11) (1) The operators, carrying out activities under Attachment I to Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European pollutant release and transfer register and amending Council Directives 91/689/EEC and 96/61/EC, herein after referred to as "Regulation (EC) No. 166/2006", report data on the release and transfer of pollutants in the register referred to in Art. 22b, item 2, published on the Internet site of the Executive Environment Agency.

(2) (amend. - SG 105/08) The operators holding granted environmental permits as per Art. 117 shall report according to par. 1 through the annual report of Art. 125, Para 1, Item 5. The operators carrying out activities under Attachment I to Regulation (EC) No. 166/2006 beyond the scope of Attachment No. 4 to Art. 117, par. 1 shall report under par. 1 through the report of Art. 125a.

(2) The data referred to in par. 1 shall be reported in electronic format set out in Annex III to Regulation (EC) No 166/2006 not later than the 31st of March of the relevant year next succeeding the year, to which the information refers to.

(3) The regional environment and waters inspection offices shall verify the truthfulness of the data reported from the operators and shall approve them in the register under Art. 22b, item 2 by the 31st of May of the respective year the subsequent year for the one, to which the information is related.

(4) The Minister of Environment and Waters shall issue directions on the implementation of the verification under par. 3.

Art. 22b. (new – SG 52/08) The Executive Director of the Environmental Implementation Agency shall:

1. (amend. – SG 42/11) summarize the information of Art. 22a, par. 4;

2. maintain a public pollutant release and transfer register and provide access to it through the Environmental Implementation Agency internet site.

Art. 22c. (new – SG 52/08) The Minister of Environment and Waters is the competent body to report the information under Regulation (EC) No. 166/2006.

Art. 23. (1) (amend. - SG 102/06; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009) Upon accident or other pollutions, when are breached the standards, established with normative or individual administrative act, of discharge of polluting substances in environment, the persons, implemented the violation as well as the persons, in charge for the observing of the standards, shall be obliged to immediately inform the respective regional governors, the mayors of the respective municipalities, RIEW, the basin directorates and the bodies of the Ministry of Interior and upon change of the radiation situation – also the Agency for nuclear regulation.

(2) The competent bodies of para 1 shall be obliged immediately to inform the Ministry of Health and the influenced population about the occurred pollution over the standards, proposing measures for protection of human health and property.

Art. 24. Each chief of administrative structure in the system of the executive power shall publish every year the data about the information massifs and resources of processed information about the environment under art. 18, item 2.

Art. 25. (1) The Minister of Environment and Waters shall determine with an order the description of the information massifs and resources of art. 15, para 1, item 3 of the Access to Public Information Act, when they contain information of art. 19.

(2) The order of para 1 shall be promulgated in State Gazette.

(3) The description of the information massifs of para 1 and art. 24 shall be published in the Internet site of the Ministry of Environment and Waters.

Art. 25a. (new – SG 77/05) (1) The competent bodies and the persons of art. 21 shall create Internet site and maintain through it information data base about environment which is free of charge and publicly accessible.

(2) The data base of para 1 shall contain at least the following information:

1. texts of international agreements, conventions or accords and legislation connected with environment;

2. strategies, plans and programs connected with the environment;

3. reports of the progress or the implementation of the acts and the documents of items 1 and 2 if such have been worked out or maintained in electronic form;

4. the national and the regional reports about the status of environment as well as other reports about the status of environment provided in this Act or act of secondary legislation;

5. data or summarized data incoming from the monitoring of the activities which render or can render impact over environment;

6. public registers by the order of this Act or other special laws in the field of environment.

(3) The information of para 2 shall be periodically updated.

Art. 26. (1) The procedure, provided in chapter three "Procedure for conceding of access to public information" of the Access to Public Information Act shall be applied for conceding of information about the environment.

(2) In the decision about conceding of information under art. 34, para 1 of the Access to Public Information Act shall be pointed out whether intentionally processed information or other king of information is conceded.

Art. 27. (amend. - SG 30/06, in force from 12.07.2006, amend. – SG 76/17) The refusals to be conceded information, necessary for the persons for preparation of their protection in some of the productions, provided in this Act or in another law, shall be appealed by the order provided for in Chapter III, Section IV of the Access to Public Information Act.

Art. 28. The information of art. 18, items 1 and 2, shall be paid for under the conditions and by the order of art. 20 – 22 of the Access to Public Information Act.

Art. 29. The payment for conceding of intentionally processed information shall be contracted for each concrete case.

Art. 30. (1) (suppl. SG 77/05; prev. text of Art. 30, suppl. – SG 65/06, in force from 11.08.2006) The competent bodies shall concede free of charge available primary and preliminary processed information about environment to each other, as well as to the municipalities, when this information is necessary for them to take decisions within their competence, and for the preparing of the reports of art. 22 and of Art. 11, par. 1, item 9.

(2) (new – SG 65/06, in force from 11.08.2006). Natural and legal persons shall provide to the competent bodies of the executive power information, required for the preparation and submission of reports to the European Commission following a procedure set in the Ordinance under Art. 11, par. 2, unless otherwise provided in another legal act.

Art. 31. The national public radio and TV operators shall in their programmes:

1. disseminate information about protection and management of environment;
2. ensure protection of the right to information about the status of environment;
3. promote the knowledge and the scientific – technical achievements in the sphere of environmental protection by transmitting of Bulgarian and foreign educational programmes.

Chapter three.
PRESERVATION AND USE OF THE COMPONENTS OF ENVIRONMENT AND WASTE MANAGEMENT

Section I.
General provisions

Art. 32. The use of the components of environment for satisfying of own needs with non commercial objective shall be gratuitous except in the cases, defined in this Act and in the special laws in the field of environment.

Art. 33. The use of natural resources with objective economic activity, defined with a law, shall be against consideration.

Art. 34. The persons, implementing activity under art. 32 and 33, shall be obliged to preserve and restore the environment.

Section II.
Preservation and use of the waters and the water sites

Art. 35. (1) The preservation and the use of waters and water sites are based on long term state

policy.

(2) The long term policy for preservation of the waters and the water sites shall be based on the rational management of the waters at national and basin level with basic objective to be achieved good status of all the waters – underground and surface, for ensuring of the necessary water as quantity and quality for:

1. the drinking – household needs of the present and the future generations;
2. the favourable status and development of the eco – systems and the humid zones;
3. the economic and the social activities.

Art. 36. (1) (amend. – SG 65/06, in force from 11.08.2006) The use of the waters and the water sites shall include water taking right and use of the water sites.

(2) The use of the waters and the water sites shall be implemented:

1. without permission;
2. with permission;
3. (amend. - SG 96/17, in force from 02.01.2018) with awarding of concession.

(3) when the right to use of the waters and the water sites is granted under different regimes to one and the same titular, the heavier regime shall be applied.

(4) (amend. – SG 65/06, in force from 11.08.2006) The water taking and the use of water sites shall be bound with the ensuring of the minimum allowable run off in the rivers.

Art. 37. The preservation of the waters and the water sites shall ensure:

1. the balance between the exploitation of the waters and their natural restoration;
2. the preservation and the improvement of the surface and the underground waters.

Art. 38. (amend. SG 77/05) The preservation and the use of the waters and the water sites shall be implemented under the conditions and by the order of this Act and the special laws.

Section III.
Preservation, sustainable use and rehabilitation of the soils (Title amend. – SG 89/07)

Art. 39. (amend. SG 77/05) (1) The preservation, the sustainable use and the restoration of the soils guarantee effective protection of human health and the functions of the soil accounting that the soil is a limited, irreplaceable and practically irrecoverable natural resource.

(2) The preservation, the sustainable use and the restoration of the soil shall have as objective:

1. (amend. – SG 89/07) prevention of its deterioration;
2. durable preservation of its multifunctional ability;
3. ensuring of effective protection of human health;
4. preservation of its qualities as medium for normal development of the soil organisms, the plants and the animals;
5. implementing of preventive control for prevention of unfavorable changes of the soil and applying of good practices for land use;
6. (amend. – SG 89/07) removal and/or reduction of harmful changes of its quality caused by processes, damaging soils, according to the requirements of the types of land use.

Art. 40. (amend. SG 77/05) The corporate bodies and the individuals, owners and/or users of landed properties shall be obliged to not cause harmful changes on the soil in there and in the neighbouring landed properties.

Art. 40a. (new – SG 77/05; amend. – SG 36/08; amend. – SG 52/08, amend. – SG 58/17, in force from 18.07.2017) The norms regarding the admissible content of harmful substances in the soil shall be determined with an ordinance of the Minister of Environment and Waters, the Minister of Health and the Minister of Agriculture, Foods and Forestry.

Art. 41. The owners and the users of landed properties shall be obliged to undertake measures for prevention of harmful changes, threatening the soil.

Art. 42. (1) (amend. SG 77/05; amend. – SG 52/08) Who causes harmful changes of the soil shall be obliged to restore for his account its status preceding the damaging.

(2) The owners and the users of underground and over-ground networks and facilities of the technical infrastructure shall be obliged to maintain them in technical fitness and to not admit pollution or other harmful change of the soil around them.

Art. 43. (1) The humus layer of the soil shall be under special protection.

(2) (amend. – SG 36/08; amend. – SG 52/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 58/17, in force from 18.07.2017) Before starting of construction, investigation and achieving of underground resources the humus layer of the soil shall be taken, deposited and utilised for its function under the conditions and by the order of an ordinance by the Minister of Agriculture, Foods and Forestry, the Minister of Environment and Waters and the Minister of Regional Development and Public Works.

(3) The activities of para 2 shall be implemented not admitting pollution or damaging of the soil in the neighbouring landed properties.

(4) After finishing the activities of para 2 the investor or the initiator of the project shall be obliged to implement reclamation of the damaged terrain.

Art. 44. The owners and the operators of deposits of waste, including tailings, solid waste deposits as well as facilities for preservation of waste and/or dangerous chemical substances shall organise and exploit them in a way, excluding pollution and damaging of the soil and the other components of environment.

Art. 44a. (new – SG 77/05) The inventory and the investigations of areas with polluted soil, the necessary restoration measures as well as the maintenance of the realized restoration measures shall be implemented according to ordinance approved by the Council of Ministers.

Art. 44b. (new – SG 77/05) The preservation, the sustainable use and the restoration of the functions of the soil shall be implemented under the conditions and by the order of this Act and a special law.

Section IV.
Preservation and use of the earth bowels

Art. 45. The preservation of earth bowels shall be basic obligation of those, who implement activities for their investigation and use.

Art. 46. The preservation of earth bowels shall be ensured by:

1. the preserving and the rational use of the underground natural resources and the underground waters;
2. the ecological management and use of the waste;
3. revoked – SG 77/05
4. the restoration and/or the reclamation of the damaged terrains upon their investigation and use;
5. effective protection from natural disasters, catastrophes and other damaging processes in result of human activity.

Art. 47. The earth bowels shall be used for:

1. searching, investigation and achieving of underground natural resources;
2. investigation and achieving of underground waters and geo-thermal energy;
3. civil engineering, construction of sites, connected with the defence of the country; storage of waste; economic, tourist, scientific investigation activities etc.

Art. 48. (amend. SG 77/05) The preservation and the use of the earth bowels at searching, investigation and achievement of natural underground resources, shall be implemented by an order, defined in this Act and in the Underground Resources Act.

Art. 49. The preservation of the earth bowels at the investigation and the use of the underground waters shall be implemented by an order, determined in the Water Act.

Art. 50. (amend. SG 77/05) The preservation of the earth bowels at using them for other purposes shall be implemented by order of this Act or of special laws.

Section V.
Preservation and use of the biologic diversity

Art. 51. (1) The species, the habitats of the species and the natural habitats with their intrinsic biological diversity shall be subject to preservation and protection.

(2) The preservation of diversity of natural habitats and species of wild flora and fauna shall be implemented under the conditions and by the order of a special law.

(3) (new – SG 77/05) The preservation and the use of natural landscape shall be implemented in a way and with means not admitting harmful impact, irrecoverable changes and/or damaging of its elements.

Art. 52. The wild flora and fauna species shall be used in a way and by means, guaranteeing the favourable development of their populations in their natural environment.

Art. 53. (1) Long term and annual plans and programmes shall be worked out for the preservation and the use of the forests, the game, the fish, the herbs and the other renewable resources of wild nature.

(2) The plans and the programmes of para 1 shall be worked out under the conditions and by the order of the respective special laws.

Art. 54. Fees according to the respective special laws shall be paid for the use of the forests, the game, the fish, the herbs, the mushrooms and the other renewable biological resources from lands and the waters – ownership of the state and the municipalities.

Section VI.
Ambient Air Quality Protection

Art. 55. Ambient air quality protection air shall ensure:

1. protection of human health, of living nature, of the natural and the cultural valuables from the harmful impacts and prevention of occurrence of dangers and damages for society at change of the quality of the atmospheric air, damaging of the ozone layer and the changes of the climate as result of the different human activities;

2. ambient air quality protection in the regions, where it has not been damaged and its improvement in the other regions

Art. 56. Ambient air quality protection shall be based on the principles of the sustainable development and it shall be implemented under the conditions and by the order of chapter seven of the Ambient Air Quality Act.

Art. 56a. (new – SG 52/08) (1) The persons, owning motor vehicles, which due to their design, operation or used fuel cause ambient air pollution, damaging of the ozone layer and climate changes, shall pay a single at the time of first registration eco-fee in an amount and following a procedure, determined in an act of the Council of Ministers.

(2) The eco-fee of par. 1 shall go to the enterprise for environmental protection activities management.

Section VII.
Waste management

Art. 57. The management of waste shall be implemented with objective to be prevented, reduced or restricted the harmful impact of waste over human health and environment and it is implemented by:

1. the prevention or the reduction of the formation of waste and of degree of their danger by:

a) the development and the application of technologies, ensuring rational utilisation of the natural resources;

b) the technical development and the release on the market of products, which are so designed, that their production, use and defusing to have no or possibly least share for increase of the quantities or the danger of the waste and the risks of pollution with them;

c) the development of appropriate techniques for ultimate defusing of the dangerous substances, contained in the waste, designated for utilisation, recycling or processing;

2. utilisation of the waste by recycling, second use or regeneration or by another process of extracting of scraps or use of the waste as energy source;

3. safe storage of the waste, not fit for utilising at the present stage of development.

Art. 58. The persons, whose activity is connected with formation and/or treatment of waste, shall be obliged to ensure the processing, the recycling and their defusing in a way, which does not threaten human health and to use methods and modern technologies, which:

1. do not lead to damaging or risk for the components of environment;

2. do not cause additional burdening of the environment, connected with noise, vibrations and smells.

Art. 59. (Amend. - SG 86/03) The management of waste shall be implemented under the conditions and by the order of this Act for waste management.

Section VIII.
Protection of the Environment against Asbestos and Mercury Pollution (new, SG 70/04; title amend. - SG 46/10, in force from 18.06.2010)

Art. 59a. (new, SG 70/04) (1) The Minister of environment and waters, in coordination with the Minister of Health shall determine by an ordinance:

1. the requirements and the measures for prevention and reduction of the pollution of the air and water with asbestos;

2. the methods and procedures for establishing asbestos in dust emissions;

3. the methods and procedures for determining the concentration of undissolved substances in waste waters containing asbestos;

4. the cases admitting exceptions from the requirements and measures under item 1.

(2) The Minister of environment and waters may permit the using of methods and procedures, other than those determined by the ordinance under para 1, if they provide the obtaining of equivalent data and results.

Art. 59b. (new – SG 46/10, in force from 18.06.2010, revoked - SG 53/18q in force from 26.06.2018)

Art. 59c. (new – SG 46/10, in force from 18.06.2010, revoked - SG 53/18q in force from 26.06.2018)

Art. 59d. (new – SG 46/10, in force from 18.06.2010, revoked - SG 53/18q in force from 26.06.2018)

Chapter four.
ECONOMIC ORGANIZATION OF ENVIRONMENTAL PROTECTION ACTIVITIES

Art. 60. (1) Enterprise for management of the environmental protection activities shall be created with statute of state enterprise in the context of art. 62, para 3 of the Commercial Law, celled hereinafter "the enterprise".

(2) The enterprise shall be a corporate body with headquarters in Sofia.

(3) The enterprise shall not be a commercial company and it shall not form and distribute profit.

Art. 61. (1) Basic subject of activity of the enterprise shall be realisation of ecological projects and activities of national and municipal strategies and programmes in the field of environment.

(2) The enterprise shall implement also other activities, which ensure or supplement the basic subject of activity.

(3) The Council of Ministers can concede with a decision for use and management property – public and private state property.

(4) The enterprise shall not have right to conclude contracts for credits with commercial banks and other financial institutions except here is an explicit decision of the Council of Ministers for this.

(5) The activity of the enterprise for fulfilment of the tasks, connected with the basic subject of activity, shall be financed from:

1. the fees, determined with the special laws in the field of environment;

2. purposed conceded resources from the state budget for ecological programmes, when there is a decision of the competent bodies for this;

3. grants from local and foreign individuals and corporate bodies;

4. receivables from interests on deposits;

5. (suppl. SG 77/05; suppl. – SG 89/07; amend. – SG 52/08; suppl. – SG 32/12, in force from 24.04.2012) fines and proprietary sanctions for administrative violations of this Act, the Water Act, the Act on Soils, the Waste Management Act, the Medical Plants Act, the Protected Areas Act, the Ambient Air Quality Act, the Underground Resources Act, the Biological Diversity Act, Environment noise protection act and the Act On Protection Against The Harmful Impact Of The Chemical Substances And Mixtures imposed by the Minister of Environment and Waters or by individuals, authorised by him;

6. incomes from portfolio investments with short term state securities and bonds

7. incomes from services and activities, connected with environmental protection;

8. other receivables, defined with a normative act.

(6) The structure and the activity of the enterprise shall be provided with a regulation, approved by the Council of Ministers.

Art. 62. (1) (amend. and suppl. – SG 103/09) The enterprise shall submit every year by 28 February to the Ministry of Environment and Waters a plan for its activity during the current calendar year and an annual report on the activity during the preceding calendar year.

(2) The plan of para 1 shall include the activities of art. 61 contain at least the following elements:

1. objectives and expected results;

2. activities, which will be implemented for achievement of the results, including investment

plan of the enterprise;

3. plan for management of the resources of art. 61, para 5, developed on the basis of expected expenses and revenues from the activity of the enterprise.

(3) (revoked – SG 103/09).

(4) (amend. – SG 52/08; amend. – SG 103/09) The Minister of Environment and Waters shall approve the action plan of the enterprise and the annual account of para 1, which shall be public.

(5) The resources for administrative expenses of the enterprise shall be approved by the Minister of Environment and Waters simultaneously with the plan of para 1.

(6) (new - SG 105/05, in force from 01.01.2006) The enterprise shall keep accountancy reporting and cash and calculated base under the order as provided for the budget enterprises.

(7) (new - SG 105/05, in force from 01.01.2006; amend. - SG 105/06, in force from 01.01.2007; amend. - SG 95/15, in force from 01.01.2016) The reported data about the assets, liabilities, incomes and expenses of the enterprise shall be consolidated under the order of Art. 63, Para 4 of the Accountancy Act.

(8) (new - SG 105/05, in force from 01.01.2006) The monetary funds of the enterprise, including the amounts for Value Added Tax, shall be collected, kept, spent and reported under a separate accumulation bank account at the Bulgarian National Bank following a procedure defined by the Minister of Finance and the Governor of the Bulgarian National Bank.

Art. 63. (1) The enterprise shall be managed by a management council.

(2) The enterprise shall be represented by an executive director.

(3) The management council shall be comprised by 7 members, including a chairman.

(4) Members of the management council shall be:

1. chairman – the Minister of Environment and Waters;

2. representative of the Ministry of Environment and Waters;

3. the director of the Executive agency for environment;

4. representative of the Ministry of Finance;

5. representative of the National association of the municipalities in the Republic of Bulgaria;

6. representative of the business, proposed by the non profit corporate bodies for public benefit activity, which in their statutes or in their foundation act include activities, connected with environmental protection;

7. the executive director of para 2.

(5) The members of the management council and the executive director shall be appointed by the Minister of Environment and Waters.

Art. 64. (1) (corr. SG 98/02; revoked – SG 38/12, in force from 01.07.2012).

(2) (revoked – SG 38/12, in force from 01.07.2012).

(3) (new – SG 52/08) The decisions of the managing body concerning provision of financial resources under projects shall be public and shall be published on the website of the Ministry of Environment and Waters within 14 days after their adoption.

Art. 65. (1) Eighty percent of the sanctions for damaging or pollution of environment above the admissible standards of art. 69 shall be received by the budget of the municipality, on which territory is located the sanctioned subject.

(2) The revenues from fines and sanctions under the law, imposed by the mayors of municipalities, shall be received in the budget of the respective municipality.

(3) The revenues of para 1 and 2, as well as the revenues from fines for violating of the ordinances, approved by the municipal councils in connection with environmental protection, shall be spent for ecological projects and activities according to priorities, defined in the municipal programmes for environment.

Art. 66. (1) (amend. – SG 46/10, in force from 18.06.2010) The National trust eco-fund (NTEF) shall be a corporate body with headquarters in Sofia for management of the resources, coming from swap transactions "Debt against environment" and "Debt against nature", from international trading of prescribed emission units (PEU) of greenhouse gas, from trade of greenhouse gas quotas for aviation activities. as well as from governments and international financial institutions, and other grantors, designated for environmental protection in the Republic of Bulgaria.

(2) Bodies of the National trust eco-fund shall be:

1. the management council;

2. the consultative council;

3. the executive bureau.

(3) The management council shall consist of seven members, including chairman and two deputy chairmen and four members.

(4) (suppl. – SG 46/10, in force from 18.06.2010) The consultative council shall consist of the representatives of the governments and of the financial and the other institutions, which have conceded resources or render co-operation to the National trust eco-fund, as well as of representatives of the countries buying PEU.

(5) The management council and the consultative council shall approve rules for their work.

(6) The executive bureau shall organise the activity of the National trust eco-fund.

Art. 67. The Council of Ministers shall determine with an ordinance the way of management, the structure and the activity of the National trust eco-fund, the order and the way for collecting, spending and control of the resources in it after co-ordination procedure with the grantors.

Art. 68. (1) Sources of revenues in the National trust eco-fund shall be:

1. purposed resources, conceded from the state budget, in this number in connection with agreements of transactions "Debt against environment" and "Debt against nature";

2. grants from international financial institutions, governments, international funds and external corporate bodies, conceded for ecological programmes and projects;

3. grants from international foundations and foreign citizens for support of the state policy in the field of environment;

3a. (new – SG 46/10, in force from 18.06.2010; amend. – SG 22/14, in force from 11.03.2014) incomes of sale of PEU;

4. redemption and interests for loans, conceded by the fund;

5. interests from the resources of the National trust eco-fund in the servicing bank;

6. incomes from portfolio investments with short term state securities and bonds;

7. other external revenues, compliant with the character of the activity of the National trust eco-fund.

(2) (suppl. – SG 52/08; amend. - SG 46/10, in force from 18.06.2010) The resources of the NTEF shall be spent for ecological projects and activities in compliance with the conditions of the grantors and with the priorities of the national ecological strategies and programmes, and with the goals and priorities of the National Green Investments Scheme. The decisions for provision of financial

resources under projects shall be public and shall be published on the website of the National trust eco-fund.

Art. 69. (amend. SG 77/05) (1) (amend. – SG 103/09) Upon damaging or pollution of environment above the admissible norms and/or upon not observing of the determined emission norms and restrictions to the sole entrepreneurs and the corporate bodies sanctions shall be imposed.

(2) (amend. – SG 52/08) The sanctions of para 1 shall be imposed with punitive decree by the Minister of Environment and Waters or individuals authorized by him.

(3) The kind and the extent of the sanction shall be determined with the punitive decree of para 2.

(4) The punitive decree of para 2 shall be subject to appeal by the order of the Administrative Violations and Sanctions Act.

(5) (suppl. – SG 103/09) The sanctions of para 1 shall be one time or current. The current sanctions shall be of a fixed amount or accruing.

(6) The extent of the sanction of para 1 shall be determined by the order of the ordinance of para 8.

(7) The sanction of para 1 shall be imposed from the date of implementing the change by the control bodies of the Ministry of Environment and Waters.

(8) (amend. – SG 103/09) The kind, the extent and the order for imposing of sanctions upon damaging or pollution of the environment above the admissible standards and/or upon not observing of the determined emission norms and restrictions, shall be regulated with an ordinance of the Council of Ministers.

Art. 69a. (new – SG 77/05) (1) (amend. – SG 52/08) In the cases of art. 69, para 1 the Minister of Environment and Waters or individuals authorized by him shall impose sanction on the basis of:

1. record from check by the control officials of the Ministry of Environment and Waters;

2. (amend. – SG 103/09; amend. - SG 32/12, in force from 24.04.2012) records from laboratory tests/analyses for establishing of the pollution or damaging of environment and/or not observing of the determined emission norms and restrictions, issued by accredited laboratories, including accredited laboratories for own periodical or permanent measurements of the persons of art. 69, para 1;

3. fact finding record compiled on the basis of the records of item 1 and/or item 2 by the controlling officials of the Ministry of Environment and Waters;

4. proposal by the control officials of the Ministry of Environment and Waters for imposing of sanction, including the kind, the duration and the reasons for the pollution or the damage of environment as well as the kind and the extent of the sanction.

(2) (amend. – SG 52/08; amend. – SG 103/09) When the damage or the pollution of environment above the admissible norms and/or the not observing of the determined emission norms and restrictions, is established on the basis of implemented own periodic or permanent measurements, the Minister of Environment and Waters or an individual authorized by him shall impose sanction without implementing the check of para 1, item 1.

(3) The Minister of Environment and Waters shall approve with an order models of the record for check, the fact finding record, the proposal for imposing of sanction and the punitive decree.

Art. 69b. (new – SG 77/05) (1) (amend. – SG 103/09) Sanctioned person who terminates or reduces the damage or the pollution of environment and/or the not observing of the determined emission norms and restrictions, determined in the permits or in the complex permits, may file motivated

application for revoking or reduction of the sanction of art. 69, para 1 to the body issued the punitive decree.

(2) in the cases of para 1 the control bodies of the Ministry of Environment and Waters shall implement check in term up to 5 working days after receiving of the application of para 1.

(3) (amend. - SG 32/12, in force from 24.04.2012) When the termination or the reduction of the pollution or the damaging of environment is established through tests/analyses, they shall be implemented by accredited laboratories including accredited laboratories for own periodic or permanent measurements.

(4) (amend. – SG 103/09) When the termination or the reduction of the pollution or the damaging of environment above the admissible norms and/or the not observing of the determined emission norms and restrictions is established on the basis of implemented own periodical or permanent measurements the body issued the punitive decree shall revoke or reduce the imposed sanction without implementing the check of art. 69a, para 1, item 1.

(5) (amend. – SG 103/09) The body issued the punitive decree shall revoke the sanction with an order when on the basis of record for check, the records from the laboratory tests/analyses, fact finding record and the proposal by the control official of the Ministry of Environment and Waters for revoking of the sanction it is established that the damage or the pollution of environment and/or the not observing of the determined emission norms and restrictions has been terminated.

(6) (amend. – SG 103/09) The body issued the punitive decree shall reduce the sanction with an order when on the basis of record for check, the records from the laboratory tests/analyses, fact finding record and the proposal by the control official of the Ministry of Environment and Waters for reduction of the sanction it is established that the damage or the pollution of environment and/or the not observing of the determined emission norms and restrictions has been reduced.

(7) The sanction of art. 69, para 1 shall be revoked or reduced from the date of receiving of the application of the sanctioned person by the competent body.

(8) (amend. – SG 103/09) When on the basis of the record for check, the records from the laboratory tests/analyses, the fact finding record and the proposal by the control official of the Ministry of Environment and Waters for imposing of sanction is established increase of the damage or the pollution of environment or not observing of the determined emission norms and restrictions, the body issued the punitive decree shall revoke with an order the initially imposed sanction.

(9) (amend. – SG 52/08) In the cases of para 8 the Minister of Environment and Waters or an individual authorized by him shall impose with punitive decree new sanction by the order of art. 69a.

(10) (amend. – SG 103/09) The kind, the extent and the order for revoking or reduction of sanctions upon damage or pollution of environment above the admissible norms and/or upon not observing of the determined emission norms and restrictions, shall be provided with the ordinance of art. 69, para 8.

Art. 69c. (new – SG 77/05) (1) (amend. – SG 103/09) At temporary or permanently termination of the activity having caused damages or pollution of the environment exceeding the admissible norms and/or non-observance of the determined emission norms and restrictions, the person of art. 69, para 1 may file motivated application for stopping of the imposed sanction to the body issued the punitive decree or the order of art. 69b, para 6.

(2) In the cases of para 1 the control bodies of the Ministry of Environment and Waters shall implement check in term up to 5 working days after receiving of the application of para 1 and compile fact finding record establishing the termination of the activity.

(3) (amend. – SG 52/08; amend. – SG 103/09) The Minister of Environment and Waters or an individual authorized by him shall with an order stop the sanction when on the basis of the fact finding record of para 2 is established that the activity caused the damaging or the pollution of environment

above the admissible norms and/or not observing of the determined emission norms and restrictions has been stopped.

(4) The imposed sanction shall be stopped from the day of receiving of the application of the sanctioned person by the competent body.

(5) The sanctioned person shall be obliged not later than three days before the date of renewal of the activity of para 1 to notify in writing the body issued the order of para 3.

(6) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall with an order renew the sanction of art. 69, para 1 or of art. 69b, para 6 from the date of renewal of the activity according to the notification of para 5.

(7) (suppl. - SG 32/12, in force from 24.04.2012) If the sanctioned person does not notify the body issued the order of para 3 about the renewal of the activity and after check by the control bodies of the Ministry of Environment and Waters it is established that the activity has been renewed the Minister of Environment and Waters or an official authorized by him/her based on an inspection certificate and issued report on findings shall impose with a punitive decree sanction for the period from the stopping of the sanction of para 3 till the date of the check by the control bodies of the Ministry of Environment and Waters.

(8) The sanction of para 7 shall be imposed in triple extent of the stopped under para 3 initial sanction.

(9) In the cases of para 7 the body issued the order of para 3 shall renew the sanction from the date of the check of the control bodies of the Ministry of Environment and Waters.

(10) At renewal of the activity the sanctioned person may file motivated application for revoking or reduction of the sanction subject to renewal to the body issued the order of para 3.

(11) The reduction or the revoking of the sanction subject to renewal shall be implemented by the order of art. 69b.

(12) The Minister of Environment and Waters shall approve with an order model of the fact finding record of para 2.

(13) (amend. – SG 103/09) The order for stopping and renewal of a sanction upon damage or pollution of environment above the admissible norms and/or at not observing of the determined emission norms and restrictions shall be provided with the ordinance of art. 69, para 8.

Art. 70. (amend. SG 77/05; revoked – SG 103/09)

Art. 71. (1) (prev. Art. 71 – SG 52/08) The Ministry of Environment and Waters shall collect fees for the issuing of decisions about EIA, permissions, statements, licenses and registration.

(2) (new – SG 52/08; amend. – SG 61/10) Permits or permissions shall not be issued to individuals who have financial liabilities to the state or to the municipality pursuant to Art. 162, par. 2 of the Code of Tax Insurance Procedure, identified by an enforced act of a competent body, or liabilities to the Enterprise for environmental protection activities management, determined by special environmental laws.

Art. 72. The order for determining and collecting of fees by art. 71 shall be determined by a tariff approved by the Council of Ministers.

Art. 72a. (new – SG 77/05) (1) (suppl. – SG 89/07; amend. – SG 12/09, in force from 01.01.2010) The fines and sanctions not paid in time under this Act, the Waters Act, the Act of Soils, the

Waste Management Act, the Medical Plants Act, the Protected Areas Act, the Ambient Air Quality Act, the Underground Resources Act, the Biological Diversity Act and the Act On Protection Against The Harmful Impact Of The Chemical Substances And Mixtures shall be collected together with the interests for the sanctions and the expenses by the National Revenue Agency by the order of the Code of Tax Insurance Procedure.

(2) (amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall issue act for establishing of public state taking under para 1.

Art. 73. (amend. SG 15/13, in force from 01.01.2014) Resources shall be determined from the state budget for fulfilment of priority ecological projects and activities, included in the national ecological strategies and programmes, every year upon proposal by the Minister of Environment and Waters, co-ordinated with the Minister of Finance.

Art. 74. Resources shall be determined for fulfilment of priority ecological projects and activities, included in the municipal programmes for protection of environment, upon proposal by the mayor of the municipality with the approval of the municipal budget.

Chapter five.
STRATEGIES AND PROGRAMMES FOR ENVIRONMENT

Art. 75. (1) The national strategy for environment and the municipal programmes for environment shall be means for achievement of the objectives of the law and they shall be developed in compliance with the environmental protection principles under of art. 3.

(2) (amend. SG 88/05; amend. – SG 36/08; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.200908; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 58/17, in force from 18.07.2017) The Minister of Environment and Waters shall, in co-ordination with the Minister of Health, the Minister of Regional Development and Public Works, the Minister of Transport, Information Technology and Communications, the Minister of Agriculture, Foods and Forestry and the other interested ministers and chiefs of state agencies, develop the National strategy for environment and submit it for approval to the Council of Ministers.

(3) In the process of development and public discussion the National strategy for environment shall participate also representatives of the scientific circles and non government ecological and branch organisations.

(4) The Council of Ministers shall submit to the National Assembly for approval the National strategy for environment and after this publish it.

Art. 76. (1) The National strategy for environment shall be developed for a period of 10 years and it shall contain:

1. analysis of the status of environment with components, of the factors, influencing them, of the tendencies, the reasons and the sources of pollution and damaging of environment in sectors of the national economy as well as the institutional framework, the administrative and the economic means for implementation of the policy;

2. assessment of the opportunities and the restrictions in international and internal aspect;

3. objectives and priorities;

4. means for achieving of the objectives;

5. variants for realisation of the strategy with assessment of the possible positive and negative impacts and consequences in international and internal aspect;

6. five year action plan with concrete institutional, organisational and investment measures, terms, responsible institutions, necessary resources and sources of financing;

7. scheme of organisation, monitoring and accounting of the fulfilment of the action plan, for assessment of the results, for undertaking of correction activities if necessary;

8. others.

