

Environmental Protection Act

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Text in Bulgarian: Закон за опазване на околната среда

Chapter One GENERAL DISPOSITIONS

Section I Applicability and Scope

Article 1

This Act shall regulate the social relations with regard to:

1. protection of the environment for the present and future generations and protection of human health;
2. conservation of biological diversity in conformity with the natural biogeographic characteristics of Bulgaria;
3. the conservation and use of environmental media;
4. the control and management of factors damaging the environment;
5. the exercise of control over the state of the environment and over the sources of pollution;
6. the prevention and limitation of pollution;
7. the establishment and management of the National Environmental Monitoring System;
8. environmental strategies, programmes and plans;
9. collection of, and access to, environmental information;
10. the economic organization of environmental protection activities;
11. the rights and the obligations of the State, the municipalities, the juristic and natural persons in respect of environmental protection.

Article 2

The purposes of this Act shall be achieved by means of:

1. regulation of the regimes of conservation and use of environmental media;
2. control over the status and use of environmental media and of the sources of pollution and damage;
3. establishment of permissible emission levels and of environmental quality standards;
4. management of the environmental media and of environmental factors;
5. environmental impact assessment (EIA);
6. issuance of integrated permits for pollution prevention, limitation and control;
7. designation and management of areas placed under a special regime of protection;
8. development of the monitoring system for environmental media;
9. introduction of economic regulators and financial mechanisms for environmental governance;
10. regulation of the rights and obligations of the State, the municipalities, the juristic and natural persons.

Article 3

Environmental protection shall be based on the following principles:

1. sustainable development;
2. prevention and reduction of risk to human health;
3. priority of pollution prevention over subsequent elimination of pollution damage;
4. public participation in and transparency of the decision making process regarding environmental protection;
5. public awareness regarding the state of the environment;
6. polluter pays for damage caused to the environment;
7. conservation, development and protection of ecosystems and the biological diversity inherent therein;
8. restoration and improvement of environmental quality in polluted and disturbed areas;
9. prevention of pollution and damage and of other adverse impacts on clean areas;
10. integration of environmental protection policy into the sectoral and regional economic and social development policies;
11. access to justice in environmental matters.

Article 4

The environmental media shall comprehend: ambient air, atmosphere, water, soil, bowels of the earth, landscape, natural sites, mineral diversity, biological diversity and the components therein.

Article 5

The factors of environmental pollution or environmental damage can be: natural and anthropogenic substances and processes; different types of waste and the locations therein; hazardous energy sources: noise, vibrations, radiation, as well as

certain genetically modified organisms.

Article 6

The environmental media and the factors affecting the said media shall be managed, conserved and controlled according to a procedure established by this Act and by the special laws regulating the environmental media and factors.

Article 7

The requirements contained agreements and treaties to which the Republic of Bulgaria is party shall apply to transboundary pollution.

Section II

National Environmental Protection Policy and Environmental Management Authorities

Article 8

(1) (Redesignated from Article 8, SG No. 42/2011) The national environmental protection policy shall be implemented by the Minister of Environment and Water.

(2) (New, SG No. 42/2011) The Minister of Environment and Water may issue an order delegating powers to the Deputy Ministers, specifying the functions thereof, and may empower officials in connection with expressions of will and steps which are part of the relevant proceeding for the issuance of administrative acts and documents.

Article 9

The national environmental protection policy shall be integrated into sectoral policies: transport, energy, construction, agriculture, tourism, industry, education etc., and shall be implemented by the competent executive authorities.

Article 10

(1) Within the meaning of this Act, competent authorities shall be:

1. the Minister of Environment and Water;
2. the Executive Director of the Executive Environment Agency;
3. the Regional Inspectorate of Environment and Water (RIEW) directors;
4. the Basin Directorate directors;
5. the National Park Directorate directors;
6. the municipality mayors and, in the cities subdivided into wards, the ward mayors as well;
7. the regional governors.

(2) The following shall be competent to undertake the actions and activities provided for in this Act:

1. within the territory of any municipality: the RIEW Director or the Municipality Mayor and, in the cities subdivided into wards, the Ward Mayor;
2. within the territory of any administrative region: the Regional Governor or the RIEW Director;

3. within the territory of several municipalities covered by a single RIEW: the Director of the competent Inspectorate;
4. within the territory of several municipalities covered by different RIEWs: the Minister of Environment and Water.

Article 11

(1) (Previous Article 11, SG No. 65/2006) The Minister of Environment and Water shall perform the following functions:

1. together with the authorities referred to in Article 9 herein, develop the environmental protection policy and strategy in the Republic of Bulgaria;

2. direct the National Environmental Monitoring System through the Executive Environment Agency;

3. control the state of the environment in Bulgaria;

4. coordinate the controlling powers of other executive authorities in respect of the environment;

5. issue orders, permits, instructions and endorse methodologies;

6. jointly with the executive authorities concerned:

a) establish emission limit values by type of pollutant and issue standards of maximum permissible concentrations of noxious substances by element of the environment and by area;

b) endorse EIA methods;

c) issue standards on efficient utilization of renewable and non- renewable natural resources;

d) ensure the collection and provision of information on the state of the environment;

7. perform other activities associated with environmental protection and management in conformity with the special laws;

8. prepare an Annual Report on the State of the Environment.

8a. (new, SG No. 52/2008) organize and coordinate the activities of the solicitation, advance evaluation and forwarding of project proposals to the European Commission within the meaning given by Regulation (EC) No. 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) (OJ, L 149/1 of 9 June 2007) and exercise the rest of the powers arising from the implementation of the said Regulation;

9. (new, SG No. 65/2006, effective as from the date of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union) prepare and submit to the European Commission reports on the implementation of statutory instruments of the Acquis Communautaire in the field of Environment.

(2) (New, SG No. 65/2006) The procedure and requirements for reporting on statutory instruments implementation to the European Commission under paragraph 1, item 9 shall be regulated with an ordinance adopted by the Council of Ministers.

Article 12

(1) There shall be established with the Minister of Environment and Water:

1. a Supreme Environmental Expert Council;

2. advisory councils on the policy of management of environmental media.

(2) (Supplemented, SG No. 77/2005) Environmental expert councils shall be established with the Regional Inspectorates of Environment and Water and the Executive Environment Agency.

(3) The functions, the tasks and the complement of the councils referred in Paragraphs (1) and (2) shall be established by Rules issued by the Minister of Environment and Water.

Article 13

(1) The Executive Environment Agency with the Minister of Environment and Water shall direct the National Environmental Monitoring System.

(2) The Executive Environment Agency shall be a juristic person.

(3) The Executive Environment Agency shall be managed and represented by an Executive Director.

(4) The operation, the structure, the organization of work and the staffing of the Executive Environment Agency shall be determined by Rules of Organization adopted by the Council of Ministers.

Article 14

(1) Regional Inspectorates of Environment and Water, the National Park Directorates and the Basin Directorates shall ensure the conduct of the national environmental protection policy at the regional level.

(2) The bodies referred to in Paragraph (1) shall be juristic persons with the Minister of Environment and Water and shall be represented by the relevant directors or persons authorized thereby.

(3) The heads of the bodies referred to in Paragraph (1) shall be second-level spending units under the Minister of Environment and Water.

(4) (Supplemented, SG No. 77/2005) The RIEW directors, the national park directors and the basin directorate directors shall draw up warning statements and memorandums of ascertainment, shall issue prescriptions, orders on application of coercive administrative measures and penalty decrees.

(5) The number, the territorial scope of activity, the functions and the structure of the RIEWs, the powers of the directors therein, as well as the activity of the National Park Directorates and of the Basin Directorates shall be determined with Rules issued by the Minister of Environment and Water.

Article 15

(1) The Municipality Mayors shall perform the following functions:

1. inform the community about the state of the environment according to the requirements of this Act;

2. together with the other authorities, elaborate and control plans for elimination of the effects of accidents and burst pollution within the territory of the municipality;

3. organize waste management within the territory of the municipality;

4. oversee the construction, maintenance and proper operation of waste water treatment plants in the urbanized areas;

5. organize and oversee the cleanness, maintenance, conservation and expansion of the settlement green structures within the nucleated settlements and in the country areas, as well as the conservation of biological diversity, of the landscape and of the natural and cultural heritage therein;

6. designate and make public the persons responsible for maintenance of the cleanness of streets, sidewalks and other areas for public use within the nucleated settlements, and oversee the performance of the duties of the said persons;

7. organize the operation of eco-inspectorates, including such functioning on a pro bono basis, established by resolution of the competent Municipal Council, which are empowered to draw up written statements ascertaining administrative violations;

8. designate the officials empowered to draw up written statements ascertaining administrative violations under this Act;
9. exercise the powers vested therein under the special laws regulating the environment;
10. designate the persons in the municipal administration possessing the requisite occupational skills to carry out the activities comprehended in environmental management.

(2) The municipality mayors may delegate the performance of the functions covered under Paragraph (1) to the ward mayors and the mayoralty mayors.

Article 16

The Regional Governors shall perform the following functions:

1. ensure the conduct of the national environmental protection policy within the territory of the administrative region;
2. coordinate the work of the executive authorities and the administrations therein within the territory of the administrative region in respect of the conduct of the national environmental protection policy;
3. coordinate the activities comprehended in the conduct of the environmental protection policy among the different municipalities within the territory of the administrative region;
4. issue penalty decrees acting on written statements drawn up according to the procedure established by Item 8 of Article 15 (1) herein.

Chapter Two

INFORMATION RELATING TO THE ENVIRONMENT

Article 17

Anyone shall have the right of access to available information relating to the environment without having to prove a specific interest.

Article 18

The information relating to the environment shall be:

1. available primary information;
2. available pre-processed information;
3. expressly processed information.

Article 19

"Information relating to the environment" shall mean any information in written, visual, aural, electronic or other physical form regarding:

1. the state of the environmental media covered under Article 4 herein and the interaction therebetween;
2. (supplemented, SG No. 77/2005) the factors covered under Article 5 herein, as well as the activities and/or measures, including administrative measures, international agreements, policies, legislation, including reports on application of environmental legislation, plans and programmes affecting or capable of affecting the environmental media;
3. the state of human health and safety, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;

4. cultural and historical heritage sites, buildings and installations, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;

5. costs-benefit analysis and other economic analyses and assumptions used within the framework of the measures and activities referred to in Item 2;

6. emissions, discharges and other harmful impacts on the environment.

Article 20

(1) Access to information relating to the environment may be denied where the request is for:

1. classified information constituting a state secret or an official secret;

2. information constituting an industrial or commercial secret, designated as such by law;

3. intellectual property;

4. information constituting personal data, where the natural person concerned has not consented to the disclosure of the said information, and according to the requirements provided for in the Personal Data Protection Act;

5. information which would adversely affect the interests of a third party which has supplied the information requested without that party being under or capable of being under a legal obligation to do so, and where that party does not consent to the release of the material;

6. information that will adversely affect the environmental media.

(2) Information relating to the environment shall be provided within fourteen days after the date on which the applicant was notified about the decision of the competent authority to provide access to the information requested.

(3) The persons who or which report information relating to the environment to the competent authorities shall be obliged to mark the information subject to any of the restrictions on provision covered under Paragraph (1) .

(4) Upon making a decision to refuse provision of any information covered under Paragraph (1), the competent authority shall take into account the public interest served by disclosure of any such information.

(5) In the cases of restricted access, the available information relating to the environment shall be provided in the part therein as can possibly be separated out from the information covered under Paragraph (1).

(6) The restriction of the right of access to information shall not apply to any information relating to emissions of noxious substances into the environment expressed as limit values established by legislative acts.

Article 21

(1) Competent authorities under this Chapter shall be the central and local executive authorities that collect and hold information relating to the environment.

(2) Competent authorities within the meaning of Paragraph (1) shall furthermore be the other bodies and organizations that dispose of resources of the consolidated national budget and that collect and hold information relating to the environment, with the exception of the legislative and judicial authorities.

(3) (New, SG No. 77/2005) Any natural or legal person, who or which provides public services relating to the environment and who or which carries out this activity under the control of the authorities and organizations covered under Paragraphs (1) and (2), shall likewise be obligated to provide information relating to the environment according to the procedure established by this Chapter.

Article 22

(1) (Amended, SG No. 77/2005, SG No. 103/2009) The Minister of Environment and Water shall lay before the Council of Ministers annually a report on the state of the environment which, after its adoption, shall be posted on the Internet site of the Ministry of Environment and Water and of the Environment Executive Agency as a National Report on the State and Protection of the Environment.

(2) (Amended, SG No. 103/2009) The Report referred to in Paragraph (1) shall be laid before to the Council of Ministers within three months after the National Statistical Institute provides the requisite information and data.

(3) (New, SG No. 77/2005) Annually, not later than the 30th day of April, each Regional Inspectorate of Environment and Water shall prepare a regional report on the state of the environment within the territory covered by the said inspectorate during the last preceding year. The content and scope of the regional report shall be determined by directions of the Minister of Environment and Water.

Article 22a

(New, SG No. 52/2008, amended, SG No. 105/2008, supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011)

(1) The operators carrying out activities listed in Annex 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, hereinafter referred to as "Regulation (EC) No 166/2006", shall report data on pollutant release and transfer in the register referred to in Item 2 of Article 22b herein, published on the Internet site of the Executive Environment Agency.

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

(3) The Regional Inspectorates of Environment and Water shall verify the truthfulness of the data reported by the operators and shall confirm the said data in the register referred to in Item 2 of Article 22b herein not later than the 31st day of May of the relevant year next succeeding the reporting year.

(4) The Minister of Environment and Water shall give directions for the conduct of the verification under Paragraph (3).

Article 22b

(New, SG No. 52/2008)

The Executive Director of the Executive Environment Agency shall:

1. (amended, SG No. 42/2011) summarize the data referred to in Article 22a (3) herein;

2. maintain a public pollutant release and transfer register at the national level and ensure access to the said register through the Internet site of the Executive Environment Agency.

Article 22c

(New, SG No. 52/2008)

The Minister of Environment and Water shall be a competent authority for the purposes of reporting the information under Regulation (EC) No 166/2006.

Article 23

(1) (Amended, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) In the event of accidental or other pollution, where the limit values for pollutants discharge in the environment as established by a statutory instrument or an individual

administrative act are exceeded, the polluters, as well as the persons responsible for observance of the limit values shall be obligated to notify immediately the competent regional governors, mayors of the municipalities concerned, the relevant RIEWs, the basin directorates, and the authorities of the Ministry of Interior and, in case of change of the radiation level, the Nuclear Regulatory Agency as well.

(2) The competent authorities covered under Paragraph (1) shall be obliged to notify immediately the Ministry of Health and the affected community about the occurrence of pollution in excess of the emission limit values, suggesting measures for protection of human health and of property.

Article 24

On an annual basis, each head of an administrative structure in the system of the executive branch of government shall publish data for the arrays and resources of processed environmental information referred to in Item 2 of Article 18 herein.

Article 25

(1) The Minister of Environment and Water shall issue an order determining the description of the information arrays and resources referred to in Item 3 of Article 15 (1) of the Access to Public Information Act, where the said arrays and resources contain any information covered under Article 19 herein.

(2) The order referred to in Paragraph (1) shall be promulgated in the State Gazette.

(3) The description of the information arrays referred to in Paragraph (1) and in Article 24 herein shall be published on the Internet site of the Ministry of Environment and Water.

Article 25a

(New, SG No. 77/2005)

(1) The competent authorities and persons covered under Article 21 herein shall develop an Internet site and shall maintain therethrough an environmental information data base, which shall be accessible to the general public at no charge.

(2) The data base referred to in Paragraph (1) shall contain, as a minimum, the following information:

1. texts of international treaties, conventions or agreements and legislation relating to the environment;

2. strategies, plans and programmes relating to the environment;

3. reports on the progress or application of the instruments and documents covered under Items 1 and 2, should any such reports have been prepared or maintained in an electronic form;

4. the National Report and the regional reports on the state of the environment, as well as other reports on the state of the environment provided for in the law or in a statutory instrument of secondary legislation;

5. data or consolidated data derived from the monitoring of activities which have or are likely to have an environmental impact

6. public registers according to the procedure established by this Act or by other special environmental laws.

(3) The information covered under Paragraph (2) shall be updated periodically.

Article 26

(1) The procedure established by Chapter Three of the Access to Public Information Act ("Procedure for Granting Access to Public Information") shall apply to the provision of access to information relating to the environment.

(2) Any decision to grant access to information under Article 34 (1) of the Access to Public Information Act shall specify

whether expressly processed information or another type of information is provided.

Article 27

(Amended, SG No. 30/2006)

Any refusal to provide information as a party shall need to prepare the case for the defence therein in any proceeding provided for in this Act or in another law shall be appealable according to the procedure established by the Administrative Procedure Code.

Article 28

A charge for supplying any information referred to in Items 1 and 2 of Article 18 herein shall be made under the terms and according to the procedure established by Articles 20 to 22 of the Access to Public Information Act.

Article 29

The charge made for provision of expressly processed information shall be negotiated in each particular case.

Article 30

(1) (Supplemented, SG No. 77/2005, previous Article 30, SG No. 65/2006) The competent authorities shall provide, at no charge, available primary and pre-processed information relating to the environment, to one another as well as to the municipalities where the recipients need any such information to make decisions within the competence thereof, and for preparation of the reports referred to in Article 22, and Article 11, paragraph 1, item 9 herein.

(2) (New, SG No. 65/2006) Natural and legal persons shall provide the competent executive authorities with the information necessary to prepare and submit reports to the European Commission in compliance with a procedure stipulated in the ordinance under article 11, paragraph 2 unless a different procedure is stipulated in another statutory instrument.

Article 31

In the broadcasts therein, the national public-service radio and television operators shall:

1. disseminate information relating to environmental protection and management;
2. ensure protection of the right to information on the state of the environment;
3. popularize knowledge and scientific and technological advances in the field of environmental protection by means of transmission of Bulgarian and foreign educational programmes.

Chapter Three CONSERVATION AND USE OF ENVIRONMENTAL MEDIA AND WASTE MANAGEMENT

Section I General Conditions

Article 32

Not-for-profit use of environmental media to meet own requirements shall be gratuitous save in the cases specified in this Act and in the special laws regulating the environment.

Article 33

For-profit use of natural resources as regulated by law shall be onerous.

Article 34

Any persons carrying on activities referred to in Articles 32 and 33 herein shall be obliged to protect and rehabilitate the environment.

Section II

Conservation and Use of Water and Water Bodies

Article 35

(1) The conservation and use of water and water bodies shall be based on a long-term national policy.

(2) The long-term policy of conservation and use of water and water bodies shall be based on efficient water management at both national and basin level with the main purpose of achieving a good state of all ground and surface waters, and of ensuring the quantity and quality of water necessary for:

1. the needs of drinking and household water supply of the present and future generations;
2. a favourable conservation status and development of ecosystems and wetlands;
3. economic and social activities.

Article 36

(1) (Amended, SG No. 65/2006) The use of water and water bodies shall comprehend water intake and use of water bodies.

(2) The use of water and water bodies shall be carried out:

1. without permit;
2. by permit;
3. by the award of a concession.

(3) Where the right to use water and water bodies is granted under various regimes to the same holder, the stricter regime shall apply.

(4) (Amended, SG No. 65/2006) Both water intake and use of water bodies shall mandatorily require ensuring the minimum allowable runoff in rivers.

Article 37

The conservation of water and water bodies shall ensure:

1. the balance between abstraction and natural recharge of water;
2. preservation and improvement of the quality of both surface and ground waters.

Article 38

(Amended, SG No. 77/2005)

The conservation and use of water and water bodies shall follow the terms and the procedure established by this Act and

by special laws.

Section III

Soil Protection, Sustainable Use and Restoration

(Title amended, SG No. 89/2007)

Article 39

(Amended, SG No. 77/2005)

(1) Soil conservation, sustainable use and recovery shall guarantee effective protection of human health and of the soil functions, considering that soil is a scarce, irreplaceable and practically irrecoverable natural resource.

(2) Soil conservation, sustainable use and recovery shall target:

1. (amended, SG No. 89/2007) prevention of soil degradation;

2. sustained preservation of the multi-functional capacity of soil;

3. ensuring effective protection of human health;

4. preservation of soil qualities as an environment for normal development of soil organisms, plants and animals;

5. exercise of preventive control for prevention of adverse modifications of soil and application of good land-use practices;

6. (amended, SG No. 89/2007) elimination and/or mitigation of harmful modifications of soil quality caused by soil-degrading processes, according to the requirements of the types of land use.

Article 40

(Amended, SG No. 77/2005)

Any legal and natural persons, who or which own and/or use land properties, shall be obligated not to cause any harmful soil modifications in their own and in the neighbouring land properties.

Article 40a

(New, SG No. 77/2005)

The limit values for the permissible content of noxious substances in the soil shall be determined by an ordinance of the Minister of Environment and Water, the Minister of Health and the Minister of Agriculture and Food.

Article 41

The owners and users of land properties shall be obliged to take measures for the prevention of any harmful modification endangering the soil.

Article 42

(1) (Amended, SG No. 77/2005, SG No. 52/2008) Any person, who or which causes any harmful soil modification, shall be obligated to restore, at their own expense, the soil to the state preceding the damage.

(2) The owners and users of underground and overhead physical infrastructure networks and installations shall be obliged to maintain the said networks and facilities in serviceable condition and not to suffer contamination or other harmful modification

of the surrounding soil.

Article 43

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

(2) Prior to commencement of construction or prospecting, exploration and extraction of subsoil resources, the humus layer of the soil shall be removed, deposited and utilized as intended under terms and according to a procedure established by an ordinance issued by the Minister of Agriculture and Food, the Minister of Environment and Water, and the Minister of Regional Development and Public Works.

(3) The activities covered under Paragraph (2) shall be carried out without contamination of or damage to the soil in the neighbouring land properties.

(4) After finishing the activities covered under Paragraph (2), the project initiator shall be obliged to reclaim the disturbed ground.

Article 44

The owners and operators of waste landfills, including tailings ponds, slime ponds etc., as well as of installations for storage of waste and/or dangerous chemical substances, preparations and products, shall organize and operate the said installations in a manner precluding contamination of, and damage to, the soil and other environmental media.

Article 44a

(New, SG No. 77/2005)

The inventorying and study of areas with contaminated soil, the required rehabilitation measures, as well as the maintenance of the rehabilitation action taken, shall be implemented according to an ordinance adopted by the Council of Ministers.

Article 44b

(New, SG No. 77/2005)

The conservation, sustainable use and recovery of soil functions shall follow the terms and the procedure established by this Act and by a special law.

Section IV Conservation and Use of the Bowels of the Earth

Article 45

Conservation of the bowels of the Earth shall be an essential obligation of all who carry out activities comprehending the prospecting and use of the said environmental medium.

Article 46

Conservation of the bowels of the Earth shall be ensured by means of:

1. protection and efficient utilization of subsoil resources and of ground water;
2. environmentally sound waste management and waste recovery;
3. (repealed, SG No. 77/2005);

4. restoration and/or reclamation of grounds disturbed upon exploration and exploitation;
5. effective protection against natural disasters, accidents and other destructive processes caused by human activity.

Article 47

The bowels of the Earth shall be used for:

1. prospecting, exploration and extraction of subsoil resources;
2. exploration and extraction of ground water and geothermal energy;
3. industrial engineering and public works, construction of sites related to national defence; storage of waste; economic, tourist activities, scientific research and other activities.

Article 48

(Amended, SG No. 77/2005)

Conservation and use of the bowels of the Earth upon prospecting, exploration and extraction of subsurface resources shall follow a procedure established by this Act and by the Subsurface Resources Act.

Article 49

Conservation of the bowels of the Earth upon the exploration and use of ground water shall follow the procedure established by the Water Act.

Article 50

(Amended, SG No. 77/2005)

Conservation of the bowels of the Earth upon use thereof for other purposes shall follow the terms and the procedure established by this Act and by special laws.