(2) Basic criteria for determining the priorities of the National strategy for environment shall be:

1. observing of the principle for sustainable development;

2. prevention and reduction of the risk for human health and environment;

3. prevention and reduction of the risk for the biological diversity;

4. reduction of the harmful consequences on the components of environment as result of natural processes and phenomena;

5. optimal use of natural resources and energy.

(3) The Minister of Environment and Waters shall submit to the Council of Ministers account of the fulfilment of the action plan of para 1, item 6.

(4) The amendments, the supplements and the updating of the National strategy for environment and the five year plans shall be approved by the National Assembly upon proposal by the Council of Ministers.

Art. 77. National plans and programmes for components of environment and factors, influencing them, shall be developed on the basis of the principles, the objectives and the priorities of the National strategy for environment and in compliance with the requirements of the special environmental laws.

Art. 77a. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 78. The plans and the programmes for regional development, for development of economy or separate sectors of it at national and regional level shall ensure integrated environmental protection in compliance with the principles and the objectives of the law and the National strategy for environment.

Art. 79. (1) The mayors of municipalities shall develop environmental protection programmes for the respective municipality in compliance with instructions by the Minister of Environment and Waters.

(2) The programmes of para 1 shall cover a period for fulfilment not less than 3 years.

(3) The territorial administrative units of the respective ministries and state agencies, which collect and dispose with information about environment, shall support the development of the programmes by participation of their experts and conceding of information. At the development, the supplement and the updating of the programmes shall be attracted also representatives of non government organisations, of companies and branch organisations.

(4) The programmes shall be approved by the municipal councils, who shall control their fulfilment.

(5) The mayor of the municipality shall submit every year to the municipal council account of the fulfilment of the programme for environment, and if necessary – also proposals for its supplement

and updating.

(6) The accounts of para 5 shall be presented for information to RIEW.

Art. 80. Projects of the municipalities can be financed by the state budget or national funds only if they have been supported as priority in the municipal programmes for environment.

Chapter six.
ECOLOGICAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

Section I.
General provisions

Art. 81. (1) (suppl. – SG 47/09, in force from 23.06.2009) Ecological assessment and environmental impact assessment shall be implemented for plans, programmes and investment proposals for construction, activities and technologies or their changes or extensions, upon which implementation are possible significant impacts over environment as follows:

1. (suppl. SG 77/05) ecological assessment shall be implemented for plans and programmes, which are in process of preparation and/or approval by central and territorial bodies of the executive power, bodies of the local government and the National Assembly;

2. environmental impact assessment shall be implemented for investment proposals for construction, activities and technologies according to appendices No 1 and 2.

(2) The ecological assessment and EIA is aimed at integration of the predictions with regard to environment in the process of development as a whole and the introduction of the principle of sustainable development in compliance with art. 3 and 9.

(3) ecological assessment of plans and programmes shall be implemented simultaneously with their preparation, taking into consideration their objectives, the territorial scope and the degree of detail, so that to be identified, described and assessed in appropriate way the possible impacts of the application of the investment proposals, included in these plans and programmes.

(4) (new – SG 77/05) plans and programs developed only for the objectives of the national defence or the civil protection as well as financial plans and budgets with independent significance shall not be subject to ecological assessment.

(5) (prev. (4) – SG 77/05, amend. – SG 12/17) For the plans, programs and investment proposals or amendments and extensions thereto within the scope of assessments under par. 1 shall also be performed an assessment of the compatibility under the order of Art. 31 of the Biological Diversity Act.

(6) (prev. (5), amend. SG 77/05, amend. – SG 12/17) Implementing of EIA of investment proposals for construction, activities and technologies according to appendices No 1 and 2, of parts of investment proposals where they are only for the purpose of national defense, or of investment proposals following natural events within the meaning of § 1, item 1 of the additional provisions of the Disaster Protection Act shall be assessed for each individual case. Decision not to carry out an EIA shall be motivated by a decision of the Council of Ministers upon a reasoned proposal of the Minister of Environment and Waters and the respective competent authority under a special act, taking into account the expected adverse impact that an EIA would have on the purposes of national defense or in responding to natural phenomena.

(7) (prev. (6) – SG 77/05, amend. – SG 12/17) With the exception of the cases of Art. 98, the EIA procedure of investment proposals may exceptionally be omitted – upon suggestion of the competent authority where proposals are approved by a procedure involving similar assessment and

where public access to the information is ensured. In the suggestion for exemption shall be taken into account the expected adverse impact that an EIA would have on the objectives of the investment proposal.

(8) (new - SG 12/17) In the cases under para. 7:

1. the competent authority shall reason whether another similar assessment is appropriate;

2. the competent authority shall provide the public concerned with the information obtained through the assessment under item 1, as well as information on the decision to grant exemption and on the reasons and motives for the exemption;

3. prior to giving consent, the Minister of Environment and Waters shall inform the European Commission of the reasons justifying the exemption and shall provide the information under item 2.

Art. 82. (1) The assessment of art. 81, para 1, item 1 shall be combined entirely with the procedures for preparation and approval of plans and programmes in effect.

(2) (amend. SG 77/05; amend. - SG 32/12, in force from 24.04.2012) The assessment of art. 81, para 1, item 2 shall be combined with the procedures of preparation and approval of the investment proposal following the provisions of a special law.

(3) (suppl. SG 77/05; amend. - SG 32/12, in force from 24.04.2012) When for implementation of the investment proposal must be developed also other auxiliary or supporting activities, they shall also be included in the required assessment, regardless whether they fall into the scope of Attachments No. 1 or 2 individually. If the auxiliary or supporting activities individually as investment proposals are subject to EIA, all assessment shall be combined and a single integrated procedure shall be conducted.

(4) (amend. - SG 32/12, in force from 24.04.2012; amend. SG 27/13) The environmental assessment of plans and programmes shall be finalized with a statement or a decision of the competent body under Art. 84, par. 1. The entered into force statement or decision is an obligatory condition for the subsequent approval of the plan or of the program. The bodies, responsible for approval and implementation of the plan or the programme, shall comply with the statement or the decision and with the terms and conditions, measures and restrictions contained therein.

(5) (amend. SG 77/05; amend. - SG 32/12, in force from 24.04.2012; amend. SG 27/13) The assessment of investment proposals shall be finalized with a decision of the competent body of art. 93, para 2 or 3 or art. 94, which may contain terms and conditions, measures and restrictions, which are obligatory for the contracting authority. The entered into force decision shall be a compulsory condition for the approval/permission of the following the provisions of a special law. The approving/permitting body shall comply with the nature of the decision, shall consider the conditions, measures and restrictions set out therein, whereby the decision shall be an attachment, which is an integral part of the administrative act for approval/permission, required for the implementation of the investment proposal.

(6) (new - SG 32/12, in force from 24.04.2012) The EIA or environmental assessment procedures having been started, may be terminated at any stage, where inadmissibility of the respective investment project, plan or program has been identified, and also in cases referred to in the ordinances under Art. 90, par. 1 an Art. 101, par. 1.

Art. 83. (amend. SG 77/05; amend. – SG 103/09) (1) The assessments of art. 81, para 1 shall be assigned by the assignor or the plan or of the program or by the assignor of the proposal under Art. 81, par. 1, item 2 to a team of experts with a team leader.

(2) The team leader and team members of par. 1 may be Bulgarian and foreign natural persons, having educational and qualification Master degree.

(3) (suppl. – SG 46/10, in force from 18.06.2010) In the course of consultations for the procedure of Assessment of Environmental Impact (AEI) the competent environmental body or an

official authorised by him may at its discretion or upon request recommend to the assignor the team under par. 1 to include experts of particular competency, in consideration of the investment proposal specific or its location.

(4) The members of the team and the team leader under par. 1 must declare in writing that:

1. they are not personally interested in the realization of the respective investment proposal, plan or program;

2. they are aware of the requirements of the applicable Bulgarian and European environment-related legal acts and in their work on the assessments of Art. 81, par. 1 they refer to and take into consideration these requirements and the applicable methodological documents; the requirements to the declarations shall be determined by the ordinances under Art. 90, par. 1 and Art. 101, par. 1.

(5) The members of the team and the team leader, having prepared the assessments under Art. 81, par. 1, shall issue a conclusion, following the principles of prevention of the risk for humans' health and provision of sustainable development according to the environmental quality standards applicable in the country.

Section II.
Ecological assessment of plans and programmes

Art. 84. (1) (suppl. – SG 32/12, in force from 24.04.2012) The Minister of Environment and Waters or the director of the respective RIEW shall be the competent body for issuing of statement or a decision about ecological assessment of plans and programmes according to art. 82, para 4.

(2) (amend. – SG 103/09; amend. – SG 32/12, in force from 24.04.2012) The statement or the decision of para 1 shall be issued upon accomplishment of the required procedure and shall be based on the entire documentation, prepared or required in the course of the conducted procedure, including at the time of reporting of results of public consultations.

Art. 85. (1) (amend. SG 77/05; amend. - SG 41/07) The ecological assessment shall be obligatory for plans and programmes in the fields agriculture, forestry, fisheries, transport, power generation, waste management, water resources management and industry, including production of underground resources, electronic communications, tourism, development planning and land use, when these plans and programs outline the framework for the future development of investment proposals of appendices No 1 and 2.

(2) (amend. SG 77/05, amend. and suppl. – SG, 62/2015, in force from 14.08..2015) Plans and programmes of para 1 at local level for small territories and changes of plans and programmes of para 1 shall be assessed only when at their application are expected significant impacts over environment.

(3) revoked – SG 77/05

(4) (amend. SG 77/05) The Minister of Environment and Waters or the director of the respective RIEW shall assess with decision the need for the ecological assessment for proposed plan and programme or about their change according to the procedure, determined with the ordinance of art. 90, according to the following criteria for determining their significance and impact:

1. the characteristics of the plans and the programmes with regard to:

a) the degree, to which the plan or the programme determines the framework for investment proposals and other activities according to their location, character, scale and exploitation conditions or according to their estimates for distribution of the resources;

b) (amend. – SG 52/08) significance of the plan or the program for the integration of the ecological considerations, especially with regard to promotion of a sustainable development;

c) (new – SG 52/08) environmental problems of an importance for the plan or the program;

d) (new – SG 52/08) the importance of the plan or the program for the implementation of the community environmental laws;

2. (amend. – SG 52/08) the characteristics of the consequences and in the territory, which might be possibly affected with regard to: feasibility, duration, frequency, reversibility and cumulative character of the expected impacts; potential cross-border impact, potential effect and risk for human health or for environment, including due to accidents, extent and spatial scope of the consequences (geographical region and number of residents, which might possibly be affected), value and vulnerability of the affected territory (as a consequence of specific natural characteristics or cultural and historical heritage; exceeding environmental quality standards or allowable norms, intensive land usage) ; impact on regions or landscapes of a recognized national, communal or international status and protection;

3. (suppl. – SG 52/08) the extent, to which the plan or the programme influences other plans and programmes, including those in a given hierarchy.

(5) (amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) motivated decision of para 4 shall be issued within 30 days after the submitting of request by the assignor of the plan or the programme depending on the specific characteristics and their complexity and it shall be announced publicly.

(6) (new – SG 77/05) The plans and the programs for which the implementing of ecological assessment is obligatory and for which is assessed the need of ecological assessment shall be determined with the ordinance of art. 90.

Art. 86. (1) (amend. SG 77/05; amend. – SG 103/09; amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) The preparation of environmental assessment shall be assigned by the contracting authority of the plan or the program under the conditions and by the order of art. 83.

(2) The report about the ecological assessment shall include information, corresponding to the degree of detail of the plan and the programme and to the used methods for assessment.

(3) The report about ecological assessment shall obligatory contain:

1. (suppl. – SG 52/08) description of the content of the basic objectives of the plan or the programme and their connection with other relevant plans and programmes;

2. (suppl. SG 77/05; (amend. – SG 52/08) the respective aspects of the current environmental status and their possible development without the application of the plan or the programme;

3. (amend. – SG 52/08) the characteristics of environment for territories, which will be possibly significantly affected;

4. (suppl. – SG 52/08) the existing ecological problems, established at different level, having relation to the plan or the programme, including these, referring to regions with particular ecological significance, such as protected areas as per the Biological Diversity Act;

5. the objectives of environmental protection at national and international level, having reference to the plan and the programme, and the way in which these objectives and all ecological considerations are taken into account during the preparation of the plan or the programme;

6. (suppl. SG 77/05; amend. – SG 52/08) probable significant impacts over environment, including the biological diversity, population, human health, flora, fauna, soils, waters, air, climate factors, tangible assets, cultural and historical heritage, including architectural and archaeological heritage, landscape and the links between them; these impacts must include secondary, cumulative, simultaneous, short-term, medium-term and long-term, permanent and provisional, positive and negative consequences;

7. (amend. – SG 52/08) the measures, which are provided for prevention, reduction and the most comprehensive possible compensation of the unfavourable consequences of the implementation of

the plan or the programme over the environment;

8. (amend. – SG 52/08) a description of the motives for selection of the considered alternatives and of the methods for accomplishing of ecological assessment, including the difficulties for collecting the information, necessary for this, such as technical disadvantages and lack of know-how;

9. description of the necessary measures in connection with the monitoring during the application of the plan or the programme;

10. not technical resume of the ecological assessment.

(4) (new – SG 77/05) Observing para 1, 2 and 3 ecological assessment shall not be assigned as independent report when by the order of special law similar assessment to be part of the plan or the program as well as when the plan or the program is worked out and/or approved by the bodies of art. 84, para 1.

Art. 87. (1) The assignor of the plan or the programme shall:

1. (amend. – SG 103/09) ensure the necessary support for the experts under Art. 83, par. 1 for carrying out consultations with the interested and the affected bodies, especially with these, responsible for the preparation and the application of the plan or the programme, which are subject of the ecological assessment;

2. organise consultations with the public and with interested persons, affected by the application of the plan or the programme;

3. send a copy of the plan or the programme and of the report of art. 86, para 2 to each state, for which there is probability to be affected by the application of the plan or the programme, which are subject to ecological assessment;

4. organise consultations with the state, for which there is probability to be affected.

(2) The results of the consultations shall be reflected in the report about ecological assessment and they shall be taken into account in the statement of the Minister of Environment and Waters or the director of the respective RIEW.

Art. 88. (1) (amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) The statement on the environmental assessment or the decision, by which it has been deemed not to carry out environmental assessment, must obligatorily include justification of preferred alternative in terms of environment and the measures of art. 89. The statement on the environmental assessment or the decision may contain terms and conditions, measures and restrictions, which are obligatory for fulfillment.

(2) (suppl. SG 77/05; suppl. – SG 32/12, in force from 24.04.2012) Access shall be ensured to the statement or the decision of para 1 for the public, the affected and the interested parties and each state for which there is probability to be affected by the application of the plan or the programme by order defined with the ordinance of art. 90, para 1.

(3) (new – SG, 62/2015, in force from 14.8.2015) The interested parties may appeal the opinion or the decision under Para. 1 under the Administrative – procedure Code within 14 day term from its announcement.

(4) (New - SG 76/17) Final shall be the decisions of the first instance court on appeals against statements and decisions under Para. 1 regarding the realization of sites designated as sites of national significance by an act of the Council of Ministers and are also sites of strategic importance.

(5) (New - SG 76/17) The court shall consider the complaints under Para. 4 and shall rule with a decision, where the proceedings shall be concluded within 6 months from the submission thereof. The court shall announce its decision within one month of the session, in which the case was heard and closed.

(6) (new – SG, 62/2015, in force from 14.8.2015, prev. Para. 4 - SG 76/17) The opinion or

decision under Para. 1 shall lose its legal force if within 5 years from its enforcement the relevant plan or programme has not been approved, which shall be established by a check of the competent environmental body.

(7) (new - SG 12/17, prev. Para. 5 - SG 76/17) In case of change in the contracting authority and/or prior to modifying the plan or program, the contracting authority, respectively the new one, shall promptly notify the competent environmental authority.

Art. 89. (suppl. – SG 46/10, in force from 18.06.2010) The measures for monitoring and control at the application of the plan or the programme shall be co-ordinated between the Minister of Environment and Waters or an official authorised by him or the director of the respective RIEW and the body, responsible for the application of the plan or the programme.

Art. 90. (1) (amend. SG 77/05) The conditions and the order for implementing of ecological assessment shall be determined with an ordinance by the Council of Ministers.

(2) In the ordinance of para 1 shall be determined also the requirements to:

1. (amend. SG 77/05) the assessment of the need and the scope of the ecological assessment of the possible impacts from the application of the plan or the programme as well as to the way of public announcement of the decision of art. 85, para 4;

2. the obligations of the bodies, assigning or applying the plan or the programme, which are subject to ecological assessment;

3. the scope, the contents and the form of the report about the ecological assessment;

4. the terms, the conditions and the order for implementing of consultations with the public and with third persons, for which there is probability to be affected by the plan or the programme;

5. (suppl. – SG 32/12, in force from 24.04.2012) the form and the contents of the assessment decision and of the statement of the Minister of Environment and Waters or the director of the respective RIEW;

6. the conditions for including of the results of the consultations of item 4 in the statement of the Minister of Environment and Waters or the director of the respective RIEW;

7. (amend. – SG 32/12, in force from 24.04.2012) the monitoring and the control of the fulfilment of the conditions, measures and restrictions, determined in the assessment decision or in the statement of the Minister of Environment and Waters or of the director of the respective RIEW in the process of application of the plan or the programme;

8. the monitoring and the control of the impact over the environment at application of the plan or the programme with objective to be undertaken measures for prevention or reduction of ecological damages as result of this application;

9. (new – SG 32/12, in force from 24.04.2012) the content and maintenance of the register with information about environmental assessment procedures as a part of the register under Art. 102.

Art. 91. (1) The ecological assessment of the plan or the programme shall be implemented independently from EIA under section III of this chapter.

(2) (new – SG 77/05) When for an investment proposal included in appendix No 1 or No 2 is required also the working out of independent plan or program of art. 85, para 1 and 2 the competent body for environment may upon requirement of the assignor or upon own discretion admit the implementing of only one of the assessments of chapter six.

(3) (prev. (2) – SG 77/05) The collected information, the analyses made at the preparation of the ecological assessment of plans and programmes and the statement of the Minister of Environment

and Waters or the director of the respective RIEW shall be used at working out of the reports and decreeing of the decision about EIA for investment proposals of appendices No 1 and 2.

Section III.
Assessment of the environmental impact of investment proposals

Art. 92. Assessment of the environmental impact shall obligatory be made for:

1. the investment proposals for construction, activities and technologies according to appendix No 1;

2. (suppl. – SG 47/09, in force from 23.06.2009) the investment proposals for construction, activities and technologies with cross-border impact on environment according to appendix No 1 of art. 2 of the Convention for environmental impact assessment in cross-border context, made in Espo (Finland) on 25 February 1991, ratified by an Act (SG 28/95) (prom. SG 86/99; corr. SG 89/99).

Art. 93. (1) (amend. – SG 77/05; amend. – SG 47/09, in force from 23.06.09) The need for implementing of EIA shall be assessed for:

1. investment proposals according to appendix No 2;

2. each extension or change of investment projects according to appendix No 2, which have already been approved or are under a process of approval, have been accomplished or are in a process of implementation, if this extension or change may result in a considerable negative environmental impact;

3. each extension or change of investment proposals according to appendix No 1 of this Act and appendix No 1 to art. 2 of the Convention for environmental impact assessment in cross-border context, which have already been approved or are under a process of approval, have been accomplished or are in a process of implementation, if this extension or change may result in a considerable negative environmental impact;

4. investment proposals according to appendix No 1, developed exclusively or primarily for development and testing of new methods or products and not which are not going to be operative for more than two years;

5. (revoked – SG 32/12, in force from 24.04.2012).

(2) (amend. – SG 32/12, in force from 24.04.2012) The Minister of Environment and Waters shall assess the need to carry out EIA for each particular case according to the criteria of para 4 and shall pronounce a justified decision regarding:

1. the cases referred to in par. 1, item 4;

2. all cases of expected considerable environmental impact in the territory of another state or other states;

3. investment proposals, their additions or modifications, which are located in or affecting directly territory of reserves, national parks and maintained reserves – protected territories subject to compliance with the Protected Areas Act;

4. investment proposals, their additions or modifications, which are determined as projects of national importance by an act of the Council of Ministers.

5 (new – SG, 62/2015, in force from 14.8.2015) investment proposals, their extensions or amendments, referring the territory, controlled by 2 or more RIEW.

(3) (amend. – SG 32/12, in force from 24.04.2012) The necessity for implementing of EIA of para 1, items 1 - 3, shall be assessed by the director of the respective RIEW for each concrete case and according to the criteria of para 4, who shall pronounce a motivated decision.

(4) (amend. - SG 12/17) The need to carry out an EIA under par. 1 shall be judged based on:

1. the following characteristics of the investment proposal:

a) size, affected area, parameters, scalability, capacity, performance, scope, presentation of the investment proposal in its entirety;

b) interconnection and cumulation with other existing and/or approved investment proposals;

c) use of natural resources, subsoil, soil, waters and biodiversity;

d) waste generation;

e) pollution and harmful effects;

f) the risk of major accidents and/or disasters which are associated with the investment proposal, including caused by climate change, in accordance with scientific knowledge;

g) the risks to human health due to adverse affect on factors of the living environment within the meaning of § 1, item 12 of the Additional Provisions of the Health Act;

2. the location of the investment proposal which may have a negative impact on the sensitive ecological characteristics of the geographical areas, therefore, these features should be taken into account, and in particular:

a) an existing and approved land use;

b) the relative abundance, accessibility, quality and regenerative capacity of natural resources (including soil, subsoil, water and biodiversity) in the region and its subsoil;

c) the absorption capacity of the natural environment, taking into account: wetlands, riparian areas, river mouths; coastal areas and marine environment; mountain and forest areas; legally protected areas; affected elements of the National Ecological Network; areas related to the investment proposal, in which the norms for environmental quality are violated or it is believed that there is a likelihood for that; densely populated areas; landscape and sites of historical, cultural or archaeological value; areas and/or areas and sites with a specific health status or subject to health protection;

3. the type and characteristics of the potential impact on the environment, taking into account the likely significant environmental effects in relation to the criteria under items 1 and 2 regarding the impact of the investment proposal on the elements of Art. 95, para. 4 in view of:

a) the extent and spatial scope of the impact (such as geographical area and number of population likely to be affected);

b) the nature of the impact;

c) the cross-border nature of the impact;

d) the intensity and complexity of the impact;

e) the likelihood of impact;

f) the expected onset, duration, frequency and reversibility of the impact;

g) combining with the effects of other existing and/or approved investment proposals;

h) the ability to effectively reduce impacts;

4. the public interest towards the project.

(5) (new - SG 12/17) In order to gauge the need for an EIA for the cases under para. 1, in complying with the criteria under para. 4, the Contracting Authority of the investment proposal shall:

1. provide information about the characteristics of the investment proposal and about the likely significant effects from it for the environment and human health;

2. provide a description of the investment proposal which includes in particular:

a) a description of the physical characteristics of the investment proposal in its entirety and, where applicable, the activities to do with demolition and destruction;

b) a description of the location of the investment proposal, especially in view of the environmental sensitivity of the geographical areas likely to be affected;

c) a description of the aspects of the environment likely to be significantly affected by the investment proposal;

d) as far as information is available: a description of any likely significant effects of the investment proposal on the environment and human health arising from: the expected residues and emissions, as well as from waste generated; use of natural resources, soil, subsoil, waters and

biodiversity;

3. where applicable, consider the available results from other relevant assessments of the environmental impact carried out pursuant to a special act;

4. provide a description of the characteristics of the investment proposal and/or of the planned measures to avoid or prevent the likely significant adverse effects on the environment and human health.

(6) (amend. - SG 77/05, prev. para. 5 - SG 12/17) The bodies of para. 2 and 3 shall rule on the need for EIA within one month of submission of the request by the Contracting Authority of the proposal of Art. 81, para. 1, item 2 by publicly announcing the reasons for their decision.

7. (new - SG 32/12, in force from 24.04.2012, prev. para. 6 - SG 12/17). In case of change of the Contracting Authority, of the parameters of the investment proposal or of any of the circumstances, in which a decision has been issued to assess the need for an EIA, the Contracting Authority or the new Contracting Authority shall promptly notify the competent environmental authority.

(8) (new - SG 53/12, in force from 13.07.2012, prev. para. 7 - SG 12/17) The decision not to carry out an EIA shall lose legal effect, if within 5 years from the date of its publication, implementation of the investment proposal has not begun, as determined by an inspection of the environmental authorities.

(9) (new - SG 12/17) For investment proposals may be carried out a mandatory EIA without an assessment:

1. at the request of the Contracting Authority;

2. in the presence of a circumstance of Art. 31, para. 8 of the Biological Diversity Act;

3. in the cases of Art. 156f, para. 3 of the Waters Act.

(10) (New - SG 76/17) The decisions under Para. 6 shall be subject to appeal under the Administrative Procedure Code. The decisions of the first instance court on appeals against decisions of the Minister of Environment and Waters on investment proposals, their extensions or amendments which are defined as sites of national significance by an act of the Council of Ministers and which are sites of strategic importance, shall be final.

(11) (New - SG 76/17) The court shall consider the complaints under Para. 10, second sentence, and shall pronounce by a decision, whereby the proceedings shall be concluded within 6 months from their submission. The court shall announce its decision within one month of the session, in which the case was closed.

Art. 94. (amend. – SG 32/12, in force from 24.04.2012) (1) The Minister of Environment and Waters is the competent body to take a decision on EIA for investment proposals, additions or modifications:

1. concerning reserves, national parks and maintained reserves – protected territories according to the provisions of the Protected Areas Act;

2. concerning a territory, monitored by two or more RIEW;

3. in cases of assessment of the need of carrying out EIA under Art. 93, par. 2;

4. in cases referred to in Art. 98, par. 1;

5. which are not determined as projects of national importance by an act of the Council of Ministers;

6. for boreholes for prospecting and extraction of non-conventional hydrocarbons, including schist gas.

7. (new - SG 12/17) in the cases where the Director of RIEW is the Contracting Authority.

(2) (amend. - SG 12/17) The director of the respective RIEW is the competent body for taking a decision for EIA for investment proposals, amendments and extensions outside the cases of Para. 1, as well as where the Minister of Environment and Waters is the Contracting Authority.

(3) (new - SG 12/17) For persons involved in the EIA procedure shall apply the Act On

Prevention And Findings Of Conflict Of Interests.

Art. 95. (1) (amend. SG 77/05, amend. - SG 12/17) The Contracting Authority of the investment proposal shall inform in writing at the earliest stage of its investment proposal the competent authority and the concerned community by announcing the proposal on its website, if any, and through the mass media and/or other appropriate means. The Contracting Authority shall notify in writing the mayor of the respective municipality, district and town hall, which in their turn shall announce the investment proposal on their website.

(2) (new – SG 77/05) The investor shall ensure working out of terms of reference for scope and content of EIA for the investment proposals from appendix No 1 and for these for which with a decision has been assessed EIA to be implemented.

(3) (prev. (2) – SG 77/05; suppl. - SG 46/10, in force from 18.06.2010) The investor shall carry out consultations with the competent bodies for taking decision on EIA or officials authorised by them with other specialised departments and the affected public with regard to:

1. the specific characteristics of the offered construction, activities and technologies, degree of development of the design solution and its mutual relation with existing or other planned construction, activities and technologies;

2. the characteristics of the existing environment and all its components;

3. the importance of the expected impacts;

4. the terms of reference for scope and contents of EIA;

5. the limits of the investigation in connection with EIA;

6. the alternatives for investment proposals;

7. the affected public – interests and opinions;

8. the sources of information;

9. the methods for prognoses and environmental impact assessment;

10. measures for reduction of the expected negative impacts on environment.

(4) (new - SG 12/17) The evaluation of the environmental Impact shall identify, describe and assess in an appropriate manner, according to the specifics of each case, the direct and indirect significant effects of the investment proposal on:

1. the population and human health;

2. biodiversity by paying particular attention to species and habitats - subject to conservation of protected areas of the National Ecological Network;

3. subsoil, soil, water, air and climate;

4. the tangible assets, cultural heritage and landscapes;

5. the interaction between the elements under item 1-4.

(5) (new - SG 12/17) Impacts on the elements under item 4 shall include the expected effects resulting from the vulnerability of the investment proposal of the risk of major accidents and/or disasters that are relevant to the investment proposal.

Art. 96. (1) (amend. – SG 32/12, in force from 24.04.2012, amend. - SG 12/17) The Contracting Authority of the proposal of Art. 81, para. 1, item 2 shall prepare and submit to the competent authority for quality assessment an EIA report which shall contain at least the following:

1. a detailed characterization of the investment proposal comprising information on the size, affected area, parameters, scale, volume, performance, range, presentation of the investment proposal in its entirety; the detailed characterization of the investment proposal shall include:

a) a description of the location of the investment proposal;

b) a description of the physical characteristics of the investment proposal in its entirety and, if applicable, the necessary activities to do with demolition and destruction, as well as requirements on the use of waters and earth resources – at the stage of construction and operation;

c) a description of the main characteristics of the operational phase of the investment proposal (all processes and activities), for example energy needs and energy used, the nature and quantity of used materials and natural resources (including water, subsoil, soil and biodiversity);

d) an evaluation by type and quantity of the expected residues and emissions (such as pollution of water, air, soil and subsoil, noise, vibration, non-ionizing radiation, radiation) and the quantities and types of waste generated during the construction phase and the stage of operation;

2. a description of reasonable alternatives (for example, in respect of the activities, technology, location, size and scale), studied by the Contracting Authority, which are relevant to the investment proposal and its specific characteristics, and justification for the selected option, taking into account the consequences the effects of the investment proposal have on the environment;

3. a description of the relevant aspects of the current state of the environment (baseline scenario) and a summary of their likely evolution, if the investment proposal is not implemented, as far as natural changes from baseline scenario may be estimated based on the availability of environmental information and scientific knowledge;

4. a description of the elements of Art. 95, para. 4 which are likely to be significantly affected by the investment proposal: the population, human health, biodiversity (e.g. fauna and flora), soil (e.g. organic matter, erosion, compaction, sealing), water (e.g. hydro-morphological changes, quantity and quality) the air, the climate (e.g., greenhouse gas emissions, impacts related to adaptation), material assets, cultural heritage including architectural and archaeological aspects and the landscape; description of the likely significant effects on the elements of Art. 95, para. 4 shall cover the direct effects and any indirect, secondary, cumulative, cross-border, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the investment proposal and it shall be taken into account the objectives on environmental protection which are relevant to the investment proposal;

5. a description of the likely significant effects of the impacts of the investment proposal on the environment resulting from:

a) the construction and operation of the investment proposal, including from the activities of knocking down, demolition and decommissioning, if applicable;

b) the use of natural resources, in particular subsoil, soil, waters and biodiversity, taking into account as far as possible the sustainable availability of those resources;

c) the emissions of pollutants, noise, vibration, radiation and non-ionizing radiation; the occurrence of adverse effects and the disposal of and recovery of waste;

d) the risks to human health, cultural heritage or the environment, including as a result of accidents or catastrophes;

e) combining the impact with the impact of other existing and/or approved investment proposals, taking into account all existing environmental problems associated with areas of particular environmental importance likely to be affected, or relating to the use of natural resources;

f) the impact of the investment proposal on the climate (e.g. the nature and extent of greenhouse gas emission) and the vulnerability of the investment proposal to climate change;

g) the technologies and materials used;

6. a description of the forecast methods and data used for the determination and the evaluation of significant environmental impacts, including details of the difficulties (such as technical deficiencies or lack of know-how), which the Contracting Authority of the investment proposal has encountered in collecting the necessary information, as well as of the main elements of uncertainty;

7. a description of the measures envisaged to avoid, prevent, reduce and, if possible, eliminate the established significant adverse effects on the environment and human health, and a description of the proposed monitoring measures (e.g. preparation of an analysis after the realization of the investment proposal) by giving explanations to what extent will be avoided, prevented, reduced or eliminated the significant adverse effects on the environment and human health; this description should cover both the stage of construction and the operational phase, and contain a plan for implementing the measures;

8. a description of the expected significant adverse impacts of the investment proposal on the environment and human health resulting from the vulnerability of the investment proposal to the risk of major accidents and/or disasters that are relevant to it; relevant information must be obtained through risk assessment; description shall include the applicable measures designed to prevent or mitigate any significant adverse effects of these events on the environment and human health, as well as details of the preparedness and proposed response to such emergencies;

9. views and opinions of the concerned public, the competent authority for taking decisions on the EIA or to officials authorized by them and other specialized agencies and interested countries - in a transboundary context resulting from the conducted consultations;

10. a conclusiion in accordance with Art. 83, para. 5;

11. a non-technical summary;

12. a description of the difficulties (technical reasons, insuffisiency of data or lack thereof) encountered while collecting information for preparing the EIA report;

13. other information - at the discretion of the competent authority or the official authorized thereby;

14. a reference list which enumerated in detail the sources used for the descriptions and assessments included in the report.

(2) (amend. - SG 77/05) The expenses for the EIA shall be borne by the ontracting Authority of the proposal under Art. 81, para. 1, item 2.

(3) (amend. - SG 77/05) The Cntracting Authority of the proposal of art. 81, para. 1 pt. 2 provides the necessary information for confucting the EIA, and any additional information relating to the investment proposal.

(4) Other bodies possessing information relevant to the conducted EIA shall be obliged to provide this information in accordance with Chapter Two.

(5) If available state, official or other secret information protected by law, it shall be provided in compliance with the confidentiality requirements of Art. 20.

(6) (amend. - SG 77/05, amend. - SG 103/09, amend. - SG 32/12, in force from 24.04.2012) The competent authority or an official authorized by him shall assess the quality of the EIA report according to the consultations held under Art. 95, para. 3 and the compliance with legal requirements on the environment within 30 days of submission of the report.

Art. 97. (1) (suppl. - SG 46/10, in force from 18.06.2010) After a positive assessment under art. 96, para 6 the investor shall organise together with the affected municipalities, mayoralties and regions, determined by the competent body or an official authorised by him, public discussions of the report about EIA.

(2) (new – SG 42/11) In order to organize the public discussions, the initiator shall file a written request to the authorities specified by the competent authorities referred to in Para 1, proposing a location, a date and an hour of the meeting/meetings for public discussions, the place for public access to the documentation and for expression of observations, provided that the date of the first meeting is not later than 60 days from the date of filing of the request. Attached to the written proposal shall be a copy of the EIA statement with all annexes thereto for each of the authorities under Para 1. The authorities determined under Para 1 shall confirm in writing the proposal within seven days from submission of the request or shall make an alternative proposal for the same sixty-day time limit, and upon failure of the authorities referred to in Para 1 to pronounce within the seven-day term, the proposal of the initiator shall be presumed to have been accepted.

(3) (prev. text of para 2 – SG 42/11) In the discussion of para 1 can participate all interested individuals and corporate bodies, in this number representatives of the competent body for taking decision about EIA, the territorial administration of the executive power, public organisations and

citizens.

(4) (prev. text of para 3, amend. – SG 42/11)The investor of the proposal of art. 81, para 1, item 2 shall inform the persons of para 3 about the place and the date of the discussion through the mass media or in another appropriate way at least 30 days before the meeting for public discussion.

(5) (suppl. SG 77/05; prev. text of para 4 – SG 42/11, amend. - SG 12/17) The Contrating Authority of the proposal of Art. 81, para. 1, item 2 shall provide public access to the EIA documentation at least 30 calendar days before the discussion under par. 1. The competent authorities under Art. 94, para. 1 and 2 or officials appointed by those shall provide public access to the EIA documentation at least 30 calendar days before the discussion under par. 1 through its website and a designated place on it.

(6) (prev. 5 - SG 42/11, amend. - SG 12/17) Members of the public shall submit their written comments prior to, during the meeting for public discussion or three days after the discussion at the latest by sending them to the Contractung Authority with a copy to the competent authority for deciding on the EIA.

Art. 98. (1) About investment proposals for construction, activities and technologies on the territory of the Republic of Bulgaria, expected to have significant impact on the environment on the territory of other state or states, the Minister of Environment and Waters shall:

1. notify the affected states at the possible earliest stage of the investment proposal, but not later than the date of notifying the own population;

2. upon consent for participation in the procedure for EIA concede to the affected state a description of the investment proposal and the possible information about eventual cross-border impact on environment, as well as information about the character of the decision, which is expected to be taken.

(2) In the cases of notification about expected significant impact on environment on the territory of the Republic of Bulgaria – result of proposed activity on the territory of other state, the Minister of Environment and Waters shall ensure:

1. public access to the conceded information about EIA;

2. the timely sending of all statements about the information of item 1 before taking of decisions by the competent body of the other state.

Art. 99. (1) For taking of decision the investor shall present to the competent body in 7 days term after the discussion of art. 97 its results, including the statements and the record of its carrying out.

(2) (amend. – SG 103/09) The competent body shall take decision about EIA within 45 days after the public discussion, accounting for its results.

(3) (amend. - SG 12/17) The decision about EIA shall contain:

1. the name of the body, issuing it;

2. the name of the investor, the residence/headquarters;

3. the legal and the factual grounds for taking the decision;

4. the characteristics of the investment proposal and the environmental conditions;

5. motives containing the reasoned conclusion of the competent authority on the significant impact of the investment proposal on the environment and human health, taking into account the results of evaluation of Art. 96, 97 and where applicable, under Art. 98, and its own additional evaluation;

6. regulatory part;

7. conditions for implementation, including measures to prevent, reduce and, if possible, remove the adverse effects on the environment and human health, implementation deadlines where necessary, and a plan for implementation of measures under Art. 96, para. 1, item 7;

8. the responsibility upon not fulfilment of the conditions, defined in the decision;

9. the authority and the deadline, within which it can be appealed;

10. date of issuing and signature.

(4) (suppl. SG 77/05; suppl. - SG 46/10, in force from 18.06.2010) In 7 days term after decreeing of the decision on EIA the competent body or an official authorised by him shall:

1. concede the decision to the investor of art. 81, para 1, item 2;

2. (amend. – SG 52/08) announce the decision on EIA through the central mass media, on its website and/or in another appropriate way.

(5) (suppl. SG 77/05; suppl. - SG 46/10, in force from 18.06.2010; suppl. – SG 32/12, in force from 24.04.2012) The competent body or an official authorised by him of para 1 shall ensure access to the contents of the decision on EIA after decreeing it, including the appendices to it, through its internet site and following the provisions of the Access to Public Information Act.

(6) (suppl. SG 77/05; amend. - SG 30/06, in force from 12.07.2006) The interested persons can appeal the decision on EIA by the order of the Administrative procedure code in 14 days term after the announcing of para 4.

(7) (New - SG 76/17) The decisions of the first instance court on appeals against decisions of the Minister of Environment and Waters on investment proposals, their extensions or amendments, which are defined as sites of national significance by an act of the Council of Ministers and which are sites of strategic importance, shall be final.

(8) (New - SG 76/17) The court shall consider the complaints under Para. 7 and shall rule by a decision, whereby the proceedings shall be concluded within 6 months from submission of complaints. The court shall announce its decision within one month of the session, in which the case was closed.

(9) (New - SG 77/05, revoked - SG 32/12, in force from 24.04.2012)

(10) (suppl. SG 77/05, amend. - SG 12/17, prev. Para. 7 - SG 76/17) Where there is change of Contrating Authority, of parameters of the investment proposal or of any of the circumstances, under which the EIA decision was issued, the Contrating Authority or the new Contrating Authority shall promptly notify the competent environmental authority.

(11) (amend. SG 77/05, prev. Para. 8 - SG 76/17) The decision about EIA shall lose legal effect if in 5 years term from the date if issuing it the implementation of the investment proposal has not started which shall be established with check of the control bodies for environment.

Art. 99a. (new - SG 105/08) (1) (suppl. – SG 32/12, in force from 24.04.2012) In the cases under Art. 118, Para 2 the implementation of the best available practices (BAP) shall be determined by an assessment of:

1. the consumption (quantity and type) of water, energy and basic resources for manufacturing of a production unit;

2. the use of hazardous substances for the manufacturing of a production unit;

3. the quantity and type of harmful substances released in the atmosphere (including parameters of the releasing equipment), in waste water and water sites (including the spots of discharge);

4. the quantity and type of the manufacturing and/or harmful waste produced during the manufacturing activity.

(2) The assessment under Para 1 shall be presented by the assignor of the investment proposal as part of the required documentation as follows:

1. in case of procedure for determining the need of EIA - to the information determined in the ordinance referred to in Art. 101;

2. in case of EIA procedure - to the EIA report referred to in rt. 96, Para 1.

(3) (amend. – SG 32/12, in force from 24.04.2012) On grounds of the assessment under Para 1 and the opinions and proposals received in the course of the EIA procedure, in the decision under Art.

93, Para 2 and 3, respectively in the decision under Art. 99, Para 3 shall be included reasons for approving or disapproving the implementation of BAP and shall be specified requirements to the facilities, equipment and technologies.

(4) (amend. – SG 32/12, in force from 24.04.2012) In case of disapproval of the implementation of BAP, in the decision under Art. 93, Para 2 and 3, respectively in the decision under Art. 99, Para 3 shall be specified a requirement for filing an application for granting a complex permission in compliance with Art. 118, Para 1.

Art. 99b. (new – SG, 62/2015, in force from 14.8.2015) (1) Approval of investment proposal under this Chapter for building up a new and planned changes or extension in an existing undertaking/facility with low or high risk potential shall be carried our on the basis of additions information and assessment of:

1. the type and quantity of the hazardous substances of Annex N 3, which sill be present in the undertaking/facility and the capacity of the facilities for their storage and use;

2. the risks from major accidents and the planned measures and means for prevention, control and restriction of the consequences from major accidents for human health and environment;

3. the safe distance of the undertaking/facility from housing regions, sites of public purposes, relaxation zones, neighbouring undertakings and sites, regions and constructions, which may be source of, or increase the risk or consequences from a large accident and cause effect of the domino, large transport roads and territories of special nature protective significance or significance for the environment, protected under a legislative or administrative act.

(2) The information and assessment under Para. 1 shall be provided by the contracting authority of the investment proposal as a part of the required documentation, as follows:

1. in a procedure of estimation of the need of carrying out EIA – as an attachment to the information, determined by the ordinance under Art. 101, Para. 1;

2. in a EIA procedure – as an attachment to the EIA report under Art. 96, Para. 1.

(3) Where the operator and contracting authority are different persons, the information under Para. 1 shall be prepared and produced by the contracting authority of the investment proposal.

(4) The information and assessment under Para. 1 shall be coordinated officially with the bodies under Art. 114, Para. 2 within the frames of the terms, provided in the relevant EIA procedure.

(5) On the basis of the information and assessment under Para. 1 and the received during the relevant EIA procedure opinions, statements and proposals in the decision under Art. 93, Para. 2 or 3, or in the decision under Art. 99, Para. 3, grounds shall be entered for approval of the location and confirmation of the safe distances and conditions shall be set to the facilities and technologies, as well as to the safety report. In view to realization of a follow up control in the decision, the type and quantity of the hazardous substances shall be described in details in Annex N3, as well as the activities and facilities, in which these substances are found.

(6) The competent body under Art. 93, Para. 2 or 3 shall issue a decision for carrying out EIA, where on the basis of the information and the assessment under Para. 1 it is estimated, that because of the location of the undertaking/facility there is a possibility of substantial negative impact on the environment and/or human health. The competent body shall also include in the decision a requirement for the contracting authority to study and examine in the EIA report alternative decisions, including different location of the undertaking/facility, different scale or model of realization of the activity, alternative technologies and/or alternative decision for the type and quantities of the used hazardous substances.

(7) A decision for non-approval of the investment proposal shall be issued where on the basis of the information and the assessment under Para. 1, the EIA procedure founds that because of the location of the undertaking/facility the investment proposal will cause substantial negative impact on the

environment and/or human health.

(8) The ordinances under Art. 101, Para. 1 and Art. 103, Para. 9, the conditions and procedure shall be determined for joint application of the procedures under this Chapter and Chapter Seven, Section I, as well as the requirements for the form and contents of the needed information and documentation under Para. 2.

Art. 100. (suppl. SG 77/05; suppl. – SG 32/12, in force from 24.04.2012, amend. - SG 12/17) The competent bodies of art. 94 or officials authorized by them shall implement control for the fulfilment of the measures of art. 96, para 1, item 7 and for the fulfilment of the conditions from the decision about EIA and in the decisions for assessment of the need of carrying out of EIA.

Art. 101. (1) The conditions and the order of implementing of EIA shall be determined with an ordinance of the Council of Ministers.

(2) With the ordinance for EIA of para 1 shall be determined the requirements for:

1. assessment of the necessity for implementing of EIA for the investment proposals of appendix No 2;

2. the conditions and the order for implementing of consultations with the bodies, the public and the persons, for whom there is probability to be affected by the realisation of the investment proposal;

3. the scope, the contents and the form of the report about EIA;

4. the criteria for assessment of the report about EIA;

5. the order and the way for organising of the public discussion of the report about EIA;

6. the motives for taking of decision about EIA, including the way, in which the public opinion is taken into account;

7. (amend. – SG 32/12, in force from 24.04.2012) the order and the way for implementing of monitoring and control over the fulfilment of the decisions, including the terms and conditions and measures therein;

8. (new – SG 77/05; amend. – SG 32/12, in force from 24.04.2012) the content and maintenance of the register of information about EIA procedures.

Art. 102. (amend. – SG 32/12, in force from 24.04.2012) The Ministry of Environment and Waters and RIEW shall keep a public register with data about carrying out EIA procedures and environmental assessment. Access to the register is available through the internet site of the Ministry of Environment and Waters and the RIEW.

Chapter seven.
PREVENTION AND RESTRICTION OF THE INDUSTRIAL POLLUTION

Section I.
Control of dangers of Major Accidents (repealed, new – SG, 62/2015, in force from 14.8.2015)

Art. 103. (amend. SG 77/05) (1) (amend. – SG 32/12, in force from 24.04.2012, repealed – new – SG, 62/2015, in force from 14.08.2015) In order to prevent major accidents with dangerous substances and to minimize the consequences from them for human life and health and for the environment each operator of new or acting undertaking/facility in which there are dangerous substances under Annex N 3 shall be obliged to carry out classification of the undertaking/facility in compliance with the criteria under Annex N 3 and to document the carried out classification.

(2) In the cases, where the undertaking/facility under Para. 1 is classified as an undertaking/facility with low risk potential or undertaking/facility of high risk potential, the operator shall be obliged to sent to the Minister of Environment and Waters a notification about the carried out classification.

(3) The notification about the carried out classification shall contain the following information:

1. the name or the trade name, ID number of the operator and the complete address of the undertaking/facility;

2. the central office of the operator and its full address;

3. the name and position of the person, responsible for the undertaking, if different from the one in p. 1;

4. the hazardous substances and categories of danger of the relevant substances or the substances, for which there is a possibility to be present in the undertaking/facility;

5. the quantity and the physical form of the hazardous substances and of the relevant substances in the undertaking/facility;

6. the activity or the planned activity of the facilities, including the storage facilities;

7. description of the environment, surrounding the undertaking/facility and the factors, which may cause major accident or deteriorate the consequences from it, including, where accessible – information about neighbouring undertakings, as well as about sites, regions and construction, which do not fall in the scope of this Section, but may be a source of, or increase the risk or consequences of a bid accident and the domino effect;

8. additional information about the undertaking/facility about the purposes of the reporting under Art. 111, Para. 1, p. 4, defined by the ordinance under Para. 9.

(4) The operator of a new undertaking /facility with low or high risk potential shall send the notification about the carried out classification, as well as about any updating of it:

1. before submission of an application for coordination and approval of the investment design under Chapter Eight, Section II of the Spatial Development Act and or before changes in the undertaking and/or facility which lead to change in the list of the hazardous substances;

2. for undertakings/facilities, which fall in the scope of Annex N 1 or 2 – to the relevant competent body under Chapter Six, Section III together with the informing under Art. 95, Para. 1, where the information under Para. 3 is present at this stage. The notification shall be examined by the Minister of Environment and Waters.

(5) The operator of an undertaking/facility of low or high risk potential shall be obliged to submit to the Minister of Environment and Waters a notification about the carried out classification, as well as about its updating:

1. before any change, which leads to a change in the list of the hazardous substances of Part 1 and/or 2 of Annex N 3, present in the undertaking/facility;

2. before any substantial increase or decrease of the quantity or change in the nature or physical form of a certain hazardous substance, which is present in the undertaking/facility, as it is indicated in the notification about the carried out classification or before any substantial change in the processes of its use;

3. before any change of an undertaking/facility, which would have substantial consequences over the dangers of major accidents;

4. after a final closure or taking out of exploitation of the undertaking/facility;

5. after a change in the information, produced by the operator with the notification of a carried out classification about the name or the trade name of the operator and the complete address of the undertaking/facility, the central office of the operator and its complete address and/or the name of the person, responsible for the undertaking/facility, if different from the operator.

(6) (suppl. – SG 101/15, in force from 22.12.2015) The Minister of Environment and Waters or an official authorized by him/her, within 10 day term from submission of the notification about the

classification shall confirm the classification or shall notify the operator about the found non-completeness in the contents of the information under Para. 3 and/or incompliance in the classification according to the criteria under Annex N 3, by giving written instructions and setting a term for their removal. The Minister of Environment and Waters or an official authorized by him/her shall notify in writing the executive director of the Executive Environment Agency and the bodies under Art. 114, Para. 2 in reference to the classification of the undertaking/facility and shall submit a copy of the notification.

(7) In the cases under Para. 4, p. 2 the operator/contracting authority shall notify about the confirmation of the classification under the Ordinance of Art. 101, Para. 1 on the basis of a written confirmation by the Minister of Environment and Waters.

(8) This Section shall apply to:

1. undertakings/facilities, including storage facilities in which:

a) the functions of an operator are fulfilled by the Ministry of Defence or another legal person of the armed forces of the Republic of Bulgaria under the Act on Defence and Armed Forces of the Republic of Bulgaria;

b) activities are carried out with hazardous substances, services are provided or a military production is produces for the purposes of defence and security of the country, for which there are issued permits under the Act on Arms, Ammunitions, Explosives and pyrotechnical items in the meaning of Para. 5, p. 63 of the Additional Provision of the Spatial Development Act;

2. dangers, caused by ionizing radiation, caused by substances;

3. carriage of hazardous substances and directly related to it intermediate temporary storage during carriage in roads, railways, internal water ways, sea or air outside the territory of the undertakings under Para. 2, including loading, unloading and/or carriage to or from another vehicle at docks, piers or distribution stations;

4. carriage of hazardous substances in pipelines, including the relevant pump/compression stations outside the undertakings of Para. 2;

5. exploitation, especially study, extraction or processing of minerals in the mines, including through drilling wells with the exception of:

a) storage of gas in underground depots on land in geological formations, water horizons, salt cavities and deserted mines;

b) chemical and thermal processing and related to these operations storage, including dangerous substances;

c) acting facilities for disposal of mining wastes, including tailing facilities, containing hazardous substances;

6. study and exploitation in sea regions of minerals, including carbohydrates;

7. containing gas in underground depots in the sea, which includes depots only for storage and depots where is carried out and studying and exploitation of minerals, including carbohydrates;

8. wastes depots including for underground storage of wastes, with the exception of:

a) chemical and thermal processing and related operations of storage, including hazardous substances;

b) acting facilities for disposal of mining wastes, including tailing facilities, containing hazardous substances;

c) (revoked - SG 53/18q in force from 26.06.2018)

(9) The Council of Ministers shall adopt an ordinance for prevention of major accidents with hazardous substances and for restriction of consequences from them.

Art. 103a. (new – SG 103/09, repealed – SG, 62/2015, in force from 14.8.2015)

Art. 104. (1) (repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The measures for prevention of major accidents and restriction of the consequences from them for human health and environment shall be accounted for in:

1. territory planning and

2. planning of the protection of population and environment.

(2) In the territory planning, control shall be realized to:

1. location of new undertakings and/or facilities of low or high risk potential;

2. changes in undertakings/facilities of low or high risk potential;

3. planning of new constructions, including building up transport roads, housing region, sites of public purposes, close to existing undertakings/facilities of low or high risk potential, where the location of new constructions may be a source or may increase dangers or consequences from occurring major accidents in these undertakings/facilities.

(3) The control under Para. 2 shall be carried out in:

1. approval of investment proposals under Chapter Six of this act and/or permit of construction under Chapter Eight, Section Ii of the Spatial Development Act for the cases under Para. 2;

2. approval of safety reports under Art. 109 – 115 for building up and/or exploitation of new or changes of existing undertakings and/or facilities of high risk potential or parts of them;

3. coordination of territory plans and their amendments in planning construction in the cases under Para. 2, including territory plans of municipalities and detail territory plans for land properties on whose territory undertakings/facilities are placed of low or high risk potential under Art. 127, Para. 2 of the Spatial Development Act.

(4) The control under Para. 2 shall provide for:

1. maintenance of safe distances of undertakings/facilities of low or high risk potential to housing regions, sites and areas of public purposes, rest zones and where possible – large transport roads;

2. maintenance of safe distances of undertakings/facilities of low or high risk potential or other suitable measures to regions of special nature protection sensibility or interest and sites of cultural – historical heritage in the surroundings of undertakings, where appropriate, in view to their protection;

3. undertaking additional technical measures for restriction of the risks for human health and environment in case of existing undertakings/facilities of low or high risk potential.

(5) For the purposes of Para. 3 and 4, the operator of an undertaking and/or facility of high risk potential shall provide to the relevant competent body under Chapter Eight, Section II of the Territory Planning Act, complete information about the risks for human health and the environment, comprising from existence of hazardous substances under Annex N 3 in this undertaking/facility and for the measures for prevention of major accidents with these substances and for restriction of consequences from them. The operator of an undertaking/facility of low risk potential shall provide this information upon request by the relevant competent body.

(6) In the cases, where the sites under Para. 2 fall in the scope of Chapter Six, the information under Para. 5 shall be provided at the earliest possible stage for the purposes of consultation with the affected public.

(7) With issuance of decisions for approval of safety reports under this Section or decision for approval of territory plans under the Spatial Development Act, which envisage building up and exploitation of undertakings/facilities of low or high risk potential or constructions under Para. 2, p. 3, the relevant competent body shall take in consideration the opinions on identification of risks for major accidents in the undertakings/facilities, received in the public access under Art. 115, Para. 1 and 2, or in consultations under Art. 87, Para. 2.

Art. 105. (revoked – SG 77/05; new – SG 32/12, in force from 01.01.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The operator of an undertaking/facility of low risk potential of an undertaking/facility of high risk potential shall be obliged to:

1. undertake at any time the needed measures for prevention of major accidents and for restriction of the consequences form them for human health and the environment;

2. be ready at any time to certify, including for the purposes of control by the commissions under Art. 157a, Para. 2, that he has undertaken all the needed measure under p.1;

3. provide the needed assistance to the commissions under Art. 157a, Para. 2 for carrying out checks of the undertaking/facility, including for taking samples and collection the needed information for establishment the fulfilment of the obligations under this Section and the ordinance under Art. 103, Para. 9;

4. develop policies for prevention of major accidents (PPLA) and provide its correct application through suitable means, structures and system for management of safety measures (SMSM);

5 prepare a report for prevention policy of major accidents (RPPLA), in which to apply the PPLA and SMSM.

(2) The policy of prevention major accidents shall have to:

1. be proportional to the dangers of major accidents and to account for the complexity of the organization of the activities in the undertaking;

2. include the purposes of the operator on the whole and the principles of action, the role and responsibility of management, as well as a commitment for permanent improvement of the control over the dangers of major accidents on behalf of the operator;

3. provide high level of protection of human health and environment by planning, development and application of appropriate means, structures and management systems.

(3) For undertakings/facilities of low risk potential the obligation for application of PPLA may be fulfilled through other appropriate means, structures and management systems, different from the ones, indicated in Para. 1, p. 4 if they account for the dangers of major accidents and meet the requirements for scope and contents of PPLA, defined by the ordinance under Art. 103, Para. 9.

Art. 106. (amend. – SG, 77/2005, amend. – SG 32/2012, in force from 1.1.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The operator of a new undertaking. facility of low risk potential shall draw up and submit RPPLA and each its updating to the director of RIEW, on whose territory is the undertaking/facility, within the term of up to 3 months before introducing in exploitation of the undertaking/facility or before changes in it, which lead to change in the list of the hazardous substances.

(2) The RIEW director or an official authorized by him within 14 day term from receiving the RPPLA shall confirm the completeness and compliance of the report with the requirements of the ordinance under Art. 103, Para. 9 or shall notify in writing the operator about mistakes, admitted and incompleteness in the form and contents of the RPPLA and shall define term of up to 2 months for their removal. If needed, the RIEW director may require an opinion from the bodies under Art. 157a, Para. 2 about the completeness and compliance of RPPLA.

(3) The undertaking/facility under Para. 1 shall be introduced in exploitation after providing a complete RPPLA in compliance with the scope requirements and contents, defined by the ordinance under Art. 103, Para. 9, which shall certify that the operator has envisaged all the needed measures for prevention of major accidents and restriction of the consequences from them.

(4) Within 7-day term from submission of the confirmation under Para. 2, the RIEW director or an official ,authorized by him shall submit a copy of the report to the bodies under Art. 157a, Para. 2 for control purposes.

(5) The operator under Para. 1 shall be obliged to review PPLA and SMSM and in case of need

to update RPPLA, as follows:

1. at appropriate intervals, not longer than 5 years;

2. in case of substantial increasing or decreasing of the quantities of the hazardous substances in the undertaking/facility;

3. in case of change in the undertaking/facility or changes in a certain process or nature, physical form or quantity of the hazardous substances, which may lead to to substantial consequences for dangers of major accidents or may lead to classification of the undertaking/facility in an undertaking /facility of high risk potential;

4. after occurrence of a large accident in the undertaking and/or facility;

5. upon own initiative or request of the RIEW director in case of new data or scientific information for safe exploitation of the undertaking/facility and/or as a result of the control.

(6) Where in the cases under Para. 5 is found that not updating is needed of RPPLA, the operator shall be obliged to document the data and conclusions from the review and to provide documentation to the commission under Art. 157a, Para. 2 for the control purposes.

Art. 107. (revoked – SG 77/05; new – SG 32/12, in force from 01.01.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The operator of an undertaking/facility of high risk potential shall be obliged to develop and apply:

1. safety report;

2. report on the policy for prevention of major accidents;

3. internal accident plan of the undertaking.

(2) The form and contents of the documents under Para. 1 shall be defined by the ordinance under Art. 103, Para. 9.

(3) With the safety report the operator shall be obliged to establish that:

1. the policy for prevention of major accidents and the relevant system for management of the safety measures, needed for its application, have been introduced in to action;

2. dangers of major accidents and possibility for major accidents have been identifies and all the needed measures have been undertaken for prevention of such accidents and for restriction of the affects from them for human health and the environment;

3. provide high level of safety and security in the design, construction, action and maintenance of each facility, including warehouse facility, equipment and infrastructure, related to its action, which have connection with the dangers of major accidents in the undertakings;

4. has been developed internal accident plan of the undertaking;

5. the Mayor of the relevant municipality on whose territory is the undertaking and/or the facility shall be provided with the needed information for development of external accident plan of the undertaking/facility;

6, sufficient information has been provided for taking decisions by the competent bodies under Chapter Six of the Spatial Development Act about placement of new activities or constructions around the undertaking or facility.

(4) While developing internal accident plan, the operator of an existing undertaking and/or facility of high risk potential shall be obliged to hold consultations with the staff of the undertaking, including with the staff, working on long-term contracts for contractual activities in the undertaking.

(5) Operator, who has developed a plan for emergency situations according to an obligation, imposed by another normative act, shall be obliged to undertake the needed actions in order to guaranty that this plan is to be fulfilled immediately in case of occurrence of:

1. large accident, or

2. uncontrolled event, for which may be expected that would cause a large accident.

Art. 108. (amend. SG 77/05, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The Municipality Mayor, on whose territory an undertaking/facility is situated of high risk potential, shall be obliged to develop and provide the fulfilment of external accident plan of this undertaking/facility with description of the measures, which are to be undertaken outside the territory of the undertaking/facility. The external accident plan shall be prepared as part of the Municipal plan for protection in case of disasters under Art. 9, Para. 10 of the Act on Protection in Disasters.

(2) The external accident plan under Para. 1 shall be developed, updated and adopted in compliance with Art. 9, Para. 10 and 11 of the Act on Protection in Disasters and on the basis of the information, provided by the operator under Art. 116h, Para. 3, p. 2 within the term of 6 months from the date of its provision.

(3) The draft of external accident plan under Para. 1 and every its substantial change shall be coordinated by the relevant municipality Mayor with:

1. the affected public;

2. the operator of the undertaking/facility;

3. the relevant RIEW on whose territory is the undertaking/facility;

4. the components of the unified safety system, related to fulfilment of the measures of the external accident plan and protection in disasters.

(4) The form and contents of the external accident plan shall be defined by the ordinance under Art. 103, Para. 9;

(5) Every municipality Mayor, who has prepared external accident plan shall be obliged:

1. at suitable interval, not longer than 3 years to review, check and if needed – update the external accident plan; The review shall be done after issuance of a new decision under Art. 116, Para. 1, p. 1 for approval of a safety report, or receiving information under Art. 116f, Para. 4 and shall account for the changes, occurred in the undertaking or the relevant safety services under the Act on Protection in Disasters, the new technical knowledge, as well as the knowledge bout reactions in major accidents;

2. to periodically plan and conduct training and exercises under the plan of Para. 1.

(6) By 31 January annually the municipality Mayors, on whose territories there are undertakings and/or facilities of high risk potential shall produce to the relevant RIEW directors information about conducted trainings and exercises of the external accident plans in compliance with the ordinance under Art. 103, Para. 9.

Art. 109 (repealed – SG, 77/20015, new – SG, 62/2015, in force from 14.8.2015) (1) Building up and exploitation of a new and exploitation of existing undertaking/facility of high risk potential or part of it shall be carried out after issuance of permit by the executive director of the Executive Environment Agency for approval of the safety report under the conditions and procedure of this Section.

(2) The provision of Para. 1 shall also apply to planned changes/extensions in existing undertakings/facilities of high risk potential.

(3) The decision under Para. 1 shall be obligatory for issuance of permit for construction of the undertaking/facility under the Spatial Development Act.

(4) Exception under Para, 3 shall be admitted for undertakings/facilities, as well as planned changes/extensions for them, for which the relevant procedure under EIA has been finalized under Chapter Six, Section III with order of a decision, which has approved the location and confirmed the safe distances in compliance under Art. 99b, Para. 5.

Art. 110 (amend. – SG, 32/2012, in force from 1. 1. 2013, repealed, new – SG, 62/2015, in

force from 14.8.2015) (1) The Executive Environment Agency executive director shall be competent to issue decision and termination of the action of decision under Art. 116 under the conditions and procedure of this section and shall maintain archive of the issued acts.

(2) The body under Para. 1 with a grounded decision shall terminate the action of an issued decision under Art. 116, Para. 1, p. 1 after receiving information from the Minister of Environment and Waters or an official, authorised by him in producing an updated notification under Art. 103, Para. 2 on:

1. substantial decreasing of the quantity or change in the list of dangerous substances on the basis of which the undertaking/facility is no longer classified with high risk potential;

2. final decommissioning of the undertaking/facility.

Art. 110a (new – SG, 77/2005, repealed – SG, 62/2015, in force from 14.8.2015)

Art. 111 (amend. – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The Minister of Environment and Waters, or an official, authorized by him shall:

1. validate the classification of undertakings/facilities of low and high risk potential, carried out by the operators;

2. notify potentially affected states and shall provide information in compliance with the requirements of the Convention on the Trans-boundary Effects of Industrial Accidents signed on 17 March 1992 in Helsinki (ratified by an act – SG, 28/1995) where in an undertaking/facility of high risk potential there is danger of occurrence of a large accident with trans-boundary effect;

3. in case of occurrence of a large accident, which meets the criteria for reporting under Annex N 5, report the information under Art. 116d, Para. 1 and 3, produced by the operator of an undertaking/facility of low or high risk potential on whose territory is the accident to the electronic data base of the European Commission (e-MARS);

4. on the basis of the received classification notification under Art. 103, Para. 2 shall report information about the undertakings/facilities of low and high risk potential to the electronic data base of the European Commission (e-SPIRS);

5. inform the European Commission about the name and address of every body, which possesses the relevant information about major accidents and may consult the competent bodies of the other Member State, which undertake measures in case of such an accident;

6. keep a public electronic register of the undertakings and facilities of low and high risk potential.

(2) The form and contents of the register under Para. 1, p. 6 shall be defined by the ordinance under Art. 103, Para. 9.

(3) The data about the results of issuance of the decision under Art. 116, Para. 1 shall be produced by the Executive Environment Agency executive director.

Art. 112 (amend. – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The operator of a new undertaking/facility of high risk potential shall submit to the Executive Environment Agency executive director an application for approval of the safety report not later than 6 months before submission of the application for issuance a permit for construction under the Spatial Development Act or before changes, leading to change in the list of hazardous substances.

(2) The form and contents of the application under Para. 1 shall be defined by the ordinance under Art. 103, Para. 9.

(3) The application under Para. 1, the operator shall attach:

1. a safety report;

2. a report on the policy for prevention of major accidents;

3. internal accident plan of the undertaking;

4. documents for certifying the cases under Art. 109, Para. 1 or 4 as follows:

a) a copy of an opinion from the relevant competent body under Chapter six, Section III that the planned building or change/extension of the undertaking/facility or parts of them is not a subject of a procedure under Chapter six, Section III, or

b) a copy of an enforced decision for estimation of the need of carrying out EIA, which allows carrying out EIA with grounds for approval of the location and confirmation of the safe distances for the undertaking/facility under Art. 99b, Para. 5 with data bout the type and quantity of the hazardous substances under Annex N 3 and the activities and facilities in which there are such substances, or

c) a copy of en enforced decision on EIA for approval of an investment proposal with grounds for approval of a location and confirmation of the safe distances for the undertaking/facility under Art. 99b, Para. 5 with data about the type and quantity of hazardous substances under Annex N 3 and the activities and facilities in which there will be such substances;

5. a document for paid fee under Art. 71, Para. 1.

(4) With the application under Para. 1 the operator may request from the Executive Environment Agency executive director a part of the information in the documents under Para. 3 to be declared as secret, where it is industrial or trade secret and produced the relevant grounds for this.

(5) Where part of the information, contained in the application under Para. 1 or the documents under Para. 3 is a state or official secret or contains personal data, the operator shall produce the relevant grounds for application of the provisions of the Act on Protection of Classified Information or the Act on Personal Data Protection.

(6) (amend. - SG 12/17) In the cases under Para. 4 and 5 the Executive Environment Agency executive director within 14 days from receiving the request shall notify in writing the operator if the request is partially or completely approved and shall set a term of up to 5 days for introduction of a reviewed variant of the documents on paper and electronic media for the purposes of public access in which there is not information, which is accepted as confidential. In the cases of Art. 114, para. 1, together with the revised and supplemented documents shall be submited a revised version of the documents for public access purposes.

(7) In the cases under Art. 109, Para. 4, the application under Para. 1 shall be examined by the Executive Environment Agency executive director in case of an enforced decision for approval of the investment proposal under Art. 99b, Para. 5.

(8) In cases under Art. 109, para. 1, the application under para. 1 shall be examined by the Executive Environment Agency executive director in case of opinion of the relevant competent body under Chapter Six, Section III that the investment proposal is not subject to a procedure under Chapter Six, Section III.

Art. 112a (new – SG, 77/2005, amend. – SG, 52/2008, amend. – SG, 32/2012, in force from 1.1.2013, repealed – SG, 62/2015, in force from 14.8.2015).

Art. 112b (new – SG, 77/2005, repealed – SG, 62/2015, in force from 14.8.2015)

Art. 113 (amend – SG, 77/2005, amend. – SG, 30/2006, in force from 12.7.2006, amend. – SG, 32/2012, in force from 1.1.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) In the cases under Art. 109, Para. 4, the operator shall submit the application under Art. 112, Para. 1 not later than 6 months before introduction in exploitation of the undertaking/facility or parts of them.

(2) While examining the documents under Para. 1, the Executive Environment Agency executive director shall provide the use of any received information and conclusion from conducted procedure under Chapter Six and procedures of issuing, updating or change of a permit under Art. 117, where this is applicable for the undertaking/facility.

(3) The operator under Para. 1 shall be obliged to fulfill all the measures in the approved safety report, related to building up and safe exploitation of the undertaking/facility, and in the cases under Art. 109, Para. 4 – also the referable measures and conditions in the decision under Art. 99b, Para. 5.