Section V Conservation and Use of Biological Diversity

Article 51

(1) The species, the natural habitats of species with the biological diversity inherent therein shall be subject to conservation and protection.

(2) Conservation of the diversity of natural habitats and of species of wild flora and fauna shall follow the terms and a procedure established by a special law.

(3) (New, SG No. 77/2005) The natural landscape shall be conserved and used in a manner and by means precluding a harmful impact, irreversible modifications and/or damage of the elements thereof.

Article 52

Wild plant and animal species shall be used in a manner and by means guaranteeing the sustainable development of the populations therein in the natural surroundings therein.

Article 53

(1) Long-term and annual plans and programmes shall be elaborated for conservation and use of forests, game, fish,

herbs, mushrooms and other renewable wildlife resources.

(2) The plans and programmes referred to in Paragraph (1) shall be prepared under terms and according to a procedure established by the relevant special laws.

Article 54

Fees shall be charged for use of forests, game, fish, herbs, mushrooms and other renewable biological resources from of state owned and municipal-owned land tracts and aquatic areas according to the relevant special laws.

Section VI Ambient Air Quality Protection

Article 55

Ambient air quality protection shall ensure:

1. protection of human health, of living organisms, of natural and cultural assets against harmful impacts and prevention of the occurrence of risks and damage to society from modified atmospheric air quality, ozone layer depletion and climate change resulting from various human activities;

2. preservation of ambient air quality in areas where it is not degraded, and improvement of the said quality in the remaining areas.

Article 56

Ambient air quality protection shall be based on the principles of sustainable development and shall be pursued under the terms and according to the procedure established by Chapter Seven herein and by the Clean Ambient Air Act.

Article 56a

(New, SG No. 52/2008)

(1) Any persons owning motor vehicles which, through the design or operation thereof or the fuel used, cause ambient air pollution, ozone layer depletion and climate change, shall pay, upon first registration, a lump-sum eco-fee to an amount and according to a procedure established by an act of the Council of Ministers.

(2) The eco-fee referred to in Paragraph (1) shall be credited to the Enterprise for Management of Environmental Protection Activities.

Section VII Waste Management

Article 57

Waste management shall be implemented for the purpose of prevention, mitigation or limitation of the harmful impact of waste on human health and on the environment and shall be ensured by means of:

1. prevention or mitigation of the generation of waste and the degree of the hazard therein and, particularly, by means of:

a) development and implementation of technologies ensuring efficient utilization of natural resources;

b) technical development and placing on the market of products designed in such a manner so as the manufacture, use and safe disposal therein have no, or have the least possible, contribution to an increase of the quantity or hazard of waste and the risks of pollution therewith;

c) development of appropriate techniques for final safe disposal of dangerous substances contained in waste designed for recovery, recycling or treatment;

2. waste recovery by means of recycling, reuse or regeneration or by another processes of retrieval of recyclable resources or of use of waste as an energy source;

3. safe storage of waste irrecoverable at the present stage of development.

Article 58

The persons wherein the activities involve generation and/or treatment of waste shall be obliged to ensure the recycling and safe disposal of the said waste in a manner that does not present a hazard to human health and to employ methods and modern technologies which:

1. do not lead to damage or risk to the environmental media;

2. do not cause additional environmental load associated to noise, vibrations and odour.

Article 59

Waste management shall follow the terms and the procedure established by this Act and by the Waste Management Act.

Section VIII

Protection of the Environment from Pollution by Asbestos and Mercury (New, SG No. 70/2004, heading amended, SG No. 46/2010, effective 18.06.2010)

Article 59a

(1) The Minister of Environment and Water, in consultation with the Minister of Health, shall issue regulations to establish:

1. the requirements and measures to prevent and reduce the asbestos pollution of air and water;

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

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

4. the ceases, where exceptions to the requirements and measures under subpara 1 may be allowed.

(2) The Minister of Environment and Water may authorise the use of methods and procedures other than those under para 1 provided that they yield equivalent data and results.

Article 59b

(New, SG No. 46/2010, effective 18.06.2010)

The Minister of Environment and Water shall be a competent authority on the part of the Republic of Bulgaria, responsible for the application of Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ, L 304/75 of 14 November 2008), hereinafter referred to as "Regulation (EC) No 1102/2008".

Article 59c

(New, SG No. 46/2010, effective 18.06.2010)

The information referred to in Article 5, paragraph 3 of Regulation (EC) No 1102/2008 shall be submitted to the Minister of Environment and Water as well within the established time limit.

Article 59d

(New, SG No. 46/2010, effective 18.06.2010)

The persons who carry out activities covered under Article 2 of Regulation (EC) No 1102/2008 shall submit the information covered under Article 6, paragraph 1 or 2 of Regulation (EC) No 1102/2008 to the Minister of Environment and Water as well, according to the time limits established in Article 6, paragraph 3 of Regulation (EC) No 1102/2008.

Chapter Four

ECONOMIC ORGANIZATION OF ENVIRONMENTAL PROTECTION ACTIVITIES

Article 60

(Effective 1.01.2003)

(1) There shall be established an Enterprise for Management of Environmental Protection Activities, hereinafter referred to as "the Enterprise", to enjoy the status of a state-owned enterprise within the meaning of Article 62 (3) of the Commerce Act.

(2) The Enterprise shall be a juristic person with a registered office in Sofia.

(3) The Enterprise shall not be a commercial corporation and shall not form and distribute any profit.

Article 61

(Effective 1.01.2003)

(1) The core activity of the Enterprise shall be the implementation of environmental projects and activities in pursuance of environmental strategies and programmes at national and municipal level.

(2) The Enterprise shall carry out other activities as well to ensure or complement the core activity.

(3) For implementation of the activity of the Enterprise, assets constituting public and private state property may be allocated for use and management by a decision of the Council of Ministers.

(4) The Enterprise shall have no right to conclude loan contracts with commercial banks or other financial institutions, unless the Council of Ministers has made an express decision to this effect.

(5) The activities of the Enterprise in fulfilment of the tasks associated with the core activity shall be financed through:

1. charges provided for in the special laws regulating the environment;
2. action resources allocated from the national budget for environmental programmes, where the competent authorities have made a decision to this effect;
3. donations by resident and non-resident natural and juristic persons;
4. income accruing from interest on deposits;

5. (supplemented, SG No. 77/2005, SG No. 89/2007) fines or pecuniary penalties for administrative violations under this Act, the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Biological Diversity Act and the Protection Against the Harmful Impact of Chemical Substances and Preparations Act, imposed by the Minister of Environment and Water or by officials empowered thereby;

6. income accruing from portfolio investments of short-term government securities and bonds;

7. income accruing from environmental protection services and activities;

8. other proceeds determined by a legislative act.

(6) The organization and the operation of the Enterprise shall be regulated by Rules adopted by the Council of Ministers.

Article 62

(Effective 1.01.2003 - SG No. 91/2002)

(1) (Amended and supplemented, SG No. 103/2009) Annually, on or before the 28th of February, the Enterprise shall submit to the Ministry of Environment and Water a plan for the activities thereof during the current calendar year and an annual report on the activities during the preceding calendar year.

(2) The plan referred to in Paragraph (1) shall include the activities covered under Article 61 herein and, at a minimum, shall contain the following elements:

1. objectives and expected results;

2. activities to be conducted for achievement of the results, including an investment plan of the Enterprise;

3. plan for management of the resources referred to in Article 61 (5) herein, elaborated on the basis of expected operating expenses and income of the Enterprise.

(3) (Repealed, SG No. 103/2009).

(4) (Amended, SG No. 52/2008, SG No. 103/2009) The Minister of Environment and Water shall approve the plan for the activities of the Enterprise and the annual report referred to in Paragraph (1), which shall be open to public inspection.

(5) The resources for the administrative costs of the Enterprise shall be approved by the Minister of Environment and Water simultaneously with the plan referred to in Paragraph (1).

(6) (New, SG No. 105/2005) The Enterprise shall keep accounts on cash and accrual basis according to the procedure provided for public-financed enterprises.

(7) (New, SG No. 105/2005, amended, SG No. 105/2006) The reporting data concerning the assets, liabilities, income and expenditures of the Enterprise shall be consolidated according to the procedure established in Article 33 (6) of the Accountancy Act.

(8) (New, SG No. 105/2005) The cash of the Enterprise, including the amounts for VAT, shall be collected, kept in, expended from and accounted for under a separate bank accruals account with the Bulgarian National Bank in compliance with a procedure determined by the Minister of Finance and the Governor of the Bulgarian National Bank.

Article 63

(Effective 1.01.2003)

(1) The Enterprise shall be managed by a Management Board.

(2) The Enterprise shall be represented by an Executive Director.

(3) The Management Board shall consist of seven members, including a Chairperson.

(4) The following shall be the members of the Management Board:

1. Chairperson: the Minister of Environment and Water;

2. a representative of the Ministry of Environment and Water;

3. the Executive Director of the Executive Environment Agency;

4. a representative of the Ministry of Finance;

5. a representative of the National Association of Municipalities in the Republic of Bulgaria;

6. a representative of the business community, nominated by the not-for-profit legal entities designated for pursuit of public benefit activities whereof the charter or deed of incorporation includes activities associated with environmental protection.

7. the Executive Director referred to in Paragraph (2).

(5) The members of the Management Board and the Executive Director shall be appointed by the Minister of Environment and Water.

Article 64

(Effective 1.01.2003)

(1) (Corrected, SG No. 98/2002) The resources accruing from:

1. twenty per cent of the sanctions referred to in Article 69 herein;

2. fees charged by the Ministry of Environment and Water under Article 71 herein;

3. charges for provision of environmental information by the Ministry of Environment and Water, shall be expended in accordance with the Uniform Budget Classification on maintenance and improvement of equipment and facilities, training, continuing education and incentives in the Ministry of Environment and Water under terms and according to a procedure established by a regulation of the Minister of Environment and Water.

(2) The resources for payment of incentives referred to in Paragraph (1), exclusive of the social insurance contributions due, may not exceed 25 per cent of the annual amount of the total wage bill budgeted by the Ministry of Environment and Water for the respective year.

(3) (New, SG No. 52/2008) The decisions of the Management Board on allocation of financial resources under projects shall be open to public inspection and shall be posted on the Internet site of the Ministry of Environment and Water within fourteen days after the adoption of the said decisions.

Article 65

(1) Eighty per cent of the proceeds from sanctions imposed for environmental pollution or damage exceeding the permissible levels, referred to in Article 69 herein, shall be credited in revenue to the budget of the municipality where the penalized establishment is located.

(2) The proceeds from any fines and pecuniary penalties imposed under this Act by the municipality mayors shall be credited in revenue to the budget of the respective municipality.

(3) The proceeds referred to in Paragraphs (1) and (2), as well as the proceeds from fines imposed for violation of the regulations adopted by the Municipal Councils in connection with environmental protection, shall be expended on environmental projects and activities according to priorities specified in the municipal environmental programmes.

Article 66

(1) (Amended, SG No. 46/2010, effective 18.06.2010) The National Trust Eco Fund (NTEF) shall be a legal person with registered office in Sofia for management of financial resources accruing from Ydebt-for-environment Φ and Ydebt-for-nature Φ swaps, from international trading of assigned amount units (AAUs) of greenhouse gases, from sale of allowances for greenhouse gas emissions from aviation activities, as well as such resources provided by governments, international financial institutions and other donors for environmental protection in the Republic of Bulgaria.

(2) The National Trust EcoFund shall have the following bodies:

1. Management Board;
2. Advisory Council;
3. Executive Bureau.

(3) The Management Board shall consist of seven members, including a Chairperson, two Deputy Chairperson and four members.

(4) (Supplemented, SG No. 46/2010, effective 18.06.2010) The Advisory Council shall consist of representatives of the governments and financial and other institutions which have provided financial resources or which render assistance to the National Trust EcoFund, as well as of representatives of the AAUs buyer countries.

(5) The Management Board and the Advisory Council shall adopt their own Rules of Procedure.

(6) The Executive Bureau shall organize the operation of the National Trust EcoFund.

Article 67

The manner of management, the organization and the operation of the National Trust EcoFund, as well as the procedure and manner for the raising, expending and controlling of the resources in the National Trust EcoFund shall be determined by a regulation of the Council of Ministers after a consultation procedure with the donors.

Article 68

(1) The revenue of the National Trust EcoFund shall be sourced in:

1. action resources allocated by the national budget, including resources in connection with "debt-for-environment" and "debt for-nature" swap agreements;
2. grants from international financial institutions, governments, international funds and non-resident juristic persons, provided for environmental programmes and projects;
3. donations from international foundations and foreign citizens to assist the national environmental policy;
- 3a. (New, SG No. 46/2010, effective 18.06.2010) proceeds from sales of AAUs and of allowances for aviation activities;
4. principal repayments and interest payment on loans extended through the Fund;
5. interest on resources of the National Trust EcoFund deposited with the servicing bank;
6. income accruing from portfolio investments of short-term government securities and bonds;

7. other external revenues consistent with the nature of the activities of the National Trust EcoFund.

(2) (Supplemented, SG No. 52/2008, amended, SG No. 46/2010, effective 18.06.2010) The resources accruing to the National Trust EcoFund shall be expended on environmental projects and activities in accordance with the terms set by the donors and with the priorities of the national environmental strategies and programmes, as well as with the objectives and priorities of the National Green Investment Scheme. The decisions on allocation of financial resources under projects shall be open to public inspection and shall be posted on the Internet site of the National Trust EcoFund.

Article 69

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) In the event of environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission standards and emission limit values, sanctions shall be imposed on the offending sole traders and legal persons.

(2) The sanctions referred to in Paragraph (1) shall be imposed by a penalty decree issued by The Minister of Environment and Water or by officials empowered thereby.

(3) A penalty decree, referred to in Paragraph (2), shall determine the type and amount of the sanction.

(4) Any penalty decree referred to in Paragraph (2) shall be appealable according to the procedure established by the Administrative Violations and Sanctions Act.

(5) (Supplemented, SG No. 103/2009) The sanctions referred to in Paragraph (1) shall be lump-sum or continuous fines. The amount of continuous sanctions shall be fixed or incremental.

(6) The amount of a sanction referred to in Paragraph (1) shall be fixed according to the procedure established by the ordinance referred to in Paragraph (8).

(7) A sanction referred to in Paragraph (1) shall be imposed as from the date of conduct of inspection by the control authorities of the Ministry of Environment and Water.

(8) (Amended, SG No. 103/2009) The type, amount and procedure for imposition of sanctions for environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission standards and emission limit values shall be established by an ordinance of the Council of Ministers.

Article 69a

(New, SG No. 77/2005)

(1) In the cases referred to in Article 69 (1) herein, the Minister of Environment and Water or a person empowered thereby shall impose a sanction, acting on:

1. a memorandum on inspection by the controlling officials of the Ministry of Environment and Water;

2. (amended, SG No. 103/2009) reports of laboratory tests/analyses for identification of the environmental pollution or damage and/or non-compliance with the established emission standards and emission limit values issued by the laboratories in the system of the Ministry of Environment and Water or by accredited laboratories, including accredited laboratories for own periodical or continuous measurements of the persons referred to in Article 69 (1) herein;

3. a memorandum of ascertainment, drawn up on the basis of the memoranda referred to in Item 1 and/or the reports referred to in Item 2 by the controlling officials of the Ministry of Environment and Water;

4. a proposal by the controlling officials of the Ministry of Environment and Water for imposition of a sanction, including the type, duration and causes of the environmental pollution or damage, as well as the type and amount of the sanction.

(2) (Amended, SG No. 103/2009) Where the environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the emission standards and emission limit values as set in the permits or in the integrated permits is ascertained on the basis of own periodical or continuous measurements, the Minister of Environment and Water or a person empowered thereby shall impose a sanction without conducting the inspection referred to in Item 1 of Paragraph (1).

(3) The Minister of Environment and Water shall issue an order endorsing standard forms of the memorandum on inspection, the memorandum of ascertainment, the proposal for imposition of a sanction and the penalty decree.

Article 69b

(New, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) Any penalized person, who or which discontinues or abates the environmental damage or pollution and/or the non-compliance with the established emission standards and emission limit values, may submit a reasoned request for revocation or relaxation of the sanction referred to in Article 69 (1) herein to the authority which has issued the penalty decree.

(2) In the cases referred to in Paragraph (1), the control authorities of the Ministry of Environment and Water shall conduct an inspection within five working days after receipt of a request referred to in Paragraph (1).

(3) Where the discontinuance or abatement of the environmental pollution or damage is ascertained by tests/analyses, the said tests/analyses shall be performed by the laboratories within the system of the Ministry of Environment and Water or by accredited laboratories, including accredited laboratories for own periodical or continuous measurements.

(4) (Amended, SG No. 103/2009) Where the discontinuance or abatement of the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission standards and emission limit values is ascertained on the basis of own periodical or continuous measurements, the authority which has issued the penalty decree shall revoke or relax the sanction imposed without conducting the inspection referred to in Item 1 of Article 69a (1) herein.

(5) (Amended, SG No. 103/2009) The authority which has issued the penalty decree shall issue an order revoking the sanction where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for revocation of the sanction, it is ascertained that the environmental damage or pollution and/or the non-compliance with the established emission standards and emission limit values has been discontinued.

(6) (Amended, SG No. 103/2009) The authority which has issued the penalty decree shall issue an order relaxing the sanction where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for revocation of the sanction it is ascertained that the environmental damage or pollution and/or the non-compliance with the established emission standards and emission limit values has been abated.

(7) The sanction referred to in Article 69 (1) herein shall be revoked or relaxed as from the date of receipt by the competent authority of the request of the penalized person.

(8) (Amended, SG No. 103/2009) Where, proceeding from the memorandum on inspection, the reports of the laboratory tests/analyses, the memorandum of ascertainment and the proposal by the controlling officials of the Ministry of Environment and Water for imposition of a sanction, it is ascertained that the environmental damage or pollution or non-compliance with the established emission standards and emission limit values has increased, the authority which has issued the penalty decree shall issue an order revoking the initially imposed sanction.

(9) In the cases referred to in Paragraph (8), the Minister of Environment and Water or a person empowered thereby shall impose, by a penalty decree, a new sanction according to the procedure established by Article 69a herein.

(10) (Amended, SG No. 103/2009) The type, amount and procedure for revocation or relaxation of sanctions upon environmental damage or pollution in excess of the permissible levels and/or in case of non-compliance with the established emission standards and emission limit values shall be established by the ordinance referred to in Article 69 (8) herein.

Article 69c

(New, SG No. 77/2005)

(1) (Amended, SG No. 103/2009) Upon suspension or abandonment of the activity which caused the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission standards and emission limit values, the person referred to in Article 69 (1) herein may submit a reasoned request for halting of the sanction as imposed to the authority which has issued the penalty decree or the order referred to in Article 69b (6) herein.

(2) In the cases referred to in Paragraph (1), the control authorities of the Ministry of Environment and Water shall conduct an inspection within five working days after receipt of the request referred to in Paragraph (1) and shall draw up a memorandum of ascertainment, establishing the abandonment of the activity.

(3) (Amended, SG No. 103/2009) The Minister of Environment and Water or a person empowered thereby shall issue an order halting the sanction where, proceeding from the memorandum of ascertainment referred to in Paragraph (2), it is ascertained that the activity which caused the environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission standards and emission limit values has been discontinued.

(4) The sanction as imposed shall be halted as from the date of receipt by the competent authority of the request of the penalized person.

(5) The penalized person shall be obligated to notify in writing the authority which issued the order referred to in Paragraph (3) not later than three days prior to the day of resumption of the activity referred to in Paragraph (1).

(6) The Minister of Environment and Water or a person empowered thereby shall issue an order reactivating the sanction referred to in Article 69 (1) or in Article 69b (6) herein as from the date of resumption of the activity according to the notification referred to in Paragraph (5).

(7) Should the penalized person fail to notify the authority which has issued the order referred to in Paragraph (3) of the resumption of the activity and, after an inspection by the control authorities of the Ministry of Environment and Water, should it be ascertained that the said activity has been resumed, the Minister of Environment and Water shall impose, by a penalty decree, a sanction for the period commencing upon the halting of the sanction under Paragraph (3) and concluding on the date of the inspection by the control authorities of the Ministry of Environment and Water.

(8) The sanction referred to in Paragraph (7) shall be imposed in a treble amount of the initial sanction halted under Paragraph (3).

(9) In the cases referred to in Paragraph (7), the authority which issued the order referred to in Paragraph (3) shall reactivate the sanction as from the date of the inspection by the control authorities of the Ministry of Environment and Water.

(10) Upon resumption of the activity, the penalized person may submit a reasoned request for revocation or relaxation of the reactivatable sanction to the authority which has issued the order referred to in Paragraph (3).

(11) The relaxation or revocation of the reactivatable sanction shall follow the procedure established by Article 69b herein.

(12) The Minister of Environment and Water shall issue an order endorsing a standard form of the memorandum of ascertainment referred to in Paragraph (2).

(13) (Amended, SG No. 103/2009) The procedure for halting and reactivation of sanctions upon environmental damage or pollution in excess of the permissible levels and/or the non-compliance with the established emission standards and emission limit values shall be regulated by the ordinance referred to in Article 69 (8) herein.

Article 70

(Amended, SG No. 77/2005, repealed, SG No. 103/2009)

Article 71

(1) (Redesignated from Article 71, SG No. 52/2008) The Ministry of Environment and Water shall charge fees for the issuance of environmental impact assessment decisions, permits, opinions, licences, and for registration.

(2) (New, SG No. 52/2008, amended, SG No. 61/2010) Permits or authorizations shall not be issued to any persons who or which incur any monetary obligations to the State or the municipality within the meaning given by Article 162 (2) of the Tax and Social-Insurance Procedure Code, ascertained by an effective instrument of a competent authority, or any obligations to the Enterprise for Management of Environmental Protection Activities, determined by the special laws regulating the environment.

Article 72

The procedure for fixing and collection of the fees referred to in Article 71 herein shall be established in a rate schedule approved by the Council of Ministers.

Article 72a

(New, SG No. 77/2005)

(1) (Supplemented, SG N. 89/2007, amended, SG No. 12/2009, effective 1.05.2009) Any delinquent fines and sanctions under this Act, under the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act , the Protected Areas Act , the Clean Ambient Air Act , the Subsurface Resources Act , the Biological Diversity Act and the Protection Against the Harmful Impact of Chemical Substances and Preparations Act shall be collected with interest on the sanctions and costs by the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

(2) The Minister of Environment and Water or a person empowered thereby shall issue a written statement on ascertainment of a public state receivable under Paragraph (1).

Article 73

On a motion by the Minister of Environment and Water, made in consultation with the Minister of Finance, financial resources in the executive budget shall be allocated annually for implementation of priority environmental projects and activities included in the national environmental strategies and programmes shall be allocated annually by the State Budget Act.

Article 74

On a motion by the competent municipality mayor, financial resources for implementation of priority environmental activities and projects included in the municipal environmental protection programmes shall be allocated annually with the adoption of the municipal budget.

Chapter Five

ENVIRONMENTAL STRATEGIES AND PROGRAMMES

Article 75

(1) The National Environmental Strategy and the municipal environmental programmes shall be tools for achievement of the purposes of this Act and shall be elaborated in accordance with the principles of environmental protection covered under Article 3 herein.

(2) (Amended, SG No. 88/2005, SG No. 93/2009, effective 25.12.2009) The Minister of Environment and Water shall, acting in consultation 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 and Food and other ministers and heads of state agency concerned, elaborate the National Environmental Strategy and lay the said Strategy before the Council of

Ministers for approval.

(3) The process of elaboration and public discussion of the National Environmental Strategy shall furthermore involve representatives of the research community and of non governmental ecologist and branch organizations.

(4) The Council of Ministers shall present the National Environmental Strategy to the National Assembly for adoption and, thereafter, shall publish the said Strategy.

Article 76

(1) The National Environmental Strategy shall be elaborated for a period of ten years and shall contain:

1. an analysis of the state of the environment by environmental medium, an analysis of the factors impacting the environmental media and of the trends, causes and sources of environmental pollution and damage by sector of the national economy, as well as an analysis of the institutional framework, the administrative and economic policy implementation tools;

2. assessment of the possibilities and limitations at national and international level;

3. objectives and priorities;

4. modalities for attainment of the objectives;

5. options for implementation of the strategy with assessment of the possible favourable and adverse impacts and consequences on a national and international plane;

6. a five-year action plan with specific institutional, organizational and investment measures, deadlines, responsible institutions, required resources and possible sources of financing;

7. a scheme for organization, monitoring and reporting of the implementation of the action plan, for evaluation of results, and for remedial action where necessary;

8. miscellaneous.

(2) The following principal criteria shall be applied in identifying the priorities of the National Environmental Strategy:

1. adherence to the principles of sustainable development;

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

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

4. mitigation of the harmful impact of natural processes and phenomena on the environmental media;

5. optimum utilization of natural resources and energy.

(3) Annually, the Minister of Environment and Water shall lay a report on the implementation of the action plan under Item 6 of Paragraph (1) before the Council of Ministers.

(4) Any revisions amending, supplementing and updating the National Environmental Strategy and of five-year action plans shall have to be adopted by the National Assembly on a motion by the Council of Ministers.

Article 77

The national plans and programmes by environmental medium and by environmental impacting factors that impact them shall be elaborated on the basis of the principles, objectives and priorities of the National Environmental Strategy and in conformity with the requirements of the special laws regulating the environment.

Article 77a

(New, SG No. 77/2005)

(1) (Amended, SG No. 82/2009, effective 16.10.2009) The Minister of Environment and Water, acting jointly with the Minister of Finance, the Minister of Economy, Energy and Tourism, the Minister of Regional Development and Public Works and other government ministers concerned, shall elaborate a National Allocation Plan for Greenhouse Gas Emission Allowance Trading.

(2) The National Allocation Plan for Greenhouse Gas Emission Allowance Trading shall be adopted by the Council of Ministers for a period of five years.

(3) The Plan referred to in Paragraph (1) shall furthermore specify:

1. the total quantity of allowances as are to be allocated for the relevant period;
2. the manner of allocation of the allowances among the operators of facilities;
3. the list of facilities and the respective quantity of allowances assigned to each facility;
4. the share of emission reduction units and certified emission reduction units which may be used for fulfilment of the obligation of the operator under Article 131h herein.

Article 78

The plans and programmes for regional development, for development of the national economy or of individual branches thereof at national and regional level shall provide for integrated environmental protection in conformity with the principles and purposes of this Act and of the National Environmental Strategy.

Article 79

(1) The municipality mayors shall elaborate environmental protection programmes for the relevant municipality in compliance with instructions of the Minister of Environment and Water.

(2) The programmes referred to in Paragraph (1) shall cover a minimum implementation period of three years.

(3) The local units of the relevant ministries and state agencies, which collect and hold information relating to the environment, shall assist in the elaboration of the said programmes through participation of experts thereof and provision of information. Representatives of non-governmental organizations, of companies and of branch organizations shall also be involved in the elaboration, revision and updating of the said programmes.

(4) The programmes shall be adopted by the Municipal Councils which shall oversee the implementation therein.

(5) Annually, the municipality mayors shall lay a report on the implementation of the environmental programme before the Municipal Council and, where necessary, shall move revisions supplementing and updating the said programme.

(6) The reports referred to in Paragraph (5) shall be submitted to the RIEW for information.

Article 80

Projects proposed by municipalities for financing from the national budget or from national funds may be financed solely where the said projects are justified as priority projects in the respective municipal environmental programme.

Chapter Six

ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL

IMPACT ASSESSMENT

Section I General Provisions

Article 81

(1) (Supplemented, SG No. 47/2009, effective 23.06.2009) Environmental assessment and environmental impact assessment shall be conducted for plans, programmes and development proposals for execution of construction, activities and technologies or modifications or extensions thereof, whereof the implementation is likely to have significant effects on the environment as follows:

1. (effective 1.07.2004, SG No. 91/2992, supplemented, SG No. 77/2005) environmental assessment shall be conducted of plans or programmes which are in a process of preparation and/or approval by central or local executive authorities, bodies of local self-government and the National Assembly;

2. environmental impact assessment (EIA) shall be conducted for development proposals for execution of construction, activities and technologies listed in Annexes 1 and 2 hereto.

(2) The objective of the environmental assessment and of the EIA is to integrate environmental considerations into the process of development as a whole with a view to introducing the principle of sustainable development in accordance with Articles 3 and 9 herein.

(3) (Effective 1.07.2004 - SG No. 91/2002) Environmental assessment of plans and programmes shall be conducted simultaneously with the preparation therein, taking into account the objectives and the geographical scope of the plans or programmes and the level of detail thereof, so that the likely effects on the environment of implementation of the development proposals included in the said plans or programmes are appropriately identified, described and evaluated.

(4) (New, SG No. 77/2005) Any plans and programmes elaborated solely for the purposes of national defence or of civil protection, as well as any free-standing financial plans and budgets, shall not be subject to environmental assessment.

(5) (Renumbered from Paragraph (4), SG No. 77/2005) The environmental impact assessment referred to in Item 2 of Paragraph (1) shall identify, describe and assess in an appropriate manner, in the light of each particular case, the direct and indirect effects of a development proposal for execution of construction, activities and technologies on: human beings; biological diversity and the elements thereof, including flora and fauna; soil, water, air, climate and the landscape; the bowels of the Earth, physical structures and the cultural and historical heritage, as well as the interaction among these factors.

(6) (Renumbered from Paragraph (5) and amended, SG No. 77/2005) Conduct of EIA of development proposals for execution of construction, activities and technologies listed in Annexes 1 and 2 hereto, where the said proposals are for the purposes of national defence, shall be determined in each particular case. Determination shall be made by a decision of the Council of Ministers on a reasoned motion by the Minister of Defence and the Minister of Environment and Water. Any such determination shall take into consideration the expected adverse impact which the conduct of EIA would have on the purposes of national defence.

(7) (Renumbered from Paragraph (6), SG No. 77/2005) An EIA procedure shall not be conducted for development proposals where, according to a procedure established by a special law, the said proposals are subject to approval in a procedure including a similar assessment and provided that public access to the relevant information is ensured.

Article 82

(1) (Effective 1.07.2004 - SG No. 91/2002) The assessment referred to in Item 1 of Article 81 (1) herein shall be fully compatible with the existing procedures for adoption of plans and programmes.

(2) (Amended, SG No. 77/2005) The assessment referred to in Item 2 of Article 81 (1) herein may be fully integrated upon execution of the predesign (predevelopment) studies or the design terms of reference, being conducted prior to the act of

earliest approval according to the procedure established by a special law, whereby the essence, site and capacity of the development proposal are determined.

(3) (Supplemented, SG No. 77/2005) Where implementation of the development proposal requires pursuit of other subsidiary or supporting activities connected with the principal subject of assessment and also subject to mandatory EIA or determination of the need of EIA, the assessments of the individual proposals shall be integrated.

(4) (Effective 1.07.2004 - SG No. 91/2002) The environmental assessment of plans and programmes shall be completed when an opinion of the Minister of Environment and Water or of the competent RIEW Director is issued; the form and contents of the said opinion shall be determined in the regulation referred to in Article 90 herein. The authorities responsible for adoption and implementation of the plan or the programme shall reckon with the said opinion.

(5) (Amended, SG No. 77/2005) The assessment of development proposals shall be completed when a decision of the competent authority referred to in Article 94 (1) herein is issued; this decision shall be binding on the initiator. The said decision shall be a mandatory condition for further approval of the development proposal, granted according to the procedure established by a special law.

Article 83

(Amended and supplemented, SG No. 77/2005, amended, SG No. 103/2009)

(1) The assessments referred to in Article 81 (1) herein shall be commissioned by the initiator of the plan or programme or by the initiator of the proposal referred to in Item 2 of Article 81 (1) herein to a team of experts with a team leader.

(2) The team leader and the members of the team referred to in Paragraph (1) may be Bulgarian and foreign natural persons holding a Master's educational and qualification degree.

(3) (Supplemented, SG No. 46/2010, effective 18.06.2010) In the course of consultations under the environmental impact assessment (EIA) procedure, the competent authority on the environment or an official empowered thereby may, at its own discretion or upon request, recommend to the initiator that the team referred to in Paragraph (1) include experts with particular qualifications in accordance with the specificity of the investment proposal or with its location.

(4) The members of the team and the team leader referred to in Paragraph (1) must declare in writing that:

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

2. they are familiar with the requirements of the effective Bulgarian and European statutory framework regulating the environment and that they refer to and comply with these requirements and with applicable methodological documents in the course of their work on the assessments referred to in Article 81 (1) herein ; the requirements for the declarations shall be specified by the ordinances referred to in Article 90 (1) and Article 101 (1) herein.

(5) The members of the team and the team leader who have prepared the assessments referred to in Article 81 (1) herein shall render a conclusion guided by the principles of human health hazard prevention and ensuring sustainable development in accordance with the effective environmental quality standards in the country.

Section II

Environmental Assessment of Plans and Programmes

(Effective 1.07.2004 - SG No. 91/2002)

Article 84

(1) The Minister of Environment and Water or the competent RIEW Director shall be the authority competent to issue an opinion on environmental assessment of plans and programmes according to Article 82 (4) herein.

(2) (Amended, SG No. 103/2009) The opinion referred to in Paragraph (1) shall be based on an environmental

assessment report prepared by the experts under Article 83 (1) herein.

Article 85

(1) (Amended, SG No. 77/2005, SG No. 41/2007) An environmental assessment shall be mandatory for any plans and programmes in the areas of agriculture, forestry, fisheries, transport, energy, waste management, water resources management, and industry, including extraction of subsurface resources, electronic communications, tourism, spatial planning and land use, where the said plans and programmes set the framework for future development of any development proposals listed in Annexes 1 and 2 hereto.

(2) (Amended, SG No. 77/2005) Any plans and programmes referred to in Paragraph (1), which affect small areas at local level and involve modifications of plans and programmes referred to in Paragraph (1), shall require an environmental assessment solely where they are likely to have significant effects on the environment.

(3) (Repealed, SG No. 77/2005).

(4) (Amended and supplemented, SG No. 77/2005) The Minister of Environment and Water or the competent RIEW Director shall determine by a decision the need of environmental assessment of a plan or programme proposed or modification of any such plan or programme according to the procedure established by the ordinance referred to in Article 90 herein, in conformity with the following criteria for determining the likely significance of the effects thereof:

1. the characteristics of plans and programmes, having regard to:

(a) the degree to which the plan or programme sets a framework for development proposals and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;

(b) (amended, SG No. 52/2008) the relevance of the plan or programme for integration of environmental aspects, in particular with a view to encouraging sustainable development;

(c) (new, SG No. 52/2008) environmental problems relevant to the plan or programme;

(d) (new, SG No. 52/2008) the relevance of the plan or programme to the implementation of Community law in the field of the environment;

2. (amended, SG No. 52/2008) characteristics of the effects and of the area likely to be affected, having regard to: probability, duration, frequency, reversibility and cumulative nature of the potential impact; potential transboundary impact, potential impact on and risk to human health or the environment, including as a result of accidents, magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected), value and vulnerability of the area affected (as a result of special natural characteristics or cultural and historical heritage; excess of environmental quality standards or limit values; use of land for intensive agricultural purposes); impact on areas or landscapes which have a recognised national, Community or international protection status;

3. (supplemented, SG No. 52/2008) the degree to which the plan or programme influences other plans and programmes, including those in a particular hierarchy.

(5) (Amended, SG No. 77/2005) A reasoned decision referred to in Paragraph (4) shall be issued within two months after submission of a request by the initiator of the plan or programme depending on the specificity and complexity of the said plan or programme and shall be announced to the general public.

(6) (New, SG No. 77/2005) The plans and programmes, for which conduct of an environmental assessment is mandatory and for which the need of an environmental assessment is determined, shall be specified by the ordinance referred to in Article 90 herein.

Article 86

(1) (Amended, SG No. 77/2005, SG No. 103/2009) The environmental assessment shall be commissioned under the terms and according to the procedure established by Article 83 herein after announcement of the decision referred to in Article

85 (4) herein.

(2) The environmental assessment report shall include information corresponding to the level of detail of the plan or programme and to the methods of assessment employed.

(3) The environmental assessment report shall mandatorily contain:

1. (supplemented, SG No. 52/2008) a description of the content of the main objectives of the plan or programme and relationship with other relevant plans and programmes;

2. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) the respective aspects of the current state of the environment and likely evolution without implementation of the plan or programme;

3. (amended, SG No. 52/2008) the environmental characteristics of areas likely to be significantly affected;

4. (supplemented, SG No. 52/2008) the existing environmental problems ascertained at different levels which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as the protected areas under the Biological Diversity Act;

5. the environmental protection objectives, established at national and international level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during preparation of the said plan or programme;

6. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) likely significant impacts on the environment, including biological diversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural and historical heritage, including architectural and archaeological heritage, landscape and the inter-relationship between the above factors; these impacts must cover any secondary, cumulative, simultaneous, short, medium and long-term, permanent and temporary, positive and negative effects;

7. (amended, SG No. 52/2008) the measures envisaged to prevent, reduce and, as fully as possible, offset any adverse effects on the environment resulting from implementation of the plan or programme;

8. (amended, SG No. 52/2008) a description of the reasons for the choice of the alternatives studied and of the methods for conduct of the assessment, including any difficulties encountered in compiling the required information, such as technical deficiencies and lack of know-how;

9. a description of the measures envisaged in connection with monitoring during the implementation of the plan or programme;

10. a non-technical summary of the environmental assessment.

(4) (New, SG No. 77/2005) In compliance with Paragraphs (1), (2) and (3), an environmental assessment shall not be commissioned as a separate report where, according to the procedure established by a special law, such an assessment is required to be part of the plan or programme, as well as where the plan or programme is prepared and/or approved by the authorities referred to in Article 84 (1) herein.

Article 87

(1) The initiator of the plan or programme shall:

1. (amended, SG No. 103/2009) ensure the necessary support to the experts referred to in Article 83 (1) herein for consultations with the bodies concerned and likely to be affected, in particular with those responsible for the preparation and implementation of the plan or programme subject to environmental assessment;

2. organize consultations with the public and with persons concerned who are affected by the implementation of the plan or programme;

3. send a copy of the plan or programme and of the report referred to in Article 86 (2) herein to each State likely to be affected by the implementation of the said plan or programme;

4. organize consultations with the State likely to be affected.

(2) The results of the consultations shall be reflected into the environmental assessment report and shall be taken into account in the opinion of the Minister of Environment and Water or the competent RIEW Director.

Article 88

(1) The opinion referred to in Article 82 (4) herein and the accompanying reasoning shall mandatorily include justification of the selection of a particular alternative from an environmental point of view, and the measures referred to in Article 89 herein which need to be undertaken.

(2) (Supplemented, SG No. 77/2005) The opinion referred to in Paragraph (1) shall be made available to the general public, the parties affected and concerned, and to any State likely to be affected by the implementation of the plan or programme according to a procedure established by the ordinance referred to in Article 90 (1) herein.

Article 89

(Supplemented, SG No. 46/2010, effective 18.06.2010)

The measures related to monitoring and control of the plan or programme implementation shall be agreed in consultation between The Minister of Environment and Water or an official empowered thereby or the competent RIEW Director and the authority responsible for the implementation of the plan or programme.

Article 90

(1) (Amended, SG No. 77/2005) The terms and procedure for conduct of environmental assessment shall be established by an ordinance of the Council of Ministers.

(2) The regulation referred to in Paragraph (1) shall specify the requirements concerning:

1. (amended, SG No. 77/2005) the determination of the need and scope of environmental assessment of the potential effects of implementation of the plan or programme, as well as concerning the manner of announcement to the general public of the decision referred to in Article 85 (4) herein;

2. the obligations of the authorities which initiate or implement the plan or programme subject to environmental assessment;

3. the scope, content and form of the environmental assessment report;

4. the deadlines, terms and a procedure for holding consultations with the public and third parties likely to be affected by the plan or the programme;

5. the form and content of the opinion of the Minister of Environment and water or of the competent RIEW Director;

6. the conditions for inclusion of the results of the consultations referred to in Item 4 in the opinion of the Minister of Environment of Water or of the competent RIEW Director;

7. the monitoring and control of compliance with the conditions set in the opinion of the Minister of Environment and Water or of the competent RIEW Director in the process of implementation of the plan or programme;

8. the monitoring and control of the environmental effects upon implementation of the plan or programme with a view to undertaking measures for prevention or mitigation of the environmental damage likely to occur as a result of the said implementation.

Article 91

(1) The environmental assessment of plans or programmes shall be conducted independently of the EIA under Section III of this Chapter.

(2) (New, SG No. 77/2005) Where a separate plan or programme under Article 85 (1) and (2) herein is required for any development proposal included in Annex 1 or 2 hereto, the competent environment authority, acting at the request of the initiator or at its own discretion, may admit the conduct of only one of the assessments covered under Chapter Six herein.

(3) (Renumbered from Paragraph (2), SG No. 77/2005) The information collected and the analyses made during preparation of the environmental assessment of plans and programmes, as well as the opinion of the Minister or the RIEW Director, shall be used upon preparation of the EIA statements and making the EIA decisions for development proposals listed in Annexes 1 and 2 hereto.

Section III

Environmental Impact Assessment of Development Proposals

Article 92

Environmental Impact Assessment shall mandatorily be conducted of:

1. any development proposals for execution of construction, activities and technologies listed in Annex 1 hereto;
2. (supplemented, SG No. 47/2009, effective 26.06.2009) any development proposals for execution of construction, activities and technologies likely to cause a significant adverse transboundary environmental impact according to Appendix I to Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, ratified by law (State Gazette No. 28 of 1995) ([Convention] promulgated in the State Gazette No. 86 of 1999; corrected in No. 89 of 1999).

Article 93

(1) (Amended, SG No 77/2005, SG No. 47/2009, effective 23.06.2009) The need of environmental impact assessment shall be determined for:

1. any development proposals according to Annex 2 hereto;
2. any extension or modification of development proposals according to Annex 2 hereto, which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension or modification may cause a significant adverse impact on the environment;
3. any extension or modification of development proposals according to Annex 1 hereto and Appendix I to Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context, which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension and/or modification may cause a significant adverse impact on the environment;
4. any development proposals according to Annex 1 hereto, which are developed exclusively or mainly for development and testing of new methods or products and whose period of operation will not exceed two years;
5. any development proposals in protected areas according to Annex 2 hereto, and any extension and/or modification of development proposals in protected areas which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension and/or modification may cause a significant adverse impact on the environment.

(2) The need of conduct of EIA under Items 3, 4, and 5 of Paragraph (1) shall be determined by the Minister of Environment and Water in each particular case and conforming to the criteria established under Paragraph (4), and the said Minister shall deliver a reasoned decision on such a determination.

(3) The need of conduct of EIA under Items 1 and 2 of Paragraph (1) shall be determined by the competent RIEW Director in each particular case and conforming to the criteria established under Paragraph (4), and the said Director shall deliver a reasoned decision on such a determination.

(4) The need of conduct of EIA shall be determined on the basis of the following criteria:

1. (amended, SG No. 77/2005) characteristics of the proposed construction, activities and technologies, such as: size, productivity, scope, inter-relation and integration with other proposals, use of natural resources, waste generation, environmental pollution and nuisances, as well as risk of accidents;

2. locality, including sensitivity of the environment, existing land use, relative availability of appropriate areas, quality and regenerative capacity of the natural resources in the region;

3. reproductive capacity of the ecosystem in the natural environment, especially in:

a) areas and habitats protected by a law;

b) mountain areas and woodlands;

c) wetlands and coastal areas;

d) (amended, SG No. 77/2005) areas where the environmental quality standards are breached;

e) heavily urbanized areas;

f) (amended, SG No. 19/2009, effective 10.04.2009) protected areas of stand-alone and cluster cultural values, designated according to the procedure established by the Cultural Heritage Act;

g) areas and/or zones and sites enjoying a special sanitation status or subject to sanitary protection;

4. characteristics of the potential impacts, such as territorial coverage, affected population, including transboundary impacts, nature, scope, complexity, probability, duration, frequency, and rehabilitation capacity;

5. public interest in the proposed construction, activities and technologies.

(5) The authorities referred to in Paragraphs (2) and (3) shall determine the need of conduct of EIA within one month after a request for determination is made by the initiator of the proposal referred to in Item 2 of Article 81 herein. The reasoning for the determination shall be declared to the general public.

Article 94

(1) The following authorities shall be competent to make decisions on EIA under Item 2 of Article 81 (1) herein:

1. the Minister of Environment and Water - for any development proposals referred to in Item 1 of Article 92 herein in conformity with the criteria of competence established by Annex 1 hereto, for any proposals referred to in Item 2 of Article 92 herein and in the cases of determination of the need of conduct of EIA under Article 93 (2) herein;

2. the RIEW directors - for any development proposals referred to in Item 1 of Article 92 herein in conformity with the criteria of competence established by Annex 1 hereto, and in the cases of determination of the need of conduct of EIA under Article 93 (3) herein.

(2) (Supplemented, SG No. 77/2005) In cases where the development proposal affects a protected area or a territory covered by two or more RIEWs, the authority competent to determine the need of conduct of EIA and to make an EIA decision shall be the Minister of Environment and Water.

Article 95

(1) (Amended, SG No. 77/2005) At the earliest stage of the development-project initiative, the initiator of the development proposal shall inform the competent authority and the public concerned of the proposal, announcing the said proposal in writing.

(2) (New, SG No. 77/2005) The initiator shall ensure elaboration of terms of reference for the scope and content of the EIA for any development proposals under Annex 1 hereto and for such proposals in respect of which conduct of EIA has been determined by a decision.

(3) (Renumbered from Paragraph (2), SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010) The initiator shall undertake consultations with the competent authorities or officials empowered thereby, with other specialized institutions and the public concerned for the purpose of the making of an EIA decision. The consultations shall be undertaken with regard to:

1. the specific characteristics of the proposed construction, activities or technologies, level of development of the design solution and its inter-relation with existing or other planned construction, activities or technologies;
2. the characteristics of the existing environment and all environmental media thereof;
3. the significance of the eventual impacts;
4. the terms of reference for the scope and content of the EIA;
5. the scope of study connected to the EIA;
6. the alternative development proposals;
7. the affected population's interests and opinions;
8. the sources of information;
9. the forecasting methods used to assess the effects on the environment;
10. measures for mitigation of the eventual adverse impacts on the environment.

Article 96

(1) The initiator of the proposal under Item 2 of Article 81 (1) herein shall submit an EIA statement of the following content to the competent authority:

1. a summary of the development proposal for construction, activities and technologies;
2. (amended, SG No. 77/2005) alternatives of siting (including plats and bearings of typical points within the established national coordinate system) and/or alternatives to the technologies as studied by the initiator and reasoning of the choice of study made, considering the environmental impact, including a "zero alternative";
3. a description and analysis of the environmental media and factors covered under Articles 4 and 5 herein and of the physical structures and the cultural heritage that will be significantly affected by the development proposal, as well as the interaction among these aspects;
4. description, analysis and assessment of the potential significant effects on the population and the environment resulting from:
 - a) implementation of the development proposal;
 - b) use of natural resources;

c) emissions of noxious substances in normal circumstances and in an emergency, generation of waste and inconvenience for the population;

5. information on the forecasting methods used to assess the effects on the environment;

6. a description of the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects on the environment, as well as a plan for implementation of the said measures;

7. (supplemented, SG No. 46/2010, effective 18.06.2010) observations and opinions expressed by the public concerned, of the authorities competent to make an EIA decision or officials empowered thereby and other specialized institutions and the States affected in a transboundary context, as a result of the consultations held;

8. (amended, SG No. 77/2005, SG No. 103/2009) conclusion in conformity with the requirements of Article 83 (5) herein;

9. a non-technical summary of the information;

10. information on the difficulties (technical reasons, insufficiency or lack of data) encountered in the collection of information for preparation of the EIA statement;

11. (supplemented, SG No. 46/2010, effective 18.06.2010) other information at the discretion of the competent authority or an official empowered thereby.