(4) The information in the safety report under Para. 3 shall comply with the information, given to the competent body under Chapter Six, Section III, as well as with the conditions and measures in the ordered decision, with which the relevant EIA procedures have been finalized.

Art. 114. (amend – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The Executive Environment Agency executive director within 14 day term from receiving the documents under Art. 112, Para. 3 shall notify the operator for admitted mistakes and incompleteness and shall set a term up to 30 days for their removal.

(2) Within 7 day term after expiry of the term under Para. 1 or from receiving the corrected and supplemented documents, the Executive Environment Agency executive director shall send the documents for opinion to the Minister of Health, the Minister of Interior, the executive director of General Labour Inspectorate Executive Agency the municipality Mayor and the RIEW director, on whose territory the undertaking/facility is located.

(3) The Executive Environment Agency executive director and the bodies under Para. 2, or officials, authorized by them may carry out checks on site in view to compliance assessment of the documents under Art. 112, Para. 3 with the provided by the operator measures for prevention of major accidents and for restriction of the affects from them.

(4) (suppl. - SG 81/16, in force from 14.10.2016) The bodies under Para. 2 or officials authorized by them shall submit to the Executive Environment Agency's executive director their opinions within the term of up to 1 month from receiving the documents under Art. 112, Para. 3.

(5) The lack of opinion of any of the bodies under Para. 2 within the lawful term shall be considered as silent consent.

Art. 115. (amend. – SG, 77/2005, amend. – SG, 32/2012, in force from 1.1.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) Within the term of Art. 114, Para. 2, the Executive Environment Agency executive director shall publish an announcement for an open public access to the documents under Art. 112, Para. 3, p. 1 – 3 on the Agency internet site and shall provide access to the referred public to them within 1 month term from the date or publication of the announcement. Executive Environment Agency executive director shall provide the documents and a copy of the announcement to the municipality Mayor, on whose territory the undertaking/facility is located, and in cases of undertakings/facilities with large accident potential with trans-border effects, shall notify the Minister of Environment and Waters about the purposes under Art. 111, Para. 1, p. 2.

(2) Within 5 day term from receiving the documents under Art. 112, Para. 3, p. 1 – 3, the Mayor of the relevant municipality shall inform the affected public through an announcement in the local media and shall provide access to them within 1 month term from the publication of the announcement. The announcement shall comply in scope and contents to the announcement under Para. 1. The Minister of Environment and Waters shall notify the potentially affected state and shall provide information in compliance with the requirements of the Convention for Trans-boundary Affects of Industrial Accidents.

(3) Within 1 month term from the public access under Para. 1 and 2, representatives of the

affected public may produce opinions, comments and proposals on the documentation in writing.

(4) In the cases, in which there is a granted request under Art. 112, Para. 4, the Executive Environment Agency executive director and the relevant municipality Mayor shall provide to the public revised by the operator documentation under Art. 112, Para. 6.

(5) Within 3 day term after expiry of the term under Para. 2, the relevant municipality Mayor shall submit officially to the Executive Environment Agency executive director the results from the conducted public access, including information about the way of its provision.

(6) The procedure and way of conducting the public access and the contents of the announcement under Para. 1 shall be defined by the ordinance under Art. 103, Para. 9.

(7) While drawing up decision under Art. 116, the Executive Environment Agency executive director shall take in consideration the opinions on the documentation, received after the public access.

(8) (amend. - SG 12/17) Where on the basis of the review of the documentation from the Executive Agency of the Environment and/or on the basis of an opinion under Para. 3 or Art. 114, Para. 4 incompliance or incompleteness in the documents under Art. 112, Para. 1 – 3 are found, the Executive Environment Agency executive director shall give instructions to the operator and shall set a deadline not longer than 30 days for their removal.

Art. 116. (amend – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The Executive Environment Agency executive director within 30 day term from expiry of the term under Art. 114, Para. 4 or receiving the corrected and supplemented documents under Art. 115, Para. 8, shall issue:

1. decision for approval of the safety report, where as a result of the conducted procedure under Art. 109 – 115 is established that the operator has envisaged sufficient measures for prevention of large accident and restriction the affects from the, which have been documented in the safety report and where applicable, he has fulfilled the relevant measures and/or conditions in the decision, wit which the procedure under Chapter Six, Section II is finalized, or

2. decision for disapproval of the safety report, where:

a) the operator has not envisaged measures in the safety report or the envisaged measures are not sufficient for prevention of major accidents or for restriction of the consequences form them, or the referable measures and/or the conditions in the decision, with which the procedure of Chapter Six, Section III have not been fulfilled, or

b) the operator has not fulfilled the given instructions and/or has not observed the set term under Art. 115, Para. 8; or

c) body under Art. 114, Para. 2 or representative of the public concerned has introduced a grounded lawful rejection against the realization of the project.

(2) On the basis of the information in the safety report, the Executive Environment Agency executive director may, by a grounded decision to liberate the Mayor of the relevant municipality from the obligation to draw up external emergency plan for the undertaking/facility in the cases where this is not needed.

(3) The Executive Environment Agency executive director, on the basis of the information in an updated safety report for the undertaking/facility under Art. 116g may, in writing withdraw the decision for liberation under Para. 2, by indicating the date, on which the term for liberation expires and the date, till which the Mayor of the relevant municipality has to draw up and produce an external accident plan of the undertaking/facility.

(4) The Executive Environment Agency executive director shall submit the decision under Para. 2 to the Minister of Environment and Waters, where on the basis of the documents under Art. 112, Para. 3 finds that a certain undertaking/facility with high risk potential, located close to the territory of a Member State under the convention for Trans-boundary Effects of Industrial Accidents does not cause

danger of a large accident outside its borders and it is not needed the Mayor to draw up external accident plan. The Minister of Environment and Water shall notify the other Member State.

Art. 116a (new – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) In finalization of the procedure for examination and approval of the safety report, the Executive Environment Agency executive director shall draw up a technical report, which shall indicate:

1. the grounds, on which the decision is based;

2. description of the consultations, conducted before taking the decision and explanation about the way, in which the received opinions have been taken in consideration.

Art. 116b. (new – SG, 77/2005, amend. – SG, 32/2012, in force from 1.1.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) In a 7 day term from issuance of a decision under Art. 116, Para. 1, the Executive Environment Agency executive director shall in writing notify the operator of the undertaking and/or facility and the bodies under Art. 111, Para. 1 and Art. 114, Para.2 about its drawing up. About the issued decision under Art. 116, Para. 2 or 3, the relevant municipality Mayor shall also be notified.

(2) Executive Environment Agency executive director shall announce every decision under Art. 116, Para. 1 within 14 day term from its issuance through the central mass media, the Agency internet site and/or in any other appropriate way.

Art. 116c. (new – SG, 77/2005, repealed, new – SG, 62/2015, in force from 14.8.2015) The decisions under Art. 116, Para. 1 may be appealed under the Administrative Procedure Code within 14 day term from their announcement under Art. 116b.

Art. 116d. (new – SG, 77/2005, amend. – SG, 52/2008, amend. – SG, 32/2012, in force from 1. 1. 2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) IN case of occurrence of a large accident, the operator of an undertaking/facility of low or high risk potential shall immediately notify the relevant operative centre of Chief Directorate Fire Safety and Civil Protection and the Mayor of the immediately threatened municipality under the Act on Protection in Disasters, as well as the director of RIEW on whose territory if the undertaking/facility and shall start fulfillment of the internal accident plan of the undertaking.

(2) In case of a large accident the operator shall immediately after finding the event or not later than 30 days from its occurrence shall produce to the Minister of Environment and Waters information about:

1. the circumstances for occurrence of the accident;

2. the hazardous substances, caused the occurrence of the accident or aggravating the consequences form it;

3. the available data, allowing to assess the consequences from the accident for human health and the environment;

4. the undertaken measures immediately after the accident;

5. the envisaged measures for prevention of repeated occurrence of an accident;

6. the envisaged measures for restriction of midterm and long term consequences from the accident;

7. detailed analysis of the scope of the accident under the criteria under Annex N 5.

(3) The operator shall be obliged to update the information under Para. 2 and to produce it to

the body under Para. 2 in receiving new data, related to the reasons for occurrence of the accident and the consequences from it, if the further investigation finds additional facts, which change the received information or the conclusions.

Art. 116e. (new – SG 77/05; amend. – SG 32/12, in force from 01.01.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) The operators of undertakings/facilities of low and high risk potential and the Mayors of the affected municipalities shall produce regularly to the affected public a clear and understandable information about the accident planning for these undertakings/facilities and the needed measures and behaviour in case of occurrence of a large accident.

(2) The safety report and the list of hazardous substances shall be produced to the public upon request.

(3) the scope, contents and way of provision of the information under Para. 1 and 2 shall be defined by the Ordinance under Art. 103, Para. 9.

(4) The decision for provision of information under Para. 2 may be appealed under Chapter Six, Section IV of the Act on Access to Public Information.

(5) The provided information under Apra. 1 and 2 has to be in compliance with the legislative requirements for access to information, classified as state or official secret and/or for protection of personal data.

Art. 116f. (new – SG, 77/2005, repealed, new – SG/62/2015, in force from 14.8.2015) (10 The operator of an undertaking/facility of high risk potential shall review and in need update the safety report:

1. at appropriate intervals not longer than 5 years;

2. after occurrence of a major accident on the territory of the undertaking/facility;

3. upon own initiative or upon request by the Executive Environment Agency executive director or by the relevant RIEW director or officials, authorized by them in case of new data, circumstances or scientific information, related to safe exploitation of the undertaking/facility, including conclusions, comprising from the analysis of accidents or quasi - accidents, as well as from the development of knowledge on the danger assessment;

4. in case of changes in the undertaking/facility or in a certain process, or in the nature, physical form or quantity of the hazardous substances, which could have significant consequences for a danger of major accidents or may lead to classification of the undertaking/facility in an undertaking/facility of low risk potential, or in incompliance with already approved safety report of the undertaking.

(2) The operator under Para. 1 shall check, review and in case of need – update the internal accident plan:

1. at suitable intervals, not longer than 3 years;

2. after occurrence of a major accident on the territory of the undertaking/facility;

3. in case of changes in the undertaking or the composition parts of the general rescue system under the Act on Protection in Disasters, availability of new technical knowledge, as well as knowledge about reactions in major accidents.

(3) Where on the basis of review of the documents under Para. 1 and/or 2, the operator finds that no updating is needed ,he shall document the data and conclusions from the carried out review and shall produce the documentation to the commission under Art. 157a, Para. 2 in case of check up.

(4) IN the cases under Para. 2, the operator shall provide the updated internal accident plan to the commission under Art. 157a, Para. 2 for the control purposes and for updating the internal accident plan by the relevant municipality Mayor.

Art. 116g. (new – SG 77/05; amend. - SG 30/06, in force from 12.07.2006; amend. – SG 32/12, in force from 01.01.2013, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) Within 7 day term after updating the safety report, the operator under Art. 116f, Para. 1 shall submit to the Executive Environment Agency executive director an application for approval of the updated report, where he shall indicate the reasons and circumstances for the updating and shall describe the changes made.

(2) The application under Apra. 1 the operator shall attach:

1. the updated safety report;

2. updated documents under Art. 107, Para. 1, p. 2 and 3 where the changed impose this;

3. a document for a paid fee under Art. 71, Para. 1.

(3) In the cases under Art. 116f, Apra. 1, p. 4, the operator shall submit to the Executive Environment Agency executive director the updated safety report at the earliest moment, but not later than 4 months before the planned date for realization of the changed, and shall attach as follows:

1. a copy of an opinion by the relevant competent body under Chapter Six, Section III, that the planned change/extension of the undertaking/facility or parts of them is not subject to a procedure under Chapter Six, Section III or

2. a copy of an enforced decision for estimating the need of carrying out EIA of the planned change/extension of the undertaking/facility with which it has been decision not to carry out EIA, with grounds for confirmation of the safe distances from the undertaking/facility under Art. 99b, Para. 5 or

3. a copy of an enforced decision under EIA for approval of the investment proposal for change/extension with grounds for confirmation of the safe distances form the undertaking facility under Art. 99b, Para. 5, where the type and quantity of the hazardous substances shall be indicated under Annex N 3 and the activities and facilities in which theses substances will be present.

(4) With receiving an updated safety report under Para. 2, the Executive Environment Agency executive director shall conduct the procedure under Art. 112-116 and shall issue a new decision for approval or lack of such of the updated safety report.

Art. 116h. (new – SG 77/05, repealed, new – SG, 62/2015, in force from 14.8.2015) (1) Where on the basis of the information in RPPLA, in the safety report or as a result of the checkups under Art. 157a, Para. 2, the Executive Environment Agency executive director or the director of the relevant RIEW shall identify the undertakings/facilities of low or high risk potential or a group of such undertakings for which there is danger for occurrence of the domino effect because of their closeness, geographic location or the list of dangerous substances, which increases the danger or the consequences from major accidents and shall notify about this the operators of theses undertakings/facilities.

(2) In the cases under Para. 1 the operators shall be obliged to:

1. exchange information about the nature and level of danger from occurrence a large accident in the undertakings/facilities;

2. update the information under p. 1 by taking in consideration the nature and scale of the danger of a large accident in their policies for prevention of major accidents, systems for management of the safety measures, safety reports and accident plans of the undertakings.

(3) In the cases under Para. 1, the operators shall cooperate in cases of:

1. provision of information under Art. 116e, Para. 1 to the public and to neighbouring sites, which do not fall in the scope of this Section;

2. provision of information. Needed for drawing up an internal accident plan by the municipality Mayor on whose territory in the undertaking/facility.

Art. 116i (new –SG, 77/2005, amend. – SG, 32/2012, in force from 1. 1. 2013, repealed – SG,

62/2015, in force from 14.8.2015)

Section II.
Complex permissions

Art. 117. (1) The construction and the exploitation of new and the exploitation of operating installations and facilities for the categories of industrial activities of appendix No 4 shall be permitted after the issuing of complex permission according to the provisions of this chapter.

(2) (amend. SG 77/05) The requirement of para 1 shall be applied also at essential change of operating installations and facilities.

(3) (*) (revoked – SG 32/12, in force from 07.01.2014).

(4) Upon change of the operator the new operator – corporate body or individual, shall take the rights and the obligations according to the permission.

(5) (*) (amend. SG 77/05; revoked – SG 32/12, in force from 07.01.2014).

(6) (*) (new – SG 77/05; revoked – SG 32/12, in force from 07.01.2014).

(7) (prev. (6) – SG 77/05) The installations or the parts of installations, used for research work, development and trials of new products and processes, shall not be subject to the provisions of this chapter.

Art. 118. (1) (prev. text of Art. 118 - SG 105/08) The complex permission of art. 117 shall be obligatory for issuing of permission for construction.

(2) (new - SG 105/08) An exception under Para 1 shall be made for facilities and equipment in respect of which an EIA procedure is completed with a decision confirming the implementation of the best available practices in compliance with Art. 99a.

(3) (*) (new - SG 105/08; amend. – SG 32/12, in force from 07.01.2014) In the cases under Para 2:

1. the complex permission shall be compulsory in order to put the facilities and equipment into operation;

2. until the issuance of a complex permission the requirements for issuance and obtaining of permits, licenses, expert reports and assessments according to the applicable laws shall apply.

(4) (*) (new – SG 32/12, in force from 07.01.2014) In cases under par. 1 and for operating lines the submission of an application for granting of a complex permission or the existence of a complex permission shall cancel the requirements for issuance and obtaining of the following permits, permissions, licenses, expert reports and assessments:

1. (amend. – SG 53/12, in force from 13.07.2012) under Art. 67 with reference to Art. 35 of the Waste Management Act;

2. (amend. – SG, 62/2015, in force from 14.8.2015) under Art. 46, par. 1, item 3 of the Waters Act.

Art. 119. (1) The conditions and the order for issuing of complex permissions of art. 117 shall be determined with an ordinance by the Council of Ministers.

(2) With the ordinance of para 1 shall be determined also respective requirements to:

1. the contents and the form of the applications for issuing of complex permissions;

2. the order and the way for determining of the best available techniques;

3. (amend. SG 77/05; amend. - SG 46/10, in force from 18.06.2010) the order and the way for reconsidering, changing, updating and revoking of issued complex permits;

4. the order and the way for accounting of the emissions of harmful substances;

5. (*) (amend. – SG 32/12, in force from 07.01.2014) the contents of the monitoring of art. 123, para 1, item 4 and 7, including to the procedures for monitoring and the obligation for conceding of the respective information to the bodies, responsible for imposing of the compliance under art. 120, par. 5.

Art. 120. (1) (*) (suppl. SG 77/05; amend. - SG 46/10, in force from 18.06.2010; amend. – SG 42/11; suppl. – SG 32/12, in force from 07.01.2014) The Executive Director of the Executive Environment Agency shall be the competent body for issuing, refusal, re-considering, changing, updating and revoking of the permissions of art. 117, para 1 and 2.

(2) (*) (suppl. SG 77/05; amend. - SG 46/10, in force from 18.06.2010; amend. – SG 32/12, in force from 07.01.2014) For issuance of complex permission for a new line or modification in an existing line, to which the requirements of Chapter Six, Section III are applied, the competent body of par. 1 shall ensure the use of all obtained information and conclusion made by EIA.

(3) (*) (amend. – SG 32/12, in force from 07.01.2014) The Ministry of Environment and Waters shall follow the development of the BAP and also publishing of new or updated conclusions on BAT and shall provide this information to the interested public and to the competent body of par. 1.

(4) (*) (amend. – SG 32/12, in force from 07.01.2014) The Minister of Environment and Waters shall propose measures for encouraging of development and application of up-to-date techniques, especially those, described in reference documents on BAT, where relevant for environmental purposes.

(5) (*) (amend. – SG 32/12, in force from 07.01.2014) Control for compliance with the terms and provisions of the granted permission under Art. 117 shall be carried out by the respective RIEW.

Art. 121. (*) (amend. – SG 32/12, in force from 07.01.2014) At the exploitation of the installations and the facilities the operator shall control:

1. the application of all suitable measures for prevention of pollution by applying the BAT;

2. the application of systematic management of environment;

3. not admitting of pollution of environment according to the standards for admissible emissions/standards for quality of environment;

4. the prevention of generation of waste; treatment of generated waste to be carried out in the following order of priorities: preparation for re-cycling, re-cycling, recovery or, where this is technically or economically impossible, safe disposal, with avoidance or reduction of their impact on environment;

5. the efficient use of energy;

6. the application of required measures for prevention of industrial accidents and restriction of the consequences from them;

7. the undertaking of the necessary measures for avoiding of possible risks of pollution;

8. in case of definitive termination of the activities under Attachment No. 4 the operator shall:

a) make assessment of the condition of soil and underground waters contamination with hazardous substances, used, produced or discharged from the plant;

b) where the plant has caused significant soil and underground waters pollution with the hazardous substances referred to in item "a" compared to the condition, identified in the basic condition report, shall undertake relevant measures for elimination of pollution up to bringing of the soil and/or underground waters to the basic condition;

c) for the implementation of measures under item "b" shall take into consideration their technical feasibility;

d) in case of significant risk for human health and environment, caused by activities under Attachment No. 4, according to the basic condition report under Art. 122, par. 2, item 12, shall

undertake actions for elimination, control, limitation or reduction of hazardous substances in such a way, that the site, in consideration of its characteristics according to Art. 122, par. 2, item 4 and its approved future purpose of use, not to represent such a risk anymore;

e) carry out the activities under item "d" also in cases where the operator is not required to prepare a basic condition report.

Art. 122. (1) For issuing of complex permission the operator of the installation and the facility shall submit application to the respective competent body.

(2) (*) (amend. – SG 32/12, in force from 07.01.2014) The application of para 1 shall include description of:

1. the installation, the activities being carried out or to be carried out on it, the different modes of its operation, in this number description of the basic alternatives of proposed technologies, techniques and measures if any;

2. the used raw materials, material stock and substances (including auxiliary);

3. the used water and the consumed and/or the generated energy;

4. the characteristic of the plot, on which is located the installation;

5. the sources of emissions, the type and the quantity of the expected emissions from the installation with different components of art. 4 and factors of art. 5, as well as defining of their possible significant impacts over environment;

6. evidences of application of BPT, including:

a) the circumstances under Art. 123a, par. 3;

b) the circumstances under Art. 123a, par. 5;

c) of existence of circumstances under Art. 123, par. 4 or 5;

7. the proposed technologies and other techniques for prevention or in the cases, when this is impossible – for reduction of the emissions from the installation;

8. the measures for prevention, preparation for re-cycling, re-cycling, utilisation and/or defusing of the waste, generated by the installation;

9. the planned additional measures for achieving of compliance with the general principles, determining the basic obligations of the operator according to art. 121;

10. monitoring of the emissions of harmful substances in the environment;

11. the used, produced or discharged dangerous chemical substances, pollutants of soils and underground waters; results of systematic assessment of risk of soils and/or underground waters pollution, in case a frequency of monitoring is proposed which is different from the one regulated by Art. 123, par. 1, item 7;

12. a basic condition report, where the substances under item 11 are not existing, containing information:

a) considering the possibility of pollution of soil and underground waters at the plant site;

b) sufficient for quantitative comparison between the current pollution of soil and underground waters and their pollution upon definitive termination of activities;

c) of the current purpose of use and the previous purpose of use of the site;

d) of carried out, including new, measurements of soil and underground waters, reflecting the condition at the time of preparation of the report, considering the possibility of contamination of soil and underground waters with dangerous substances, which are to be used, produced or discharged from the respective plant;

e) any other information, meeting the requirements of items "a" – "d".

(3) The application for issuing of complex permission shall contain also non technical abstract of the description of para 2.

(4) (*) (new – SG 32/12, in force from 07.01.2014) In cases of a significant change:

1. the application for issuing a complex permission shall contain information of the parts of the line, affected by the change; the information shall be provided within the scope referred to in par. 2;

2. the decision of the competent body of Art. 120, par. 1 shall reflect the proposed changes in the line operation.

(5) (*) (new – SG 32/12, in force from 07.01.2014) For the preparation of the application the operator may use information, provided by the competent body subject to compliance with the provisions of Chapter Six and of Section I of this chapter.

(6) (*) (new – SG 32/12, in force from 07.01.2014) The basic condition report under par. 2, item 12 shall be prepared only for issuance and for updating of a complex permission for a site, for which such a report has not been issued.

Art. 122a. (new - SG 105/08) (1) (*) (amend. – SG 32/12, in force from 07.01.2014) Within 45 days form fining the application the competent authority under Art. 120, Para 1 shall check the compliance of its contents and its form with the requirements of the ordinance under Art. 119, Para 1 and, where necessary, perform a check on-the-spot.

(2) (*) (amend. – SG 32/12, in force from 07.01.2014) Where incompleteness or incompatibilities are found within the term under Para 1, the competent authority under Art. 120, Para 1 shall notify the operator under Art. 122, Para 1 in writing, providing instructions for the necessary corrections and additional information and giving the reasons thereof.

(3) (*) (suppl. – SG 32/12, in force from 07.01.2014) In the cases of Para 2 the operator under Art. 122, Para 1 shall file an additional application within one month after the notification.

(4) (*) (amend. – SG 32/12, in force from 07.01.2014) In case the instructions under Para 2 or the term under Para 3 have not been complied with, the competent authority under Art. 120, Para 1 by a decision shall terminate the consideration of the application for granting of a complex permission.

(5) (*) (amend. – SG 32/12, in force from 07.01.2014) Within 14 days from conclusion of the checks under Para 1 or from the second filing of the application under Para 3 the competent authority under Art. 120, Para 1 shall start a procedure of granting of a complex permission, and shall notify in writing the operator thereof and jointly with the municipalities, shall announce and grant the interested parties equal access to the application for a month, including to the states affected by the operation of the installation in the conditions of transborder impact.

(6) (*) (amend. – SG 32/12, in force from 07.01.2014) Within 45 days from expiration of the term under Para 5 the competent authority under Art. 120, Para 1 shall draw up and coordinate with the relevant RIEW and/or basin directorate a project for complex permission and shall notify the operator under Art. 122, Para 1 in writing.

(7) (*) (amend. – SG 32/12, in force from 07.01.2014) Within one month from the notification under Para 6 the competent authority under Art. 120, Para 1 shall carry out the necessary consultations with the operator and, if necessary, shall update the project of the complex permission.

(8) (*) (amend. – SG 32/12, in force from 07.01.2014) Within 14 days from expiration of the term under Para 7 the competent authority under Art. 120, Para 1 shall issue the complex permission or shall make a reasoned refusal to issue it.

Art. 123. (*) (amend. – SG 32/12, in force from 07.01.2014) (1) The complex permission of art. 117 shall contain:

1. the standards of allowable emissions of the substances under Attachment No. 8 and of other substances, which might be discharged from the respective line in significant quantities:

a) for determination of the standards of allowable emissions the parameters and the ability of substances to transfer pollution from one environmental component to another one shall be considered;

b) the standards of allowable emissions may be supplemented or replaced by equal parameters or technical units, providing equal level of environmental protection;

2. applicable terms and conditions for soil and underground waters protection;

3. applicable terms and conditions for monitoring and management of waste generated by the line;

4. relevant terms and conditions for emissions monitoring:

a) determining the testing method, minimum purity and assessment procedure;

b) where the requirements of Art. 123a, par. 1, item 2 are applied, evidencing, that the results of emissions monitoring are available for the same periods and under the same reference conditions like for those of the emissions levels, indicated in the conclusions on BAT, adopted by a decision of the European Commission;

c) based on the conclusions on BAT, adopted by a decisions of the European Commission, unless they conflict with the environmental national legislation;

5. the terms and conditions for submission to the monitoring body minimum once a year:

a) of information about the results of monitoring of emissions under item 4 and other information, required by the monitoring body for control for compliance with the terms and conditions of the permission;

b) where the provision of Art. 123a, par. 1, item 2 is applied – of information about the results of monitoring of emissions, sufficient for comparison with emission levels, determined in the conclusions on BAT, adopted by a decision of the European Commission;

6. conditions, providing the fulfillment of measures under item 2 and monitoring of results of their implementation;

7. respective terms and conditions of regular monitoring of soil and underground waters, in consideration of respective dangerous substances, which might be possibly discovered on site, and also of the possibility of contamination of soil and underground waters on the site, where the line is installed; the minimum frequency of monitoring of underground waters shall be once every 5 years, and of soils – every 10 years; different frequency may be justified by the operator based on systematic assessment of risk of contamination;

8. terms and conditions for undertaking of actions – in case of deviations from the standard operating conditions, including line start and stop, unauthorized leakage of liquids and gases, failures or accidents, unscheduled stoppages and definitive operation closure;

9. terms and conditions for minimization of contamination of remote areas or trans-border contamination;

10. terms and conditions for assessment of compliance with the standards of allowable emissions under item 1 or with other terms and conditions for control of emissions;

11. the implementation conditions of Art. 121, item 8;

12. the implementation conditions of Art. 123a, par. 5- where relevant;

13. the implementation conditions of Art. 125, par. 2 and 3.

(2) The competent body of Art. 120, par. 1 shall determine the terms and conditions of the permission, taking into consideration the conclusions on the BAT.

(3) Where relevant, the competent body shall put more restrictive values of the parameters, describing the applied technique than those determined in the conclusions on BAT.

(4) The competent body of Art. 120, par. 1 shall set terms and conditions in the permission, taking into consideration the BAT, determined in compliance with the criteria, under the ordinance of Art. 119 following preliminary consultations with the operator in cases where"

1. a particular activity or production process, carried out on the line are not included in any of the conclusions on the BAT, or

2. applicable conclusions do not cover all possible impacts of the respective activity or process on the environment.

(5) The competent body under Art. 120, par. 1 may set conditions in the complex permission and based on the BAT, which is not described in any applicable conclusion on the BAT, where:

1. the technique is determined according to the criteria for the BAT of the ordinance of Art. 119;

2. the provisions of par. 7, 8 and 9 of Art. 123a, par. 1, 3, 4 and 5 are met;

3. the terms and conditions of the complex permission provide a level of environmental protection, equal to the one achieved through the BAT, described in the conclusions on the BAT – in cases where the conclusions on the BAT do not contain emission levels.

(6) When putting terms and conditions in the complex permission for an activity within the scope of item 6.6 of Attachment No. 4, the competent body shall apply also the provisions of the legislative documents regulating human approach to animals.

(7) Standards of allowable emissions shall apply to emissions of dangerous and hazardous substances at their discharge point from the line and for their determination each discharge upstream this point must be excluded.

(8) For determination of emission rates for discharging of waste waters into sewage system the existence of waste waters treatment plant has to be taken into consideration, in case its operation provided equal level of environmental protection in general and does not result in higher levels of contaminants in the environment.

(9) The standards and units under par. 1, item 1 for the lines and facilities of Attachment No. 4 shall be based on application of the BAT, without prescribing application of a particular technique or technology.

(10) The standards may not be higher than the legally determined standards for allowable emissions.

(11) The competent body of Art. 120, par. 1 may set in the permission where relevant additional more restrictive measures for compliance with the norms/environmental quality standards than those, achievable by applying the BAT. In this case application of measures, determined for achieving of conformity with other norms/environmental quality standards is concerned.

(12) The complex permission shall not include standards of allowable emissions of greenhouse gases, unless it is necessary to guarantee that the quality of atmospheric air will not be disturbed.

Art. 123a. (*) (new – SG 32/12, in force from 07.01.2014) (1) The emission rates under Art. 123, par. 1, item 1 under normal operating conditions:

1. shall not exceed the emission levels, determined in the conclusions on the BAT, adopted by a decision of the European Commission; these emission rates shall address the same or shorter periods of time and the same reference conditions like the emission levels, determined in the decisions, or

2. shall be different from the levels of par. 1, but provide compliance of emissions with the emission levels, determined in the conclusions on the BAT, adopted by a decision of the European Commission.

(2) The compliance under par. 1, item 2 shall be guaranteed by carrying out monitoring of emissions and assessment of results by the control body minimum once a year.

(3) Paragraph 1 shall not apply, provided that the cost of its application may not be justified with environmental benefit because of:

1. geographical location of the line;

2. the environmental parameters in the area of the site;

3. technical parameters of the line.

(4) In cases under par. 3 the emission rates must not result in considerable environmental pollution and must provide achievement of high level of environmental protection.

(5) The competent body under Art. 120, par. 1 may permit not to apply the provisions of par. 1

and 2, Art. 121, item 1 and Art. 123, par. 9 for testing and application of most recent techniques for a total period of 9 months. Upon expiration of the term set out in the permission, the application of the techniques shall be terminated or the emissions from the operations shall be adjusted to the emission levels in compliance with the determined BAT.

Art. 123b. (*) (new – SG 32/12, in fore from 07.01.2014) (1) Together with the preparation of the draft of a complex permission the competent body under Art. 120, par. 1 shall issue technical assessment, in which the applicable terms and conditions of the complex permission are justified. The technical assessment shall contain:

1. justifications, on which the decision is based;

2. the results of consultations, carried out prior to taking the decision and explanation of the way they have been taken into account;

3. the title of reference documents and the conclusions on BAT and applicable to the respective line or activity;

4. justifications for determination of the terms and conditions of the permission, including the allowable emission rates, referred to the BAT and the emission levels, related to them;

5. for application of art. 123a, par. 3 – the particular reasons for the application based on the criteria and the conditions of the said provision.

(2) In cases of Art. 123, par. 4 and 5 in the technical assessment the competent body of Art. 120, par. 1 shall describe the provided evidences for their applicability.

(3) In cases of Art. 123a, par. 3 in the technical assessment the competent body of Art. 120, par. 1 shall describe the provided evidences of its applicability.

Art. 124. (*) (amend. – SG 32/12, in force from 07.01.2014) (1) The complex permissions of art. 117 shall be without a fixed term, except for the cases, where the environmental legislative acts provide specific deadlines for termination of the operation of lines.

(2) The competent body of Art. 120, par. 1 shall reconsider the permission where:

1. due to caused by the installation significant pollution of environment modification of the indicated in the permit emissions limitations are required, or including in the permit conditions new emissions limitations;

2. the operator has planned changes in the work of the installation;

3. there is no existing conclusion on BAT, but the development of the applied BAT allows for significant reduction of the emissions;

4. change has occurred in the requirements for exploitation safety of the installation, imposing the use of other techniques;

5. changes have occurred in the normative provisions about environment;

6. a conclusion on BAT is published, adopted by a decision of the European Commission, related to the major operation of a specific line.

(3) For reconsideration of the permission under par. 2 the competent body shall assess the need of amendment of the terms and conditions in the permission – in cases under par. 2, item 1 or of its updating – in cases under par. 2, items 2 – 5.

(4) Where the operator terminates its activity under Attachment No. 4 or part of it, and as a result on the site, being granted a complex permission there are no facilities within the scope of the annex, requiring a complex permission, the competent body under Art. 120, par. 1 shall revoke the decision for issuing a complex permission.

(5) Reconsideration under par. 2, item 5 and the subsequent updating shall:

1. take place within 4 years from the publication of the decision of the European Commission;

2. provide compliance with the provisions of this Chapter;

3. take into consideration all new or updated conclusions, adopted by a decision of the European commission after the issue of the permission or its subsequent updating and which are applicable to the line.

(6) The updated terms and conditions of the permission with reference to par. 2, item 6 shall be complied with by the operator within 4 years after the publication of the decision of the European Comission.

(7) For reconsideration the competent body shall use all available information, including as a result of its own monitoring or control.

(8) For updating, where the provision of Art. 123a, par. 3 apply, or for amendment with reference to par. 2, item 1 of the complex permission the competent body shall provide access to the interested persons to the draft update, respectively draft amendment following the provision of Art. 122a, par. 5.

Art. 125. (*) (amend. - SG 32/12, in force from 07.01.2014) (1) The operator of the installation shall be obliged to:

1. inform the Minister of Environment and Waters and the competent body under Art. 120, par. 1 about each planned change in the work of the installation;

2. fulfil the conditions in the complex permission;

3. draw up and comply with an agreed plan of internal monitoring subject to compliance with the terms and conditions of the complex permission;

4. inform regularly the controlling body of the results of the monitoring and immediately inform it about all incidents or accidents with significant negative impact on environment;

5. provide for conditions that the representatives of the controlling body, during all necessary checks of the installation, take samples and the collect the necessary information about the fulfilment of their obligations under the law;

6. prepare and submit to the control body an annual report about the fulfilment of the activities, for which complex permission has been conceded.