(2) The costs of EIA shall be borne by the initiator of the proposal under Item 2 of Article 81 (1) herein.

(3) The initiator of the proposal under Item 2 of Article 81 (1) herein shall provide the information necessary for conduct of EIA, as well as any additional information related to the development proposal.

(4) Other authorities, which hold information concerning the EIA, shall be obliged to provide this information in accordance with Chapter Two herein.

(5) Should there be any state, official or other secret safeguarded by law, the information shall be provided in conformity with the confidentiality requirements of Article 20 herein.

(6) (Amended, SG No. 77/2005, SG No. 103/2009) In order to make an EIA decision, the competent authority shall evaluate the quality of the EIA report conforming to the consultations held under Article 95 (3) herein and the satisfaction of the requirements of the statutory framework regulating the environment within thirty days after submission of the report.

Article 97

(1) (Supplemented, SG No. 46/2010, effective 18.06.2010) After receiving a favourable evaluation under Article 96 (6) herein, the initiator shall organize, jointly with the municipalities, mayoralties and boroughs concerned as specified by the competent authority or an official empowered thereby, public discussions on the EIA statement.

(2) (New, SG No. 42/2011) To organize the public discussions, the initiator shall submit a written request to the authorities specified by the competent authorities referred to in Paragraph (1), proposing a venue, 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, with the date of the first meeting being not later than sixty days from the date of submission of the request. One copy of the EIA statement with all annexes thereto for each one of the authorities specified under Paragraph (1) shall be attached to the written proposal. The authorities specified under Paragraph (1) shall confirm in writing the proposal within seven days after 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 Paragraph (1) to pronounce within the seven-day time limit, the proposal of the initiator shall be presumed to have been accepted.

(3) (Renumbered from Paragraph (2), SG No. 42/2011) All natural and legal persons concerned may participate in the discussions referred to in Paragraph (1), including representatives of the authority competent to make an EIA decision, the local executive administration, public organizations and citizens.

(4) (Renumbered from Paragraph (3), amended, SG No. 42/2011) The initiator of the proposal under Item 2 of Article 81 (1) herein shall give the persons under Paragraph (3) notice through the media of mass communication or in another appropriate manner of the venue and date of the discussion not later than thirty calendar days before the public discussion meeting.

(5) (Supplemented, SG No. 77/2005, renumbered from Paragraph (4), SG No. 42/2011) The initiator of the proposal referred to in Item 2 of Article 81 (1) herein and the competent authorities referred to in Article 94 (1) herein shall ensure public access to the EIA documentation for a period of thirty calendar days prior to commencement of the discussions referred to in Paragraph (1).

(6) (Renumbered from Paragraph (5), SG No. 42/2011) Representatives of the public shall submit their opinions in writing at the public discussion meeting or shall send the said opinions to the authority competent to make an EIA decision not later than seven calendar days after the discussion.

Article 98

(1) In respect of any development proposals for construction, activities or technologies in the Republic of Bulgaria, which are likely to have a significant impact on the environment of another State or States, the Minister of Environment and Water shall:

1. notify the affected countries at the earliest possible stage of the development proposal but not later than the date of notification of the Bulgarian population;

2. upon agreement on participation in the EIA procedure, make available to the State concerned a description of the development proposal, information on the potential transboundary impact on the environment, and the relevant information on the decision expected to be made.

(2) In cases of notification of a potential significant impact on the environment in the Republic of Bulgaria resulting from a proposed activity on the territory of another State, The Minister of Environment and Water shall ensure:

1. public access to the EIA information as provided;

2. timely dispatch of all statements on the information under Item 1 before any decision is made by the competent authority of the other State.

Article 99

(1) Within seven days after holding a discussion under Article 97 herein, the initiator shall submit to the competent authority the results of the said discussion, including the opinions and a minutes of proceedings.

(2) (Amended, SG No. 103/2009) The competent authority shall make an EIA decision within 45 days after conduct of the public discussion, taking into account the results thereof.

(3) The EIA decision shall contain:

1. the name of the issuing authority;

2. the name, place of residence/registered office of the initiator;

3. the grounds of fact and law on which the decision is delivered;

4. reasoning;

5. operative part;

6. conditions for implementation, including measures to prevent, reduce or offset significant adverse effects on the

environment, as well as deadlines for compliance, where necessary;

7. appellate authority and time limit for appeal;
8. liability for non-compliance with the conditions set in the decision;
9. date of issue and signature.

(4) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010) Within seven days after delivery of the EIA decision, the competent authority or an official empowered thereby shall:

1. (supplemented, SG No. 77/2005) provide the EIA decision to the initiator of the proposal referred to in Item 2 of Article 81 (1) herein;

2. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) announce the EIA decision through the national mass communication media, the Internet site and/or another appropriate manner.

(5) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010) The competent authority referred to in Paragraph (1) or an official empowered thereby shall ensure access to the content of the EIA decision following the delivery thereof, including access to the annexes to the said decision.

(6) (Supplemented, SG No. 77/2005, amended, SG No. 30/2006) The persons concerned may appeal against the EIA decision according to the procedure established by the Administrative Procedure Code within fourteen days after the announcement under Paragraph (4).

(7) (Supplemented, SG No. 77/2005) In case of change of the initiator under Item 2 of Paragraph (3), the new initiator of the proposal referred to in Item 2 of Article 81 (1) herein shall mandatorily notify the competent authority which has issued the EIA decision.

(8) (Amended, SG No. 77/2005) The legal effect of the EIA decision shall lapse if implementation of the development proposal has not commenced within five years after the date of delivery of the said decision, which shall be ascertained by an inspection by the environmental control authorities.

(9) (New, SG No. 77/2005) In the cases where there are no modifications in the development proposal and there are no changes in the environmental conditions, an EIA decision whereof the legal effect has lapsed shall be re-certified at the request of the initiator within one year after the expiry of the time limit referred to in Paragraph (8).

Article 99a

(New, SG No. 105/2008)

(1) In the cases referred to in Article 118 (2) herein, the application of the best available techniques shall be determined by means of an assessment of:

1. the consumption (in quantity and type) of water, energy and basic raw materials for the production of a unit of output;
2. the use of dangerous substances for the production of a unit of output;
3. the quantity and type of noxious substances released into ambient air (including the parameters of the releasing devices), into waste water and into water bodies (including the points of discharge);
4. the quantity and type of industrial and/or hazardous waste generated in the production activity.

(2) The assessment referred to in Paragraph (1) shall be presented by the initiator of the development proposal as part of the documentation required as follows:

1. in a procedure for determination of the need of conduct of EIA: to the information determined by the ordinance

referred to in Article 101 herein;

2. in an EIA procedure: to the EIA statement referred to in Article 96 (1) herein.

(3) On the basis of the assessment referred to in Paragraph (1) and the observations, opinions and proposals received in the course of the EIA procedure, the decision referred to in Article 93 (2) and (3) or, respectively, the decision referred to in Article 99 (3) herein, shall include reasons for confirmation or non-confirmation of the use of best available techniques and shall pose conditions to the facilities, installations and technologies.

(4) Upon non-conformation of the application of best available techniques, the decision referred to in Article 93 (2) and (3) herein or, respectively, the decision referred to in Article 99 (3) herein shall include a condition for submission of an application for the issuance of an integrated permit in compliance with Article 118 (1) herein.

Article 100

(Supplemented, SG No. 77/2005)

The competent authorities covered under Article 94 herein or officials authorized thereby shall oversee the implementation of the measures referred to in Item 6 of Article 96 (1) herein and the compliance with the conditions set in the EIA decision.

Article 101

(1) The terms and a procedure for conduct of EIA shall be established by a regulation of the Council of Ministers.

(2) The EIA regulation referred to in Paragraph (1) shall establish the requirements concerning:

1. the determination of the need of EIA of the development proposals under Annex 2 hereto;

2. the terms and a procedure for holding consultations with the authorities, the public and the persons likely to be affected by the implementation of the development proposal;

3. the scope, content and form of the EIA statement;

4. the criteria for quality evaluation of the EIA statement;

5. the procedure and manner for arrangement of a public discussion of the EIA statement;

6. the reasoning for making an EIA decision, including the manner in which the opinion of the general public has been taken into account;

7. the procedure and manner for exercise of control over compliance with the conditions specified in the EIA decision.

8. (new, SG No. 77/2005) the procedure under Article 99 (9) herein for re-certification of an EIA decision whereof the legal effect has lapsed.

Article 102

The Ministry of Environment and Water shall keep a public register containing data about the conduct of the EIA procedure, including the public discussions, the EIA decision as issued, and the control exercised over implementation of the EIA decisions.

Chapter Seven

PREVENTION AND LIMITATION OF INDUSTRIAL POLLUTION

Section I

Prevention of Major Industrial Accidents

Article 103

(Amended, SG No. 77/2005)

(1) For the purpose of prevention of major accidents involving dangerous substances and for limitation of the consequences of such accidents for human life and health and for the environment, each operator of a new or an existing establishment and/or installation where dangerous substances are used and/or stored shall be obligated to classify the said establishment and/or installation as a "lower-tier establishment and/or installation" or as an "upper-tier establishment and/or installation", and shall notify The Minister of Environment and Water of the said classification.

(2) The form and content of the notification referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

(3) The classification referred to in Paragraph (1) shall be carried out according to the criteria under Annex 3 hereto.

(4) Paragraph (1) shall not apply to:

1. any military establishments, installations and storage facilities;

2. any hazards created by ionizing radiation;

3. the transport of dangerous substances or preparations and intermediate temporary storage during carriage by road, rail, inland waterways, sea or air, outside the establishments, as well as loading, unloading and transport to or from another means of transport at docks, wharves, or marshalling yards;

4. the transport of dangerous substances or preparations in pipelines and pumping stations outside the establishments;

5. the activities concerned with prospecting, exploration for, extraction and processing of subsurface resources in underground mines, quarries or by means of boreholes, with the exception of the activities including chemical or thermal treatment whereupon dangerous substances are used or stored;

6. the prospecting, exploration for and extraction of subsurface resources, including petroleum and natural gas, in the continental shelf and the exclusive economic zone;

7. waste landfill sites, with the exception of existing installations for safe disposal of liquid waste, tailings ponds and slime ponds containing dangerous substances.

Article 103a

(New, SG No. 103/2009)

(1) The prevention of major accidents and limitation of the consequences thereof shall be taken into account upon:

1. spatial planning of the spatial development area, and

2. population and environmental protection planning.

(2) In spatial planning of the spatial development area, the aims referred to in Paragraph (1) shall be achieved by exercising control upon the planning of:

1. the siting of new establishments and/or installations;

2. substantial changes to establishments and/or installations, for which with a permit referred to in Article 104 (1) herein has been issued;

3. new construction works, such as transport connections, residential zones, sites designated for public use in proximity to existing establishments and/or installations for which a permit referred to in Article 104 (1) herein has been issued, where implementation of the construction of the said works will increase the risk of occurrence of a major accident in the said establishments or will exacerbate the consequences of any such accident.

(3) The control referred to in Paragraph (2) shall be implemented by means of:

1. in the cases referred to in Item 1 of Paragraph (2): issuance by The Minister of Environment and Water of permits referred to in Article 104 (1) herein for the construction and operation of new establishments and/or installations;

2. in the cases referred to in Item 2 of Paragraph (2): a review by The Minister of Environment and Water or by an official empowered thereby of the permits issued in the event of planned substantial changes to establishments and/or installations for which a permit referred to in Article 104 (1) herein has been issued;

3. in the cases referred to in Item 3 of Paragraph (2): consultation with The Minister of Environment and Water or with an official empowered thereby regarding the spatial-development schemes and plans of municipalities in which establishments and/or installations are located for which a permit referred to in Article 104 herein has been issued according to the procedure established by Article 121 (2) of the Spatial Development Act.

(4) In the cases referred to in Paragraph (3), The Minister of Environment and Water or an official empowered thereby shall take into account the observations of the public with regard to the risk of major accidents and the safety measures planned, obtained according to the procedure established by Article 111(4) herein or Article 121 (1) of the Spatial Development Act.

(5) In planning population and environmental protection, the aims referred to in Paragraph (1) shall be achieved by the drafting of external emergency plans for upper-tier establishments and/or installations by the mayor of the municipality concerned.

(6) The form and contents of the external emergency plans referred to in Paragraph (5) shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 104

(1) (Amended, SG No. 77/2005) The construction and operation of a new and the operation of an existing establishment and/or installation classified as a Ylower-tier establishment and/or installationΦ or as an Yupper-tier establishment and/or installationΦ shall be carried out after issuance of a permit under the terms and according to the procedure established by this Section.

(2) (Amended, SG No. 77/2005) The permit referred to in Paragraph (1) shall be a mandatory condition for the issuance of a building permit.

(3) (New, SG No. 77/2005) Any permit referred to in Paragraph (1) shall have an indefinite term of validity.

(4) (Renumbered from Paragraph (3) and amended, SG No. 77/2005) Paragraph (1) shall not apply in the cases covered under Article 103 (4) herein.

(5) (Renumbered from Paragraph (4), SG No. 77/2005) In the event of change of the operator, the new operator, whether a natural or legal person, shall assume the rights and obligations according to the permit.

(6) (New, SG No. 77/2005) The Council of Ministers shall adopt an ordinance on the prevention of major accidents involving dangerous substances and on the limitation of the consequences of such accidents.

Article 105

(Repealed, SG No. 77/2005)

Article 106

(Amended, SG No. 77/2005)

(1) The Minister of Environment and Water shall issue the permits referred to in Article 104 (1) herein.

(2) In any permit referred to in Article 104 (1) herein, the Minister of Environment and Water may establish conditions related to the construction and operation of the establishment and/or installation.

Article 107

(Repealed, SG No. 77/2005)

Article 108

(Amended, SG No. 77/2005)

(1) For the purpose of obtaining a permit referred to in Article 104 (1) herein, the operator shall submit an application to the Minister of Environment and Water not later than:

1. four months after submission of the notification referred to in Article 103 (1) herein: applicable to a lower-tier establishment and/or installation;

2. seven months after submission of the notification referred to in Article 103 (1) herein: applicable to an upper-tier establishment and/or installation.

(2) The form and content of the application referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 109

(Repealed, SG No. 77/2005)

Article 110

(Amended, SG No. 77/2005)

(1) The operator of any lower-tier establishment and/or installation shall enclose with the application referred to in Article 108 (1) herein:

1. a report on the major-accident prevention policy, designed to guarantee a high level of protection for man and the environment by appropriate means, structures and management systems;

2. documentary proof of a fee paid under Article 71 herein.

(2) The operator of any lower-tier establishment and/or installation shall enclose with the application referred to in Article 108 (1) herein:

1. a safety report;

2. an emergency plan for the establishment and/or installation;

3. documentary proof of a fee paid under Article 71 herein.

(3) (New, SG No. 103/2009) If, on the basis of Commission Decision 98/433/EC of 26 June 1998 (OJ, L192 of 8 July 1998, pages 0019-0020) on harmonised criteria for dispensations according to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, the operator ascertains that certain

dangerous substances in the establishment and/or installation or parts thereof cannot initiate a major accident, the said operator may request from The Minister of Environment and Water that the information in the safety report be limited to the prevention of major- accident hazards and the limitation of the consequences thereof for man and the environment arising from other dangerous substances present in the establishment and/or installation or parts thereof.

(4) (Renumbered from Paragraph 3, SG No. 103/2009) The form and content of the documents covered under Paragraphs (1) and (2) shall be determined by the ordinance referred to in Article 104 (6) herein.

(5) (Renumbered from Paragraph 4, SG No. 103/2009) The operator may request from the Minister of Environment and Water that part of the information in the documents covered under Paragraphs (1) and (2) be declared confidential where the said information constitutes a manufacturing or commercial secret.

(6) (Repealed, renumbered from Paragraph 5, SG No. 103/2009) Where the information covered under Paragraphs (1) and (2) constitutes a state secret or an official secret or contains any personal data, the provisions of the Classified Information Protection Act or of the Personal Data Protection Act, as the case may be, shall apply.

(7) (New, SG No. 103/2009) In the cases referred to in Paragraph (3) or (5), The Minister of Environment and Water or an official empowered thereby shall notify the operator in writing within 5 days that the request thereof has been partly or fully granted.

(8) (New, SG No. 103/2009) In the cases referred to in Paragraph (7), the operator shall provide The Minister of Environment and Water with a revised version of the safety report or a revised version of the documents, not including information accepted as confidential, within 5 days.

(9) (New, SG No. 103/2009) In the cases referred to in Paragraph (3), The Minister of Environment and Water or an official empowered thereby shall provide the European Commission annually by the 31st day of January with a list of establishments whereof the request has been partly or fully granted, specifying the reasons for the decision.

Article 110a

(New, SG No. 77/2005)

(1) Within fourteen days after receipt of the documents covered under Article 110 herein, the Minister of Environment and Water or a person empowered thereby shall notify the operator of any errors and deficiencies committed in the said documents and shall allow up to one month for the curing of the said errors and deficiencies.

(2) (Amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) Within three days after expiry of the time limit referred to in Paragraph (1) for inspection of the documents or for curing of the errors and deficiencies as committed, the Minister of Environment and Water or a person empowered thereby shall transmit the documents covered under Article 110 herein for observations to the Minister of Health, the Minister of Interior, the President of the State Agency for Metrological and Technical Surveillance, the Regional Governor and the mayor of the municipality within whose territory the establishment and/or installation is located.

(3) The Minister of Environment and Water, the authorities covered under Paragraph (2) or persons empowered thereby may conduct on-site inspections for the purpose of assessing the conformity of the documents covered under Article 110 herein with the measures envisaged by the operator to prevent major industrial accidents and to limit the consequences of such accidents.

(4) The authorities covered under Paragraph (2) shall transmit the observations thereof to the Minister of Environment and Water within two months after receipt of the documents covered under Article 110 herein.

(5) Should any of the authorities covered under Paragraph (2) fail to transmit observations within the statutory time limit, tacit consent shall be presumed.

(6) Where on the basis of any observations referred to in Paragraph (2) it is ascertained that the operators did not envisage the requisite measures for the prevention of major accidents and for the limitation of the consequences of such accidents by the documents covered under Article 100 herein, within ten days after the expiry of the time limit referred to in

Paragraph (4) the Minister of Environment and Water or a person empowered thereby shall allow the operator time to cure the non-conformities and deficiencies as ascertained.

Article 111

(Amended, SG No. 77/2005)

(1) Within the time limit referred to in Article 110a (2) herein, the Minister of Environment and Water or a person empowered thereby shall post the documents covered under Article 110 herein on the Internet site of the Ministry of Environment and Water and shall afford public access to the said documents in the course of one month.

(2) Within three days after receipt of the documents covered under Article 110a (2), the mayor of the relevant municipality shall inform the public by means of the local media of mass communication of this fact and shall afford access to the documents for a period of one month.

(3) (Amended, SG No. 103/2009) In the cases where a request to declare any information confidential has been granted, the Minister of Environment and Water shall make the documents referred to in Article 110 (8) herein available to the public.

(4) Members of the public may submit reasoned observations in writing to the Minister of Environment and Water not later than the expiry of the one-month time limit referred to in Paragraph (1).

Article 112

(Amended, SG No. 77/2005)

The Minister of Environment and Water shall issue the permit referred to in Article 104 (1) herein within one month after expiry of the time limit referred to in Article 110a (4) herein or after receipt of the rectified and complemented documents referred to in Article 110 (6) herein.

Article 112a

(New, SG No. 77/2005)

Within seven days after the date of issuance of a permit, the Minister of Environment and Water or a person empowered thereby:

1. shall notify in writing the operator and the authorities covered under Article 110a (2) herein, and

2. (amended, SG No. 52/2008) shall announce the issuance of the permit through the Internet site of the Ministry of Environment and Water and a national daily newspaper.

Article 112b

(New, SG No. 77/2005)

(1) By a reasoned decision, the Minister of Environment and Water shall refuse to issue a permit within one month after expiry of the time limit referred to in Article 110a (4) herein or after receipt of the rectified and complemented documents referred to in Article 110a (6) herein where:

1. the operator has not envisaged the requisite measures in the documents covered under Article 110 herein, or the measures envisaged are not sufficient for the prevention of major accidents, or for the limitation of the consequences of such accidents, and/or

2. the operator has failed to submit the documents covered under Articles 108, 110 or Article 110a (6) herein within the appointed time limits.

(2) Within the time limit referred to in Paragraph (1), by a reasoned decision, the Minister of Environment and Water may refuse to issue a permit for construction of a new establishment and/or installation upon receipt of a reasoned objection on grounds of legal conformity against the implementation of the project from any of the authorities covered under Article 110a (2) herein.

(3) Within seven days after the date of issuance of the permit referred to in Paragraphs (1) or (2), the Minister of Environment and Water or a person empowered thereby:

1. shall notify in writing the operator and the authorities referred to in Article 110a (2) herein, and

2. (amended, SG No. 52/2008) shall announce the issuance of the decision through the Internet site of the Ministry of Environment and Water and a national daily newspaper.

Article 113

(Amended, SG No. 77/2005, SG No. 30/2006)

Any permit and any refusal to issue a permit shall be appealable according to the procedure established by the Administrative Procedure Code within fourteen days after announcement under Item 2 of Article 112 or under Item 2 of Article 112b (3) herein.

Article 114

(Amended, SG No. 77/2005)

(1) The Minister of Environment and Water shall keep a public register of the permits issued under Article 112 herein and of the refusals referred to in Article 112b (1) and (2) herein.

(2) The form and content of the register shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 115

(Amended, SG No. 77/2005)

The operator of an establishment and/or installation for which a permit under Article 104 (1) herein has been issued shall be obligated to:

1. take all measures necessary to prevent major accidents involving dangerous substances and to limit the consequences of such accidents for human life and health and for the environment;

2. immediately inform the Minister of Environment and Water of each planned substantial change to the establishment and/or the installation.

Article 116

(Amended, SG No. 77/2005)

(1) (Amended, SG No. 35/2009, effective 12.05.2009) Upon occurrence of a major accident, the operator of an establishment and/or installation for which a permit under Article 104 (1) herein has been issued shall immediately inform the Chairperson of the Regional Council on Security.

(2) (Amended, SG No. 103/2009) Upon occurrence of a major accident, immediately after the accident occurs, the operator shall provide the authorities referred to in Paragraph (1) with information regarding:

1. the circumstances of occurrence of the accident;

2. the dangerous substances which have caused the occurrence of the accident or which aggravate the consequences

thereof;

3. the data available for assessing the effects of the accident on human life and health and on the environment;
4. the emergency measures taken;
5. the measures envisaged to prevent any recurrence of such an accident;
6. the measures envisaged to limit the consequences of the accident.

(3) The operator shall be obligated to update the information covered under Paragraph (2) and to provide the said information to the authority referred to in Paragraph (1) where justified by new facts related to the causes of occurrence of the accident and the consequences thereof.

Article 116a

(New, SG No. 77/2005)

(1) The operator of any upper-tier establishment and/or installation shall supply the public concerned with:

1. information on the safety measures planned and the requisite behaviour and action in the event of an accident;

2. (amended, SG No. 103/2009) the safety report referred to in Item 1 of Article 110 (2) herein or the revised documents referred to in Article 110 (8) herein;

3. (amended, SG No. 103/2009) a list of the dangerous substances referred to in Article 103 (1) herein, with the exception of such as have been declared confidential information under Article 110 (5) herein, and of the information referred to in Article 110 (6) herein;

4. information regarding the possibility of a domino effect.

(2) The operator shall furthermore supply the information referred to in Item 1 of Paragraph (1) to the establishments serving the public which are liable to be affected by a major accident.

(3) The operator shall review and, where necessary, shall update the information referred to in Item 1 of Paragraph (1) every three years, as well as in the cases of substantial changes to the establishment and/or installation.

(4) The information referred to in Item 1 of Paragraph (1) shall be updated every five years.

(5) The minimum requirements to the content of the information referred to in Item 1 of Paragraph (1), as well as the methods of provision of the said information, shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 116b

(New, SG No. 77/2005)

(1) Where planning substantial changes to the establishment and/or installation, the operator shall review and update the report on the major-accident prevention policy or the safety report.

(2) The operator shall transmit the updated report referred to in Paragraph (1) to the Minister of Environment and Water.

(3) In the cases referred to in Paragraph (3), the operator shall submit an application for a review of the permit referred to in Article 104 (1) to the Minister of Environment and Water as soon as practicable but not later than four months prior to the date planned for implementation of the changes.

(4) The operator shall enclose the updated documents referred to in Paragraph (1) to the application referred to in Paragraph (3).

(5) The form and content of the application referred to in Paragraph (3) and the documents referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 116c

(New, SG No. 77/2005)

(1) The operator of any upper-tier establishment and/or installation shall review and, where necessary, shall update the safety report referred to in Item 1 of Article 110 (2) herein:

1. every five years;
2. at the initiative of the operator or at the request of the Minister of Environment and Water, where justified by new facts or to take account of new technical knowledge about the safe operation of the establishment and/or installation.

(2) (Supplemented, SG No. 103/2009) The operator referred to in Paragraph (1) shall be obligated to check, review and, where necessary, to update the emergency plan referred to in Item 2 of Article 110 (2) herein:

1. (amended, SG No. 103/2009) at appropriate intervals not exceeding three years;
2. at the initiative of the operator or at the request of the Minister of Environment and Water, where justified by new facts or to take account of new technical knowledge about the safe operation of the establishment and/or installation.

(3) In the cases covered under Paragraph (1) and/or Paragraph (2), the operator shall notify the Minister of Environment and Water, submitting an application for a review of the permit referred to in Article 104 (1) herein and enclosing the documents updated under Paragraph (1) and/or Paragraph (2) or a written declaration to the effect that there is no need to update the said documents.

(4) The form and content of the application referred to in Paragraph (3) and the documents covered under Paragraphs (1) and (2) shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 116d

(New, SG No. 77/2005)

In the cases referred to in Article 116b and Article 116c herein, the Minister of Environment and Water or a person empowered thereby shall review the permit as issued according to the procedure established by Article 110a and Article 111 herein.

Article 116e

(New, SG No. 77/2005)

(1) Within one month after expiry of the time limit for receipt of observations from the authorities covered under Article 110a (2) herein or after receipt of the rectified and complemented document from the operator, the Minister of Environment and Water shall review the permit as issued with a view to:

1. leaving the permit as issued in effect, or
2. modifying the permit as issued.

(2) In the cases referred to in Paragraph (1), the Minister of Environment and Water or a person empowered thereby shall make a decision leaving the permit issued in effect or modifying the said permit.

(3) Within seven days after the date of issuance of the decision referred to in Paragraph (2), the Minister of Environment and Water or a person empowered thereby:

1. shall notify in writing the operator and the authorities covered under Article 110a (2) herein, and
2. shall announce the issuance of the decision through a national daily newspaper.

Article 116f

(New, SG No. 77/2005)

(1) By a reasoned decision, the Minister of Environment and Water may refuse to permit the implementation of the change referred to in Article 116b herein within the time limit referred to in Article 116c (1) herein where:

1. the operator has not envisaged the requisite measures in the documents covered under Article 116b and Article 116c herein, or the measures envisaged are not sufficient for the prevention of major accidents, or for the limitation of the consequences of such accidents, and/or

2. any of the authorities covered under Article 110a (2) herein has lodged a reasoned objection on grounds of legal conformity against the implementation of the modification referred to in Article 116b herein.

(2) Within seven days after the date of issuance of the decision referred to in Paragraph (1), the Minister of Environment and Water or a person empowered thereby:

1. shall notify in writing the operator and the authorities covered under Article 110a (2) herein, and
2. shall announce the issuance of the decision through a national daily newspaper.

Article 116g

(New, SG No. 77/2005, amended, SG No. 30/2006)

Any decision referred to in Article 116e (2) and in Article 116f (1) shall be appealable according to the procedure established by the Administrative Procedure Code within fourteen days after announcement of the said decision under Item 2 of Article 116e (3) and Item 2 of Article 116f(2) herein.

Article 116h

(New, SG No. 77/2005)

(1) Where, on the basis of the documents covered under Article 110 (2) herein, the Minister of Environment and Water identifies any establishments and/or installations or any group of establishments and/or installations posing a risk of a domino effect, the said Minister shall notify the operators of the said establishments and/or installations.

(2) In the cases referred to in Paragraph (1), the operators shall be obligated:

1. to exchange information enabling them to take account of the nature and extent of the hazard of a major accident in the establishments and/or installations;

2. to update the documents covered under Article 110 (2) herein with the information referred to in Item 1.

(3) (Amended, SG No. 103/2009) In the cases referred to in Paragraph (1), the operators shall cooperate in:

1. supplying the information covered under Article 116a herein to the public;

2. supplying information required for the preparation of an external emergency plan.

Article 116i

(New, SG No. 77/2005)

The Minister of Environment and Water shall notify the potentially affected countries of the risk of a major accident with transboundary effects occurring in an upper-tier establishment and/or installation.

Section II

Integrated Permits

Article 117

(1) The construction and operation of new installations and facilities of industrial activities of the categories listed in Annex 4 hereto, and the operation of existing installations and facilities of the said categories shall be admitted after issuance of an integrated permit according to the provisions of this Chapter.

(2) (Amended, SG No. 77/2005) The requirement referred to in Paragraph (1) shall furthermore apply to any substantial change to existing facilities and installations.

(3) Acting on a written application by the relevant operators, integrated permits referred to in Paragraphs (1) and (2) may furthermore be issued for any installations and facilities outside the scope of Annex 4 hereto.

(4) In the event of change of the operator, the new operator, whether a natural or juristic person, shall assume the rights and obligations according to the permit.

(5) (Amended, SG No. 77/2005) The submission of an application for the issuance of an integrated permit or the existence of an integrated permit for construction and operation of new facilities and installations and/or for operation of existing facilities and installations shall waive the requirements for issuance and obtaining of the following authorizations, permits, licences, expert opinions and assessments:

1. under Article 37 in reference to Article 12 of the Waste Management Act;
2. under Littera (e) of Item 1 of Article 46 (1) of the Water Act.

(6) (New, SG No. 77/2005) The operators of any facilities and installations within the scope of Annex 4 hereto may submit documents for obtaining the permit referred to in Item 1 of Paragraph (5) or the permit referred to in Item 5 of Paragraph (5) until commencement of the time limit for submission of an application for the issuance of an integrated permit, as set by the ordinance referred to in Article 119 herein.

(7) (Renumbered from Paragraph (6), SG No. 77/2005) No facilities or parts of facilities used for scientific research, development and testing of new products and processes shall be subject to the provisions of this Chapter.

Article 118

(1) (Redesignated from Article 118, SG No. 105/2008) An integrated permit referred to in Article 117 herein shall be a mandatory condition for the issuance of a building permit.

(2) (New, SG No. 105/2008) An exception under Paragraph (1) shall be admitted in respect of any facilities and installations for which an EIA procedure has been completed with a decision confirming the application of the best available techniques, in accordance with Article 99a herein.

(3) (New, SG No. 105/2008) In the cases referred to in Paragraph (2), the integrated permit shall be a mandatory condition for the commissioning of the facilities and installations.

Article 119

(1) The terms and a procedure for the issuance of an integrated permit referred to in Article 117 herein shall be established by a regulation of the Council of Ministers.

(2) The regulation referred to in Paragraph (1) shall furthermore establish relevant requirements for:

1. the content and the form of the applications for issuance of integrated permits;

2. the procedure and manner for determination of the best available techniques (BAT);

3. (Amended, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010) the procedure and manner for review, modification, updating and revocation of any integrated permits as issued;

4. the procedure and manner for reporting noxious substance emissions;

5. the content of the monitoring referred to in Item 3 of Article 123 (1) herein, including the monitoring procedures and the obligation to provide relevant information to the authorities responsible for enforcement of compliance under Article 128 herein.

Article 120

(1) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011) The Executive Director of the Executive Environment Agency shall be the authority competent to issue, review, modify, update and revoke any permits referred to in Article 117 (1) and (2) herein.

(2) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010) The competent RIEW director shall be the authority competent to issue, review, modify, update and revoke any permits referred to in Article 117 (3) herein.

(3) The competent authority referred to in Paragraph (1) shall coordinate the terms and procedures for the issuance of permits in cases where more than one competent authority is involved therein.

(4) (Amended, SG No. 77/2005) The competent authority referred to in Paragraphs (1) and (2) shall ensure the use of any information received and conclusion reached in EIA upon the issuance of the integrated permits.

(5) The Ministry of Environment and Water shall follow the development of the best available techniques and shall maintain an information system thereon.

Article 121

During the operation of the installations and facilities, the operator shall oversee:

1. the implementation of all appropriate preventive measures against pollution, in particular through application of the best available techniques;

2. the implementation of environmental management systems;

3. the prevention of environmental pollution according to the emission limit values and the environmental quality standards;

4. the avoidance of waste generation; where waste is produced, it shall be recovered; where such recovery is technically and economically impossible, the waste shall be disposed of while avoiding or reducing any impact thereof on the environment;

5. the efficient use of energy;

6. the implementation of all possible measures to prevent industrial accidents and limit the consequences thereof;

7. the undertaking of necessary measures to avoid any possible pollution risks and to return the site of operation to a satisfactory state upon definitive cessation of activities.

Article 122

(1) For the purpose of obtaining an integrated permit, the operator of the facility and installation shall submit an application to the relevant competent authority.

(2) The application referred to in Paragraph (1) shall include a description of:

1. (supplemented, SG No. 77/2005) the facility and the various modes of operation thereof, including a description of the main alternatives, if any;

2. the raw and prime materials used (including auxiliary materials);

3. the utilized and/or generated energy;

4. characteristics of the site on which the installation is located;

5. (amended, SG No. 77/2005) the nature and quantities of foreseeable emissions from the facility into each medium covered under Article 4 herein and by factor covered under Article 5 herein, as well as identification of possible significant effects of the said emissions on the environment;

6. the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;

7. measures for the prevention, recovery and/or safe disposal of waste generated by the installation;

8. further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 121 herein;

9. monitoring of noxious substance emissions into the environment.

(3) Any application for the issuance of an integrated permit shall furthermore include a non-technical summary of the details covered under Paragraph (2).

Article 122a

(New, SG No. 105/2008)

(1) Within forty-five days after submission of the application, the competent authority referred to in Article 120 (1) and (2) herein shall verify whether the content and form of the said application conform to the requirements of the ordinance referred to in Article 119 (1) herein and, where necessary, shall conduct an on-site inspection.

(2) Upon ascertainment of any deficiencies and non-conformities within the time limit referred to in Paragraph (1), the competent authority referred to in Article 120 (1) and (2) herein shall notify the operator referred to in Article 122 (1) herein in writing, giving directions as to the necessary corrections and additional information and stating the grounds for this.

(3) In the cases referred to in Paragraph (2), the operator referred to in Article 122 (1) herein shall submit the additional application within one month.

(4) In case the directions referred to in Paragraph (2) or the time limit referred to in Paragraph (3) are not complied with, the competent authority referred to in Article 120 (1) and (2) herein shall refuse to issue an integrated permit.

(5) Within fourteen days after completion of the verifications referred to in Paragraph (1) or the re-submission of the application referred to in Paragraph (3), the competent authority referred to in Article 120 (1) and (2) herein, acting jointly with the municipalities, shall announce and afford the persons concerned equal access, in the course of one month, to the application, including the persons concerned in the State affected by the operation of the facility in conditions of transboundary impact.

(6) Within forty-five days after the expiry of the time limit referred to in Paragraph (5), the competent authority referred

to in Article 120 (1) and (2) herein shall prepare and consult with the competent RIEW and/or Basin Directorate a draft of an integrated permit and shall notify the operator referred to in Article 122 (1) herein in writing.

(7) Within one month of the notification referred to in Paragraph (6), the competent authority referred to in Article 120 (1) and (2) herein shall hold the requisite consultations with the operator and, where necessary, shall update the draft of the integrated permit.

(8) Within fourteen days of expiry of the time limit referred to in Paragraph (7), the competent authority referred to in Article 120 (1) and (2) herein shall issue an integrated permit or shall refuse to issue such a permit, stating the reasons for the refusal.

Article 123

(1) Any integrated permit referred to in Article 117 herein shall contain:

1. (amended, SG No. 77/2005) emission limit values and technical measures, including measures relating to conditions other than normal operating conditions;
2. mandatory protection measures for air, water and soil;
3. monitoring requirements;
4. provisions on limitation of transboundary pollution;
5. additional measures necessary to comply with the effective environmental quality standards.

(2) (Amended, SG No. 77/2005) The standards and measures referred to in Item 1 of Paragraph (1) for any facilities and installations referred to in Article 117 (1) and (2) herein shall be based on the best available techniques, without prescribing the use of one specific technique or technology but taking into consideration the technical characteristics of the facility, the geographical location thereof and local environmental conditions.

(3) The permit shall also contain the provisions necessary to guarantee the compliance of the installation with the requirements of the law.

(4) (Amended, SG No. 105/2008) In cases where conformity with the provisions of Paragraph (3) cannot be achieved, the issuance of an integrated permit shall be refused.

(5) In cases where the relevant environmental quality standards require stricter conditions than the ones achievable by the use of the best available techniques, the competent authority may require application of the additional measures referred to in Item 5 of Paragraph (1) in the integrated permits referred to in Article 117 (1) and (2) herein, without prejudice to measures which might be undertaken to achieve compliance with other environmental quality standards.

(6) (New, SG No. 77/2005) The integrated permit shall not include emission limit values for greenhouse gases, unless it is necessary to ensure that ambient air quality will not be impaired.

Article 124

(1) Any integrated permit referred to in Article 117 herein shall have an indefinite term of validity.

(2) (Amended, SG No. 77/2005, amended and supplemented, SG No. 105/2008) The competent authority shall periodically review the conditions of any permit once every eight years and, as a result of the review, shall prepare a consolidated version of the permit, incorporating therein all changes in the conditions of the said permit during that period, adopted by a decision of the competent authority.

(3) A review of the permit shall be undertaken at any time where:

1. (amended, SG No. 52/2008) owing to a significant environmental pollution caused by the facility, the emission limit

values as set in the permit must be altered or new emission limit values must be included in the conditions of the permit;

2. (amended, SG No. 77/2005) the operator has planned any changes in the operation of the facility;

3. substantial changes have occurred in the best available techniques, making it possible to reduce emissions into the environment significantly without imposing excessive costs on the operator;

4. a change has occurred in the operational safety requirements, requiring other techniques to be used;

5. changes have occurred in the legislative framework regulating the environment.

(4) (New, SG No. 77/2005) Upon a review of any permit under Paragraphs (2) and (3), the competent authority shall evaluate the need of a modification of the permit conditions or of the updating of the said permit.

(5) (New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011) In the cases where the operator ceases any activity included in Annex 4 hereto or part thereof, as a result of which any facility within the scope of the said Annex for which the issuance of an integrated permit is required are no longer present on the site for which the integrated permit has been issued, the Executive Director of the Executive Environment Agency shall revoke the decision to issue an integrated permit.

(6) (New, SG No. 46/2010, effective 18.06.2010) In the cases where an integrated permit has been issued at the request of the operator of the facility for any facilities which are outside the scope of Annex 4 hereto, the RIEW Director shall revoke the decision on the issuance of an integrated permit after the submission of a written application by the operator of the facility.

Article 125

(1) (Redesignated from Article 125, SG No. 105/2008) The operator of the facility shall be obligated to:

1. (amended, SG No. 42/2011) inform the Minister of Environment and Water and the Executive Director of the Executive Environment Agency of any change planned in the operation of the facility;

2. comply with the conditions of the integrated permit upon operation of the installation;

3. (amended, SG No. 46/2010, effective 18.06.2010) regularly inform the control authority of the monitoring results and immediately inform the said authority of any incident or accident causing a significant adverse impact on the environment;

4. (amended, SG No. 46/2010, effective 18.06.2010) provide conditions to the representatives of the control authority upon the taking of samples and the collection of information needed for the performance of the duties of the said representatives under this Act;

5. (amended, SG No. 52/2008, SG No. 42/2011) prepare and provide to the control authority an annual report on implementation of the activities for which an integrated permit has been granted.

(2) (New, SG No. 105/2008, amended, SG No. 42/2011) Within one month after the receipt of the information referred to in Item 1 of Paragraph (1), the Minister of Environment and Water shall determine the existence of a substantial change and shall notify the operator of the need of the issuance of a new permit in accordance with the provision of Article 117 (2) herein.

(3) (New, SG No. 105/2008, amended, SG No. 42/2011) In cases of a change in the operation of the facility referred to in Item 2 of Article 124 (3) herein, within the time limit referred to in Paragraph (2) the Minister of Environment and Water shall require from the operator to provide to the competent authority referred to in Article 120 herein information containing a description of the change, as well as proof of application of the best available techniques.

(4) (New, SG No. 105/2008) Within one month after the provision of information under Paragraph (3), the competent authority shall review the integrated permit and shall determine the need of an updating of the said permit.

(5) (New, SG No. 105/2008) Within one month after completion of the review referred to in Paragraph (4), the competent authority, where necessary, shall update the integrated permit.

Article 125a

(New, SG No. 52/2008, repealed, SG No. 42/2011)

Article 126

(Repealed, SG No. 105/2008)

Article 127

(1) (Supplemented, SG No. 77/2005, amended, SG No. 52/2008, repealed, renumbered from Paragraph (2) and supplemented, SG No. 105/2008, amended SG No. 46/2010, effective 18.06.2010) The decision to issue, refuse to issue, modify, update or revoke an integrated permit shall be announced through the mass communication media within fourteen days after the date of issuance of the said permit, and shall be simultaneously transmitted to the States affected by the operation of the facility in case of transboundary flux. The applicant shall likewise be notified in writing within the same time limit.

(2) (Amended, SG No. 30/2006, renumbered from Paragraph (3) and amended, SG No. 105/2008) The persons concerned may appeal against any such decision according to the procedure established by the Administrative Procedure Code within fourteen days after announcement of the said decision under Paragraph (1).

Article 128

(1) Control over compliance with the conditions specified in any permit referred to in Article 117 herein shall be exercised by the competent RIEW.

(2) The Regional Inspectorates of Environment and Water shall be responsible for the periodic transmittal to the Executive Environment Agency of information on the monitoring as provided for in the integrated permits.

Article 129

(1) (Amended, SG No. 77/2005, redesignated from Article 129, supplemented, SG No. 42/2011) The Minister of Environment and Water shall keep a public register containing data on the results of the issuance, refusal to issue, revocation, review, modification and updating of integrated permits.

(2) (New, SG No. 42/2011) The data referred to in Paragraph (1) shall be provided by the competent authority on an electronic storage medium within one month after the entry into effect of the decision on the issuance, refusal to issue, revocation, review, modification and updating of integrated permits.

Article 130

(1) The Executive Environment Agency shall keep a public register of the results of emissions monitoring as provided for in the integrated permits.

(2) (Repealed, SG No. 52/2008).

Article 131

Until obtaining an integrated permit, the requirements for the issuance and obtaining of permits, licences, expert opinions and assessments shall apply according to the effective legislation.

Section III

Schemes for Improvement of Environmental Protection Results

(Heading amended, SG No. 77/2005, SG No. 52/2008)

Article 131a

(New, SG No. 77/2005)

(1) There shall be established a greenhouse gas emission allowance trading scheme.

(2) The greenhouse gas emission allowance trading scheme shall be open for participation to Bulgarian natural and legal persons, as well as to natural and legal persons from the Member States of the European Union and to such persons from third countries in accordance with the international treaties and agreements whereto the Republic of Bulgaria is a party.

(3) (New, SG No. 46/2010, effective 18.06.2010) The Minister of Environment and Water or an official empowered thereby shall be the authority competent to apply the greenhouse gas emission allowance trading scheme.

(4) (New, SG No. 46/2010, effective 18.06.2010) The greenhouse gas emission allowance trading scheme shall cover the installations referred to in Article 131c (1) and (2) herein and the aviation activities listed in Annex 6 hereto.

Article 131b

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010)

(1) Allowances for greenhouse gas emissions from installations for 2007 and for the period from 2008 to 2012 shall be allocated in accordance with a National Allocation Plan for Greenhouse Gas Emission Allowance Trading, prepared and adopted according to Article 77a herein.

(2) Not later than the 30th day of September 2011, the competent authority referred to in Article 131a (3) herein shall publish and shall submit to the European Commission a list of the installations within the national territory which fall within the scope of the greenhouse gas emission trading scheme for the period from 2013 onwards, as well as the quantity of allowances allocated free of charge to each installation.

(3) (Amended, SG No. 42/2011) For the period from 2013 to 2020, the free allowances for greenhouse gas emissions from installations other than electricity generators and installations for capture of carbon dioxide shall be allocated in accordance with a Commission decision determining transitional Union-wide rules for harmonised free allocation of emission allowances, published in the Official Journal of the European Union.

(4) The total quantity of allowances for greenhouse gas emissions from aviation activities shall be allocated as follows:

1. for the period from the 1st day of January 2012 to the 31st day of December 2012. the total quantity of allowances to be allocated to aircraft operators shall be equivalent to 97 per cent of the historical aviation emissions;

2. for the period from the 1st day of January 2013 to the 31st day of December 2020 and for each subsequent period, the quantity of allowances to be allocated to aircraft operators shall be equivalent to 95 per cent of the historical aviation emissions multiplied by the number of years in the period.

(5) (Amended, SG No. 42/2011) All allowances which are not allocated free of charge in accordance with Paragraph (3), as well as 15 per cent of the allowances for aviation for each of the periods referred to in Items 1 and 2 of Paragraph (4), shall be allocated through auctioning.

(6) (Amended, SG No. 42/2011) The auction referred to in Paragraph (5) shall be conducted in accordance with Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302/1 of 18 November 2010).

(7) (Supplemented, SG No. 42/2011) The number of allowances for aviation activities to be auctioned in each period in the country shall be proportionate to the share of the country of the total attributed aviation emissions for all Member States of the European Union for the reference year reported and verified according to Article 131i (1) and (2) herein.

(8) For the period referred to in Item 1 of Paragraph (4), the reference year shall be 2010, and for each subsequent year referred to in Item 2 of Paragraph (4), the reference year shall be the calendar year ending 24 months before the start of the period to which the auction relates.

(9) (Supplemented, SG No. 42/2011) The revenues generated from the auctioning of allowances for aviation activities shall be used for financing activities to tackle climate change, including:

1. to reduce greenhouse gas emissions, to adapt to the impacts of climate change;
2. to fund research and development for limitation of harmful consequences and for adaptation, including in the fields of aeronautics and air transport;
3. to reduce emissions through low-emission transport;
4. to cover the cost of administering the greenhouse gas emission allowance trading scheme;
5. for other activities leading to a reduction of greenhouse gas emissions and tackling climate change, including measures to avoid deforestation.