(2) In case of violation of the terms and conditions of the permission the operator shall:

1. inform immediately the control body thereof;

2. undertake immediately relevant measures to provide restoration of compliance as soon as possible;

3. implement all supplementary measures for restoration of compliance, required by the control body;

4. stop operation of the line up to restoration of compliance in cases, where the violation causes immediate hazard for human health or a danger of immediate considerable negative environmental impact.

(3) In case of occurrence of accidents or emergencies with considerable negative environmental impact the operator shall undertake the actions referred to in par. 2 for limitation of consequences and prevention of possible subsequent accidents or emergencies.

Art. 125a. (new- SG 52/08; revoked – SG 42/11)

Art. 126. (2) (revoked - SG 105/08; new – SG 32/12, in force from 07.01.2014) (1) Within one month after the submission of the information under Art. 125, par. 1, item 1 the Minister of Environment and Waters shall assess the existence of a considerable change and shall notify the operator of the need

of granting of a new permission according to the provision of Art. 117, par. 2.

(2) In cases referred to in Art. 125, par. 2 the Minister of Environment and Waters shall require from the operator to submit to the competent body under Art. 120, par. 1 and within the term set in par. 1 the required information and shall determine its scope, including:

1. description of the change;

2. results of internal monitoring of emissions;

3. a report on the basic condition according to Art. 122, par. 2, item 12;

4. evidences of applied BATs, including a comparison between the selected technique and the applicable conclusions on BAT, including emission levels, determined therein;

5. evidences of existence of the circumstances under Art. 123a, par. 3, provided that the operator does not plan application of Art. 123a, par. 1.

(3) Within one month after the provision of the information under par. 2 the competent body under Art. 120, par. 1 shall review the complex permission and shall pronounce on the need of its updating.

(4) Within one month after accomplishment of revision referred to in par. 3 the competent body under Art. 120, par. 1 shall update the complex permission, if required.

Art. 127. (1) (*) (revoked, prev. text of Para 02, suppl. - SG 105/08; amend. - SG 46/10, in force from 18.06.2010; suppl. – SG 32/12, in force from 07.01.2014) The decision for granting, refusal, modification, updating or revocation of a complex permission shall be announced by the competent body under Art. 120, par. 1 through the mass media in 14 days term after the date of issuing it, in the same time sending it to the states affected by the operation of the installation in case of cross border transfer. In this term the applicant shall also be notified in writing.

(2) (amend. - SG 30/06, in force from 12.07.2006; prev. text of Para 03, amend. - SG 105/08) The interested persons can appeal the decision by the order of the Administrative procedure code in 14 days term after its announcement of para 1.

Art. 128. (*) (revoked – SG 32/12, in force from 07.01.2014).

Art. 129. (amend. SG 77/05; prev. text of Art. 129, suppl. – SG 42/11) The Minister of Environment and Waters shall keep a public register containing data about the results of the issuance, refusal to issue, revocation, review, amendment and updating of complex permissions.

(2) (*) (new – SG 32/12, in force from 07.01.2014) The register of par. 1 shall contain:

1. a copy of the decision;

2. a copy of the permission;

3. recent technical assessment;

4. information regarding entering of the decision into fore;

5. information on the measures, undertaken by the operator under Art. 121, item 8.

(3) (*) (new – SG 42/11; prev. par. 2, amend. – SG 32/12, in force from 07.01.2014) The data referred to in para 2, items 1 - 4 shall be provided by the competent body under Art. 120, par. 1.

(4) (*) (new – SG 32/12, in force from 07.01.2014) The Executive agency for environment on its Internet site shall maintain public register about the results of the monitoring of the emissions, provided in the complex permissions.

(5) (*) (new – SG 32/12, in force from 07.01.2014) The control bodies under art. 120, par. 5 shall provide to the Executive agency for environment the information referred to in par. 4 on an electronic storage device.

Art. 130. (*) (revoked – SG 32/12, in force from 07.01.2014).

Art. 131. (*) (revoked – SG 32/12, in force from 07.01.2014).

Section III.
Schemes for improvement of environmental protection results (title amend. SG 77/05; amend. – SG 52/08)

Art. 131a. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131b. (new – SG 77/05; amend. - SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131c. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131d. (new – SG 77/05; amend. – SG 52/08; amend. – SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

Art. 131e. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131f. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131g. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131h. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131i. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131j. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

Art. 131k. (new – SG 77/05; amend. - SG 46/10, in force from 18.06.2010) The Council of Ministers shall issue ordinances for:

1. (revoked – SG 22/14, in force from 11.03.2014)
2. (revoked – SG 22/14, in force from 11.03.2014)
3. (revoked – SG 22/14, in force from 11.03.2014)

4. (revoked – SG 42/11)

5. (amend. – SG 22/14, in force from 11.03.2014) the order and method of organising the national inventory of harmful substances in the atmosphere according to the requirements of the Convention on Long-range Transboundary Air Pollution, signed in Geneva on 13 November 1979 (ratified in a decree – SG 16/81) (SG 45/03).

Art. 131l. (new - SG 99/06, in force from 09.01.2007; revoked – SG 22/14, in force from 11.03.2014)

Art. 131m. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131n. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131o. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131p. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131q. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 131s. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

Art. 131t. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

Art. 132. (1) The organisations can undertake voluntary engagements with regard to environmental protection at:

1. the implementation of their activity;

2. the development, the production, the offering and the use of products of their activity.

(2) (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) The voluntary engagements under par. 1 shall be applied through:

1. the Community scheme for environmental management and auditing according to Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organizations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) and Commission Decisions 2001/681/EC and 2006/193/EC of the Commission (OJ, L 342/1 of 22 December 2009), herein after referred to as "Regulation (EC) No. 761/2001";

2. the EC scheme for eco-marking according to the Regulation (EC) No. 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ, L27/1 of 30 January 2010), herein after referred to as "Regulation (EC) No. 66/2010".

(3) (revoked – SG 52/08).

Art. 133. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) (1) Each organization may apply for a registration according to Chapter II of Regulation (EC) No. 1221/2009.

(2) For registration the organizations according to Regulation (EC) N0. 1221/2009 a fee shall be paid according to a tariff, approved by the Council of Ministers.

Art. 134. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) (1) The Minister of Environment and Waters or an official authorized by him/her shall be the competent body for registration of organizations, located in the European Union, according to Art. 11, paragraph 1 of Regulation (EC) No. 1221/2009.

(2) The directors of RIEW shall provide to the organizations referred to in par. 1 information in compliance with Art. 32, paragraph 4 of Regulation (EC) No. 1221/2009 regarding the applicable legal requirements related to the environment, and the ways of proving of conformity with these requirements.

Art. 135. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) The Executive agency "Bulgarian accreditation office" shall be the national body for accreditation according to Regulation (EC) No. 1221/2009.

Art. 136. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) The procedure of registration, renewal of registration and control for conformity with the requirements according to Regulation (EC) No. 1221/2009 shall be determined by an ordinance of the Minister of Environment and Waters.

Art.136a. (new – SG 32/12, in force from 24.04.2012) Using the EMAS logo shall be according to Art. 10 of Regulation (EC) No. 1221/2009.

Art. 137. (1) (revoked – SG 52/08).

(2) (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) The EC eco-marking may obtain products, for which there are specific criteria, adopted by a decision of the European Commission, published in the "Official Journal" of the European Union.

Art. 138. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) (1) The Minister of Environment and Waters or an official authorized by him/her shall be the competent body according to Art. 4 of Regulation (EC) No. 66/2010.

Art. 139. (amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) The EC eco-marking shall be awarded and used according to Art. 9 of Regulation (EC) No. 66/2010.

Art. 140. (amend. – SG 31/07, in force from 13.04.2007; amend. – SG 52/08; revoked – SG 32/12, in force from 24.04.2012).

Art. 141. (amend. – SG 52/08; prev. Art. 141, amend. – SG 32/12, in force from 24.04.2012) For processing of the application and for using of EC eco-marking a fee shall be paid according to a tariff approved by the Council of Ministers.

(2) (new – SG 32/12, in force from 24.04.2012) The expenses for proving of conformity with the criteria for awarding of EC eco-marking shall be charged to the applicant.

Art. 142. (amend. – SG 52/08; revoked – SG 32/12, in force from 24.04.2012).

Section IV.
International Trading of Assigned Emission Units and National Green Investment Scheme (New – SG 46/10, in force from 18.06.2010; revoked - SG 96/15, in force from 01.01.2016)

Art. 142a. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 142b. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 142c. (new – SG 46/10, in force from 18.06.2010; revoked - SG 96/15, in force from 01.01.2016)

Art. 142d. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 142e. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 142f. (new – SG 46/10, in force from 18.06.2010) The National Trust Eco Fund shall sign the contracts for funding the approved NGIS implementation projects with the investors submitting and performing the projects.

Art. 142g. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 142h. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Chapter eight.
NATIONAL SYSTEM FOR MONITORING OF ENVIRONMENT

Art. 143. The National system for monitoring of environment shall comprise the territory of the whole country.

Art. 144. (1) The National system for monitoring of environment shall include:

1. the national networks for:

a) monitoring of the atmospheric air;

b) monitoring of the precipitation and the surface waters;

c) monitoring of the underground waters;

d) monitoring of the sea waters;

e) monitoring of the geologic environment;

f) (amend. – SG 89/07) monitoring of the soils;

g) monitoring of the forests and the protected territories;

h) (amend. SG 77/05) monitoring of the biological diversity;

i) radiological monitoring;

j) monitoring of the noise pollution in environment;

k) (revoked – SG 46/10, in force from 18.06.2010)

l) monitoring of the waste deposits and the old pollution with waste;

2. control – information system for emissions in the air and the status of the waste waters;

3. the exploitation, the communication and information ensuring and the laboratory servicing of the networks of items 1 and 2.

(2) The National networks for monitoring of environment shall be designed and established in compliance with the national, the European and the international standards.

(3) For the information ensuring of the National system for monitoring of environment a national automated system for monitoring of environment shall be established.

(4) The national automated system for monitoring of environment shall be organised at national, basin and regional level.

(5) The measuring and the laboratory trials shall be implemented by accredited laboratories.

(6) The Minister of Environment and Waters shall approve with an order the networks of para 1, item 1.

Art. 145. The tasks of the National system for monitoring of environment shall be:

1. conducting of observations of the national networks for determining the status of the components of environment;

2. processing, analysis, visualisation and preservation of the information from the networks of item 1 and from the own monitoring;

3. ensuring of information for operational control;

4. prognoses of the status, assessment of the risk for the environment and development of proposals for its improvement;

5. information ensuring of the bodies of the executive power and of the public;

6. creating and maintaining of specialised maps and registers of the components of environment and of the factors, influencing them;

7. exchange of information about the status of environment with the European system for

monitoring.

Art. 146. (1) (Amend. - SG 86/03, suppl. SG 74/05; suppl. – SG 89/07) For conducting of own monitoring the persons, obliged under the Waters Act, the Act on Soils, the Ambient Air Quality Act, Underground Resources Act, Protection From Environment Noise Act and the Waste Management Act, shall develop a plan, complied with the conditions of the permission or in the decision about EIA.

(2) The plan for own monitoring shall be approved by the body, obliged the person of para 1.

(3) At the approval of the plan for own monitoring the body of para 2 shall determine the information, which the persons, carrying out own monitoring, are obliged to concede for including in the national automated system for ecological monitoring, as well as the order and the way for conceding it.

Art. 147. (1) (suppl. SG 74/05) The National system for monitoring of environment, except the national system for monitoring of noise in the urbanized territories, shall be organised and managed by the Minister of Environment and Waters.

(2) (suppl. SG 74/05) The creating, the functioning, the material – technical and the information – software ensuring of the national automated system for ecological monitoring, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(3) revoked – SG 77/05

(4) (suppl. SG 74/05) The methodical management of the monitoring activity, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(5) The assessments of the status of environment shall be implemented at regional and at national level by RIEW and the Executive agency for environment.

(6) The data and the assessments about the status of environment shall be published in quarterly and annual bulletin about the status of environment.

(7) The data from the observations and the assessments, obtained as result of the activity of the National system for monitoring of environment as well as of own monitoring, shall be basis for implementing of control and for imposition of sanctions upon violation of the normative requirements.

Chapter nine.
CONTROL

Section I.
General conditions

Art. 148. (1) The Ministry of Environment and Waters shall implement control over the components of environment and the factors, which influence them.

(2) The control shall be preventive, current and folow-up.

(3) (amend. – SG 52/08) The control shall be implemented at national level by the Minister of Environment and Waters or by individuals, authorised by him, and at regional level – by the directors of RIEW, the directors of the basin directorates, the directors of the national parks, the regional governors and the mayors of the municipalities or officials, authorised by them.

Art. 149. (1) (suppl. SG 77/05) The individuals and the corporate bodies shall be obliged to

ensure immediate access and to render co-operation to the bodies of art. 148, para 3 for all sites and territories for implementing check, for measuring or for taking samples from present or potential sources of pollution and/or damaging of environment.

(2) The access to sites and territories of the Ministry of Interior and of the Ministry of Defence shall be permitted by the respective chief of structural unit of the ministry.

(3) The bodies of the executive power and the administrations, subordinated to them, the organisations, the corporate bodies and the individuals shall be obliged to render co-operation to the bodies, implementing control over the fulfilment of their functions.

Art. 150. The individuals and the corporate bodies, who have and use cleaning facilities and facilities for treatment of waste, shall be obliged to ensure their functioning according to the provisions of the normative acts and the conditions in the permissions about EIA, in the permits and the other individual administrative acts, referring to them.

Art. 151. (amend. SG 77/05) (1) For the administrative breaches established during the control activity the control bodies shall compile acts for establishing the breaches.

(2) In the cases of para 1 the control bodies may issue written prescriptions and orders for imposing compulsory administrative measures.

Section II.
Preventive control

Art. 152. (amend. SG 77/05) The preventive control for environmental protection shall be implemented through the ecological assessment at the approval of plans and programmes, through EIA as condition in the development of the investment process, as well as through issuing of complex and other permissions, provided in the law.

Art. 153. (1) The preventive control shall have as objective not admitting of pollution and/or damaging of environment above the admissible measures before the implementing of the proposed and/or the planned activity.

(2) In implementation of their functions and with regard to the achieving of the objective of the preventive control the bodies of art. 148, para 3 shall compile warning records to the individuals, the management bodies of the corporate bodies and the sole traders, who are subject to control.

(3) In the records, compiled on the basis of para 2, shall be reflected the facts or the circumstances, who can lead to damaging and/or pollution of the environment, and obligatory recommendations for not admitting the reflected facts and/or circumstances shall be given.

(4) The recommendations from the record of para 3 shall be compulsory for the checked person.

Section III.
Current and follow-up control

Art. 154. (1) The current control shall comprise:

1. the control over the quality of the components of the environment and the factors, which influence it;

2. (amend. – SG, 62/2015, in force from 14.8.2015) the control over the fulfilment of the issued by the Ministry of Environment and Waters, basin directorates, directorates of the national parks the regional environment and waters inspectorates permissions, decisions and of the envisaged measures in the programmes.

(2) (suppl. SG 77/05) The current control shall be implemented through implementing of checks by documents and at the place, observations and measurements.

(3) (new – SG 77/05) When at check by documents or at the place is established lack of documents certifying the observing of the established requirements the checked person shall present them in 7 days term from the check.

(4) (prev. (3) – SG 77/05) The current control shall include access to:

1. the data from own monitoring of the site, implemented by the operator;

2. the information, connected with the production activities at the site;

3. the properties and the facilities, which are state, municipal and private property.

Art. 154a. (new – SG 32/12, in force from 24.04.2012) (1) Control bodies under Art. 120, par. 5 shall develop, review and if necessary update an inspection plan of the lines within the scope of Attachment No. 4 in the territory under their control.

(2) The plan referred to in par. 1 shall include:

1. general assessment of significant environmental impacts;

2. territory covered by the plan;

3. list of lines;

4. development procedures of scheduled inspections programs;

5. out-of-schedule inspection procedures;

6. rules for combination of inspections with other control bodies – if required.

(3) Based on the plans referred to in par. 2 the control body shall prepare regularly scheduled inspection programs, indicating the frequency of site inspections for different types of lines.

(4) The frequency of inspections referred to in par. 3 shall be determined based on systematic assessment of environmental risk from the respective lines and shall be minimum once a year for the lines, representing the highest risk, and three years for lines representing the lowest risk.

(5) Where an inspection has identified considerable inconformity with the terms and conditions of the permission the control body shall carry out a new site inspection within 6 months after the last inspection.

(6) for the systematic assessment of environmental risk under part. 3 the following criteria shall be applied as a minimum:

1. the potential and actual impact by the respective lines on human health and on the environment, taking into consideration the levels and the types of emissions, local environment sensitivity and risk of accidents;

2. compliance with the terms and conditions of the permission;

3. valid registration of the operator according to the Community Environment Management and Audit Scheme (EMAS) in compliance with Regulation (EC) No. 1221/2009.

(7) Within one month after the receipt of complaints and warnings, accidents and emergencies, related to environmental risk or cases of inconformity with the terms and conditions of the complex permission, out-of-schedule inspections shall be carried out, and in cases of an open procedure following the provision of Art. 117 or 124 – before its finalization.

(8) During every site inspection the control body shall issue a record of findings. Based on the record of findings issued after the inspection the control body shall prepare a report, containing identified facts and circumstances regarding line compliance with the terms and conditions of the permission and if required – obligatory for the operator prescriptions, and also administrative punitive

measures undertaken by the control body.

(9) The control body shall:

1. make the report under par. 8 known to the operator within two months after finalization of the inspection;

2. publish the report under par. 8 subject to compliance with the requirements for public access to environmental information within 4 months after finalization of the inspection.

(10) Regardless the application of Art. 125, par. 2 the operator shall fulfill the prescriptions issued in the record of findings within the prescribed deadlines.

Art. 155. (1) During the implementing of the current control officials, determined by the bodies of art. 148, para 3, shall compile fact finding records.

(2) In the records of para 1 shall be reflected the established facts and circumstances and obligatory recommendations shall be given with pointing out of terms and persons, responsible for their fulfilment.

Art. 156. The follow-up control shall be implemented through following of:

1. (amend. – SG 32/12, in force from 24.04.2012) the results of fulfillment of the terms and conditions, measures and the limitations contained in EWA decisions, decisions on assessment of the need of EWA, environmental assessment opinions, decisions on assessment of need of environmental assessment and in the permissions, as well as the fulfilment of the investment projects and from the application of the plan or the program;

2. the fulfilment of the recommendations, given to the controlled persons during the implementation of the preventive and the follow-up control.

Art. 157. The compiling of acts for admitted administrative violations and the issuing of punitive decrees shall be part of the current and the follow-up control.

Art. 157a. (new – SG 77/05) (1) (amend. – SG, 62/2015, in force from 14.8.2015) The Minister of Environment and Waters shall control the fulfilment of the obligations of the operator of undertakings/facilities, classified by low or high risk potential in compliance with Art. `03, Para. 2.

(2) (amend., SG 95/05, in force from 01.03.2006; amend. – SG 82/06; amend. – SG 102/06; amend. – SG 52/08; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 32/12, in force from 24.04.2012, amend. and suppl. – SG, 62/2015, in force from 14.8.2015) The control of para 1 shall be implemented by joint checks by commissions defined with an order of the Minister of Environment and Waters, comprised by authorized representatives of the territorial and the regional structures of the Ministry of Environment and Waters, the Ministry of Interior, the Executive Agency "General Labor Inspection" and of the municipality Mayors.

(3) (amend. – SG, 62/2015, in force from 14.8.2015) The commissions under Para. 2 shall conduct planned and systematic control of the used in the undertakings/facilities under Para. 1 systems of technical, organizational or management nature in view to be guaranteed that:

1. the operator may certify that he applies the appropriate measures in the various activities of the undertaking for prevention of major accidents;

2. the operator may certify that he has provided appropriate means for restriction of the consequences from major accidents in and out of the site;

3. the data and information of the safety report or every other provided report adequately reflect

the conditions in the undertaking/facility;

4. the operator fulfils his obligations under Art. 103, Para. 1 – 5, Art. 104, Para. 5 and 6, Art. 105, Para. 106, Para. 1, 3, 5 and 6, Art. 107, Para. 1, 3 and 4, Art. 109, Art. 112, Para. 1 and 3, Art. 113, Para. 3 annd 4, Art. 116d, Art. 116e, Para. 1, Art. 116f, Art. 116g, Para. 1, Art. 116h, Para. 2 and the ordinance under Art. 103, Para. 9;

5. the municipality Mayors on whose territory the undertakings/facilities are with high risk potential, fulfil their obligations under Art. 108, Para. 1 – 3 and Para. 5 – 6.

(4) (suppl. – SG, 62/2015, in force from 14.8.2015) The joint checks under Para. 2 shall be realized:

1. on the basis of an annual control activity plan of the commissions;

2. in case of complaints and signals.

(5) (amend. - SG, 62/2015, in force from 14.8.2015) The RIEW directors after coordination with the bodies under Para. 2 shall develop and in need – review the control activity plans for the undertakings/facilities under Para. 1 for the controlled by them territory.

(6) (amend. - SG, 62/2015, in force from 14.8.2015) The control activity plans under Para. 5 shall contain:

1. a general assessment of the problems in relation to safety;

2. territorial scope of the plan;

3. a list of the undertakings/facilities under Para. 1;

4. a list of the groups of undertakings/facilities under Para. 1 where the domino effect is possible under Art. 116h, Para. 1;

5. a list of the undertakings/facilities under Para. 1, where certain external risks or sources of danger would be able to increase the risk or the consequences from a large accident in these undertakings/facilities;

6. procedures for carrying out joint planned checks on site, including the programmes for such checks;

7. procedures for carrying out checks on site;

8. provision for cooperation among the various control bodies.

(7) (amend. - SG, 62/2015, in force from 14.8.2015) On the basis of the plans under Para. 5, the Minister of Environment and Waters shall:

1. confirm by an order and in need update a control activity plan of the undertakings/facilities under Para. 1 on the territory of the country and shall confirm the names of the composition and chairpersons of the commissions under Para. 2;

2. authorize by an order the chairpersons of the commission under Para 2 to draw up protocols for the carried out checks, to give obligatory instructions and to draw up acts for found administrative offences during the checks.

(8) (amend. - SG, 62/2015, in force from 14.8.2015) On the basis of the control activity plan under Para. 7, p. 1, the RIEW directors , after coordination with the bodies under Para. 2, shall develop programmes for conducting planned checks of all the undertakings/facilities in the plan, in which shall indicate the frequency of the checks for the different types undertakings/facilities.

(9) (amend. - SG, 62/2015, in force from 14.8.2015) The frequency of the checks under Para. 2 shall be defined on the basis of a regular assessment of the dangers in the relevant undertakings/facilities and shall be at least once a year for undertakings and facilities of high risk potential and at least once in 3 years for undertakings/facilities of low risk potential.

(10) (new - SG, 62/2015, in force from 14.8.2015) the organization of the operation of the commissions under Para. 2 and the form of the annual plan under Para. 7 shall be determined by the ordinance of Art. 103, Para. 9.

(11) (new - SG, 62/2015, in force from 14.8.2015) While carrying out the assessment under Para. 9, the following criteria shall be accounted:

1. the potential effect of the relevant undertaking/facility over human health and environment;

2. the observation of the requirements of Chapter Seven, Section I and of the ordinance under Art. 103, Para. 9 in these undertakings/facilities;

3. the fulfilment of the measures for prevention and control of major accidents and restriction of the consequences form them in compliance with the approved safety report and where applicable – the conditions and measures in the decision under EIA for approval of the investment proposal for construction or change of this undertaking/facility;

4. in the cases, where applicable, the findings from other checks for finding compliance with the normative requirements in the area of prevention of the industrial pollution, the accident and fire safety or provision of healthy and safe conditions at work in the undertaking/facility.

(12) (new - SG, 62/2015, in force from 14.8.2015) Within one month term from receiving a compliant, signal for a large accident or quasi-accident, incident or case of non-fulfilment of the provision of Chapter Seven, Section I or the ordinance under Art. 103, Para. 9, the commission under Para. 2 shall carry out a check up on site.

Art. 157b. (new – SG 77/05) (1) During the implementing of the joint check the chairman of the commission of art. 157a, Para 2 shall compile fact finding record which shall be signed by all its members.

(2) (amend. - SG, 62/2015, in force from 14.8.2015). On the basis of the protocol under Para. 1 after carrying out every check, the commission chairperson under Art. 157a, Para. 2 shall:

1. draw up a report to the Minister of Environment and Waters, in which he shall produce the found facts and circumstances about the compliance of the undertaking/facility with the requirements of Chapter Seven, section I and of the ordinance under Art. 103, Para. 9 and if needed shall indicate the needed actions for bringing into compliance on behalf of the operator;

2. within the term of 4 months after carrying out the check shall:

a) announce in writing to the operator the conclusions from the check and shall give obligatory prescriptions for undertaking the relevant actions under p. 1 while defining a term for the operator for their implementation;

b) publish on the internet site of the relevant RIEW on whose territory is the undertaking/facility, the date of the last check under Art. 157a, Para. 2 or shall indicate the source, from which this information may be accessible electronically and where in submission of an application under Chapter Two may receive more detailed information about the check and the relevant plan for the control activity while observing the requirements for public access to the information about the environment.

(3) The chairman of the commission of art. 157a, para 2 shall compile act for established breaches upon established breaches.

(4) (amend. – SG 103/09) The Minister of Environment and Waters or an official authorized by him/her shall issue punitive decree with which imposes to the operator the respective administrative penalty.

(5) (new - SG, 62/2015, in force from 14.8.2015). In case of found by a check substantial incompliance with the requirements of Chapter seven, Section I or of the ordinance under Art. 103, Para. 9, a new check shall be carried out on site within the term of up to 6 months from the date of the last check.

Art. 157c. (new – SG 77/05) (1) (amend. - SG, 62/2015, in force from 14.8.2015). At implementing the check the commissions under Art. 157a, Para 2 shall have right to require the necessary data, including assign taking samples and testing of samples by accredited laboratories and to

collect the needed information for finding compliance with the requirements of Chapter Seven, Section I and the ordinance under Art. 103, Para. 9, as well as information, references and explanations from the checked persons and from third persons connected with implementation of the controlled activity, in order to be given possibility:

1. the probabilities for occurrence of a large accident to be assessed;

2. the size of a possible increasing of the probability or worsening the circumstances to be defined in case of occurrence of a large accident;

3. for development of external accident plan;

4. to be identified the substances, which because of their physical form, concrete conditions of use and/or location of the undertaking/facility may cause a need of additional review and updating of the developed measures for prevention of major accidents and restriction of the consequences from them.

(2) The operator of the undertakingand/or the facility shall be obliged to ensure for the representatives of the control commission of art. 157a, para 2 the necessary cooperation for the fulfillment of all checks of the undertakingand/or the facility, taking of samples and collecting of the necessary information about fulfillment of their obligations under this Act.

(3) The members of the commission of art. 157a, para 2 shall be obliged not to divulge the official, the production and the trade secret which has become known to them at or on occasion the implementing of the control activity.

Art. 157d. (new – SG 46/10, in force from 18.06.2010, revoked - SG 53/18q in force from 26.06.2018)

Art. 157e. (new – SG 32/12, in force from 24.04.2012) (1) Control for compliance with the requirements of Regulation (EC) 1221/2009 and Regulation (EC) No. 66/2010 shall be carried out by the Directors of RIEW.

(2) The market monitoring bodies in the meaning of Regulation (EC) No. 765/2008 shall notify in due time the respective RIEW of any misuse of EMAS logo and of the EC eco-marking, identified in the course of carrying out of control in compliance with their respective competencies.

Art. 157f. (new – SG 32/12, in force from 24.04.2012) In case of implementation of control upon request of affected persons the cost of identification of violations shall be charged to the respective violator.

Chapter ten.
COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE-PUNITIVE RESPONSIBILITY

Art. 158. (amend. – SG 52/08) The Minister of Environment and Waters or individuals, authorised by him, the directors of RIEW, the directors of the national parks and the directors of the basin directorates shall apply compulsory administrative measures in the cases of:

1. accident situations, caused by actions or lack of actions of owners or users of sites and territories;

2. calamity situations;

3. occurrence of immediate danger for pollution or damaging of environment or for damaging of the health or the possessions of people;

4. prevention or termination of administrative violations, connected with environmental protection, as well as prevention and/or removal of the harmful consequences of these violations.

Art. 159. (1) The compulsory administrative measures shall be preventive, terminating and restoring.

(2) (amend. – SG 52/08) At the application of the compulsory measures the Minister of Environment and Waters or individuals, empowered by him, the directors of RIEW, the directors of the national parks and the directors of the basin directorates shall, with the co-operation of the regional governor, stop with a motivated order the production activity of owners or users of territories, as well as the access to territories, as well as the access to territories of the owners and the users, including through stamping or sealing.

(3) The mark or the seal and the way of stamping or sealing of para 2 shall be approved with an order by the Minister of Environment and Waters.

Art. 160. (1) The application of compulsory administrative measures shall be implemented with a motivated order by the body of art. 158.

(2) In the order of para 1 shall be determined the kind of the compulsory administrative measure and the way of its application.

(3) In the order of para 1 shall be handed over to the interested person by the order of the Civil Procedure Code.

(4) (amend. - SG 30/06, in force from 12.07.2006) The order of para 1 can be appealed by the interested persons by the order of the Administrative procedure code.

(5) The appeal against the order shall not stop its effect.

Art. 161. (1) (suppl. SG 77/05; amend. – SG 52/08) The Minister of Environment and Waters or an individual authorized by him shall appeal the acts of the administrative bodies, which contradict with the normative acts in the field of environmental protection.

(2) The appealing of para 1 shall not stop the effect of the act, being appealed.

Art. 162. (1) (amend. – SG, 62/2015, in force from 14.8.2015) For violations under this Act, the natural persons, the regional governors, the Mayors of municipalities, the mayors of quarters, the mayors of mayoralties and the officials shall be punished with fines from 200 to 20000 levs, and to the corporate bodies and the sole traders shall be imposed proprietary sanctions from 5000 to 500 000 levs.

(2) With repeated violation the amount of the fine or the proprietary sanction shall be double of para 1.

(3) (amend. – SG, 62/2015, in force from 14.8.2015) For obviously insignificant cases of violations, committed by natural persons, the fine shall be from 100 to 500 levs.

Art. 162a. (new – SG, 62/2015, in force from 14.8.2015) (1) Any legal person or sole trader, who in, or in relation to carrying out his activity or lack of activity admits not allowed emission of hazardous chemical substances and mixtures and/or wastes from industrial warehouse or transport facility or installation, including pipeline, which do not fall in the scope of an issued permit under Art. 117, shall be imposed by a property sanction in the amount of BGN 10 000 to BGN 500 000, and the natural persons shall be imposed by a fine of BGN 300 to 3000.

(2) In a repeated offence the property sanction or fine shall be doubled.

Art. 163. (1) (prev. art. 163 – SG 77/05; amend. – SG 103/09) A member or a manager or the team under Art. 83, par. 1, who violates art. 83, para 5, shall be punished with fine from 1000 to 10 000 levs if he is not subject to heavier penalty.

(2) (new – SG 77/05; amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012) Who uses the EC ecomarking in violation of the provision of Art. 9 of Regulation (EC) No. 66/2010 shall be punished with a fine, respectively a proprietary sanction from 1000 to 5000 levs.

(3) (new – SG 32/12, in force from 24.04.2012) Who uses the EMAS logo in violation of the provision of Art. 10 of Regulation (EC) No. 1221/2009 shall be punished with a fine, respectively a proprietary sanction from 1000 to 5000 levs.

(4) (new – SG 77/05, prev. par. 3 – SG 32/12, in force from 24.04.2012) At repeated breach the fine, respectively the proprietary sanction shall be in double extent.

Art. 164. (1) (prev. Art. 164, SG – 52/08, amend. – SG, 62/2015, in force from 14.8.2015) For no fulfilment of the requirements of art. 125 to the operator of the installation – corporate body or sole trader, shall be imposed proprietary sanction from 10 000 to 500 000 levs.

(2) (new – SG 52/08; amend. – SG 42/11) For non-fulfillment of the requirements of art. 22a and for provision of incorrect information to the operator of the installation – a legal entity or a sole trader, shall be imposed proprietary sanction from 2 000 to 5 000 levs.

(3) (new – SG 32/12, in force from 24.04.2012) An operator of lines and facilities, carrying out activities within the scope of Attachment No. 4 without a complex permission under Art. 117, par. 1 and 2, shall be punished with a fine, respectively a proprietary sanction of 50.000 levs.

(4) (new – SG 32/12, in force from 24.04.2012) The application of par. 3 shall not suspend the activities under Art. 158, item 4 until granting of a complex permission.

Art. 164a. (new – SG 77/05; amend. - SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Art. 164b. (new – SG 52/08) For non fulfillment of the requirements of art. 56a, para 1 the natural person or a corporate body shall be fined or imposed a proprietary sanction in a double amount of the non-paid eco-fee for the motor vehicle.

Art. 164c. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014, new – SG, 62/2015, in force from 14.8.2015) (1) The Minister of Environment and Waters or the RIEW director on whose territory is an undertaking/facility of low or high risk potential, shall prohibit with a grounded order the exploitation of the undertaking/facility, including warehouse facility or parts of the, where:

1. the operator has not drawn up or produced RPPLA, safety report and/or any other information, required under this Section and the ordinance under Art. 103, Para. 9;

2. the operator exploits an undertaking and/or facility of high risk potential without permit under Art. 116, Para. 1, p. 1 or after an issued decision under Art. 116, Para. 1, p. 2;

3. an undertaking/facility of high risk potential fails to comply with the decision under Art. 116, Para. 1, p. 1;

4. the measures, applied by the operator are not sufficient for prevention of major accidents or restriction of the effects form them, or

5. the control activity reports under Art. 157b, Para. 2, p. 1 contain findings of the commission under Art. 157a, Apra. 2 for serious offences on behalf of the operator in undertaking the needed actions for prevention of major accidents and restriction of the effects from them.

(2) The order under Para. 1 may be appealed by the interested persons under the Administrative – Procedure Code.

(3) The appeal of the order under Para. 1 shall not stop its implementation.

Art. 165. (1) An official, who does not admit in the site or on the territory a control body, implementing check, measurement or taking sample, shall be punished with fine from 2000 to 20 000 levs.