(10) The revenue generated from the sale of allowances for aviation activities shall be credited to the off-budget account referred to in Article 142c (1) herein and shall be expended through the National Trust EcoFund according to the procedure established by the ordinance referred to in Article 67 herein.

(11) The competent authority referred to in Article 131a (3) herein shall inform the European Commission of the activities undertaken under Paragraph (9).

(12) (Amended, SG No. 42/2011) By the 28th day of February each year, the competent authority referred to in Article 131j (2) herein shall issue to installation operators holding a greenhouse gas emission permit the quantity of allowances allocated for that year of the respective period.

(13) (Amended, SG No. 42/2011) By the 28th day of February 2012 and by the same date of each subsequent year, the competent authority referred to in Article 131j (2) herein shall issue to each aircraft operator the number of allowances allocated thereto for that year according to Item 2 of Article 131n (1) herein.

(14) Allowances for a new entrant in the greenhouse gas emission allowance trading scheme shall be issued as from the effective date of the use permit issued thereto.

(15) Allowances shall not be issued free of charge according to Paragraph (12) for the period from 2013 onwards for any installations which the European Commission has refused to include in the list referred to in Paragraph (2).

Article 131c

(New, SG No. 77/2005)

(1) (Supplemented, SG No. 65/2006, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011) The operation of new installations and the operation of existing installations for the categories of industrial activities covered under Items 1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.3, 3.5, Littera (a) of Item 6.1, and Littera (b) of Item 6.1 of Annex 4 hereto shall be allowed solely after the issuance of a greenhouse gas emission permit.

(2) (Amended, SG No. 46/2010, effective 18.06.2010) The operation of new combustion installations and the operation of existing combustion installations with a rated thermal input exceeding 20 MW but not exceeding 50 MW shall be allowed after the issuance of a greenhouse gas emission permit according to the provisions of this Chapter.

(3) (Supplemented, SG No. 42/2011) Where there is a change in the identity of the operator, the new operator, whether a legal or a natural person, shall accede to the rights and obligations according to the permit and shall be obligated to inform the Executive Director of the Executive Environment Agency within seven days after occurrence of the change.

(4) (New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011) Each aircraft operator listed in Commission Regulation (EC) No 748/2009 of 5 August 2009 on the list of aircraft operators which performed an aviation activity listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the administering Member State for each aircraft operator (OJ, L 219/1 of 22 August 2009), or in the subsequent annual amendments thereto, shall submit to the competent authority referred to in Item 2 of Article 131d herein an emissions monitoring plan and the tonne-kilometre data, prepared in accordance with the ordinance referred to in Item 1 of Article 131k herein for approval or updating.

Article 131d

(New, SG No. 77/2005, amended, SG No. 42/2011)

The Executive Director of the Executive Environment Agency shall be the authority competent:

1. to issue and review, modify, update and revoke the permits referred to in Article 131c (1) and (2) herein;
2. to approve, review and update the annual emissions monitoring plan and the tonne-kilometre data.

Article 131e

(New, SG No. 77/2005)

(1) For the purpose of obtaining a greenhouse gas emission permit, the operator of the installation shall submit an application to the competent authority.

(2) Any application referred to in Paragraph (1) shall include a description of:

1. the installation and the various modes of operation thereof, including the technology used;
2. the raw and auxiliary materials whereof the use is likely to lead to greenhouse gas emissions;
3. the sources of greenhouse gas emissions from the installation;

4. the measures planned to monitor and report emissions in accordance with the requirements established by the ordinance referred to in Item 1 of Article 131k herein.

(3) Any application referred to in Item 1 shall also include a non-technical summary of the description covered under Paragraph (2).

(4) (New, SG No. 46/2010, effective 18.06.2010) New installation operators shall submit the application referred to in Paragraph (1) not later than one month after obtaining a building permit or within six months before effecting a change in the characteristics or functioning of the installation, or by reason of the extension thereof, whereupon the capacity of the installation or the emissions therefrom are increased by a minimum 10 per cent.

(5) (New, SG No. 46/2010, effective 18.06.2010) By the application referred to in Paragraph (1), the operator shall declare the availability of documents proving fulfilment of the requirements of Section III of Chapter Six and Section II of Chapter Seven herein, and shall state the identification data thereof.

Article 131f

(New, SG No. 77/2005)

(1) Any greenhouse gas emission permit shall contain:

1. the name and address of the operator, if a natural person, or the business name, registered office and address of the place of management of the operator, if a legal person, as the case may be;

2. a description of the installation, the principal parameters thereof and the greenhouse gas emissions which are released therefrom;

3. monitoring requirements, specifying the monitoring methodology and frequency, in accordance with the ordinance referred to in Item 1 of Article 131k herein;

4. reporting requirements in accordance with the ordinance referred to in Item 1 of Article 131k herein;

5. an obligation to surrender allowances equal to the total quantity of emissions from the installation in each calendar year, as verified in accordance with the ordinance referred to in Item 1 of Article 131k herein, within four months following the end of that year.

(2) The competent authority shall issue the permit referred to in Paragraph (1) within six months after the date of receipt of the application of the operator referred to in Article 131e herein.

(3) The competent authority shall refuse to issue a permit referred to in Paragraph (1) where:

1. the operator of the installation has submitted a deficient application under Article 131e herein and has failed to complement the said application within fourteen days according to the directions of the competent authority;

2. judging from the content of the application as submitted, the operator is incapable of ensuring the required monitoring and reporting.

3. (new, SG No. 46/2010, effective 18.06.2010) the operator has failed to submit the documents referred to in Article 131e (5) herein.

(4) (New, SG No. 42/2011) The competent authority referred to in Item 2 of Article 131d herein shall approve the annual emissions monitoring plan and the tonne-kilometre data within four months after the date of the receipt of the said plan and data.

(5) (New, SG No. 42/2011) The competent authority referred to in Item 2 of Article 131d herein shall refuse to approve the annual emissions monitoring plan and the tonne-kilometre data where:

1. the aircraft operator has submitted an emissions monitoring plan and tonne-kilometre data which have not been prepared in accordance with the ordinance referred to in Item 1 of Article 131k herein and has failed to complement the said plan within fourteen days according to the directions of the competent authority;

2. the aircraft operator does not hold a valid operating licence as an air carrier granted thereto by a Member State of the European Union.

Article 131g

(New, SG No. 77/2005)

(1) (Amended, SG No. 46/2010, effective 18.06.2010) The competent authority shall commence a review of the permit in the event of a change in the operation of the installation, where the requirements of Section III of Chapter Six and Section II of Chapter Seven herein have been complied with to warrant authorization of the said change.

(2) (Amended, SG No. 42/2011) After a review of the permit, the competent authority shall update, modify or revoke the permit.

(3) (New, SG No. 42/2011) The competent authority shall revoke the greenhouse gas emission permit in case of cessation of the activities of the installation.

Article 131h

(New, SG No. 77/2005)

(1) (Amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011) By the 30th day of April each year, installation operators holding a greenhouse gas emission permit and aircraft operators shall be obligated to surrender to the competent authority referred to in Article 131j (2) herein a specific number of allowances equal to the total quantity of emissions released from the installation or as a result of aviation activity during the preceding year by means of submission of a verified report.

(2) (New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011) The competent authority referred to in Article 131j (2) herein shall cancel the allowances surrendered in accordance with Paragraph (1).

(3) (Renumbered from Paragraph (2), amended, SG No. 46/2010, effective 18.06.2010) Any installation operator or aircraft operator, who or which has not met the obligation thereof to surrender allowances under Paragraph (1), shall be obligated to surrender to the competent authority the deficient quantity of allowances during the subsequent year.

(4) (Renumbered from Paragraph (3), amended, SG No. 46/2010, effective 18.06.2010) Allowances shall be valid for greenhouse gas emissions released during the respective period of the European Emission Trading Scheme.

(5) (Renumbered from Paragraph (4), SG No. 46/2010, effective 18.06.2010) Any allowances issued by a competent authority of a Member State of the European union or of a third country, according to a treaty or an agreement whereto the Republic of Bulgaria is a party, shall be recognized for the purpose of meeting the obligation of the operator referred to in Paragraph (1).

(6) (Supplemented, SG No. 99/2006 renumbered from Paragraph (5), amended, SG No. 46/2010, effective 18.06.2010) Emission reduction units and certified emission reduction units, issued according to the United Nations Framework Convention on Climate Change and the Kyoto Protocol, shall be recognized for the purpose of meeting the obligations of the installation operators referred to in Paragraph (1) to an amount of up to 12.507 per cent of the allowances allocated thereto for the entire period according to the National Allocation Plan for Emissions, and of the aircraft operators to an amount of up to 15 per cent of the number of allowances they are required to surrender, with the exception of the reductions of emissions generated as a result of:

1. the functioning of nuclear installations;
2. land use activities, change in land use and forestry.

(7) (Renumbered from Paragraph (6), amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011) Four months after the beginning of each new period of the European Allowance Trading Scheme, the allowances issued for the preceding period which have not been surrendered and cancelled in accordance with Paragraphs (1) and (2) shall be cancelled by the competent authority referred to in Article 131j (2) herein.

(8) (Renumbered from Paragraph (7), amended and supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011) The competent authority referred to in Article 131j (2) herein shall issue allowances to installation operators holding a greenhouse gas emission permit and to aircraft operators for the current period to replace all allowances held by the said operators which are cancelled according to the procedure established by Paragraph (7).

(9) (New, SG No. 99/2006, effective until 31.12.2012, renumbered from Paragraph (8), SG No. 46/2010, effective 18.06.2010) Project activities leading to the generation of emissions reduction units and certified emissions reduction units shall be implemented in compliance with the following conditions:

1. in the cases of direct reduction or limitation of emissions as a result of project activities in installations referred to in Article 131c (1) and (2) herein, cancelling the same number of allowances from the total quantity of allowances of the installation;
2. in the cases of indirect reduction or limitation of emissions as a result of project activities referred to in Article 131c (1) and (2) herein, cancelling the same number of allowances from the National Registry.

(10) (New, SG No. 46/2010, effective 18.06.2010) Annually, the Executive Environment Agency shall publish on the Internet site thereof the names of the installation operators and of the aircraft operators who or which breach the requirements

for surrender of sufficient allowances corresponding to the verified emissions thereof.

Article 131i

(New, SG No. 77/2005)

(1) (Amended, SG No. 46/2010, effective 18.06.2010) In accordance with the ordinance referred to in Item 2 of Article 131k herein, the installation operators referred to in Article 131c (1) and (2) herein and the aircraft operators shall be obligated to prepare an annual report on the carbon dioxide emissions released from the installation or as a result of aviation activities during the preceding year and to submit the said report to the competent authority referred to in Article 131j (1) herein immediately after the verification of the said report.

(2) The reports shall be verified in accordance with Item 2 of Article 131k herein.

(3) (Amended, SG No. 46/2010, effective 18.06.2010) An installation operator or an aircraft operator whose report has not been verified by the 31st day of March for emissions during the preceding year cannot make transfers of allowances until verification of the report of the said operator.

(4) (Amended, SG No. 46/2010, effective 18.06.2010) Installation operators and aircraft operators shall be obligated to inform the competent authority referred to in Article 131a (3) herein of any change in the operation of the installation or in the aviation activity.

(5) (New, SG No. 46/2010, effective 18.06.2010) By the 30th day of April 2010, operators of any installations carrying out the activities indicated in Items 1.1, 2.3 to 2.6, 3.5, 3.6, 4.3 to 4.13 of Annex 7 hereto, who or which are included in the greenhouse gas emission allowance trading scheme from 2013 onwards, shall submit to the competent authority referred to in Article 131a (3) herein substantiated data for the period from 2005 to 2008 about the greenhouse gas emissions in accordance with Annex 7 hereto.

(6) (New, SG No. 46/2010, effective 18.06.2010) The competent authority referred to in Article 131a (3) herein shall verify the data referred to in Paragraph (5) and shall report the said data to the European Commission not later than the 30th day of June 2010.

(7) (New, SG No. 46/2010, effective 18.06.2010) In the case of any of the installations referred to in Paragraph (5) emitting greenhouse gases other than carbon dioxide, the competent authority referred to in Article 131a (3) herein may notify the European Commission of a lower amount of emissions according to the emission reduction potential of those installations.

(8) (New, SG No. 42/2011) For inclusion in the list referred to in Article 131b (2) herein, the operators of any installations carrying out the activities covered under Annex 7 hereto shall prepare reports on the activities thereof according to the procedure and the requirements for a form approved by an order of the competent authority referred to in Article 131a (3) herein.

Article 131j

(New, SG No. 77/2005)

(1) (Supplemented, SG No. 99/2006, amended, SG No. 42/2011) The Minister of Environment and Water shall direct the establishment, functioning and maintenance of a National Registry accounting of the issuance, holding, transfer, surrender and cancellation of greenhouse gas emission allowances in accordance with the requirements of Commission Regulation (EC) No 2216/2004 of 21 December 2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council, hereinafter referred to as "Regulation (EC) No 2216/2004".

(2) (New, SG No. 42/2011) The Executive Director of the Executive Environment Agency shall perform the functions of a registry administrator under Paragraph (1).

(3) (Renumbered from Paragraph (2), SG No. 42/2011) The data of the register referred to in Paragraph (1) shall be transmitted to the European Independent Transaction Log.

(4) (New, SG No. 99/2006, renumbered from Paragraph (3), amended, SG No. 42/2011) Entrants in the scheme referred to in Article 131a herein shall pay a fee for their entry into the registry referred to in Paragraph (1) and an annual service fee according to the rate schedule referred to in Article 72 herein.

Article 131k

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010)

The Council of Ministers shall issue ordinances establishing:

1. the procedure and manner for the issuance and review of greenhouse gas emission permits and for monitoring by installation operators and aircraft operators participating in the greenhouse gas emission allowance trading scheme;
2. the terms, procedure and manner for preparation of the reports and for verification of the reports of installation operators and aircraft operators;
3. the procedure and manner of functioning of the National Registry accounting of the issuance, holding, surrender, transfer and cancellation of greenhouse gas emission allowances;
4. (repealed, SG No. 42/2011);
5. the procedure and manner for organizing the national inventories for harmful substances in ambient air according to the requirements of the Convention on Long-range Transboundary Air Pollution, done at Geneva on 13 November 1979 (ratified by decree, State Gazette No. 16 of 1981) ([Convention promulgated in] State Gazette No. 45 of 2003) and the United Nations Convention on Climate Change.

Article 131l

(New, SG No. 99/2006)

(1) (Effective until 31.12.2012) The Minister of Environment and Water shall approve activities under projects generating emissions reductions in accordance with the United Nations Framework Convention on Climate Change and the Kyoto Protocol, and shall account for the reduced greenhouse gas emissions generated by them in the National Registry in accordance with Article 131k, para. 1.

(2) The Minister of Environment and Water shall issue instructions for the approval of projects generating emissions reduction units and certified emissions reduction units in accordance with the following:

1. resolutions adopted in accordance with the United Nations Framework Convention on Climate Change and the Kyoto Protocol;
2. European Union law in the field of climate change;
3. international criteria and instructions for hydro-electric power generation installations with a capacity exceeding 20 MW, in particular those contained in the report of the World Commission on Dams entitled "Dams and Development: A New Framework for Decision Making";
4. non-admission of unfavourable environmental and social impacts in cases of project activities involving hydro-electric power generation installations with a capacity exceeding 500 MW.

(3) (Amended, SG No. 42/2011) The Minister of Environment and Water shall issue an order accounting of greenhouse gas emissions reduction units generated by approved project activities and transferring to an account named by the project promoter in a registry referred to in Article 131j (1) herein.

Article 131m

(New, SG No. 46/2010, effective 18.06.2010)

(1) Aircraft operators may submit an application to the competent authority referred to in Article 131a (3) herein for a free allocation of allowances within 21 months before the start of the period to which it relates, and by the 31st day of March 2011 in relation to the period referred to in Item 1 of Article 131b (4) herein.

(2) The application referred to in Paragraph (1) shall include verified tonne-kilometre data for the aviation activities listed in Annex 6 hereto performed by the aircraft operator for the monitoring year referred to in Paragraph (3).

(3) The monitoring year shall be the calendar year ending 24 months before the start of the period to which the application referred to in Paragraph (2) relates and 2010 in relation to the period referred to in Item 1 of Article 131b (4) herein.

(4) The competent authority referred to in Article 131a (3) herein shall transmit the application received to the European Commission at least 18 months before the start of the period to which the application relates or, in relation to the period referred to in Item 1 of Article 131b (4) herein, by the 30th day of June 2011.

Article 131n

(New, SG No. 46/2010, effective 18.06.2010)

(1) The competent authority referred to in Article 131a (3) herein shall calculate and publish:

1. the allowances allocated for the period to each aircraft operator, calculated by multiplying the tonne-kilometre data included in the application by the benchmark referred to in Item 5 of Paragraph (2);

2. the allowances allocated to each aircraft operator for each year, calculated by dividing the quantity of allowances referred to in Item 1 by the number of years in the period for which that aircraft operator is performing an aviation activity listed in Annex 6 hereto.

(2) The data covered under Paragraph (1) shall be calculated and published within three months from the date on which the European Commission adopts a decision setting out:

1. the total quantity of allowances to be allocated for the period;

2. the number of allowances to be auctioned in the relevant period;

3. the number of allowances in the special reserve for aircraft operators in that period;

4. the number of allowances to be allocated free of charge, which shall be determined by subtracting the number of allowances referred to in Items 2 and 3 from the total quantity of allowances decided upon according to Item 1;

5. the benchmark to be used to allocate allowances free of charge to aircraft operators.

(3) The benchmark referred to in Item 5 of Paragraph (2), expressed as allowances per tonne-kilometre, shall be calculated by dividing the number of allowances referred to in Item 4 of Paragraph (2) by the sum of the tonne-kilometres included in the application referred to in Article 131m(1) herein as transmitted to the European Commission.

Article 131o

(New, SG No. 46/2010, effective 18.06.2010)

(1) Allowances to the amount of 3 per cent of the total quantity of allowances to be allocated for the periods referred to in Article 131b (4) herein shall be set aside in a special reserve for aircraft operators:

1. who start performing an aviation activity falling within Annex 6 hereto after the monitoring year according to Article 131m (3) herein in respect of the period referred to in Item 2 of Article 131b (4) herein and whose activity is not in whole or in

part a continuation of an aviation activity previously performed by another aircraft operator, or

2. whose tonne-kilometres increase by an average of more than 18 per cent annually between the monitoring year according to Article 131m (3) herein in respect of the period referred to in Item 2 of Article 131b (4) herein and the second calendar year of that period, and whose additional activities are not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.

(2) Any unallocated allowances in the special reserve shall be auctioned.

Article 131p

(New, SG No. 46/2010, effective 18.06.2010)

(1) An aircraft operator, who or which is eligible under Article 131o (1) herein, may apply for a free allocation of allowances from the special reserve by submitting an application to the competent authority referred to in Article 131a (3) herein.

(2) Any such application shall be submitted by the 30th day of June in the third year of the period to which it relates.

(3) An allocation of allowances to an aircraft operator according to Item 2 of Article 131o (1) herein may not exceed 1,000,000 allowances.

(4) The European Commission shall decide on the benchmark to be used to allocate allowances free of charge to aircraft operators who or which have transmitted applications.

(5) The competent authority referred to in Article 131a (3) herein shall calculate and publish:

1. the quantity of allowances from the special reserve allocated to each aircraft operator who or which is eligible under Article 131o (1) herein;

2. the quantity of allowances allocated to each aircraft operator for each year, which shall be determined by dividing the quantity of allowances referred to in Item 1 by the number of full calendar years remaining in the period referred to in Item 2 of Article 131b (4) herein.

(6) The allowances referred to in Item 1 of Paragraph (5) shall be calculated by multiplying the benchmark referred to in Paragraph (4):

1. by the tonne-kilometres included in the application: in the case of aircraft operators falling within Item 1 of Article 131o (1) herein;

2. by the absolute growth in tonne-kilometres exceeding the percentage specified in Item 2 of Article 131o (1) herein included in the application: in the case of aircraft operators falling within Item 2 of Article 131o (1) herein.

Article 131q

(New, SG No. 46/2010, effective 18.06.2010)

Annually, the Executive Environment Agency shall publish on the Internet site thereof the names of the installation operators and of the aircraft operators who or which breach the requirements for surrender of sufficient allowances corresponding to the verified emissions thereof.

Article 131r

(New, SG No. 42/2011)

(1) Liquid transport fuel suppliers shall gradually reduce life-cycle greenhouse gas emissions per unit of energy from liquid fuels supplied compared with a fuel baseline standard, reaching a final total reduction of 6 per cent by the 31st day of

December 2020.

(2) The reduction of life-cycle greenhouse gas emissions per unit of energy from liquid transport fuels supplied shall be achieved through:

1. use of biofuels which meet the sustainability criteria according to the Energy from Renewable Sources Act;
2. use of alternative fuels, and
3. use of fossil fuels responsible for a low level of greenhouse gas emissions from crude oil production and processing.

(3) (Effective 1 September 2011, SG No. 42/2011) Life-cycle greenhouse gas emissions from liquid fuels other than biofuels and the fuel baseline standard referred to in Paragraph (1) shall be calculated according to a methodology of the European Commission.

(4) Life-cycle greenhouse gas emissions from biofuels shall be calculated according to a procedure and in a manner determined by a methodology of the Minister of Environment and Water, acting in consultation with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

Article 131s

(New, SG No. 42/2011)

(1) Liquid transport fuel suppliers may form a group in order to meet the obligation referred to in Article 131r (1) herein jointly.

(2) In the cases referred to in Paragraph (1), the suppliers shall be considered as a single supplier for the purposes of Article 131r (1) herein.

Article 131t

(New, SG No. 42/2011)

(1) (Effective 1.01.2012, SG No. 42/2011) Annually, not later than the 31st day of March, each liquid transport fuel supplier shall present at the Executive Environment Agency a verified report regarding the greenhouse gas intensity of liquid fuels supplied thereby for the needs of transport during the last preceding year within the national territory.

(2) The terms, procedure, format and manner of preparation of the reports and for verification of the reports referred to in Paragraph (1) shall be established by an ordinance of the Council of Ministers on a motion by the Minister of Environment and Water made in consultation with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

Article 132

(1) Organizations may assume voluntary commitments with regard to environmental protection in:

1. implementation of the activities thereof;
2. development, production, offering and use of products of the activities thereof.

(2) (Amended, SG No. 52/2008) The voluntary commitments referred to in Paragraph (1) shall be implemented by means of:

1. the Community eco-management and audit scheme, according to Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), hereinafter referred to as "Regulation (EC) No. 761/2001";

2. the Community eco-label award scheme according to Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme, hereinafter referred to as "Regulation (EC) No 1980/2000".

(3) (Repealed, SG No. 52/2008).

Article 133

(Amended, SG No. 52/2008)

(1) Each organisation may apply for registration according to Regulation (EC) No 761/2001 under the following conditions:

1. an application completed in a standard form;
2. an environmental statement validated by an accredited verifier under Article 135 (1) herein;
3. a positive opinion by the competent RIEW on satisfaction of the requirements of the statutory framework regulating the environment;
4. registration fee paid.

(2) Within seventy-five days after the initiation of the registration procedure, the competent body shall issue a registration certificate to the organisation or shall refuse registration, informing the organisation of the reasons for the refusal according to Article 6 of Regulation (EC) No 761/2001.

Article 134

(Amended, SG No. 52/2008)

(1) The Minister of Environment and Water or a person empowered thereby shall be the competent body who organises and directs the overall activity under Regulation (EC) No 761/2001.

(2) Implementing the activities referred to in Paragraph (1), the competent body:

1. shall initiate a registration procedure for the organisation;
2. shall make inquiries regarding the compliance with the requirements for registration of an organisation which has applied for participation in the Community eco-management and audit scheme;
3. shall register the organisations and, to this end, issue a registration certificate, or shall refuse registration, reasoning the refusal;
4. shall keep a register of the organisations which have been granted registration;
5. shall exercise control as to compliance of the registered organisations with the requirements;
6. shall terminate the registration and shall delete from the register any organisation which does not comply with the requirements for registration, by a reasoned decision;
7. shall elaborate and apply rules, procedures and directions related to the activity under the scheme.

Article 135

(Amended, SG No. 52/2008)

(1) The Bulgarian Accreditation Service Executive Agency shall accredit the environmental verifiers.

(2) The verifiers referred to in Paragraph (1) shall provide the documents according to Annex V, point 5.3.2 of Regulation (EC) No. 761/2001 to the Bulgarian Accreditation Service Executive Agency, where accredited by a body of another Member State of the European Union.

(3) The Bulgarian Accreditation Service Executive Agency shall keep a public register of the accredited environmental verifiers and shall notify the competent body on a monthly basis of the intervening changes.

(4) The Bulgarian Accreditation Service Executive Agency shall exercise supervision as to compliance of the activities of the verifiers with the requirements for accreditation.

Article 136

(Amended, SG No. 52/2008)

The procedure for registration, the control over compliance with the requirements for registration, the content of the register and the provision of information to the public and other interested parties under Regulation (EC) No 761/2001 shall be established by an ordinance of the Minister of Environment and Water.

Article 137

(1) (Repealed, SG No 52/2008).

(2) (Amended, SG No. 52/2008) An eco-label under the Community eco-label award scheme may be awarded to product groups which comply with specific criteria adopted by a decision of the European Commission, published in the Official Journal of the European Union.

Article 138

(Amended, SG No. 52/2008)

(1) The Minister of Environment and Water or an official empowered thereby shall be the competent body who organises and directs the overall activity for the building and functioning of the Community eco-label award scheme.

(2) Implementing the activities referred to in Paragraph (1), the competent body:

1. shall initiate an eco-label award procedure;

2. shall pronounce, by a decision, on the award of the eco-label;

3. shall conclude a contract with the holder of the right to use the Eco-label, in accordance with Commission Decision 2000/729/EC of 10 November 2000 on a standard contract covering the terms of use of the Community Eco-label;

4. shall maintain a database of the products which have been awarded an eco-label under the Community eco-label award scheme;

5. shall exercise control over the conformity of the product which has been awarded an eco-label under the Community eco-label award scheme;

6. shall terminate the right to use the eco-label and shall delete from the database the products which do not meet the criteria for the award of the said eco-label, by a reasoned decision;

7. shall form an inter-departmental working group, where this is necessitated for the purposes of the operation of the Community eco-label award scheme;

8. shall elaborate and apply rules, procedures and direction related to the operation of the Community eco-label award scheme.

Article 139

(Amended, SG No. 77/2005, SG No. 52/2008)

(1) For the initiation of a procedure under Item 1 of Article 138 (2) herein, the applicant shall submit a request to the competent body.

(2) All documents on the tests and verifications of the product performed in accordance with the specific criteria, set in the relevant decision of the European Commission, shall be attached to the request referred to in Paragraph (1).

(3) Within forty-five days after receipt of the documents referred to in Paragraphs (1) and (2), the competent body shall pronounce by a decision on the award of the eco-label under the terms established by Article 7 of Regulation (EC) No 1980/2000.

(4) In the cases of errors and deficiencies ascertained in the documentation, the competent body shall require, within thirty days, complementing the information, with the time for provision of the additional information being excluded from the time limit referred to in Paragraph (3).

(5) Within thirty days after the entry into effect of the decision referred to in Paragraph (3), the competent body shall conclude the contract referred to in Item 3 of Article 138 (2) herein.

Article 140

(Amended, SG No. 31/2007, SG No. 52/2008)

After conclusion of the contract referred to in Item 3 of Article 138 (2) herein, the applicant shall inform the competent body of all significant modifications of the products which have occurred after the date of conclusion of the contract not later than thirty days before the modified product is placed on the market.

Article 141

(Amended, SG No. 52/2008)

A fee according to a rate schedule approved by the Council of Ministers shall be paid for the initiation of the procedure referred to in Item 1 of Article 138 (2) herein.

Article 142

(Amended, SG No. 52/2008)

Participation of organisations in the Community eco-management and audit scheme and in the Community eco-label award scheme shall be voluntary.

Section IV **(New, SG No. 46/2010, effective 18.06.2010)** **International Trading of AAUs and National Green Investment Scheme**

Article 142a

(New, SG No. 46/2010, effective 18.06.2010)

(1) This Section regulates the rules, requirements, legal guarantees and legal relations regarding the sale of AAUs on the part of the Bulgarian State for the purpose of development and application of a National Green Investment Scheme in the Republic of Bulgaria.

(2) Assigned amount units shall constitute private state property, which represent a special type of rights subject to international trading according to Article 17 of the Kyoto Protocol.

(3) The purpose of the National Green Investment Scheme is to assist, financially and institutionally, investment projects and other projects which lead to a reduction of greenhouse gas emissions within the territory of the country or lead to other favourable environmental effects and impacts on the environment, including through a reduction of the factors of anthropogenic activity related to climate change and global warming, in accordance with the requirements of Community law and national legislation in the field of environmental protection.

(4) Through the National Green Investment Scheme, the Bulgarian State shall guarantee the use of the proceeds from the sales of AAUs for the purposes of Paragraph (3).

(5) The National Green Investment Scheme shall comprise arrangements for the activities of soliciting, evaluating, validating and financing green investment projects through the NTEF, the monitoring and control of the implementation of such projects, and the verification by independent accredited organizations of the implementation and the results achieved by green investment projects.

(6) In the National Green Investment Scheme, the proper spending of the proceeds from the sale of AAUs shall be additionally guaranteed through the participation of representatives of AAU buyer countries in the composition and activity of the Advisory Council of the NTEF and publicity of the reports on the evaluation and implementation of green investment projects which will be financed by the NTEF.

(7) The requirements of the AAU buyer countries for the purposes and manners of spending of the proceeds from the sale of AAUs shall be an integral part of the agreement for sale of AAUs concluded by the Bulgarian State and, accordingly, of the agreements for financing green investment projects between the NTEF and the investors which undertake the implementation of green investment projects.

Article 142b

(New, SG No. 46/2010, effective 18.06.2010)

(1) The State shall participate in international trading of AAUs through the procedures for sale of AAUs according to the procedure established by this Act and by the instruments of secondary legislation on the application thereof.

(2) The sale shall include a procedure of negotiations with the interested buyer parties or authorized representatives thereof, adoption of a Council of Ministers decision approving a draft of an agreement with the key parameters of the transaction, conclusion of the agreement for the sale of AAUs between the Bulgarian State and the buyer country and striking of the AAUs sold from the National Registry referred to in Article 131j herein and the transfer of the said AAUs to the registry of the buyer country.

(3) The procedure for the sale of AAUs shall be initiated at the request of the interested countries participating in international trading of AAUs, which shall be grounds for commencement of negotiations with the potential buyers. The said negotiations shall be conducted by the Minister of Finance, the Minister of Environment and Water and the Minister of Economy, Energy and Tourism and/or by persons empowered thereby.

(4) The ministers referred to in Paragraph (3) shall lay the draft of an agreement for the sale of AAUs before the Council of Ministers for approval.

(5) The agreement for sale shall be signed by the Minister of Finance, the Minister of Environment and Water and the Minister of Economy, Energy and Tourism and, respectively, by the authorized representatives of the buyer country. The agreements for the sale of AAUs shall be amended and supplemented according to the procedure for the conclusion thereof.

(6) The Minister of Environment and Water shall undertake steps for striking of the respective quantity of sold AAUs from the National Registry referred to in Article 131j herein and the transfer of the said AAUs to the registry of the buyer country according to the terms and conditions of the agreement for sale.

Article 142c

(New, SG No. 46/2010, effective 18.06.2010)

(1) The proceeds from the sale of AAUs shall be credited to a special off-budget account which shall be maintained and controlled by the Minister of Finance. The Minister of Finance shall control compliance with the agreements for the sale of AAUs and the expending of the resources allocated by the NTEF under the agreements for financing of projects under the National Green Investment Scheme (NGIS), including the administrative expenses on the application of the NGIS.

(2) The Minister of Environment and Water shall guarantee compliance with the conditions for eligibility of the participation of the State in international trading of AAUs through the national greenhouse gas inventory system, the maintenance of the National Registry referred to in Article 131j herein, and the annual inventory of greenhouse gas emissions.

(3) In case of an absence of an express requirement on the part of the AAU buyer for greening of the proceeds from the sale through the NGIS, the said proceeds shall be credited to the state budget and shall be expended on environmental projects.

Article 142d

(New, SG No. 46/2010, effective 18.06.2010)

(1) The proceeds under the agreements for the sale of AAUs shall be intended solely for financing of projects under the NGIS, including for administrative operating expenses, with the exception of the cases referred to in Article 142c (3) herein.

(2) The resources from the special off-budget account referred to in Article 142c (1) herein shall be transferred to an account of the NTEF as follows:

1. up to 5 per cent of the resources shall be transferred to the NTEF to cover the administrative expenses on the management of the NGIS within one month after the said resources are credited to the account referred to in Article 142c (1) herein;

2. the balance of the resources shall be transferred for financing of the green investment projects approved by the NTEF in relevant tranches according to the provisions of the agreements on the implementation of the said projects as concluded between the NTEF and the investor concerned.

(3) The Ministry of Finance shall control the use of the resources on the part of the NTEF and by the investors under green investment projects.

Article 142e

(New, SG No. 46/2010, effective 18.06.2010)

(1) The implementation and application of the NGIS shall be entrusted to the NTEF, which shall be responsible for the solicitation, approval and award of the implementation of green investment projects which are to be financed by the proceeds from international trading of AAUs according to the requirements of this Act and the terms and conditions under the agreements for sale.

(2) The proceeds from the sale of AAUs shall be spent on financing projects in the field of energy, transport, agriculture and forestry, waste management and water management, industry and other sectors of the national economy, which:

1. lead to a reduction of greenhouse gas emissions or to removal of such emissions through measures such as:

(a) enhancement of energy efficiency;

(b) (amended, SG No. 35/2011, effective 3.05.2011) increase of the share of energy from renewable sources, in particular from biomass;

(c) methane capture and recovery;

(d) afforestation, reforestation and changes in land use;

(e) (amended, SG No. 35/2011, effective 3.05.2011)) development and implementation of environmentally sound technologies which enhance energy efficiency or the use of energy from renewable sources;

(f) elaboration and implementation of a policy for climate change mitigation with a view to honouring the commitments under the Kyoto Protocol;

(g) educational measures, scientific research and measures to strengthen the administrative capacity and improve the management of climate change policy action;

(h) raising the awareness of the general public on matters related to climate change;

(i) development and implementation of measures for adaptation to climate change;

2. considerably improve environmental quality, including reduction of air, water and soil pollution.

(3) The National Green Investment Scheme shall be managed according to the European Union guidelines on state aid and the international principles of good practices, including:

1. transparency;

2. environmental and economic effectiveness;

3. reliability;

4. traceability;

5. accountability.

(4) The implementation and application of the NGIS shall be guaranteed through publicity of the criteria and decisions on approval of the projects, the terms and conditions of the agreements on the implementation thereof, the systems for control and monitoring of the implementation of the agreements and the systems for verification of the results of implementation of the projects by independent accredited organizations.

Article 142f

(New, SG No. 46/2010, effective 18.06.2010)

The National Trust EcoFund shall conclude the agreements for financing of the approved projects for application of the NGIS with the investors concerned, which shall be applicants and contractors of the said projects.

Article 142g

(New, SG No. 46/2010, effective 18.06.2010)

(1) The implementation of the agreements and projects for application of the NGIS shall be controlled and monitored by the Executive Bureau of the NTEF.

(2) The participation of AAU buyer countries in the control and monitoring systems shall be ensured through the inclusion, if they so wish, of representatives thereof in the Advisory Council of the NTEF. Each buyer country may name a single representative to the Advisory Council regardless of the number of persons who buy AAUs as representatives of the said country.

Article 142h

(New, SG No. 46/2010, effective 18.06.2010)

(1) The project documents shall be validated and the reduced greenhouse gas emissions under NGIS projects shall be verified, where so required, by independent accredited organizations designated according to the procedure established by Article 135 and Article 136 herein or accredited according to the procedure established by the United Nations Framework Convention on Climate Change.

(2) Project contractors and the NTEF bodies may not deny access and disclosure of data to the accredited organizations which they need for the evaluation and verification of the implementation of the projects and agreements. (3) The Ministry of Finance, the Ministry of Environment and Water and the Ministry of Economy, Energy and Tourism and the authorities and territorial structures thereof shall render the necessary assistance upon verification of the projects.

Chapter Eight

NATIONAL ENVIRONMENTAL MONITORING SYSTEM

Article 143

The National Environmental Monitoring System shall cover the entire territory of Bulgaria.

Article 144

(1) The National Environmental Monitoring System shall comprehend:

1. the national networks for:

a) ambient air monitoring;

b) precipitation and surface-water monitoring;

c) ground-water monitoring;

d) sea-water monitoring;

e) geological environment monitoring;

f) (amended, SG No. 89/2007) soil monitoring;

g) forests and protected-areas monitoring;

h) (amended, SG No. 77/2005) biological diversity monitoring;

i) radiological monitoring;

j) environmental noise pollution monitoring;

k) (repealed, SG No. 46/2010, effective 18.06.2010);

l) monitoring of waste landfills and of past pollution with waste;

2. a system for information on, and control of, air emissions and the state of waste waters;

3. the operation, communication and information support and laboratory services to the networks covered under Item 1.

(2) The national environmental monitoring networks shall be designed and built in conformity with the national, European and international standards.

(3) For the purposes of the information support of the National Environmental Monitoring System, a National Automated System for Environmental Monitoring shall be established.

(4) The National Automated System for Environmental Monitoring shall be organized at national, basin, and regional level.

(5) The measurements and laboratory tests shall be performed by accredited laboratories.

(6) The Minister of Environment and Water shall issue an order endorsing the networks covered under Item 1 of Paragraph (1).

Article 145

The National Environmental Monitoring System shall perform the following tasks:

1. observation of the national networks in order to determine the state of the environmental media;
2. processing, analysis, visualization and storage of the information from the networks covered under Item 1 and from self-monitoring;
3. provision of information required for current control;
4. trends analysis, environmental risk assessment and development of proposals for improvement of the state of the environment;
5. information support of the executive authorities and of the public;
6. creation and maintenance of special inventory cards and registers for the environmental media and the factors impacting the said media;
7. exchange of information on the state of the environment with the European Monitoring System.

Article 146

(1) (Supplemented, SG No. 74/2005, SG No. 89/2007) For the purpose of conduct of self-monitoring, the persons obliged under the Water Act, the Soils Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Protection from Environmental Noise Act and the and the Waste Management Act, shall elaborate a plan in conformity with the conditions imposed by the permit or by the EIA decision.

(2) The self-monitoring plan shall be approved by the authority which has obligated the person referred to in Paragraph (1).

(3) Upon approval of the self-monitoring plan, the authority referred to in Paragraph (2) shall determine the information which the persons conducted self-monitoring shall be obliged to submit for inclusion in the National Automated System for Environmental Monitoring, as well as the procedure and manner for submission of the said information.

Article 147

(1) (Supplemented, SG No. 74/2005) The National Environmental Monitoring System, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be organized and directed by the Minister of Environment and Water.

(2) (Supplemented, SG No. 74/2005) The creation, operation, logistical, information and software support of the National Automated System for Eco-monitoring, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be implemented by the Executive Environmental Agency.

(3) (Repealed, SG No. 77/2005).

(4) (Supplemented, SG No. 74/2005) Methodological guidance of the monitoring activity, with the exception of the monitoring activity on noise in urbanized areas, shall be provided by the Executive Environment Agency.

(5) The state of the environment shall be assessed at regional and national level, respectively, by the RIEWs and the Executive Environment Agency.

(6) The data on and assessments of the state of the environment shall be published in a quarterly and annual Bulletin on the State of the Environment.

(7) The observation and assessment data obtained as a result of the activity of the National Environmental Monitoring System, as well as from self-monitoring, shall provide a basis for the exercise of control and for imposition of sanctions upon violation of the regulatory requirements.

Chapter Nine CONTROL

Section I General Terms

Article 148

(1) The Ministry of Environment and Water shall exercise control over the environmental media and the factors impacting the said media.

(2) The said control shall be preventive, current and follow-up.

(3) At the national level, the said control shall be implemented by The Minister of Environment and Water or by persons empowered thereby, and at the regional level by the RIEW directors, the Basin Directorate directors, the National Park directors, the municipality mayors or by officials authorized thereby.

Article 149

(1) (Supplemented, SG No. 77/2005) The natural and legal persons shall be obligated to afford immediate access to all sites and areas and render assistance to the authorities covered under Article 148 (2) herein for the purpose of conduct of inspection, for measurement or taking of samples from existing or potential sources of environmental pollution and/or environmental damage.

(2) Access to sites and areas of the Ministry of Interior or to the Ministry of Defence shall be granted by the competent chief of structural unit of the ministry.

(3) The executive authorities and the administrations thereof, the organizations, the juristic and natural persons shall be obliged to render assistance to the authorities exercising control over performance of the functions thereof.

Article 150

The natural and juristic persons possessing and using treatment facilities and waste treatment facilities shall be obliged to ensure the operation of the said facilities according to the provisions of the legislative acts and conforming to the conditions set in the EIA decisions, the permits and the other relevant individual administrative acts.

Article 151

(Amended, SG No. 77/2005)

(1) In respect of any administrative violations ascertained in the course of the control activity, the control authorities shall draw up written statements ascertaining the violations.

(2) In the cases referred to in Paragraph (1), the control authorities may issue written prescriptions and orders imposing coercive administrative measures.

Section II Preventive Control

Article 152

(Amended, SG No. 77/2005)

Preventive environmental protection control shall be implemented through environmental assessment upon approval of plans and programmes, through EIA as a condition in the development of the investment process, as well as by means of issuance of integrated and other permits provided for in the law.

Article 153

(1) The purpose of preventive control shall be to prevent pollution and/ or damage to the environment in excess of the permissible levels prior to implementation of the proposed and/or planned activity.

(2) In the course of performance of the functions thereof and for the purpose of attaining the objective of preventive control, the authorities covered under Article 148 (3) shall issue warning statements to the natural persons, the management bodies of juristic persons and to sole traders subject to control.

(3) The statements drawn in pursuance of Paragraph (2) shall present the facts or circumstances which may lead to environmental damage and/or pollution and shall give mandatory prescriptions for avoidance of the facts and/or circumstances as presented therein.

(4) The prescriptions in the statement under Paragraph (3) shall be binding on the inspected person.

Section III Current and Follow-Up Control

Article 154

(1) Current control shall comprehend:

1. control of the quality of the environmental media and of the factors impacting the said media;

2. control over compliance with the conditions specified in the permits and environmental impact assessment decisions as issued by the Ministry of Environment and Water, the Basin Directorates and the Regional Inspectorates of Environment and Water and of the measures provided for in the programmes.

(2) (Supplemented, SG No. 77/2005) Current control shall be implemented by means of conduct of inspections of documents and on-site inspections, observations and measurements.

(3) (New, SG No. 77/2005) Where any documents certifying compliance with the established requirements are found missing upon an inspection of documents or an on-site inspection, the inspected person shall present the said documents within seven days after the inspection.

(4) (Renumbered from Paragraph 3, SG No. 77/2005) Current control shall include access to:

1. the data on the self-monitoring of the site, conducted by the operator;

2. information relating to the production activity on the site;
3. the corporeal immovables and facilities constituting state, municipal and private property.

Article 155

(1) In the course of exercise of current control, officials designated by the authorities covered under Article 148 (3) herein shall draw up memorandums of ascertainment.

(2) The memorandums of ascertainment referred to in Paragraph (1) shall present the facts and circumstances as ascertained and shall give mandatory prescriptions, specifying deadlines and persons responsible for implementation of the said prescriptions.

Article 156

Follow-up control shall be implemented by following:

1. the results of implementation of the measures provided for in the EIA decisions and the permits, as well as the results of execution of development projects;
2. implementation of the prescriptions given to the persons controlled during preventive and current control.

Article 157

The drawing up of written statements on commission of administrative violations and the issuance of penalty decrees shall be part of current and follow-up control.

Article 157a

(New, SG No. 77/2005)

(1) The Minister of Environment and Water shall control the fulfilment of the obligations of the operator where to a permit referred to in Article 104 (1) herein has been issued.

(2) (Amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) Control under Paragraph (1) shall be exercised by means of joint inspections by commissions designated by an order of the Minister of Environment and Water and composed of representatives of the territorial and regional structures of the Ministry of Environment and Water, the Ministry of Health, the Ministry of Interior, the State Agency for Metrological and Technical Surveillance, and authorized representatives of the regional governors and of the municipality mayors.

(3) The commissions referred to in Paragraph (2) shall control:

1. the fulfilment of the conditions of the permit referred to in Article 104 (1) and Article 116e (1) herein;
2. the fulfilment of the obligations of the operator referred to in Item 1 of Article 115, Article 116a, Item 1 of Article 116c (1) and Item 1 of Article 116c (2), and Article 116h (2) herein.

(4) The joint inspections shall be conducted:

1. on the basis of an annual plan for control activity of the commissions;
2. upon receipt of complaints and alerts.

(5) The joint inspections shall be conducted at least once a year for upper-tier establishments and/or installations.

(6) By the order referred to in Paragraph (2), the Minister of Environment and Water shall designate the members and

the chairperson of the commission by name, as well as the sites subject to inspection and the scope of inspection.

(7) The Minister of Environment and Water shall authorize the chairperson of the commission referred to in Paragraph (2) to draw up memorandums of ascertainment on the inspections as conducted, to issue mandatory prescriptions, and to draw up written statements on the administrative violations ascertained upon the inspection.

(8) The Minister of Environment and Water shall issue an order endorsing the annual plan for control activity.

(9) The organization of work of the commission referred to in Paragraph (2) and the form of the annual plan referred to in Item 1 of Paragraph (4) shall be determined by the ordinance referred to in Article 104 (6) herein.

Article 157b

(New, SG No. 77/2005)

(1) During the conduct of a joint inspection, the chairperson of the commission referred to in Article 157a (2) herein shall draw up a memorandum of ascertainment, which shall be signed by all members of the said commission.

(2) The memorandum referred to in Paragraph (1) shall record the facts and circumstances as ascertained and shall give mandatory prescriptions, specifying time limits and persons responsible for acting on the said prescriptions.

(3) Upon ascertainment of violations, the chairperson of the commission referred to in Article 157a (2) herein shall draw up a written statement on administrative violation.

(4) (Supplemented, SG No. 103/2009) The Minister of Environment and Water or an official empowered thereby shall issue a penalty decree, imposing thereby the relevant administrative sanction on the operator.

Article 157c

(New, SG No. 77/2005)

(1) Upon conduct of an inspection, the members of the commission referred to in Article 157a (2) herein shall have the right to require the requisite data, information, reference briefs and explanations from the inspected persons and from third parties in connection with the performance of the controlled activity.

(2) The operator of the establishment and/or installation shall be obligated to ensure to the representatives of the control commission referred to in Article 157a (2) herein the assistance necessary for execution of all inspections of the establishment and/or installation, the taking of samples and collection of the information necessary for discharge of the duties thereof under this Act.

(3) The members of the commission referred to in Article 157a (2) herein shall be obligated to respect the confidentiality of any official, manufacturing and commercial secrets as have come to the knowledge thereof in the course of or in connection with the performance of the control activity.