(2) Proprietary sanction from 2000 to 20 000 levs shall be imposed to the corporate body or the sole trader in the cases, when its worker or employee commits violation of para 1, regardless of whether the control body can establish the identity of the worker or the employee.

Art. 166. With the penalties of art. 165 shall be punished the persons, who:

1. do not concede to the control bodies the existing data from own monitoring;

2. (amend. – SG 32/12, in force from 24.04.2012) do not comply with the conditions, measures and restrictions in permissions, decisions or opinions, issued by the competent bodies for the environment;

3. (amend. SG 77/05; suppl. – SG 103/09) do not fulfil the recommendations, given in the individual administrative acts and the fact finding records of art. 155 or art. 157b, issued by the Minister of Environment and Waters, the directors of RIEW, the directors of the basin directorates, the directors of national parks or by officials, authorised by them.

Art. 166a. (new – SG 77/05) (1) (amend. – SG 32/12, in force from 24.04.2012, amend. – SG, 62/2015, in force from 14.8.2015) A natural person or corporate body who implements activity without en enforced decision for approval of a safety report under Art. 116, para 1, p. 1, or Art. 116g, Para. 4 in the cases when such is required, if not subject to graver penalty shall be punished by a fine, respectively proprietary sanction from 30 000 to 100 000 levs.

(2) (amend. – SG 32/12, in force from 24.04.2012, amend. – SG, 62/2015, in force from 14.8.2015) For not observing technical, organizational and/or management measures for prevention of major accidents and restriction of the effects from them in the safety report, approved by the decision under Art. 116, Para. 1, p. 1, as well as for non fulfillment of the obligations of art. 103, Para. 2, 4 and 5, Art. 105, Para. 1, p. 3, Art. 106, Para. 1, 3, 5 and 6, Art. 107, Para. 1, 3, 4 and 5 and Art. 109, Para. 1 – 3, Art. 112, Para. 1, Art. 113, Para. 3 and 4, Art. 116d, Art. 116 f, Art. 116 g, Para. 1 – 3 the natural person, if not subject to graver penalty, or the corporate body shall be punished by a fine, respectively proprietary sanction, from 10 000 to 20 000.

(3) (amend. – SG, 62/2015, in force from 14.8.2015) For non fulfillment of the obligations under art. 104a, para 5 and 6 and Art. 116h, Para. 2, a natural person, if not subject to graver penalty, or the corporate body shall be punished with fine, respectively proprietary sanction, from 5000 to 10 000 levs.

(4) (amend. – SG, 62/2015, in force from 14.8.2015) For not observing the terms provided in art. 103, para 1, art. 113, para 1 the natural person or the corporate body shall be punished with fine, respectively proprietary sanction, from 2000 to 5000 levs.

Art. 166b. (new – SG 46/10, in force from 18.06.2010, revoked - SG 53/18q in force from 26.06.2018)

Art. 167. (suppl. SG 77/05) The acts, with which are established administrative violations under this Act, shall be compiled by officials, determined by the Minister of Environment and Waters, respectively by the directors of RIEW, the directors of the basin directorates or the directors of the national parks.

Art. 168. (suppl. SG 77/05; amend. – SG 52/08) The punitive decrees under the law shall be compiled by the order of the Administrative Offences and Sanctions Act and shall be issued by the Minister of Environment and Waters or individuals, authorised by him, by the directors of RIEW, the directors of the basin directorates or the directors of the national parks.

Art. 169. (1) Acts for establishing of administrative violations under this Act can compile also representatives of the public and of non government ecological organisations, determined by the Minister of Environment and Waters.

(2) (amend. – SG 52/08) The punitive decrees of para 1 shall be issued by the Minister of Environment and Waters or individuals, authorised by him.

Chapter eleven.
CIVIL RESPONSIBILITY

Art. 170. (1) Who guiltily inflicts to other man damages from pollution or damaging of environment, shall be obliged to indemnify him.

(2) In the cases, when is damaged property – state ownership, authorised to present a claim of para 1 shall be:

1. the Minister of Environment and Waters – if the damages have occurred on the territory of more than one region;

2. the regional governor – if the damages have occurred on the territory of more than one municipality.

(3) In the cases, when is damaged property – municipal ownership, the mayor of the municipality shall be authorised to present the claim of para 1.

Art. 171. The damaged persons and the persons of art. 170, para 2 and 3, can present claim against the violator for terminating the violation and for removal of the consequences from pollution.

Art. 172. The liquidation of the consequences, cause by cross-border pollution of environment, shall be implemented on the basis of international agreement, to which the Republic of Bulgaria is a party.

Additional provisions

§ 1. In the context of this Act:

1. "Environment" is a complex of natural and anthropogenic factors and components, which are in status of mutual dependence and influence the ecological equilibrium and the quality of life, human health, the cultural and the historic heritage.

2. "Environmental protection" is a complex of activities, which are directed to prevention of the degradation of environment, to its restoration, protection and improvement.

3. "Natural resources" are the parts of the organic and non organic nature, which are used or can be used by man for satisfying his needs.

4. "Renewable resources" are these, which restore themselves naturally or can be entirely or partially restored and about which is considered proven, that they are restored wit rate, compatible with the rate of their exploitation. All other resources are not renewable.

5. "Pollution of environment" is the change of its qualities due to occurrence and introduction of physical, chemical or biologic factors from natural or anthropogenic source in the country or out of it, regardless whether the standards in effect in the country are exceeded.

6. "Damaging of environment" is such change of one or more of the components, comprising it, which leads to degradation of the quality of life of the people, to decrease of the biologic diversity or to impaired restoration of the natural ecosystems.

7. "Available primary information" is the information, representing the results of measurements, trials, observations and like, not accompanied by analyses, prognoses and explanations, collected within the framework of the obligations of the competent administration, without for this to be necessary request by an interested person.

8. "Available preliminary processed information" is the information, processed, summarised and analysed within the framework of the obligations of the competent administration, without for this to be necessary request by an interested person.

9. "Purposely processed information" is the information, collected or processed, summarised and analysed on request of an interested person.

10. "Collecting of information" are the actions of the competent administrations and of the obliged natural persons and corporate bodies, with which are implemented the measurements, the fact findings and the observations of the factors, being primary information and with which is implemented the processing of the information.

11. "Giving of information" is the act of giving of the information by the obliged person to the competent administration or to the competent body.

12. "Conceding of information" is the act, with which is implemented the access of the interested persons to the available information.

13. "Landscape" is territory, which specific image and elements have emerged as result of actions and interactions between natural and/or human factors.

13a. (new – SG 32/12, in force from 24.04.2012) "Underground waters" are the waters in the meaning of § 1, par. 1, item 24 of the Waters Act.

14. (amend. – SG 32/12, in force from 24.04.2012) "Soil" is the most upper layer of the earth cover, located between the basic rock and the surface. The soil consists of mineral particles, organic matters, water, air and living organisms.

15. "Soil functions" are:

a) basis for life and living space for people, animals, plants and soil organisms;

b) component of the natural balance, especially with its turnover of waters and nutrient substances.

16. "Harmful changes of the soil" are damages of the soil functions, which cause significant damages and harms to the separate natural person and for the community as a whole:

a) chemical pollution above utmost admissible quantities with heavy metals and metalloids, stable organic pollutants, pesticides and petrol products, in this number salination and harmful acidity;

b) pollution with fresh manure waste and concentrated mineral fertilisers, as well as with different kinds of waste;

c) physical degradation as water and wind erosion with its anthropogenic aspects, over-moisture and marshing, consequences of burning of stubble and plant remains.

17. (amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) "Investment proposal" is:

a) a proposal for carrying out of construction works or construction of installations or schemes;

b) other interference in the natural environment and landscape, including obtaining of mineral deposits.

18. "Impact" is each impact over environment, which may be caused by the realisation of the investment proposal for construction, activity or technology, including over health and safety of people, flora, fauna, soil, air, water, climate, landscape, historic monuments and other material valuables or the interaction between these factors.

19. "Cross-border impact" is any impact of not only global character in a region, being under the jurisdiction of certain state, caused by proposed activity, which physical source is located entirely or partially in a region under the jurisdiction of other state.

20. (amend. SG 77/05) "Assignor of investment proposal" is public body, natural person or corporate body who by the order of special law, normative or administrative act has rights to initiate or to apply for approval of investment proposal.

21. (amend. SG 77/05) "Assignor of plan or programme" is the person or the body, who is authorized to assign the working out of the plan or the programme.

22. "Plans and programmes" are plans, programmes, strategies and similar documents, as well as their amendments, which:

a) are required by law, normative or administrative provisions;

b) are subject to preparation and/or approval by a public body of the national, the regional or local level or which are prepared by certain body for approval through a procedure, approved by the Council of Ministers or the National Assembly.

23. "Interested states in cross-border context" are the state, source of impact on environment, and the other states, affected by this impact, parties to the Convention for environmental impact assessment in cross-border context.

24. "Public" is one or more natural persons or corporate bodies and their associations, organisations and groups, created in compliance with the national legislation.

25. (suppl. SG 77/05) "Affected public" is the public of item 24, which is affected or with probability to be affected, or which has interest in the procedures for approval of plans, programmes, investment proposals and in taking decisions for the issuing or updating of permissions by the order of this Act or the conditions in the permission, including the ecological non government organizations created in compliance with the national legislation.

26. "Zero alternative" is the possibility not to be implemented the activity, provided in the investment proposal.

27. "Non technical abstract" is a short presentation of the information in the report about EIA in a language, understandable for the public, in amount not less than 10 percent of the amount of the report, containing the necessary illustrative material (maps, photos, schemes).

28. (amend. SG 77/05; revoked – SG 47/09, in force from 23.06.2009)

29. (amend. SG 77/05; amend. – SG 103/09, suppl. – SG, 62/2015, in force from 14.8.2015) "Facility" is a technical unit within the enterprise, notwithstanding on or under the earth surface, where dangerous substances are produced, used, processed or stored. It includes the whole equipment: structures, pipes, machines and tools, private railway spare tracks (tracks of in-company railway transport), docks, unloading wharfs (port terminals), servicing the facility, landing docks, warehouses and other similar structures, floating or not, which are necessary for facility operation.

29a. (new – SG 77/05; suppl. – SG 103/09, amend. - SG, 62/2015, in force from 14.8.2015)

"Preservation of dangerous substances" is presence of a certain quantity of hazardous substances for storage, provision to responsible keeping or maintaining in availability.

29b. (new – SG 77/05) "Dominoes effect" is increase of the risk or aggravation of the consequences of major accident in undertaking and/or facility or in group of undertakings and/or facilities, which is consequence of geographic closeness to other undertaking and/or facility or to group of undertakings and/or facilities or is consequence of the dangerous substances which are produced, used and/or preserved on the territory of the undertaking and/or the facility.

29c. (new – SG 77/05) "Sites with public designation" are:

a) (amend. – SG, 62/2015, in force from 14.8.2015) crиches and kindergartens and specialized institutions for social services for children and pupils, or elderly people, schools and higher schools, students' hostels, schools – music, language, sport schools, and centres for work with children;

b) (amend. – SG, 62/2015, in force from 14.8.2015) medical and health establishments;

c) (suppl. - SG, 62/2015, in force from 14.8.2015) entertainment parks and sport sites – stadiums and sport halls;

d) theatres, cinema halls, concert halls;

e) (suppl. - SG, 62/2015, in force from 14.8.2015) railway stations, airports, ports, bus stations and parking lots;

f) (suppl. - SG, 62/2015, in force from 14.8.2015) administrative and public buildings, including trade centres and supermarkets.

29d. (new – SG 77/05) "Necessary measures for prevention of major accidents" are the technical, the organizational and the managerial measures necessary for the safe exploitation of the undertaking and/or the facility.

29e (new - SG, 62/2015, in force from 14.8.2015, revoked - SG 12/17)

29f (new- SG, 62/2015, in force from 14.8.2015) "Large transport roads" are the Republican roads under the Act on Roads and railway high ways and railway lines of I and II categories under the Act on Railway Transport.

30. "Decision on environmental impact assessment" is natural person administrative act of the competent body of art. 94, with which is approved the admissibility for designing of investment proposal of item 17 through assessment of the location (plot, track) of sites and the expected impact on environment on the basis of report about EIA, accounting for the public opinion and the expressed statements of the affected public.

30a. (new – SG 77/05) "Discomfort" are the irritation and the inconveniences created by the factors of the environment, determined by investigations in this area.

31. (amend. - SG, 62/2015, in force from 14.8.2015) "Enterprise/undertaking" is the whole territory and the sites over it, which are under the control of an operator, in which there are dangerous chemical substances or preparations in one or more facilities, including common or connected infrastructures or activities. The undertakings/facilities are of low or high risk potential.

31a (new – SG, 62/2015, in force from 14.8.2015) "Undertaking/facility of low risk potential" is an undertaking/facility in which there are hazardous substances in quantities, equal or exceeding the quantities, indicated in Annex N 3, Part 1, colon 2 or part 2, colon 2, but smaller than the quantities, indicated in Annex N 3, part 1, colon 3 or part 2 colon 3, where applicable, while using the rule for summing, indicated in remark 4 of Annex N 3.

31b (new – SG, 62/2015, in force from 14.8.2015) "Undertaking/facility of high risk potential" is an undertaking/facility in which there are hazardous substances in quantities, equal or exceeding the quantities, indicated in Annex N 3, Part 1, colon 3 or part 2 colon 3 where applicable, while using the rule for summing, indicated in remark 4 of Annex N 3.

31c. (new – SG, 62/2015, in force from 14.8.2015) "Neighbouring undertaking/facility" is undertaking/facility, which is located so close to another undertaking/facility, which increases the danger or consequences form a large accident.

31d. (new – SG, 62/2015, in force from 14.8.2015) “new undertaking/facility” is:

a) undertaking/facility, which is introduced in exploitation or has been built on 1 June 2015, or after this date, or

b) acting site, which falls in the scope of Chapter Seven, Section I or undertaking/facility of low risk potential, which because of changes of the facility or activities, led to change of the list of hazardous substances, on 1 June 2015 or after this data becomes undertaking/facility of high risk potential or of low risk potential;

c) acting site which falls in the scope of Chapter Seven, Section I or undertaking/facility of low risk potential, which becomes undertaking/facility of high risk potential or of low risk potential on 1 June 2015, or after this date, because of reasons, different from the ones in letter “b”.

31e. (new – SG, 62/2015, in force from 14.8.2015) “Existing undertaking/facility is undertaking/facility, which on 31 May 2015 falls in the scope of Chapter Seven, Section I and from 1 June 2015 is undertaking/facility, whose qualification as undertaking/facility of low or high risk potential remains unchanged.

32. (amend. – SG 32/12, in force from 24.04.2012) "Substance" is each chemical element or compound except the substances - sources of ionising radiation in the context of § 1, item 15 of the Safe Use of Nuclear Energy Act and § 1, item 3 of the Genetically Modified Organisms Act.

33. (amend. – SG 32/12, in force from 24.04.2012) "Industrial pollution" is each direct or indirect introduction as result of human activity in the air, the waters or the soils of substances, vibrations, heat radiation or noises, which may have harmful impact on human health or environment, cause damaging of the material valuables, restrict or prevent the opportunities for use of the useful qualities of environment and the other lawful use of it.

34. (suppl. - SG 46/10, in force from 18.06.2010; amend. – SG 32/12, in force from 24.04.2012) "Installation" is every stationary technical facility, where:

a) one or more of the activities listed in Attachment No. 4 are carried on;

b) other activities are carried out on the same site and which is directly connected and/or there is a technical link with the facilities under item "a" and which may have effect on emissions and pollution;

35. (amend. – SG 32/12, in force from 24.04.2012) "Operating installation" is each installation, which is commissioned subject to compliance with the provisions of the Spatial Planning Act.

36. (amend. - SG 46/10, in force from 18.06.2010; amend. – SG 22/14, in force from 11.03.2014) "Emission" is the direct emitting of substances, vibrations, heat radiation or noises in the atmospheric air, the waters or the soils from organised or not organised sources within one installation or emission of greenhouse gases from aircrafts performing aviation activities listed under Annex No 1 and 2 of the Climate Change Mitigation Act.

37. "Standard for admissible emissions" is determined value of mass of certain substance, expressed in the respective specific parameters as concentration and/or level of the emissions, which cannot be exceeded during one or more preliminary set periods. The standards for admissible emissions can be determined also for certain groups, classes or categories of substances.

38. "Standards for quality of environment" are the specific requirements, determined in the normative acts for environment, which should be met at certain moment in environment as standards for content of harmful substances in the atmospheric air, standards for quality of the waters in the water sites, standards for the quality of the other components of environment and standards for the admissible values of the factors, which pollute or damage the environment.

39. (amend. SG 77/05) "Complex permission" is an natural person administrative act, conceding permission for exploitation of certain installation or certain part of it under determined conditions, which guarantee the compliance of the installation with the requirements of chapter seven. One permission can refer to one or more installations (or parts of different installations), which are located on one and the same plot, are exploited by one and the same operator and some of which may be

not in the scope of appendix No 4.

40. "Change in the work of the installation" is each reconstruction with change of the nature of the production activity, the functioning or the expansion of the installation, which can render certain impact on the environment.

41. (amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) "Significant change" is change in the work of an installation which can have significant negative impact over human health or environment. Each change or increase of the capacity are considered significant if the change or the increase of the capacity themselves reach the threshold values defined in appendix No 4.

42. (amend. SG 77/05; amend. – SG 32/12, in force from 24.04.2012) "Best available techniques (BAT)" is the most effective and the most advanced stage in the development of the activities and the methods for their implementation, showing practical applicability of the respective techniques for provision of a base for determination of the respective standards for admissible emissions and other terms and conditions of the permission, the objective of which is prevention and in the cases, when this is practically impossible - reduction of the emissions and their impact over environment as a whole:

a) "techniques" includes both the applied technology, and the way of engineering, construction, maintenance, operation and de-commissioning of the plant

b) "available techniques" are techniques, develop in scale, allowing their application in the respective industrial sector at viable in economic and technical sense conditions and accounting for the expenses, connected with them and the advantages, regardless of whether these techniques are used or are created in the respective member country under the condition, that they are accessible in reasonable extent for the operator;

c) "best techniques" are effective in terms of achievement of high degree of environmental protection as a whole.

42a. (new – SG 32/12, in force from 24.04.2012) "Reference document for BAT" means a document, addressing specific activities and describing in particular the applied techniques, current emissions and consumption of resources and substances, the assessed techniques for determination of BAT, and also the conclusions on BAT and any up-to-date techniques, in which special attention is paid to the criteria referred to in the ordinance under Art. 119 and is a result of information exchange, arranged by the European Commission for its preparation, revision or updating.

42b. (new – SG 32/12, in force from 24.04.2012) "Conclusions on BAT" is a document, containing a part of reference document for BAT containing the conclusions on BAT, their description, information about assessment of their applicability, emission levels, related to BAT, the associated with them monitoring, associated with them consumption of resources and substances and, where relevant – respective measures for rehabilitation of the site.

42c. (new – SG 32/12, in force from 24.04.2012) "Conclusion on BAT, adopted by a decision of the European Commission" is a conclusion, adopted under a commitological procedure after January 7, 2011.

43d. (new – SG 32/12, in force from 24.04.2012) "Emission levels, related to BAT" are emission levels, reached in normal operation conditions by applying the best available technique or a combination of BAT, described in the conclusions on BAT, expressed in average values for a certain period of time and under specific reference conditions.

43e. (new – SG 32/12, in force from 24.04.2012) "The latest technique" is an unknown by that time technique of industrial activity, which, if being developed for business purposes, could provide either higher general level of environmental protection, or at least the same level of environmental protection with bigger savings compared to the existing BAT.

43. (amend. SG 77/05; amend. – SG 103/09; amend. – SG 32/12, in force from 24.04.2012) "Operator" is every natural person or corporate body, with regard to which one of the following characteristics is existing:

a. it operates a particular own enterprise, facility and/or installation, including a part thereof;

b. it controls the operation of a particular enterprise, facility and/or installation, including a part thereof;

c. it administrated and takes decisions concerning the current or future functioning of the enterprise, facility and/or the installation, including a part thereof.

43a. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43b. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43c. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43d. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43e. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43f. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43g. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43h. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43i. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43j. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

43k. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

43l. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

43m. ((New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

43n. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

43o. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

43p. (New - SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

44. (amend. – SG 32/12, in force from 24.04.2012) "Organisation" is a company, corporation, partnership, enterprise, body or institution, or part, or a combination thereof as a legal entity, public of private, having their own functions and administration.

45. (revoked – SG 32/12, in force from 24.04.2012, new – SG, 62/2015, in force from 14.8.2015). “Mixture” is a mixture or solution, consisting of 2 or more substances.

46 (revoked – SG 32/12, in force from 24.04.2012, new – SG, 62/2015, in force from 14.8.2015). “Presence of hazardous substances” is the actual or supposed presence of hazardous substances in the undertaking/facility or of hazardous substances, which reasonably may be presupposed that will form in loss of control over the processes, including activities of warehousing in some of the facilities in the undertaking, in quantities, equal or exceeding the thresholds of the quantities of part 1 or part 2 of Annex N 3.

47. "Sealing" is the restriction of the access of persons to properties and facilities by putting of lead seal by the control bodies.

48. "Stamping" is the restriction of the access of persons to properties and facilities by putting of wafer with a wet stamp, put on it y the control bodies.

49. "Damage of environment, occurred from past actions or lack of action" is an old pollution or terrains or constructions on industrial plots with dangerous substances and waste, caused by industrial, agricultural, commercial or transport activity, due to which is threatened human health or environment.

50. "Sustainable development" is development, which meets the needs of present, without restricting and damaging the ability and the opportunity of future generations to satisfy their own needs. The sustainable development united two basic strives of society:

a) achieving of economic development, ensuring increasing living standard;

b) preservation and improvement of environment now and in future.

51. "Accident" is sudden technological damage of machines, facilities and units, accompanied by stopping or serious impairing of the technological process, explosions, occurrence of fires, pollution of environment over the standards, distraction, casualties or threat for the life and the health of the population.

52. "Monitoring of environment" is the collecting, the assessment and the summarising of the information about environment through continuous or periodic observing of certain qualitative and quantitative indices, characterising the status and the components of environment and their change as result of the impact of natural and anthropogenic factors.

53. "National system for monitoring of environment" is a complex of measuring, analytical and information activities, which objective is to ensure timely and reliable information about the status of the components of environment and the factors, impacting on them, on the basis of which are made analyses, assessments and prognoses for rationale for the activities for preservation and protection of environment and human health from harmful impacts.

53a. (new – SG 77/05; amend. – SG 103/09, repealed – SG, 62/2015, in force from 14.8.2015).

54. (amend. SG 77/05; amend. – SG 103/09; amend. – SG 32/12, in force from 24.04.2012) "Dangerous substance" is:

a) for the purposes of Chapter Seven, Section II – a substance or a mixture in the meaning of Art. 3 of Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No. 1907/2006 (OJ, L 353/1 of 31 December 2008).

b) (amend. – SG, 62/2015, in force from 14.8.2015) for the purposes of Chapter Seven, Section I - each substance, preparation or mixture, classified in one or more of the categories of danger, indicated in part 1 of Annex N 3 or nominated in part 2 of Annex N 3, including in the form of raw material, product, by-product, sediment and intermediate product, including a substance, which is possible to occur as result of side reaction or at the occurrence of an accident.

54a. (new – SG 77/05; amend. – SG 103/09, amend. – SG, 62/2015, in force from 14.8.2015) "Big accident" is occurrence of a large emission, fire or explosion, happening as a result of uncontrollable events in the course of operations of each undertaking or facility in the scope of Chapter Seven, Section I and leading to a serious hazard for human health and/or for the environment; this hazard being a direct, delayed, inside or outside the undertaking and including one or more dangerous substances from the part I of Annex N 3 or numerated in part 2 of Annex No. 3.

54b. (new – SG 77/05, repealed – SG, 62/2015, in force from 14.8.2015)

54c (new - SG, 62/2015, in force from 14.8.2015) “Danger” is internal property of hazardous substances or physical situation with possibilities for danger to human health and/or the environment.

54d (new - SG, 62/2015, in force from 14.8.2015) “Danger from chemical substance” is a typical property of a hazardous substance of which in the physical situation in which it is situated, a possibility comprises of damaging human health and/or environment.

54e (new - SG, 62/2015, in force from 14.8.2015) “Risk” is a possibility of occurrence of a specific effect within the frames of a certain period or under certain conditions.

55. "Integration of the state policy for environment in the sector policies" means the complying and the including of the requirements for environmental protection in the process of development, application and the control of the application of the sector policies, determined in art. 9.

56. "Good agricultural practice" is the agricultural practice, which is based on the principles of

the sustainable development.

57. "Territories with special regime of protection" are territories, in which are introduced measures for preservation of rare species of flora and fauna and their habitats.

58. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

59. (new – SG 77/05; amend. – SG 22/14, in force from 11.03.2014) "Greenhouse gases" are the gases defined by the Climate Change Mitigation Act.

60. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

61. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

62. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

62a. (new – SG 32/12, in force from 24.04.2012; revoked – SG 22/14, in force from 11.03.2014)

63. (new – SG 77/05; revoked – SG 22/14, in force from 11.03.2014)

64. (new - SG 99/06, in force from 09.01.2007; revoked – SG 22/14, in force from 11.03.2014)

65. (new – SG 103/09) "Accruing sanction" is the sanction, which progressively increases its amount with the time in case of statutory defined reasons thereof and on the grounds of objectively determined calculation formula.

66. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

67. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

68. (new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

69. (new – SG 42/11; revoked – SG 22/14, in force from 11.03.2014)

70. (new – SG 32/12, in force from 24.04.2012) "Basic condition report" is information on soil and underground waters pollution by respective dangerous substances.

71. (new – SG 32/12, in force from 24.04.2012, suppl. – SG, 62/2015, in force from 14.8.2015) "Environmental inspection" are all activities, including site visits, monitoring of emissions and review of internal reports and of documents regarding subsequent activities, inspection of own monitoring, review of applied techniques and relevance of plant environmental management, undertaken by the control body for inspection purposes, supporting of conformity with the terms and conditions of permissions and decisions and where required, monitoring of plants environmental impact.

72. (new – SG 32/12, in force from 24.04.2012) "Birds" are hens, turkeys, guinea-hens, ducks, geese, quails, pigeons, pheasants, partridges and struthious species (ostriches, emus, kiwi, etc.), birds, bred or kept closed for breeding purposes, for production of meat and eggs for consumption or for game stock maintenance purposes.

73 (new – SG 32/12, in force from 24.04.2012) "Non-conventional Hydro-Carbons" are natural hydro-carbons from geological formations with low hydro-carbon content, low porosity and low or very low permeability and it is necessary to apply technologies for additional impact on the geological formations containing them for their extraction.

74. (new - SG 12/17) "Impact assessment" is a process which includes:

a) the preparation of a EIA report by the Contracting Authority of the investment proporsal - in accordance with Art. 95 and 96;

b) the conducting of consultations under Art. 95, 97 and in the case of applicability - of Art. 98;

c) the evaluation by the competent authority of the information presented in the EIA report, and possibly of the additional information supplied by the contracting authority of the investment proposal in accordance with Art. 96, and of the information received through the consultations under Art. 96, 97 and, where applicable, under Art. 98;

d) a reasoned conclusion of the competent authority regarding the significant impact of the investment proposal on the environment, taking into account the results of the evaluation of Art. 96, 97 and, where applicable, under Art. 98,, and its own additional evaluation;

e) the inclusion of the reasoned conclusion by the competent authority into the decision under Art. 99.

75. (new - SG 12/17) "Cumulative impacts" are environmental impacts which are the result from increasing the effect of the evaluated plan, program, project and investment proposal when it is added to the effect of other past, current and/or anticipated future plans, programs, projects and investment proposals, by whomsoever carried out these plans, programs, projects and investment proposals. Cumulative impacts can be the result of individual plans, programs, projects and investment proposals of minor importance, considered in themselves, but with a significant effect when considered in total, and realized repeatedly within a certain period.

76. (New - SG 76/17) "Site of strategic importance" shall mean any site included in the Energy Strategy of the Republic of Bulgaria until 2020 for reliable, efficient and cleaner energy, or in an Integrated Transport Strategy in the period up to 2030.

§ 2. In the cases, when the law requires notification or announcing and when for this no explicit rules or the application of defined procedure, are provided, the notification, respectively the announcing, shall be implemented by the order of the Civil Procedure Code.

§ 2a. (new – SG 103/09, amend. - SG 46/10, in force from 18.06.2010, amend. – SG, 62/2015, in force from 14.8.2015) This Act introduces the provisions of Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ, L 197/1 of 24 July 2012).

§ 2b. (new - SG 42/11) This Act introduces the requirements of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OB, L 140/88 from June 5, 2009).

§ 2c. (new – SG 32/12, in force from 24.04.2012) This Act introduces the provisions of Chapter One and Two and Attachments No. 1 and 2 of Directive 2010/75/EC of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ, L 334/17 of 17 December 2010).

§ 2d. (new - SG 12/17) This Act introduces the requirements of Directive 2014/52/EC of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EC on the impact assessment of certain public and private projects on the environment (OJ, L 124/1 of April 25, 2014).

Transitional and concluding provisions

§ 3. The Environmental Protection Act (prom. SG 86/91, corr, SG 90/91, amend. SG100/92, SG 31, 63/95, SG 13, 85, 86/97, SG 62/98, SG 12, 67/99, SG 26, 27, 28/00, SG 1, 26/01) shall be

repealed.

§ 4. The acts of secondary legislation for the implementation of the Act shall be issued within six months after it enters into force.

§ 5. The acts of secondary legislation issued on the basis of the revoked Environmental Protection Act shall be implemented till the issuing of new acts of secondary legislation, as far as they do not contradict with this Act.

§ 6. Till the approval of normative acts for the activities under art. 144, para 1 shall be applied methods and instructions of the Minister of Environment and Waters.

§ 7. In six months term after the Act enters into force the operators of the installations, which are within the scope of the activities of appendix No 4, shall be obliged to inform in writing about this the Ministry of Environment and Waters.

§ 8. (Amend. - SG 86/03; amend. - SG 105/05, in force from 01.01.2006) The fees, fines and sanctions, not paid in time under this Act, the Waters Act, the Waste Management Act, the Medical Plants Act, the Protected Areas Act, the Ambient Air Quality Act air shall be collected together with the interests of taxes, fees and other similar state receivables by the order of the Tax-insurance Procedure Code.

§ 9. (amend. – SG 52/08) (1) In case of privatisation, the responsibility for the damages, caused to environment, occurred due to past actions or lack of actions, shall be borne by the respective privatized companies or owners of stand-alone parts and the rehabilitation of the environment shall be at their expense.

(2) (amend. and suppl. – SG 42/11; suppl. – SG 32/12, in force from 24.04.2012) Any contracts for implementation of programmes for elimination, upon privatization, of damage caused to environment and resulting from past acts or omissions, which have been concluded before the 15th of December, 2007, shall be carried out according to the current procedure. Where necessary, such contracts may be amended or supplemented with regard to the possibilities for programme implementation. Following this procedure the programs may be implemented by 31 December 2020 the latest, whereby after this date all programs which have not been started and/or uncompleted shall be terminated.

(3) (new – SG 42/11) In the event of termination of any contract referred to in para 1, the programme shall be completed under the terms and according to the procedure established by the Ordinance on the Terms and Procedure for Determination of the Liability of the State and for Elimination, upon Privatization, of Damage Caused to Environment as a Result of Past Acts or Omissions, adopted by the Council of Ministers Decree No. 173 of 2004 (promulgated in the State Gazette 66/04; corrected in SG 114/04; amend. - SG 65/07).

§ 10. (1) In one year term after the Act enters into force the mayors of the municipalities shall

develop the programmes of art. 79, para 1.

(2) Art. 81, para 1, item 3 and para 3, art. 82, para 1 and 4 and section II of chapter six shall enter into force on July 1, 2004.

(3) Till the provisions, pointed out in para 2. EIA of the national, the district and the regional plans and programmes for development and their amendments shall be implemented by order, determined with an ordinance by the Minister of Environment and Waters.

§ 10a. (new – SG 77/05) The classification of operating enterprises and/or facilities for defusing of liquid wastes, tailings ponds or slag heaps, containing dangerous substances as well as the classification of operating enterprises and/or facilities at which activity is implemented prospecting, investigation, obtaining and processing of underground resources by chemical and/or thermal processing at which are used dangerous substances, shall be implemented till December 31, 2006.

§ 11. (1) The requirement for issuing of complex permission under chapter seven shall be applied for:

1. new installations and facilities and at change of the production activity – from January 1, 2003;

2. operating installations and facilities – from January 1, 2003 till October 30, 2007.

(2) (amend. SG 77/05) The final term for fulfilment of the conditions, established with the issued complex permits for operating installations, shall be October 31, 2007 except the cases when other special law in the field of environment or the Agreement for accession of the Republic of Bulgaria to the European Union provides other.

(3) (new – SG 77/05; amend. – SG 82/09, in force from 16.10.2009) For separate blocks of given big combustion installation upon request of the interested person the term of fulfillment of the conditions established with the issued complex permits may be extended till December 31, 2014 when this big combustion installation does not burn local lignite coal and with decision of the Minister of Economy, Energy and Tourism or the official authorized by him it is obliged to compensate part or the whole production of the decommissioned nuclear facilities and when the observing of the term of para 2 would lead to insurmountable difficulties for fulfillment of its production obligations for maintaining the energy balance of the country.

§ 11a. (new – SG 77/05; revoked – SG 32/12, in force from 24.04.2012)

§ 12. (new - SG 99/06, in force from 09.01.2007; amend. - SG 46/10, in force from 18.06.2010) Art. 131h, Para 9 and Art. 131l, Para 1 shall apply before 31 December 2012.

§ 12a. (1) (new – SG 47/09, in force from 23.06.2009; prev. § 12a – SG 53/12, in force from 13.07.2012) The term of Art. 99, par. 8 shall start elapsing from the date of entering into force of the AEI decisions and shall refer also to those decision, which have been issued prior to entering of the Act on Amendment and Supplementation of the Environmental Protection Act (SG 77/05) into force.

(2) (new – SG 53/12, in force from 13.07.2012, amend. - SG 12/17) The term under Art. 93, par. 8 shall start elapsing from the date of entering into force of the opinion or of the decision under Art. 93, par. 2 and 3 and shall apply also for those opinions or decisions, issued before 1 July 2012.

§ 12b. (new – SG 47/09, in force from 23.06.2009) (1) The AEI decisions, by which investment proposals have been approved following the provisions of the revoked Environmental Protection Act (prom. SG 86/91; corr. SG 90/91, amend. SG 100/92, SG 31 and 63/95, SG 13, 85 and 86/97, SG 62/98, SG 12 and 67/99, SG 26, 27 and 28/00, SG 1 and 26/01, revoked – SG 91/02) and pursuant to the provisions of this Act, where there are no changes of the investment proposal and the construction of which have not been completed as of entering of this Act into force, upon a request of the competent body and/or of the client are subject to revision and assessment of the actuality of the data in the accomplished analyses and assessments in the AEI documentation.

(2) The procedure shall start with consultations between the competent body and the client for clarification of the scope and content of the information, with which the AEI report needs to be supplemented. After their clarification the procedure shall continue pursuant to the provisions of Art. 96 – 98 and Art. 99, par. 1.

(3) The competent body shall take a decision within one month after holding the public discussion, with consideration of the results thereof, by which:

1. it shall approve the AEI decision, or

2. it shall amend and supplement the AEI decision with implementation conditions, including measures for prevention, reduction or liquidation of considerable environmental impacts and terms of implementation, where applicable.

(4) (amend. – SG 103/09) In cases where with an enforced decision under par. 3, item 2 measures and conditions are changed in a AEI decision and under a held procedure of assessment of compatibility pursuant to the provisions of § 14 of the Biological Diversity Act, where relevant the competent body may at its initiative: amend and/or supplement the decision of assessment of compatibility with the conditions for protection of the protected zones, requirements and measures for prevention, reduction or feasible maximum elimination of the estimated adverse consequences of the implementation of the investment proposal.

(5) (new – SG 103/09) In cases of par. 4 the competent body shall issue a decision within one month after entering of the decision under par. 3, item 2 into force.

(6) (new – SG 103/09) Appealing of decisions under par. 3 and 5 shall not suspend their implementation.

(7) (new- SG 103/09) In case of a commenced procedure under par. 1, where for the considered investment proposal no procedure of assessment of compatibility has been held or finalized, the provisions of Art. 31, par. 4 of the Biological Diversity Act shall apply.

§ 13. In the Act On Protection Against The Harmful Impact Of The Chemical Substances And Mixtures (SG 10/00) the following changes shall be made:

1. Chapter four is repealed.

2. Art. 31 shall be repealed.

§ 14. In the Ambient Air Quality Act (prom. SG 45/96, corr. SG 49/96, amend. SG 85/97, SG 27/00, SG 102/01) the following changes shall be made:

1. In art. 27:

a) I para 1 the words "the municipal bodies shall prepare and approve" shall be substituted by "the mayors of the municipalities shall develop and the municipal councils shall approve";

b) para 2 shall be changed to:

"(2) The programmes of para 1 shall be integral part of the municipal programmes for environment under art. 79 of the Environmental Protection Act."

2. In the title of chapter six the words "National environmental protection fund" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

3. In art. 31, para 1, item 3 the words "National environmental protection fund" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

4. In art. 32, para 1, item 3 the words ""National environmental protection fund" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

5. In art. 33, para 1 and 2 the words ""National environmental protection fund" shall be substituted by "the Enterprise for management of the activities for preservation of environment."

6. In art. 44 the words "National environmental protection fund" shall be substituted by "the Enterprise for management of environmental protection activities."

7. Paragraph 4b shall be repealed.

§ 17. In the Protected Areas Act (prom. SG 133/98, amend SG 98/99, SG 28, 48, 78/00, SG 23/02) the following amendments shall be made:

1. In art. 74:

a) the words "the National environmental protection fund at the Ministry of Environment and Waters" shall be substituted by "the Enterprise for management of the activities for use of the environment";

b) para 4 shall be changed to:

"(4) The resources of para 1 shall be spent according to the rules for work of the Enterprise for management of the activities for protection of environment at the Ministry of Environment and Waters."

2. In para 86:

a) in para 2, item 1 the words "National environmental protection fund " shall be substituted by "Enterprise for management of the activities for preservation of environment";

b) in para 4 the words "National environmental protection fund" shall be substituted by "Enterprise for management of the environmental protection activities".

§ 16. In art 25, para 1 of the Medical Plants Act (prom. SG 29/00, amend. SG 23/02) the following amendments shall be made:

1. In item 2 the words "National environmental protection fund" shall be substituted by "Enterprise for management of the environmental protection activities".

2. In item 3 the words "the respective municipal environmental protection fund" shall be substituted by "the budget of the respective municipality".

§ 17. In the Waters Act (prom. SG 67/99, amend SG 81/00, SG 34, 41, 108/01, SG 47/02) the following amendments shall be made:

1. In art. 196:

a) the words "In special item of the National environmental protection find shall be received" shall be substituted by "In the Enterprise for management of the environmental protection activities shall be received";

b) item 6 shall be revoked.

2. In item 197:

a) in para 1 the words "The resources for the item shall be spent for" shall be substituted by "The resources of art. 196 shall be spent for";

b) para 2 shall be changed to:

"(2) The resources of art. 196 shall be spent according to the rules for work of the Enterprise for

management of the environmental protection activities."

3. In art. 199, para 4 the words "National environmental protection fund" shall be substituted by "Enterprise for management of the environmental protection activities".

§ 18. (1) The provisions of art. 60 – 64, § 12, items 1 and 4 and § 14-17 shall enter into force from January 1, 2003.

(2) Till the provisions of para 1 enter into force the activity of the National environmental protection fund shall be implemented in compliance with the provisions of § 9 and the appendix No 7 of § 9 of the Act of the State Budget of the Republic of Bulgaria for 2002.

§ 19. (new – SG 46/10, in force from 18.06.2010) Where in the first two years of any period referred to in Art. 131b, Para 4, none of the attributed aviation emissions from flights performed by an aircraft operator falling within Item 43c, Letter "b" of § 1 of the Additional Provision are attributed to its administering Member State, the aircraft operator shall be transferred to another administering Member State in respect of the next period. The new administering Member State shall be the Member State with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator during the first two years of the previous period.

§ 20. (new – SG 46/10, in force from 18.06.2010) Art. 131h, Para 6 shall apply in respect of aircraft operators for the term referred to in Art. 131b, Para 4, Item 1.

….....

The Act was passed by the 39th National Assembly on July 23, 2002 and on September 19, 2002 and was stamped with the official seal of the National Assembly.

Transitional and concluding provisions
TO THE ACT ON THE STATE BUDGET OF THE REPUBLIC OF BULGARIA FOR THE YEAR 2006

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 95. The Act shall enter in force from the 1st of January 2006.

Transitional and concluding provisions
TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Transitional and concluding provisions

TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions
TO THE MEDICINAL PRODUCTS IN HUMAN MEDICINE ACT

(PROM. – SG 31/07, IN FORCE FROM 13.04.2007)

§ 37. The Act shall enter into force from the day of its promulgation in the State Gazette, with the exception of §22, which shall enter into force one year after entering of this Act into force.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 52/08)

§ 37. Everywhere in the Act the words:

1. "The Minister of Environment and Waters or an official, authorized by him", "Minister of Environment and Waters or officials, authorized by him" and "the Minister of Environment and Waters, bodies of par. 2 or officials, authorized by them" shall be replaced respectively with "the Minister of Environment and Waters or an individual, authorized by him", "Minister of Environment and Waters or individuals, authorized by him" and "the Minister of Environment and Waters, bodies of par. 2 or individuals, authorized by them".

2. "The Ministry of the State Policy for Disasters and Accidents", "the Minister of the State Policy for Disasters and Accidents" and "the Minister of Agriculture and Food Supply" shall be replaced respectively with "The Ministry of Emergency Situations", "the Minister of Emergency Situations" and "the Minister of Agriculture and Food".

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE FISHERIES AND AQUACULTURE ACT

(AMEND. – SG 36/08)

§ 76. In the Preservation of Farm Lands Act (prom. SG 35/96; amend., SG. 14 and 26 of 2000, SG. 28/01, SG. 112/03, SG. 18, 29 and 30 of 2006 and SG. 13 and 64 of 2007) the words "the Minister of Agriculture and Forests", "Minister of Agriculture and Forests" and "the Ministry of Agriculture and Forests" are replaced respectively by "the Minister of Agriculture and Food Supply", "Minister of Agriculture and Food Supply" and "the Ministry of Agriculture and Food Supply".

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF TAX INSURANCE PROCEDURE

(AMEND. – SG 12/09, IN FORCE FROM 01.05.2009; SUPPL. – SG 32/09)

§ 68. (suppl. – SG 32/09) The Act shall enter into force from 1 May 2009, except for § 65, 66 and 67 which shall enter into force from the date of promulgation of the Act in the State Gazette and § 2 – 10, § 12, item 1 and 2 with reference to par. 3, § 13 – 22, § 24 – 35, § 36, par. 1 – 4, § 37 – 51, § 52, item 1 – 3, item 4, item "a", item 7, item "f" with reference to par. 10 and 11, item 8, item "a", item 9 and 12 and § 53 – 64, which shall enter into force from 1 January 2010.

Transitional and concluding provisions
TO THE CULTURAL HERITAGE ACT

(PROM. – SG 19/09, IN FORCE FROM 10.04.2009)

§ 44. The Act shall enter into force from 10 April 2009, except for Art. 114, par. 2 and Art. 126, which shall enter into force from 10 April 2010.

Transitional and concluding provisions
TO THE ACT ON THE DEFENSE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE WATERS ACT

(PROM. – SG 47/09, IN FORCE FROM 23.06.2009)

§ 46. The Act shall enter into force from the day of its promulgation in the State Gazette, except for § 26, 29, 30, 32 – 36 and 40, which shall enter into force three months after its promulgation.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE TOURISM ACT

(PROM. - SG 82/09, IN FORCE FROM 16.10.2009)

§ 59. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE OF ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 103/09)

§ 34. (1) Within three months of entering of this Act into force, the Council of Ministers shall adopt relevant amendments of the secondary legislative acts related to its application.

(2) The acts of secondary legislation issued prior to entering of this Act into force related to its application shall keep their validity, unless they contradict it.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The Act shall enter into force within one month after its promulgation in the State Gazette, except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the day of its promulgation.

TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 46/10, IN FORCE FROM 18.06.2010)

§ 20. Art. 131h, Para 6 shall apply to aircraft operators for the term referred to in Art. 131b, Para 4, Item 1.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 46/10, IN FORCE FROM 18.06.2010; AMEND. – SG 42/11)

§ 38. (1) Within 6 months from entry into force of this Act, the Council of Ministers shall adopt the necessary amendments to the ordinances under Art. 131k, Items 1, 2, 3 and 5.

(2) (revoked – SG 42/11)

….....

§ 40. This Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions TO THE ENERGY FROM RENEWABLE SOURCES ACT

(PROM. - SG 35/11, IN FORCE FROM 03.05.2011)

§ 25. This Act enter into force from the day of its promulgation in the State Gazette, except for the provisions of the following:

1. Art. 20, para 1, 2 and 3, which enter into force from January 1, 2012 as regards to public service buildings, and regarding other buildings - from December 31, 2014;

2. Art 21, para 1, 2, 3 and 4, which enter into force from December 31, 2012 ;

3. Art 22, para 1, 2, 3, 4 and 5, which enter into force from January 1, 2012;

4. Art 23, para 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, which enter into force from July 1, 2012.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 42/11)

§ 26. Within 6 months from the entry into force of this Act the Council of Ministers shall adopt the Ordinance under Art. 131t, para 2.

§ 27. Within 6 months from the entry into force of this Act the Minister of Environment and Waters shall issue the methodology referred to in Art. 131r, para 4 of the Environmental Protection Act, in coordination with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

§ 28. (1) Until the 31st of December 2012, allowances for new participants in the greenhouse gas emission allowance trading scheme shall be issued on the grounds of a decision on allocation of allowances for new participants of the inter-departmental working group coordinating the implementation of the National Allocation Plan for Greenhouse Gas Emission Allowance Trading for the 2008-2012 period and an order issued by the Minister of Environment and Water on allocation of allowances to the new participant concerned.

(2) The inter-departmental working group referred to in para 1 shall act according to the Methodological instructions approved by an Order No РД-396 of the Minister of Environment and Waters of April 23, 2010.

§ 29. The reports referred to in Art. 131i, para 8 for the time period from January 1, 2005 till December 31, 2010 shall be submitted to the Executive Environment Agency by July 15, 2011.

. . . . . .

§ 30. The provision of Art. 97, para 2 shall also apply to EIA procedures which are not completed until the entry into force of this Act.

. . . . . .

§ 32. The provision of Art. 131r, para 3 shall enter into force from September 1, 2011, while The provision of Art. 131t, para 1 enter into force from January 1, 2012.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 32/12, IN FORCE FROM 24.04.2012)

§ 89. (1) The procedures according to the provisions of Chapter Six initiated prior to entering of this Act into force shall be finalized under the terms and conditions and following the procedure of this law, except for these, which are at the stage after consultations for determination of the scope of EIA, respectively of the environmental assessment, which shall be finalized following the existing procedure.

(2) For the procedures under the provisions of Chapter Six initiated prior to entering of this Act into force and for which there is a change of the competent body, the entire documentation shall be submitted ex-officio to the new competent body within 30 days after entering of this Act into force, except for the cases where:

1. the EIA procedure is at the stage after a conducted public discussion meeting;

2. the procedure of evaluation of the need of EIA is at a stage after submitted request for consideration.

(3) In cases referred to in par. 2, items 1 and 2 the procedures shall be finalized by the competent body, having started the procedure.

§ 90. Within 6 months after entering of this Act into force, the Council of Ministers shall adopt relevant amendments to the secondary legislative acts for its application.

§ 91. (in force from 01.01.2013) (1) The procedures of granting of a permit under Art. 104, par. 1 to enterprises with high risk potential, having started before 1 January 2012 shall be finalized following the existing procedure.

(2) The procedures of granting of a permit under Art. 104, par. 1 to enterprises with low risk potential, having started before 1 January 2012 shall be terminated by a decision of the Minister of Environment and Waters.

(3) In cases referred to in par. 2 the Minister of Environment and Waters or an official authorized by him/her shall sent the documentation submitted by the operators to the director of the respective RIEW in the territory of which the enterprise is located.

(4) Within 6 months after 1 January 2013 the Minister of Environment and Waters shall withdraw the granted permits under Art. 104, par. 1 to enterprises with low risk potential.

(5) The provisions of Art. 103 shall not apply to the enterprises referred to in par. 1 and 2.

§ 92. Within 6 months after entering of this Act into force the operators or plants, which are

within the scope of activities listed in Attachment No. 3, item 1.1 for activities with total rated input thermal power of 50 MW; item 1.4, item "b"; item 3.1, item "a" regarding the activities for production of cement clinker in furnaces, which are not rotary ovens, with production capacity exceeding 50 tones a day; item 3.1, item "c"; item 4.1 – 4.6 for activities related to production through biological treatment; item 5.1, items "a' – "e", "h" and "k"; item 5.2, item "a"; item 5.3.1, items "c" – "e", item 5.3.2, 5.5 and 5.6. item 6.1, item "c", item 6.4.2, items "b" and "c" and item 6.9, 6.10 and 6.11 shall be obliged to notify thereof the Ministry of Environment and Waters in writing.

§ 93. (1) Operators of plants, which are commissioned or have been granted a construction permit prior to entering of this Act into force and carry out activities within the scope of Attachment No. 4, item 1.1 for activities with total rated input thermal power of 50 MW; item 5.1, items "a" – "e", "h" and "k"; item 5.2, item "a" except for domestic waste; item 5.3.1, items "c" – "e", item 5.3.2, 5.5 and 5.6, item 6.1, item "c", item 6.4.2, items "b" and "c" and items 6.10 and 6.11, shall file an application for granting of a complex permission according to the provisions of Chapter Seven, Section II by 31 January 2013.

(2) The deadline for meeting the terms and conditions, set out in the granted complex permissions for operating plants under par. 1 shall be 7 July 2015.

……..

§ 98. The Act shall enter into force from the day of its promulgation in the "State Gazette", except for the provisions of:

1. paragraphs 20 – 42, § 75 and § 91, which shall enter into force from 1 January 2013;

2. paragraphs 43 – 58, § 87 and § 88, which shall enter into force from 7 January 2014 for the operators:

a) of plants, which are commissioned and hold a complex permission before 7 January 2013 and which carry out activities listed in Attachment No. 4;

aa) item 1.1 – for activities with rated input thermal power exceeding 50 MW;

bb) items 1.2, 1.3, 1.4, item "a", items 2.1 – 2.6, 3.1 – 3.5;

cc) items 4.1 – 4.6 – for activities related to production through chemical treatment;

dd) items 5.1, items "f", "g", "i" and "j" and 5.2, item "a" – only for domestic waste;

ee) items 5.3.1, items "a" and "b". 5.4, 6.1, items "a" and "b", 6.2, 6.3, 6.4.1, 6.4.2, item "a", 6.4.3 and 6.5 – 6.9;

b) the application for granting of a complex permission of whom has been approved not later than 7 January 2013 and the facilities – subject to the application, will be commissioned not later than 7 January 2014.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month after the promulgation of this Act in the State Gazette:

1. The Council of Ministers shall adjust the Classified of positions in administration to the provision of this law;

2. the competent bodies shall adjust the structural acts of the respective administration to the

provisions of this law.

§ 85. (1) The legal relationships with the persons from administrations under the Act for the Radio and the Television, Law for the Independent Financial Audit, Law for the Electronic Communications, Law for the Financial Supervision Commission, Law for Access and Disclosure of Documents and for Announcement of Affiliation of Bulgarian Citizens to State Security and the Intelligence Bodies of Bulgarian People's Army, Law for Seizure in Favor of the State of Property, Acquired through Criminal Activity, Law for the Prevention and Identification of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Law for Supporting of Agricultural Producers, and the Law for the Roads shall be regulated subject to compliance with the provisions and following the procedure of § 36 of the Transitional and Conclusive Provisions of the Law amending and supplementing the Law for the Civil Servant (SG 24/06).

(2) By the act of appointment of a civil servant:

1. the minimum rank for the occupied position shall be conferred, as determined in the Classified of positions in the administration, unless the servant hold a higher rank;

2. individual monthly salary shall be fixed.

(3) Additionally required funds for insurance contributions of the persons under par. 2 shall be provided within the cost of salaries, remunerations and insurance contributions within the budgets of the respective administrators of budget credits.

(4) Council of Ministers must make necessary adjustments in the out-of-budget account of State Fund "Agriculture", arising out of this law.

(5) Managing bodies of National Social Insurance Institute and of National Health Insurance Fund must make necessary adjustments in the respective budgets, arising out of this law.

(6) The non-used leaves regulated in the employment agreement shall be kept and shall not be compensated with a financial benefit.

§ 86. (1) Within one month after entering of this law into force the individual basic monthly salary of the employee shall be determined in such a way that the salary after the due tax and the obligatory insurance contributions chargeable to the insured person, where they have been payable, shall not be less than the gross monthly salary received by that time after the due obligatory insurance contributions chargeable to the insured person, where they have been payable, and the due tax.

(2) The gross salary under par. 1 shall include:

1. the basic monthly salary or the basic monthly remuneration;

2. additional payments payable permanently together with the payable basic monthly salary or basic monthly remuneration and depend solely on the hours worked.

§ 87. The law shall enter into force from 1 July 2012, except for § 84, which shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions TO THE LAW FOR THE WASTE MANAGEMENT

(PROM. - SG 53/12, IN FORCE FROM 13.07.2012)

§ 35. This Act shall enter into force from the day of its promulgation in the State Gazette,

except for the provisions of:

1. Article 10, par. 3 and 6, Art. 11, par. 1, Art. 19, par. 5, Art. 38, par. 4 and Art. 39, par. 3, which shall enter into force two years after entering of this law into force;

2. Article 33, par. 4 and Art. 34, which shall enter into force from 1 January 2013;

3. Article 49, par. 8, which shall enter into force from 1 January 2015.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT

§ 149. This Act shall enter into force 30 days after its promulgation in the "State Gazette" with the exception of § 16, § 35, item 2 and § 39, which shall enter into force on 1 January 2016.

Transitional and concluding provisions
TO THE PUBLIC FINANCE ACT

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 76. In the Environmental Protection Act shall be made the following amendments:

2. The words “the Minister of Regional Development and Public Works” shall be replaced respectively by “the Minister of Regional Development” everywhere in the text.

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON ENVIRONMENT PROTECTION

(PUBL. – SG, 62/2015, IN FORCE FROM 14.8.2015, AMEND. - SG 12/17)

§ 24. The operators of existing undertakings/facilities shall be obliged to submit the notification under Art. 103, Para. 2 within the term of 1 June 2016.

§ 25. The operators of existing undertakings/facilities of low risk potential shall be obliged to submit the report under Art. 105, Para. 1, p. 5 within the term by 1 June 2016.

§ 26. The operators of existing undertakings/facilities of high risk potential shall be obliged to submit the documents under Art. 107, Para. 1, within the term by 1 June 2016.

§ 27. The provisions of § 24,25 and 26 shall not apply, where the operator has drawn up the relevant documents and has submitted them to the competent body before 1 June 2015, where the information, contained in them is unchanged and is in compliance with the requirements of Chapter Seven, Section I and the ordinance under Art. 103, Para. 9.

§ 28. Within 3-month term from the enforcement of this act, the Minister of Environment and Waters shall draw up and publish on the internet site of the Ministry of Environment and Waters a schedule for submission of the documents under § 24, 25 and 26. The schedule shall be coordinated with the Executive Environment Agency executive director.

§ 29 (1) (amend. - SG 12/17) The issued by the enforcement of this act permits under Art. 104, Apra. 1 shall keep their force while observing the conditions for permits, under which they were issued until the entry into force of the decision under Art. 116g, para. 4 on the updated report on safety of the undertaking/facility.

(2) The initiated before the enforcement of this act procedures for issuance and review of permits under Art. 104, Para. 1 shall be finalized under the current procedure.

§ 30. The term under Art. 88, Para. 4 shall also apply to the opinions on ecological assessment or the decision, which estimate that no ecological assessment is to be carried out, issued by the enforcement of this act.

.....

§ 33. The Council of Ministers shall adopt the ordinance under Art. 103, Para. 9 within 3 month term from the enforcement of this act.

§ 34 The act shall come into force from the day of its publication in the State Gazette.

Transitional and concluding provisions TO THE ACCOUNTANCY ACT

(PROM. SG 95/15, IN FORCE FROM 01.01.2016)

§ 29. This Act shall enter into force from 1st of January 2016, with the exception of Art. 48 – 52, which shall enter into force from 1st of January 2017.

Transitional and concluding provisions TO THE ACT ON STATE BUDGET FOR YEAR 2016

(PROM. - SG 96/15, IN FORCE FROM 01.01.2016)

§ 14. This Act shall enter into force from 1st of January 2016, with the exception of § 9 and 10, which shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE AMBIENT AIR QUALITY ACT

(PROM. – SG 101/15, IN FORCE FROM 22.12.2015)

§ 36. The Act shall enter into force from the date of its promulgation in the State Gazette with exception of:

1. § 8 about Art. 17c, para 3, 4, 5 and 6, which shall enter into force on 1st of January 2017;
2. § 20 about Art. 34i, para 7, which shall enter into force on 1st of January 2018.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE MINISTRY OF INTERIOR ACT

(PROM. - SG 81/16, IN FORCE FROM 01.01.2017)

§ 102. This Act shall enter into force on January 1, 2017, except for:

1. paragraphs 6-8, § 12, items 1, 2 and 4, § 13, § 14, § 18-20, § 23, § 26-31, § 32, items 1 and 4, § 33-39, § 41-48, § 49 on Art. 187, para. 3, first sentence, § 50-59, § 61-65, § 81-85, § 86, item 4 and 5, § 87, item 3, § 90, item 1, § 91, item 2 and 3, § 92, § 93 and § 97-101, which shall enter into force from the day of the Act's promulgation in the State Gazette.

2. paragraph 32, item 2 and 3, § 49 on Art. 187, para. 3, new second sentence, § 69-72, § 76 concerning persons under § 70, § 78 with respect to employees under § 69 and § 70, § 79 regarding employees under § 69 and § 70, § 91, item 1 and § 94, which shall enter into force on February 1, 2017.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 12/17)

§ 18. (1) Every 6 years from May 16, 2017, and if such data is available, the Ministry of Environment and Waters shall inform the European Commission on:

1. the number of investment proposals under Annexes № 1 and 2, for which procedures are carried out in accordance with Chapter VI;
2. the distribution of assessments according to the categories of investment proposals set out in Annexes № 1 and 2;
3. the number of investment proposals given in Annex № 2 wich decewwd administrative acts to perform an EIA;
4. the average duration of the EIA procedure;
5. the overall assessments regarding the average direct costs for the EIA, including for the impact of the application of EIA to small and medium enterprises.

(2) Every two years from May 16, 2017, the Ministry of Environment and Waters shall inform the European Commission of any exemption under Art. 81, para. 7.

§ 19. Current procedures for assessing the need for an EIA, with which a request has been submitted under Art. 93, para. 5 until the entry into force of this Act, shall be completed under the order

prevailing hitherto.

§ 20. Current procedures for assessing the environmental impact, with which consultations have been conducted with the competent authorities for deciding the EIA for the terms of reference for the scope and content of the EIA and which have begun by the entry into force of this Act, shall be completed under the order prevailing hitherto.

§ 21. (1) Within 6 months of the entry into force of this Act, the Council of Ministers shall adopt the necessary amendments and supplements in the acts of secondary legislation on its implementation.

(2) Acts of secondary legislation on its implementation issued before the enactment of this Act shall remain in effect, insofar as they do not contradict it.

Concluding provisions
TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY

(PROM. - SG 58/17, IN FORCE FROM 18.07.2017)

§ 48. Everywhere in the text of Environmental Protection Act words "Minister of Agriculture and Food" and "Ministry of Agriculture and Food" shall be replaced with words "Minister of Agriculture, Food and Forestry" and "Ministry of Agriculture, Food and Forestry".

.....

§ 76. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 76 OF 2017)

§ 7. Administrative cases, initiated before the entry into force of this act, under Art. 27, 88, 93 and 99 of the Environmental Protection Act and under Art. 31 of the Biodiversity Act shall be completed under the order prevailing hitherto.

Transitional and concluding provisions
TO THE CONCESSIONS ACT

(PROM. - SG 96/17, IN FORCE FROM 02.01.2018)

§ 41. The Act shall enter into force within one month from its promulgation in the State Gazette with the exception of:

1. Article 45, Para. 5, which enters into force within 12 months of the promulgation of the Act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on 31 January 2019.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROTECTION FROM THE HARMFUL IMPACT OF THE CHEMICAL SUBSTANCES AND MIXTURES

(PROM. - SG 53/18Q IN FORCE FROM 26.06.2018)

§ 29. The Act shall enter into force on the day of its promulgation in the State Gazette.

Appendix No 1 of art. 92, item 1

(amend. – SG 52/08; amend. – SG 32/12, in force from 24.04.2012, amend. - SG 12/17)

Investment proposals:

1. Refineries for crude petrol (except the production of only greasing materials from crude petrol) and installations for gas supply and liquefying of coal or bitumen schists of 500 and more than 500 t per day.

2.1. Thermal power plants and other combustion plants with rated input thermal capacity of 50 MW or more,

2.2. Nuclear power stations and other nuclear reactors, including dismounting and de-commissioning of such power stations and reactors, except for research installations for production and processing of fission or enriched materials, which maximum power does not exceed 1 KW continuous thermal load.

3.1. Installations for processing of waste nuclear fuel.

3.2. Plants meant for:

a) production or enrichment of nuclear fuel;

b) processing of waste nuclear fuel or highly radioactive waste;

c) burying of waste nuclear fuel;

d) only for ultimate burying of nuclear waste;

e) only for storage, planned for more than 10 years, of waste nuclear fuel or radioactive waste on the site, different from this, where they have been produced.

4.1. Integrated plant for production of iron and steel(primary or secondary melting), including continuous casting.

4.2 Installations for the production of non-processed non-ferrous metals, from ores, dressed products or waste metals with metallurgical, chemical or electrolytic processes;

5. Installations for the production and processing of asbestos and production of products, containing asbestos:

a) or asbestos – cement products with annual production over 20 000 t of finished products;

b) for friction materials with annual production more than50 t of finished products;

c) for other productions using asbestos over 200 t per year.

6. Integrated chemical plants for production on industrial scale of chemical substances, using processes of chemical transformation, where individual lines are functionally linked and which are intended:

a) for production of basic organic chemical substances;

b) for production of basic inorganic chemical substances;

c) for production of phosphorous, nitrogen and potassium fertilisers (simple and combined fertilisers);

d) for production of basic substances for plant protection and biocides;

e) for production of basic pharmaceutical products using chemical or biologic processes;

f) for production of explosives;

7.1. Construction of trunk railways and 2st category railways (lines for long-distance railway traffic) and of aerodromes with a length of the basic runway 2100 m and more.

7.2. Construction of motorways and 1st class roads.

7.3. Construction of a new road with four or more lanes or relocation of a line, and/or extension of an existing road with two or less than two lanes up to four or more lanes, where the new road, the relocation of the line and/or extension of the existing road is of 10 km and more of continuous length.

8.1. Inland water ways and ports servicing vessels on inland water ways, allowing navigation of vessels with gross tonnage of more than 1350.

8.2. Commercial ports, loading and unloading piers, connected with the mainland, and ports for public transport (except for ferry boat terminals), which can receive vessels with gross tonnage over

1350 t.

9. Installations for disposal of dangerous waste by burning, chemical treatment or depositing in the meaning of the Law for Waste Management.

10. Installations with a capacity of more than 100 t per day for disposal of non-dangerous waste by burning or chemical treatment in the meaning of the Law for Waste Management.

11. Obtaining of underground waters or schemes of artificial turnover of the underground waters with annual volume of the obtained water – 10 million cubic meters or more.

12.1. Activities for transfer of water resources between river basins for satisfying of the deficit of water consumption, when the volume of the transferred water is more than 100 million cubic meters annually.

12.2. In all other cases activities for transfer of water masses between river basins, where the average annual (averaged for many years) outflow from the basin, from which water is transferred, is over 2 000 million cubic meters annually and the amount of water transferred exceeds 5 per cent of this flow.

In cases referred to in item 12.1 and 12.2, the transfer of water for drinking needs along pipes is excluded.

13. Water treatment stations for waste waters with a capacity over 150 000 equivalent residents.

14.1. Production of petrol or natural gas for commercial purposes with quantity over 500 t of oil per day or over 500 000 m3 natural gas per day.

14.2. Boreholes for surveying and production of non-conventional hydro-carbons, including schist gas.

15. Dams and other facilities, designated for permanent storage or preservation of water, where the new or the additional quantity of water, which is kept or preserved, is over 10 million cubic meters.

16. Pipelines with diameter more than 800 mm and length more than 40 km intended:

a) for transportation of gas, petrol, chemical substances and mixes;

b) for transportation of flows of carbon dioxides (CO2) for storage in geological formations, including the associated with them compressor stations.

17. Farms for the Intensive breeding of birds or pigs with more than:

a) 40 000 places for breeding broilers, 40 000 places for laying hens;

b) 2 000 places for breeding pigs for fattening (over 30 kg), or

c) 750 places for sows.

18. Industrial plants for the production of:

a) pulp from timber or similar fibrous materials;

b) paper and cardboard with a production capacity exceeding 20 tons per 24 hours.

19. Open cast mining in quarries and mines of raw materials - with area over 25 hectars, or production of turf - with area over 150 hectars.

20. Construction of overhead electrical power lines with a voltage of 220 kV or more, and a length of over 15 kilometers.

21. Installations for storage of 200 000 tons or more petroleum, petroleum products or chemical products.

22. Locations for storing CO2 in geological formations.

23. Installations for the capture of CO 2 streams for the purpose of storage in geological formations of installations covered by this Annex, or where the total annual quantity of captured CO2 equals or exceeds 1.5 megatons.

24. Tourism and recreation:

a) holiday villages, hotel complexes outside urbanized territories with total used area over 1 ha and facilities for them;

b) ski-tracks, ski rope line, cable cars with total length over 1000 m and the facilities for them;

c) sport or recreation complexes outside urbanized territories with total area over 2 ha.

25. Any modification or extension of an investment proposal, included in the attachment, where this amendment or extension individually reaches the criteria, if any, indicated in the attachment.

Appendix No 2 of art. 93, para 1, items 1 and 2

(amend. – SG 77/05, amend. and suppl. – SG 32/12, in force from 24.04.2012, amend. – SG, 62/2015, in force from 14.8.2015, amend.and suppl. - SG 12/17)

Investment proposals

1. Agriculture, forestry and water economy:

a) consolidation of agricultural land;

b) use of not arable land or semi-uncultivated land for intensive agriculture purposes;

c) amelioration activities in agriculture, including drip irrigation and drying of land;

d) primary afforestation and felling with objective change of the designation of the land;

e) (amend. - SG 12/17) mining or industrial plants for coal, oil, natural gas, ores and oil shale;

f) intensive breeding of fish;

g) drying of land from the sea;

h) (revoked – SG 32/12, in force from 24.04.2012).

2. Mining:

a) quarries, open mine pits and obtaining of turf (not included in appendix No 1);

b) (amend. – SG 32/12, in force from 24.04.2012) mines with underground mining;

c) (amend. – SG 32/12, in force from 24.04.2012) extraction of filling materials from rivers, lakes or seas by dragging;

d) (amend. – SG 32/12, in force from 24.04.2012) deep boreholes, including:

- geothermal;
- for preservation of nuclear waste;
- for water supply,

except these for investigation of the stability of the geologic base;

e)obtaining of coal, petrol, natural gas, ores and bitumen schists;

f) (new – SG 32/12, in force from 24.04.2012) all survey boreholes for petroleum and gas.

3. Power generation:

a) industrial installations for production of electric energy, steam and hot water (not included in appendix No 1);

b) industrial facilities for transfer of gas, steam and hot water, transfer of electric energy with over-ground cables (not included in appendix No 1);

c) facilities for over-ground preservation of natural gas;

d) facilities for underground storage of combustion gases;

e) facilities for over-ground storage of fuels;

f) industrial coal bricks production;

g) installations for processing and preservation of nuclear waste (not included in appendix No 1);

h) hydro-power stations;

i) facilities for production of electric energy with the power of wind;

j) (new – SG 32/12, in force from 24.04.2012) plants for catching of CO2 flows for storage in geological formations from plants, which are not covered by Attachment No. 1.

4. Production and processing of metals:

a) installations for production of cast iron and steel (primary and secondary smelting), including continuous casting (not included in appendix No 1):

b) (amend. - SG 12/17) installations for processing of ferrous metals

- hot rolling;
- smith pressing;
- protection covers of smelt metal;

c) foundries for ferrous metals (not included in appendix No 1);

d) (amend. - SG 12/17) installations for melting of non ferrous metals, including production of alloys (except precious metals), drawing, formation and rolling of Art.s from non ferrous metals and alloys;

e) (amend. - SG 12/17) installations for surface processing of metals and plastics with electrolytic or chemical processes;

f) production and mounting of motor vehicles and production of automobile engines;

g) ship building plants;

h) production and repair of aircraft;

i) production of railway facilities;

j) ground works, made with explosives;

k) installations for roasting and agglomeration of ores.

5. Manufacture of products from non-metallic mineral resources:

a) coke furnaces (dry distillation of coal);

b) (amend. - SG 12/17) installations for production of cement;

c) (amend. - SG 12/17) installations for production of asbestos and asbestos articles;

d) (amend. - SG 12/17) installations for production of glass and glass fibres;

e) (amend. - SG 12/17) installations for melting of mineral substances, including production of mineral fibres;

f) (amend. - SG 12/17) installations for production of ceramic products with roasting, in this number tiles, bricks, fire-proof bricks, slabs, ceramic and porcelain vessels.

6. Installations in the chemical industry (not included in appendix No 1):

a) (amend. – SG 32/12, in force from 24.04.2012) treatment of intermediate products and production of chemical substances and mixtures;

b)installations for production of pesticides and pharmacological products, dyes and varnishes, elastomers and peroxides;

c) facilities for storage of petrol, petrol products and chemical substances.

7. (amend. - SG 12/17) Enterprises in the food industry:

a) production of plant and animal oils and fats;

b) (amend. - SG 12/17) packaging and canning of plant and animal products;

c) production of dairy products;

d) production of beer and malt;

e) production of sugar products and syrups;

f) slaughterhouses;

g) industrial production of starch;

h) production of fish flour and oil;

i) production of sugar.

8. Textile, leather, timber processing and paper industry:

a) industrial installations for production of paper and cardboard (not included in appendix No 1);

b) (amend. – SG 32/12, in force from 24.04.2012, amend. - SG 12/17) installations for preliminary processing (operations as washing, bleaching, mercerisation etc.) or dying of fibres or textile;

c) (amend. - SG 12/17) processing (tannage) of leather;

d) installations for production and processing of cellulose.

9. Rubber industry. Production and processing of products on the basis of elastomers.

10. Infrastructure investment proposals:

a) industrial zones;

b) (amend. – SG, 62/2015, in force from 14.8.2015) urban development, including construction of commercial centres and parking places;

c) construction of railway lines and facilities for combined transport and mixed terminals (not included in appendix No 1);

d) construction of airports (not included in appendix No 1);

e) construction of roads (not included in appendix No 1): (not included in appendix No 1);

f) (amend. – SG 32/12, in force from 24.04.2012) construction of ports, port facilities, including fish ports (not included in appendix No 1);

g) construction of internal water ways, construction of canals and emergency facilities against floods;

h) (amend. - SG 12/17) dams and other facilities for collecting or preservation of water for long time (not included in appendix No 1);

i) tram lines, underground and over-ground trains, rope-lines for transport of passengers exclusively or mainly;

j) (amend. – SG 32/12, in force from 24.04.2012) petrol and gas pipelines and associated with them systems, and also pipelines conveying CO2 flows for storage in geological formations (not included in appendix No 1);

k) aqueducts;

l) (suppl. - SG 12/17) coastal activity for fight with erosion and coastal facilities, leading to change of the coastline as construction of dikes, wave-breaks and other protective naval facilities, except repair and reconstruction of these facilities;

m) (amend. – SG 32/12, in force from 24.04.2012, amend. - SG 12/17) schemes for obtaining of underground waters and artificial feeding of underground waters (not included in appendix No 1);

n) designs for transfer of water resources between river basins (not included in appendix No 1).

11. Other investment proposals:

a) racing tracks and tracks for trial of motor vehicles;

b) (suppl. - SG 12/17) installations for depositing and/or utilization of waste (not included in appendix No 1);

c) treatment stations for waste water (not included in appendix No 1);

d) deposits for precipitates from water treatment stations;

e) preservation of iron scrap, including scrap from motor vehicles;

f) facilities for trial of engines, turbines or reactors;

g) (amend. - SG 12/17) production of artificial mineral fibres;

h) (amend. - SG 12/17) undertaking/facilities for production, storage, disposal and/or destruction of explosive substances and articles thereof;

i) (amend. - SG 12/17) installations for defusing or utilisation of animal carcasses or animal waste;

j) (revoked - SG 12/17)

k) (revoked - SG 12/17)

12. Tourism and recreation:

a) (amend. – SG 32/12, in force from 24.04.2012) ski-tracks, ski draglifts, rope-lines and facilities with them;

b) sea facilities;

c) holiday villages, hotel complexes in urban territories and accompanying activities (not included in appendix No 1);

d) permanent camping places and places for parking of caravans;

e) parks with special designation;

f) (new – SG 32/12, in force from 24.04.2012) sport and/or recreational complexes outside urbanized territories.

Appendix No 3 of art. 103, par. 1

(amend. – SG 77/05, amend. – SG 103/09, prev. Appendix No. 3 of Art. 103, par. 3 – SG 32/12, in force from 24.04.2012, amend. – SG, 62/2015, in force from 14.8.2015; amend. – SG 101/15, in force from 22.12.2015)

DANGEROUS SUBSTANCES

List of major groups of polluting substances, which must be taken into consideration for determination of allowable emission values and/or natural person emission limitations

I. Emissions in the atmospheric air:

1. Sulphur dioxide and other sulphur compounds.

2. Nitrogen oxides and other Nitrogen compounds.

3. Carbon Oxide.

4. Volatile organic compounds (VOC).

5. Metals and their compounds.

6. Dust, including fine dust particles.

7. Asbestos (suspended particles, fibres).

8. Chlorine and its compounds.

9. Fluorine and its compounds.

10. Arsenic and its compounds.

11. Cyanides.

12. Substances and mixtures with proven cancer causing or mutagenic properties or properties, which may affect through the air environment the reproduction.

13. Polychlorinated dibenzodioxines and polychlorinated dibenzofuranes.

II. Emissions in waters:

1. Organic halogenic compounds and substances which may produce such compounds in the water environment.

2. Organic phosphorus-based compounds.

3. Organic tin-based compounds.

4. Substances and mixtures with proven cancer causing or mutagenic properties or properties, which may affect in or through the water environment the reproduction.

5. Persistent Carbohydrates and persistent and bio-accumulated organic toxic substances.

6. Cyanides.

7. Metals and their compounds.

8. Arsenic and its compounds..

9. Biocides and products for plants protection.

10. Suspended materials.

11. Substances contributing to eutrophication (in particular Nitrates and Phosphates).

12. Substances having adverse effect on the Oxygen balance (and may be measured with parameters such are biological Oxygen demand (BOD), chemical Oxygen demand (COD), etc.).

13. Other substances or groups of substances, for which emission limitations are set out in the permissions under Art. 118, par. 4, item 2.

DANGEROUS SUBSTANCES

Dangerous substances covered by the hazard categories listed in Column 1 of Part 1 of this Annex are subject to the qualifying quantities set out in Columns 2 and 3 of Part 1.

Where a dangerous substance is covered by Part 1 of this Annex and is also listed in Part 2, the qualifying quantities set out in Columns 2 and 3 of Part 2 apply.

PART 1

Categories of dangerous substances

This Part covers all dangerous substances falling under the hazard categories listed in Column 1:

Column 1	**Column 2**	**Column 3**
Hazard categories in accordance with Regulation (EC) No 1272/2008	**Qualifying quantity (tonnes) of dangerous substances as referred to in Article 3(10) for the application of**	
	Lower-tier requirements	**Upper-tier requirements**
Section 'H' –		
HEALTH HAZARDS		
H1 ACUTE TOXIC Category 1, all exposure routes	5	20
H2 ACUTE TOXIC — Category 2, all exposure routes	50	200
— Category 3, inhalation exposure *route* (see note 7)		
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT SE Category 1	50	200
Section 'P' –		
PHYSICAL HAZARDS		
P1a EXPLOSIVES (see note 8) — Unstable explosives or	10	50
— Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or		
— Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures		

P1b EXPLOSIVES (see note 8) Explosives, Division 1.4 (see note 10)	50	200
P2 FLAMMABLE GASES Flammable gases, Category 1 or 2	10	50
P3a FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols *Category 1 or 2*, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150 *(net)*	500 *(net)*
P3b FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols *Category 1 or 2*, not containing flammable gases Category 1 or 2 nor flammable liquids category 1 (see note 11.2)	5 000*(net)*	50 000*(net)*
P4 OXIDISING GASES Oxidising gases, Category 1	50	200
P5a FLAMMABLE LIQUIDS — Flammable liquids, Category 1, or — Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or — Other liquids with a flash point ≤ 60 °C, held at a temperature above their boiling point (see note 12)	10	50
P5b FLAMMABLE LIQUIDS — Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards, or	50	200

— Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards (see note 12)		
P5c FLAMMABLE LIQUIDS Flammable liquids, Categories 2 or 3 not covered by P5a and P5b	5 000	50 000
P6a SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B	10	50
P6b SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F	50	200
P7 PYROPHORIC LIQUIDS AND SOLIDS Pyrophoric liquids, Category 1 Pyrophoric solids, Category 1	50	200
P8 OXIDISING LIQUIDS AND SOLIDS Oxidising Liquids, Category 1, 2 or 3, or Oxidising Solids, Category 1, 2 or 3	50	200

Section ‘E’ –

ENVIRONMENTAL HAZARDS

E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500

Section ‘O’ –

OTHER HAZARDS

O1 Substances or mixtures with hazard statement EUH014	100	500

O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100	500
O3 Substances or mixtures with hazard statement EUH029	50	200

PART 2

Named dangerous substances

Column 1	**CAS number (1)**	**Column 2**	**Column 3**
Dangerous substances		**Qualifying quantity (tonnes) for the application of**	
		Lower-tier requirements	**Upper-tier requirements**
1. Ammonium nitrate (see note 13)	—	5 000	10 000
2. Ammonium nitrate (see note 14)	—	1 250	5 000
3. Ammonium nitrate (see note 15)	—	350	2 500
4. Ammonium nitrate (see note 16)	—	10	50
5. Potassium nitrate (see note 17)	—	5 000	10 000
6. Potassium nitrate (see note 18)	—	1 250	5 000
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1	2
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3		0,1
9. Bromine	7726-95-6	20	100
10. Chlorine	7782-50-5	10	25
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	—		1
12. Ethyleneimine	151-56-4	10	20
13. Fluorine	7782-41-4	10	20
14. Formaldehyde (concentration ≥ 90 %)	50-00-0	5	50
15. Hydrogen	1333-74-0	5	50
16. Hydrogen chloride (liquefied gas)	7647-01-0	25	250
17. Lead alkyls	—	5	50
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (see note 19)	—	50	200
19. Acetylene	74-86-2	5	50
20. Ethylene oxide	75-21-8	5	50
21. Propylene oxide	75-56-9	5	50
22. Methanol	67-56-1	500	5 000
23. 4, 4′-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4		0,01
24. Methylisocyanate	624-83-9		0,15
25. Oxygen	7782-44-7	200	2 000

26.	2,4 -Toluene diisocyanate	584-84-9	10	100
	2,6 -Toluene diisocyanate	91-08-7		
27.	Carbonyl dichloride (phosgene)	75-44-5	0,3	0,75
28.	Arsine (arsenic trihydride)	7784-42-1	0,2	1
29.	Phosphine (phosphorus trihydride)	7803-51-2	0,2	1
30.	Sulphur dichloride	10545-99-0		1
31.	Sulphur trioxide	7446-11-9	15	75
32.	Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 20)	—		0,001
33.	The following CARCINOGENS or the mixtures containing the following carcinogens at concentrations above 5 % by weight: 4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3-chloropropane, 1,2-Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2-Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone	—	0,5	2
34.	Petroleum products and alternative fuels (a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) (d) heavy fuel oils (e) alternative fuels serving the same purposes and with similar properties as regards	—	2 500	25 000

	flammability and environmental hazards as the products referred to in points (a) to (d)			
35.	Anhydrous Ammonia	7664-41-7	50	200
36.	Boron trifluoride	7637-07-2	5	20
37.	Hydrogen sulphide	7783-06-4	5	20
38.	Piperidine	110-89-4	50	200
39.	Bis(2-dimethylaminoethyl) (methyl)amin	3030-47-5	50	200
40.	3-(2-Ethylhexyloxy)propylamin	5397-31-9	50	200
41.	Mixtures (2) of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of Annex I.		200	500
42.	Propylamine (see note 21)	107-10-8	500	2 000
43.	Tert-butyl acrylate (see note 21)	1663-39-4	200	500
44.	2-Methyl-3-butenenitrile (see note 21)	16529-56-9	500	2 000
45.	Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 21)	533-74-4	100	200
46.	Methyl acrylate (see note 21)	96-33-3	500	2 000
47.	3-Methylpyridine (see note 21)	108-99-6	500	2 000
48.	1-Bromo-3-chloropropane (see note 21)	109-70-6	500	2 000

OTES TO ANNEX I

1. Substances and mixtures are classified in accordance with Regulation (EC) No 1272/2008.

2. Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under Regulation (EC) No 1272/2008, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.

The qualifying quantities set out above relate to each establishment.

3. The quantities to be considered for the application of the relevant Articles are the maximum quantities which are present or are likely to be present at any one time. Dangerous substances present at an establishment only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere at that establishment.

The following rules governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate:

4. In the case of an establishment where no individual dangerous substance is present in a quantity above or equal to the relevant qualifying quantities, the following rule shall be applied to determine whether the establishment is covered by the relevant requirements of this Directive.

This Directive shall apply to upper-tier establishments if the sum:

$q_1/Q_{U1} + q_2/Q_{U2} + q_3/Q_{U3} + q_4/Q_{U4} + q_5/Q_{U5} + \ldots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Annex,

and Q_{UX} = the relevant qualifying quantity for dangerous substance or category x from Column 3 of Part 1 or from Column 3 of Part 2 of this Annex.

This Directive shall apply to lower-tier establishments if the sum:

$q_1/Q_{L1} + q_2/Q_{L2} + q_3/Q_{L3} + q_4/Q_{L4} + q_5/Q_{L5} + \ldots$ is greater than or equal to 1,

where q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Annex,

and Q_{LX} = the relevant qualifying quantity for dangerous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2 of this Annex.

This rule shall be used to assess the health hazards, physical hazards and environmental hazards. It

be applied three times:

(a) for the addition of dangerous substances listed in Part 2 that fall within acute toxicity category 1, 2 or 3 (inhalation route) or STOT SE category 1, together with dangerous substances falling within section H, entries H1 to H3 of Part 1;

(b) for the addition of dangerous substances listed in Part 2 that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids, together with dangerous substances falling within section P, entries P1 to P8 of Part 1;

(c) for the addition of dangerous substances listed in Part 2 that fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2, together with dangerous substances falling within section E, entries E1 and E2 of Part 1.

The relevant provisions of this Directive apply where any of the sums obtained by (a), (b) or (c) is greater than or equal to 1.

5. In the case of dangerous substances which are not covered by Regulation (EC) No 1272/2008, including waste, but which nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major-accident potential, these shall be provisionally assigned to the most analogous category or named dangerous substance falling within the scope of this Directive.

6. In the case of dangerous substances with properties giving rise to more than one classification, for the purposes of this Directive the lowest qualifying quantities shall apply. However, for the application of the rule in Note 4, the lowest qualifying quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned shall be used.

7. Dangerous substances that fall within Acute Toxic Category 3 via the oral route (H 301) shall fall under entry H2 ACUTE TOXIC in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.

The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to Regulation (EC) No 1272/2008). If the quantity of the explosive substance or mixture contained in the article is known, that quantity shall be considered for the purposes of this Directive. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of this Directive, the whole article shall be treated as explosive.

9. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria) [(3)] identifies the substance or mixture as potentially having explosive properties.

10. If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry P1a, unless the hazard is shown to still correspond to Division 1.4, in accordance with Regulation (EC) No 1272/2008.

11.1. Flammable aerosols are classified in accordance with the Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers [(4)] (Aerosol Dispensers Directive).

‘Extremely flammable’ and ‘Flammable’ aerosols of Directive 75/324/EEC correspond to Flammable Aerosols Category 1 or 2 respectively of Regulation (EC) No 1272/2008.

11.2. In order to use this entry, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.

12. According to paragraph 2.6.4.5 in Annex I to Regulation (EC) No 1272/2008, liquids with a flash point of more than 35 °C need not be classified in Category 3 if negative results have been obtained in the sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This is however not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.

13. Ammonium nitrate (5 000 / 10 000): fertilisers capable of self-sustaining decomposition

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is

— between 15,75 % [5] and 24,5 % [6] by weight, and either with not more than 0,4 % total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers [7],

— 15,75 % by weight or less and unrestricted combustible materials.

4. Ammonium nitrate (1 250 / 5 000): fertiliser grade

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is

— more than 24,5 % by weight, except for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %,

— more than 15,75 % by weight for mixtures of ammonium nitrate and ammonium sulphate,

— more than 28 % [(8)] by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %.

Ammonium nitrate (350 / 2 500): technical grade

This applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is

15. — between 24,5 % and 28 % by weight, and which contain not more than 0,4 % combustible substances,

— more than 28 % by weight, and which contain not more than 0,2 % combustible substances.

It also applies to aqueous ammonium nitrate solutions in which the concentration of ammoniu
80 % by weight.

Ammonium nitrate (10 / 50): ‘off-specs’ material and fertilisers not fulfilling the detonation test

This applies to

16. — material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Notes 14 and 15, that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Notes 14 and 15,

— fertilisers referred to in first indent of Note 13, and Note 14 to this Annex which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003.

17. Potassium nitrate (5 000 / 10 000)

This applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.

18. Potassium nitrate (1 250 / 5 000)

This applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

19. Upgraded biogas

For the purpose of the implementation of this Directive, upgraded biogas may be classified under entry 18 of Part 2 of Annex I where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1 % Oxygen.

20. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following factors:

WHO 2005 TEF			
2,3,7,8-TCDD	1	2,3,7,8-TCDF	0,1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0,3
		1,2,3,7,8-PeCDF	0,03
1,2,3,4,7,8-HxCDD	0,1		
1,2,3,6,7,8-HxCDD	0,1	1,2,3,4,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDD	0,1	1,2,3,7,8,9-HxCDF	0,1
		1,2,3,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDD	0,01	2,3,4,6,7,8-HxCDF	0,1
OCDD	0,0003	1,2,3,4,6,7,8-HpCDF	0,01
		1,2,3,4,7,8,9-HpCDF	0,01
		OCDF	0,0003
(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)			
Reference — Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like			

Compounds	
21.	In cases where this dangerous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of this Directive the lowest qualifying quantities shall apply.

(1) The CAS number is shown only for indication.

(2) Provided that the mixture in the absence of sodium hypochlorite would not be classified as Aquatic Acute Category 1 [H400].

(3) More guidance on waiving of the test can be found in the A.14 method description, see Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

(4) OJ L 147, 9.6.1975, p. 40.

(5) 15,75 % nitrogen content by weight as a result of ammonium nitrate corresponds to 45 % ammonium nitrate.

(6) 24,5 % nitrogen content by weight as a result of ammonium nitrate corresponds to 70 % ammonium nitrate.

(7) OJ L 304, 21.11.2003, p. 1.

(8) 28 % nitrogen content by weight as a result of ammonium nitrate corresponds to 80 % ammonium nitrate.

Appendix No 4 of art. 117, para 1

(amend. – SG 52/08; amend. – SG 32/12, in force from 07.01.2014 (*))

Categories of industrial activities

The threshold values, indicated here below, in principle refer to the production capacities or the volumes of production. When several activities with the same description of the activity, containing threshold values are carried out in one and the same installation, the capacities of such activities shall be summed. Regarding the activities for waste management this calculation shall be applied at an activity level for items 5.1, 5.3.1 and 5.3.2.

1. Power generation

1.1. Burning installations with total nominal input thermal power, equal to or exceeding 50 MW.

1.2. Refineries for mineral oils and gases.

1.3. Coke furnaces.

1.4. Plants for gasification or liquefying of:

a) coal;

b) other fuels in plants with a total rated input thermal power of 20 MW or more.

2. Production and processing of metals

2.1. Installations for roasting or agglomeration of metal ores (including sulphur containing ores).

2.2. Installations for production of cast iron and steel (primary and secondary melting), including continuous casting, with capacity over 2.5 t per hour.

2.3. Installations for processing of ferrous metals:

a) mills for hot rolling with capacity over 20 t of crude steel per hour;

b) smith workshops with presses, which energy exceeds 50 kJ per press, where the used heat power exceeds 20 MW;

c) application of protective coatings of molten metal with consumption over 2 t of crude steel per hour.

2.4. Foundries for ferrous metals with production capacity over 20 t per day.

2.5. Installations for:

a) production of non-processed metals, different from those, listed in items 2.2, 2.3 and 2.4, from ores, enriched products or waste from metals through metallurgic, chemical or electrolytic processes;

b) melting, including alloying of metals, different from those, listed in items 2.2, 2.3 and 2.4 and operation of foundries with melting capacity over 4 t per day for lead and cadmium and 20 t per day – for all other metals.

2.6. Installations for surface processing of metals and plastics through electrolytic or chemical processes, where the volume of the vessels for processing is over 30 cubic meters.

3. Production of products from non ore mineral raw materials:

3.1. Installations for production of cement, lime and magnesium oxide, as follows:

a) for cement clinker in rotary furnaces with production capacity over 500 t/day or in other furnaces with production capacity over 50 t/day;

b) for lime in furnaces with production capacity over 50 t per day;

c) for production of magnesium oxide in furnaces with production capacity over 50 t per day.

3.2. Installations for production of asbestos and products on asbestos base.

3.3. Installations for production of glass, including glass fibres, with melting capacity over 20 t per day.

3.4. Installations for melting of mineral substances, including production of mineral fibres, with melting capacity over 20 t per day.

3.5. Installations for production of ceramic products by roasting, more concrete roof tiles, bricks, fire-proof bricks, slabs, stone or porcelain products, with production capacity over 75 t per day and/or with capacity of the furnace over 4 m3 and with density of arrangement for one furnace over 300 kilograms/cubic meter.

4. Chemical industry

Production in the sense of the categories of activities, contained in the present item, means production in industrial scale by chemical or biological processing of substances or groups of substances listed in items 4.1 – 4.6.

4.1. Plants for production of organic chemical substances as:

a) simple hydrocarbons (non cyclic or cyclic; saturated or unsaturated; aliphatic or aromatic);

b) oxygen-containing hydrocarbons as alcohols, aldehydes, ketones, carboxyl acids, ethers and ether mixtures, acetates, ethers, peroxides and epoxy-clays;

c) sulphur-containing hydrocarbons;

d) nitrogen-containing hydrocarbons as amines, amides, compounds of three – valent nitrogen, nitrates, nitrites, nitriles, cyanates, iso-cyanates;

e) phosphorus-containing hydrocarbons;

f) halogen-containing hydrocarbons;

g) organic-metal compounds;

h) plastics (polymers, synthetic fibres and fibres on cellulose base);

i) synthetic rubber;

j) dyes and pigments;

k) surface-active means and surface-active substances.

4.2. Plants for production of inorganic chemical substances as:

a) gases: ammonia, chlorine, hydrogen chloride, fluorine, hydrogen fluoride, carbon oxides, sulphur compounds, including sulphur dioxide, nitrogen oxides, hydrogen, carbonyl chloride;

b) acids: chromium acid, hydrogen fluoride acid, phosphorus acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;

c) bases: nitrogen hydroxide, potassium hydroxide, sodium hydroxide;

d) salts: nitrogen chloride, potassium chloride, sodium carbonate, perborates, silver nitrate;

e) non-metals, metal oxides or other inorganic compounds as: calcium carbide, silicon, silicon carbide.

4.3. Plants for production of phosphorous, nitrogen and potassium fertilisers (simple or mixed fertilisers).

4.4. Plants for production of biocides or products for plant protection.

4.5. Installations for production of pharmaceutical products, including intermediate products.

4.6. Plants for production of explosives.

5. Waste management

5.1. Installations for defusing or processing of dangerous waste in the sense of the Act on Limitation of Harmful Impact of Waste on Environment with capacity over 10 t of waste per 24 hours and including one or more of the following activities:

a) biological treatment;

b) physical and chemical treatment;

c) re-grouping or mixing before subjecting to any other activity, referred to in item 5.1 and 5.2;

d) re-packing prior to subjecting to any other activity, referred to in item 5.1 and 5.2;

e) reduction/regeneration of solvents;

f) recycling/reduction of non-organic materials, different from metals of metal compounds;

g) regeneration of acids and bases;

h) utilization of components, used for reduction of pollution;

i) utilization of components from catalysts;

j) re-refining of oils or other re-use of oils;

k) surface fencings.

5.2. Disposal and utilization of waste in incineration plants or in co-incineration plants:

a) for non-hazardous waste with a capacity of more than 3 t an hour;

b) for hazardous waste with a capacity of more than 10 t a day.

5.3.1. Plants for safe disposal of non-hazardous waste with a capacity of more than 50 t per day, including one or more of the following activities and excluding the activities for treatment of waste waters from residential areas:

a) biological treatment;

b) physical and chemical treatment;

c) preparation of waste for incineration of co-incineration;

d) slag and ash treatment;

e) treatment in plants for chopping (shredding) of metal scrap, including waste from electrical and electronic equipment and out-of-run vehicles and their components.

Where the only carried out activity is anaerobic decomposition, the threshold value of the

capacity is 100 t per day.

5.3.2. Plants of utilization of a combination of utilization and safe disposal of non-hazardous waste with a capacity of more than 75 t per day, including one or more of the following activities and excluding the activities for treatment of waste waters from residential areas:

a) biological treatment;

b) preparation of waste for incineration or co-incineration;

c) slag and ash treatment;

d) treatment in plants for chopping (shredding) of metal scrap, including waste from electrical and electronic equipment and out-of-run vehicles and their components.

Where the only carried out activity is anaerobic decomposition, the threshold value of the capacity is 100 t per day.

5.4. Landfills accepting more than 10 t per day of waste, or with a total capacity of more than 25 000 t, except for the landfills for inert waste.

5.5. Temporary storage of dangerous waste, which do not refer to the application field of item 5.4 until the implementation of any of the activities referred to in items 5.1, 5.2, 5.4 and 5.4 with a total capacity of more than 50 t, except for temporary storage of waste on the site of generation until their collection.

5.6. Underground storage of dangerous waste with a total capacity of more 50 t.

6. Other activities:

6.1. Industrial installations for production of:

a) cellulose slurry from timber or other fibre materials;

b) paper and cardboard with production capacity over 20t per day;

c) wooden panels, such as: oriented standard boards (OSB), wood particle boards or wood fibre boards with a production capacity of more than 600 cubic meters per day.

6.2. Installations for preliminary processing (activities as washing, bleaching, mercerisation) or dying of textile fibres and/or textile with capacity over 10 t per day.

6.3. Installations for tanning of unprocessed and raw leathers with capacity over 12 t ready production per day.

6.4.1. Slaughterhouses with production capacity over 50 t of carcass meat per day;

6.4.2. Plants for processing and treatment, different from packing, of the following raw materials, regardless whether they are treated in advance or not, and meant for production of food products for consumption by humans or animals of:

a) only animal raw materials (without processing of milk only) with production capacity over 75 t of finished products per day;

b) only vegetable raw materials with production capacity over 300 t of finished products per day or 600 t of finished products per day, where the plant is operating for a period of more than 90 subsequent days in any year;

c) animal or vegetable raw materials both in combined and in individual products, with a production capacity for finished products in toned per day, more than respectively:

aa) 75, if the value A is equal or more than 10, or

bb) [300 – (22,5 A)] in all other cases,

where "A" is the content of animal ingredients (as a percentage of weight) in production capacity for finished products.

In the final weight of products the weight of packing is not included. This sub-item does not refer to cases where the used raw material is milk only.

6.4.3. Lines for processing of milk only with quantity of received milk over 200 t per day (annual average value).

6.5. Installation for defusing or utilisation of animal carcasses or animal waste with capacity over 10 t per day.

6.6. Intensive breeding of birds or pigs:

a) with more than 40 000 places for birds;

b) with more than 2000 places for pigs for fattening (over 30 kilograms), or

c) with more than 750 places for sows.

6.7. Installations for surface treatment of substances, objects or products by using organic solvents, more specific aperture, stamping, grounding, cleaning from oils, rendering water impermeability, dimensioning, dying, cleaning or impregnation, with consumption of organic solvents over 150 kilograms per hour or over 200 t per year.

6.8. Production of non-crystalline carbon or electric graphite by burning or graphitisation.

6.9. Plants for catching of CO2 flows for its storage in geological formations, where these flows are discharged by plants within the scope of this Attachment, plants for incineration and/or co-incineration of waste (regardless their capacity), plants on which solvents are used, or plants for production of Titanium Dioxide.

6.10. Conservation with chemicals of timber material and of products made of timber material with a production capacity of more than 75 cubic meters per day, different from its treatment against decaying (blue spots).

6.11. Plants for individual treatment of waste waters, consisting of plants within the scope of this Attachment and different from water treatment plants for waters from residential areas."

Annex No 5 to Art. 11, Para. 1, p. 3

(New – SG, 77/2005, former Annex N 5 to § 1, p. 54a of the Additional Provisions, amended – SG, 62/2015, in force from 14.8.2015)

Criteria for Reporting of a Major Accident

I. Every major accident, described in p. 1 or which leads to at least one of the consequences, described in p. 2 -5 shall be reported to the Commission.

A major accident, which:

1. includes dangerous substances in quantities not smaller than 5% of the limit quantities under Annex N 3, Para. 1, colon 3 or Part 2, colon 3 and causes fire, explosion or emitting dangerous substances;

2. causes at least one of the following unfavorable consequences over live and health of humans and over the infrastructure in the reagon of the undertaking an/or facility:

a) a case of death;

b) six persons injured in the undertaking and/or facility (hospitalized for at least 24 hours);

c) one injured outside the undertaking and/or facility (hospitalized for at least 24 hours);

d) damaged and not usable because of the accident housing buildings outside the undertaking and/or facility;

e) evacuating the referred population (evacuation) outside the accident zone for not less than 2 hours (the sum of the number of the evacuated persons and the number of hours must be at least 500);

f) stay of the referred population in protection facilities in the accident zone for not less than 2 hours (the sum of the number of the evacuated persons and the number of hours must be at least 500);

g) disruption of water supply, electricity, gas supply, telephone services in the accident zone or in the impact zone for more than 2 hours (the sum of the number of the persons and the number of hours must be at least 1000);

3. causes immediate damage or pollution above the limit of the admissible levels for components of the environment with the following characteristics:

3.1. permanent or long lasting damage of land habitats:

a) 0,5 hectares or more of a certain habitat with natural protection significance or another significance of the environment, protected under a legislative or administrative instrument;

b) 10 hectares or more of a certain largely spread habitat, including farm lands;

3.2. large or long lasting pollution of fresh waters and sea habitats:

a) of 10 km or more of a river or a channel;

b) of 1 hectare or more of artificial or natural lake;

c) of 2 hectares or more of a delta;

d) of 2 hectares or more of a seaside coast zone or open sea;

3.3. large pollution of a water horizon or underground waters of 1 hectare or more;

4. causes one of the following property damages:

a)damages in the undertaking – at least BGN 4 mln.;

b) damages outside the undertaking – at least BGN 1 mln;

5. trans border impact: each major accident, which directly contains dangerous substance, causing impact outside the territory of the country.

II. Accidents or quasi- accidents, which do not meet the described in p. I quantity criteria, but are of a special technical interest for prevention of major accidents and restriction of the consequences from them, shall be reported to the Commission upon estimation of the body under Art. 11, Para. 1.

Annex No 6 to Art. 131a, Para 4

(new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Annex No 7 to Art. 131i, Para 5

(new – SG 46/10, in force from 18.06.2010; revoked – SG 22/14, in force from 11.03.2014)

Attachment No. 8 of Art. 123, par. 1, item 1

(new – SG 32/12, in force from 07.01.2014 (*))

List of major groups of polluting substances, which must be taken into consideration for determination of allowable emission values and/or individual emission limitations

I. Emissions in the atmospheric air:

1. Sulphur dioxide and other sulphur compounds.

2. Nitrogen oxides and other Nitrogen compounds.

3. Carbon Oxide.

4. Volatile organic compounds (VOC).

5. Metals and their compounds.

6. Dust, including fine dust particles.

7. Asbestos (suspended particles, fibres).

8. Chlorine and its compounds.

9. Fluorine and its compounds.

1 8. Arsenic and its compounds.

11. Cyanides.

12. Substances and mixtures with proven cancer causing or mutagenic properties or properties, which may affect through the air environment the reproduction.

13. Polychlorinated dibenzodioxines and polychlorinated dibenzofuranes.

II. Emissions in waters:

1. Organic halogenic compounds and substances which may produce such compounds in the water environment.

2. Organic phosphorus-based compounds.

3. Organic tin-based compounds.

4. Substances and mixtures with proven cancer causing or mutagenic properties or properties, which may affect in or through the water environment the reproduction.

5. Persistent Carbohydrates and persistent and bio-accumulated organic toxic substances.

6. Cyanides.

7. Metals and their compounds.

8. Arsenic and its compounds..

9. Biocides and products for plants protection.

10. Suspended materials.

11. Substances contributing to eutrophication (in particular Nitrates and Phosphates).

12. Substances having adverse effect on the Oxygen balance (and may be measured with parameters such are biological Oxygen demand (BOD), chemical Oxygen demand (COD), etc.).

13. Other substances or groups of substances, for which emission limitations are set out in the permissions under Art. 118, par. 4, item 2.