Article 157d

(New, SG No. 46/2010, effective 18.06.2010)

(1) Control over fulfilment of the requirements of Regulation (EC) No 1102/2008 shall be exercised by the Minister of Environment and Water or by officials empowered thereby.

(2) For the purposes of control over the implementation of Regulation (EC) No 1102/2008, the Executive Director of the National Revenue Agency and the Director of the National Customs Agency shall provide, upon request by the Minister of Environment and Water or by officials empowered thereby, information according to Article 5, paragraph 3 of Regulation (EC) No 1102/2008.

Chapter Ten

COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY LIABILITY

Article 158

The Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall apply coercive administrative measures in the cases of:

1. accidents caused by acts of omissions of owners or users of sites and areas;
2. disaster situations;
3. occurrence of an immediate danger of environmental pollution or damage or of damage to human health or property;
4. prevention or termination of administrative violations related to environmental protection, as well as prevention and/or elimination of the harmful consequences of such violations.

Article 159

(1) Coercive administrative measures shall be preventive, terminative and remedial.

(2) Upon application of coercive administrative measures, the Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall issue reasoned orders to terminate, with the assistance of the regional governors, the production activity of owners or users of areas, as well as to deny owners and users access to area, inter alia by means of affixation of lead seals and paper tapes.

(3) The marking of the lead seal and the manner of affixation of lead seals and paper tapes referred to in Paragraph (2) shall be endorsed by an order of the Minister of Environment and Water.

Article 160

(1) A coercive administrative measure shall be applied by means of a reasoned order issued by an authority covered under Article 158 herein.

(2) Any order referred to in Paragraph (1) shall specify the type of coercive administrative measure and the manner of application thereof.

(3) Any order referred to in Paragraph (1) shall be served on the person concerned according to the procedure established by the Code of Civil Procedure.

(4) (Amended, SG No. 30/2006) Any order referred to in Paragraph (1) shall be appealable by the persons concerned according to the procedure established by the Administrative Procedure Code, as the case may be.

(5) An appeal against any order referred to in Paragraph (1) shall not stay the execution thereof.

Article 161

(1) (Supplemented, SG No. 77/2005) The Minister of Environment and Water or a person empowered thereby shall appeal against any acts of the administrative authorities which conflict the statutory instruments in the field of environmental protection.

(2) Any appeal under Paragraph (1) shall stay the execution of the act appealed.

Article 162

(1) Any violation of this Act, which do not constitute a criminal offence, shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 6,000, in the case of natural persons, regional governors, municipality mayors, ward mayors, mayoralty mayors and officials, and by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 20,000, in the case of juristic persons and sole traders.

(2) The fine or pecuniary penalty under Paragraph (1) shall be imposed in a double for a repeated violation.

(3) Manifestly minor cases of violation committed by natural persons shall be punishable by a fine of BGN 100.

Article 163

(1) (Redesignated from Article 163, SG No. 77/2005, amended, SG No. 103/2009) Any member or team leader of a team referred to in Article 83 (1) herein, who violates Article 83 (5) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer penalty.

(2) (New, SG No. 77/2005, amended, SG No. 52/2008) Anyone who uses the marking of the Community eco-label award scheme for products of his, her or its own and for technical or advertising materials connected therewith without having the right to do so shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) (New, SG No. 77/2005) The fine or pecuniary penalty, as the case may be, shall be imposed in a double amount for a repeated violation.

Article 164

(1) (Redesignated from Article 164, SG No. 52/2008) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 100,000 shall be imposed on any legal-person or sole-trader operator of a facility for any failure to comply with the requirements established by Article 125 herein.

(2) (New, SG No. 52/2008, amended, SG No. 42/2011) A pecuniary penalty to the amount of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any legal-person or sole-trader operator of a facility for any failure to comply with the requirements of Article 125a herein.

Article 164a

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010)

(1) A pecuniary penalty to the amount of BGN 200 for each tonne of carbon dioxide equivalent, for which an installation operator or aircraft operator has not surrendered allowances and has thus failed to comply with the requirements of Article 131h (1) herein, shall be imposed on any such operator, whether a legal person or a sole trader.

(2) Payment of the pecuniary penalty referred to in Paragraph (1) shall not exempt the operator from the obligation to surrender the deficient quantity of allowances during the subsequent year.

Article 164b

(New, SG No. 52/2008)

A fine or a pecuniary penalty equivalent to the double amount of the unpaid eco-fee for the motor vehicle shall be imposed on the natural or legal person for any failure to comply with the requirements of Article 56a (1) herein.

Article 164c

(New, SG No. 46/2010, effective 18.06.2010)

(1) In the event that an aircraft operator fails to comply with the requirements of Articles 131c, 131h, 131i and 164a

herein and compliance therewith cannot be enforced by other action, the competent authority referred to in Article 131a (3) herein may request the European Commission to decide on the imposition of an operating ban on the aircraft operator concerned.

(2) Any request referred to in Paragraph (1) shall include:

1. evidence that the aircraft operator has not complied with the obligations thereof under Articles 131c, 131h, 131i and 164a herein;

2. details of the enforcement action which has been taken by the competent authority;

3. a justification for the imposition of an operating ban at Community level;

4. a recommendation for the scope of an operating ban at Community level, as well as any other conditions that should be applied.

(3) In case the Commission makes a decision regarding the request referred to in Paragraph (2), the competent authorities shall take the action necessary for the implementation of the said decision.

(4) The competent authorities shall send information on the action taken under Paragraph (3) to the European Commission.

Article 165

(1) Any official, who shall deny access to the site or area to a controlling authority conducting an on-site inspection, measurement or taking a sample, will be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

(2) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any juristic person or sole trader in the cases where any factory or office worker employed thereby shall commit a violation under Paragraph (1), irrespective of whether the controlling authority is in a position to establish the identity of any such factory or office worker.

Article 166

The sanctions provided for under Article 165 herein shall furthermore be imposed on any person who:

1. fails to submit the available self-monitoring data to the controlling authorities;

2. fails to comply with the conditions set in the permits and in the EIA decisions;

3. (amended, SG No. 77/2005, supplemented, SG No. 103/2009) fails to implement the prescriptions given in the individual administrative acts and the memoranda of ascertainment under Article 155 or 157b herein as issued by the Minister of Environment and Water, the RIEWs directors, the basin directorate directors, the national park directors, or by officials authorized thereby.

Article 166a

(New, SG No. 77/2005)

(1) Any natural or legal person, who or which carries out an activity without holding a permit referred to in Article 104 (1) herein or without a decision modifying the permit referred to in Item 2 of Article 116e (1) herein, in the cases where such permit or decision is required, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 30,000 or exceeding this amount but not exceeding BGN 100,000, unless subject to a severer penalty.

(2) Any natural or legal person, who or which fails to comply with the conditions provided for in a permit referred to in Article 104 (1) herein or in a decision referred to in Item 2 of Article 116e (1) herein, or who or which fails to fulfil the

obligations referred to in Item 1 of Article 115 and Article 116h (1) herein, shall be liable to a fine, unless subject to a severer penalty, or to a pecuniary penalty, as the case may be, of BGN 10,000 or exceeding this amount but not exceeding BGN 20,000.

(3) Any natural or legal person, who or which fails to fulfil the obligations referred to in Article 116a (1) and (2) herein, shall be liable to a fine, unless subject to a severer penalty, or to a pecuniary penalty, as the case may be, of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

(4) Any natural or legal person, who or which fails to comply with the time limits provided for in Article 108 (1), Article 116a (3) and (4), Item 1 of Article 116c (1) and Item 1 of Article 116c (2) herein, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000.

Article 166b

(New, SG No. 46/2010, effective 18.06.2010)

(1) Any natural or legal person, who or which exports metallic mercury and/or compounds and mixtures thereof referred to in Article 1, paragraph 1 of Regulation (EC) No 1102/2008 or who of which mixes metallic mercury with other substances for the sole purpose of export of metallic mercury, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000.

(2) Any natural or legal person, who or which carries out an activity under Article 2 of Regulation (EC) No 1102/2008, who fails to comply with the provisions or who provides untrue information under Article 5, paragraph 3 and Article 6 of Regulation (EC) No 1102/2008, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 3,000 or exceeding this amount but not exceeding BGN 10,000.

Article 167

(Supplemented, SG No. 77/2005)

The written statements whereby administrative violations under this Act are ascertained shall be drawn up by officials designated by the Minister of Environment and Water or by officials or, respectively, by the RIEW directors, the basin directorate directors or the national park directors.

Article 168

(Supplemented, SG No. 77/2005)

The penalty decrees under this Act shall be drawn up according to the procedure established by the Administrative Violations and Sanctions Act and shall be issued by the Minister of Environment and Water or by persons empowered thereby, by the RIEW directors, the Basin Directorate directors or the National Park directors.

Article 169

(1) The written statements ascertaining administrative violations under this Act may furthermore be drawn up by representatives of any public and of non-governmental ecologist organizations designated by the Minister of Environment and Water.

(2) The penalty decrees under Paragraph (1) shall be issued by The Minister of Environment and Water or by persons empowered thereby.

Chapter Eleven CIVIL LIABILITY

Article 170

(1) Any person, who shall culpably inflict environmental pollution or damage on another, will be obliged to indemnify the aggrieved party.

(2) In cases where assets constituting state property has been damaged, the party empowered to bring an action under Paragraph (1) shall be:

1. the Minister of Environment and Water, if the detriment extends over the territory of multiple administrative regions;
2. the competent Regional Governor, if the detriment extends over the territory of multiple municipalities.

(3) In cases where assets constituting municipal property have been damaged, the municipality mayor shall be empowered to bring the action under Paragraph (1).

Article 171

The aggrieved parties under Article 170 (1) and (2) herein may bring action against the offender for cessation of the violation and for elimination of the consequences of pollution occurred.

Article 172

The consequences caused by transboundary environmental pollution shall be eliminated in pursuance of an international treaty whereto the Republic of Bulgaria is a party.

SUPPLEMENTARY PROVISIONS

§ 1. Within the meaning of this Act:

1. "Environment" shall be a complex of natural and anthropogenic factors and media in a state of mutual dependence, which affect the ecological balance and the quality of life, human health, and cultural and historical heritage.

2. "Environmental protection" shall be a complex of activities intended to prevent degradation of the environment, the rehabilitation, conservation and improvement thereof.

3. "Natural resources" shall be the elements of biotic and abiotic nature used or useable by man to satisfy the needs thereof.

4. "Renewable resources" shall be the resources which naturally replenish themselves or which may be replenished in whole or in part by special activities and whose replenishability rates comparable to the rates of the exploitation thereof is regarded as proven. All other resources shall be non renewable.

5. "Environmental pollution" shall be the change in environmental quality as a result of the occurrence and introduction of physical, chemical or biological factors from a natural or anthropogenic source inside or outside Bulgaria, irrespective of whether the effective national limit values are exceeded.

6. "Environmental damage" shall be any modification of one or several of the media comprising the environment which leads to deterioration of the quality of human life, reduction of biological diversity, or difficult restoration of natural ecosystems;

7. "Available primary information" shall be the information presenting the results of measurements, tests, observations and other such activities not accompanied by analyses, forecasts and explanations, which is collected within the scope of the obligations of the competent administration, without being expressly requested by a person concerned.

8. "Available pre-processed information" shall be the information which is processed, summarized and analyzed within the scope of the obligation of the competent administration, without being expressly requested by a person concerned.

9. "Expressly processed information" shall be the information collected or processed, summarized and analyzed at the request of a person concerned.

10. "Collection of information" shall be the actions of the competent administrations and of the obligated natural and juristic persons, whereby the facts constituting primary information are measured, ascertained and observed and whereby the information is processed.

11. "Reporting of information" shall be the act of delivery of the information by the obligated person to the competent administration or to the competent authority.

12. "Provision of information" shall be the act whereby the parties concerned are granted access to the available information.

13. "Landscape" shall be an area whereof the specific aspect and elements have emerged as a result of actions and interactions between natural and/or human factors.

14. "Soil" shall be the upper layer of the Earth's crust in so far as it is the exponent of soil functions, including liquid components (soil solution) and gaseous components (soil air), excluding ground water, river channels and bottoms of water basins;

15. "Soil functions" shall be:

a) basis for life and living space for human beings, animals, plants and soil organisms;

b) an element of the natural balance, especially with the hydrological and nutrient cycles thereof.

16. "Harmful soil modifications" shall be the disturbance of the soil functions causing significant harm and damage to the individual and to the community in general:

a) chemical pollution in excess of the maximum permissible quantities with heavy metals and metalloids, resistant organic pollutants, pesticides and oils, including salinization and acidification;

b) pollution with fresh fertilizer residues and concentrated mineral fertilizers, as well as with various types of waste;

c) physical degradation, such as water and wind erosion with the anthropogenic aspects thereof, waterlogging and swamping, consequences of burning of stubble and plant residue.

17. (Amended, SG No. 77/2005) "Development proposal" shall be:

(a) the pre-design (pre-development) studies or the design terms of reference in connection with a request to authorize development-project designing for new construction, activity, technology or building of installations or schemes;

(b) other interventions in the natural surroundings and landscape, including those involving the extraction of mineral resources.

18. "Impact" shall be any direct effect on the environment that may be caused by the implementation of a development proposal for construction, activity or technology, including the effect on human health and safety, flora, fauna, soil, air, water, climate, landscape, historical monuments and other physical structures or the interaction among these factors.

19. "Transboundary impact" shall be any impact, not exclusively of a global nature, within an area under the jurisdiction of a country, caused by a proposed activity the physical origin whereof is situated wholly or in part within an area under the jurisdiction of another country.

20. (Amended, SG No. 77/2005) "Initiator of a development proposal" shall be a public authority, a natural or a legal person, who or which, according to the procedure of a special law, a statutory instrument or administrative act, has rights to initiate a development proposal or to apply for approval of a development proposal.

21. (Amended, SG No. 77/2005) "Initiator of a plan or programme" shall be the person or the authority who or which is empowered to commission the preparation of the said plan or programme.

22. "Plans and programmes" shall be plans, programmes, strategies and other similar documents, as well as the alterations thereof, which:

a) are required by statutory, regulatory or administrative provisions;

b) are subject to preparation and/or adoption by a public authority at national, regional or local level or are prepared by a competent authority for adoption according to a procedure approved by the Council of Ministers or the National Assembly.

23. "States concerned in a transboundary context" shall be the Party of origin of an environmental impact and the other Parties to the Convention on Environmental Impact Assessment in a Transboundary Context affected by the said impact.

24. "Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.

25. (Supplemented, SG No. 77/2005) "The public concerned" shall be the public referred to in Item 24, which is affected or is likely to be affected by, or which has an interest in, the procedures for approval of plans, programmes, development proposals, and in the decision-making process on the issuance or updating of permits according to the procedure established by this Act, or in the conditions set in the permits, including the non-governmental organizations promoting environmental protection which are established in accordance with national legislation.

26. "Zero alternative" shall be the possibility not to implement the activity provided for in the development proposal.

27. "Non-technical summary" shall be a brief presentation of the information in the EIA statement in a language comprehensible to the general public of a length not less than 10 per cent of the length of the statement and containing the requisite visuals (maps, photographs, charts).

28. (Amended, SG No. 77/2005, repealed SG No. 47/2009, effective 23.06.2009)

29. (Amended, SG No. 77/2005, SG No. 103/2009) "Installation" shall be a technical within an establishment in which dangerous substances are produced, used, handled or stored. It shall include all the equipment, structures, pipework, machinery, tools, private railway sidings (internal railway tracks), docks, unloading quays (port terminals) serving the installation, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation.

29a. (New, SG No. 77/2005, supplemented, SG No. 103/2009) "Storage of dangerous substances" shall be the warehousing or depositing in safe custody of dangerous substances present in the establishment and/or the installation.

29b. (New, SG No. 77/2005) "Domino effect" shall be the increase of the likelihood and the possibility or the consequences of a major accident at an establishment and/or installation or at a group of establishments and/or installations because of the geographical proximity to another establishment and/or installation or to a group of establishments and/or installations or consequent to the dangerous substances which are produced, used and/or stored within the area of the said establishment and/or installation.

29c. (New, SG No. 77/2005) "Establishments serving the public" shall be:

(a) creches and kindergartens and specialized institutions providing social services to children and schoolchildren, schools and higher schools, pupil and student dormitories, music, language and sports schools, and centres for work with children;

(b) medical-treatment and health-care facilities, medical offices, occupational medicine services;

(c) sports grounds: stadiums and sports halls;

(d) theatres, cinemas, concert halls;

(e) railway stations, airports, ports, bus stations;

(d) office buildings and public buildings.

29d. (New, SG No. 77/2005) "Measures necessary to prevent major accidents" shall be the technical, organizational and managerial measures necessary for the safe operation of the establishment and/or installation.

30. "Environmental impact assessment decision" shall be an individual administrative act of the competent authority covered under Article 94 herein whereby the admissibility of design of an development proposal under Item 17 is approved by means of assessment of the location (building site, road bed) of the sites and of the expected environmental impact on the basis of an EIA statement, taking into account the public opinion and the observations expressed by the public concerned.

30a. (New, SG No. 77/2005) "Environmental nuisances" shall be the disturbance and inconvenience created by the environmental factors, determined according to studies in this field.

31. "Enterprise" shall be the whole area and the sites therein under the control of an operator, where dangerous chemical substances or preparations are present in one or more facilities, including common or related infrastructures or activities.

32. "Substance" shall be any chemical element or compound with the exception of the substances which are sources of ionizing radiation within the meaning of Item 15 of § 1 of the Safe Use of Nuclear Energy Act.

33. "Industrial pollution" shall be any direct or indirect entry, resulting from human activities, into the air, water or soil of substances, vibrations, heat radiation or noise that may have a certain adverse impact on human health or on the environment, cause damage to physical structures, limit or prevent the possibilities for use of the useful qualities of the environment and of its other legitimate uses.

34. (Supplemented, SG No. 46/2010, effective 18.06.2010) "Facility" shall be:

(a) each individual facility according to Annex 4 hereto, including the separate technological facilities in direct technical connection therewith and which may have an effect on the pollution, emissions and waste resulting from the operation of the facility;

(b) any technological installation incorporating one or more facilities according to Annex 4 hereto;

(c) another facility or installation whereof the operator has submitted an application for the issuance of an integrated permit for operation of the said facility in compliance with the provisions of Chapter Seven herein.

The facilities and installations intended for research, development or exploration activities shall be excluded from this definition.

In the greenhouse gas emission trading scheme according to Article 131a herein, the notion of facility shall furthermore refer to combustion units with a rated thermal input exceeding 20 MW but not exceeding 50 MW.

35. "Existing installation" shall be any installation that is commissioned or has received a favourable EIA decision in compliance with the effective legislation prior to the effective date of this Act, provided that the said installation is commissioned not later than one calendar year after the date of the said decision.

36. (Amended, SG No. 46/2010, effective 18.06.2010) "Emission" shall be the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources within a specific facility into the ambient air, water or soil or the release of greenhouse gases from aircraft performing an aviation activity listed in Annex 6 hereto.

37. "Emission limit value" shall be the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more pre-defined periods of time. Emission limit values may furthermore be established for certain groups, families or categories of substances.

38. "Environmental quality standards" shall be the requirements as established in the legislative acts regulating the environment which must be complied with at a given time by the environment or particular part thereof, such as standards of noxious substance content in the ambient air, standards of water quality in the water bodies, standards of the quality of the other environmental media, and standards of permissible values of the factors polluting or damaging the environment.

39. (Amended and supplemented, SG No. 77/2005) "Integrated permit" shall be an individual administrative act granting authorization to operate all or part of a specific facility, subject to certain conditions which guarantee that the said facility complies with the requirements of Chapter Seven herein. A permit may cover one or more facilities or parts of facilities on the same site, are operated by the same operator, and some of which may not fall within the scope of Annex 4 hereto.

40. "Change in operation of the facility" shall be any reconstruction involving change of the nature of the operation of the facility, the functioning thereof or extension of the said facility that may have a certain impact on the environment.

41. (Amended, SG No. 77/2005) "Substantial change" shall be a change in operation of the facility which, in the opinion of the competent authority, may have significant negative effects on human health or on the environment. Any change to or increase of capacity shall be deemed to be substantial if the change of increase of capacity in itself meets the thresholds set out in Annex 4 hereto.

42. "Best available techniques" shall be the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole:

a) "techniques" shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

b) "available" shall be techniques developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the relevant member state, as long as they are reasonably accessible to the operator;

(c) (Amended, SG No. 77/2005) "best" techniques shall be the most effective techniques in achieving a high general level of protection of the environment as a whole.

43. (Amended, SG No. 77/2005, SG No. 103/2009) "Operator" shall be any natural or legal person whereto any of the following characteristics applies:

1. operates a particular establishment, installation and/or facility of his, her or its own;
2. controls the operation of a particular establishment, installation and/or facility;
3. manages and makes decisions concerning the present or future functioning of the establishment, installation and/or facility.

43a. (New, SG No. 46/2010, effective 18.06.2010) "Aircraft operator" shall be the person who operates an aircraft at the time it performs an aviation activity listed in Annex 6 hereto, or where that person is not known or is not identified by the owner of the aircraft, the owner of the aircraft.

43b. (New, SG No. 46/2010, effective 18.06.2010) "Commercial air transport operator" shall be an operator that, for remuneration, provides scheduled or non-scheduled air transport services to the public for the carriage of passengers, freight or mail.

43c. (New, SG No. 46/2010, effective 18.06.2010) "Administering Member State" shall be:

(a) (amended, SG No. 42/2011) the Member State of the European Union which granted the operating licence to the aircraft operator concerned: in the case of an aircraft operator with a valid operating licence granted thereto by a Member State of the European Union in accordance with the provisions of Regulation (EC) No 1008/2008;

(b) the Member State with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator in the base year: in all other cases.

43d. (New, SG No. 46/2010, effective 18.06.2010) "Base year" shall be the first calendar year of operation of an aircraft operator which started operating in the Community after the 1st day of January 2006, and in all other cases, the

calendar year starting on the 1st day of January 2006.

43e. (New, SG No. 46/2010, effective 18.06.2010) "Attributed aviation emissions" shall be the emissions from all flights falling within the aviation activities listed in Annex 6 hereto which depart from an aerodrome situated in the territory of a Member State, or those which arrive in such an aerodrome from a third country;

43f. (New, SG No. 46/2010, effective 18.06.2010) "Historical aviation emissions" shall be the mean average of the annual emissions in the calendar years 2004, 2005 and 2006 from aircraft performing an aviation activity listed in Annex 6 hereto.

43g. (New, SG No. 46/2010, effective 18.06.2010) "Combustion" shall be any oxidation of fuels, regardless of the way in which the heat, electrical or mechanical energy produced by this process is used, and any other directly associated activities, including waste gas scrubbing.

43h. (New, SG No. 46/2010, effective 18.06.2010) "Tonne-kilometre" shall be a tonne of payload carried over a distance of one kilometre.

43i. (New, SG No. 46/2010, effective 18.06.2010) "Distance", within the meaning of the definition under Item 43h, shall be the great circle distance between the aerodrome of departure and the aerodrome of arrival plus an additional fixed factor of 95 kilometres.

43j. (New, SG No. 46/2010, effective 18.06.2010) "Payload", within the meaning of the definition under Item 43h, shall be the total mass of freight, mail and passengers carried during the aviation activity.

43k. (New, SG No. 42/2011) "Fuel baseline standard" shall be the European Union-average level of life-cycle greenhouse gas emissions per unit of energy from liquid fossil fuels used in transport in 2010.

43l. (New, SG No. 42/2011) "Transport fuel suppliers" shall be persons placing liquid transport fuels on the market and responsible for the release of the fuel for consumption within the meaning given by the Excise Duties and Tax Warehouses Act.

43m. (New, SG No. 42/2011) "Placing on the market" shall be placing on the market within the meaning given by the Clean Ambient Air Act.

43n. (New, SG No. 42/2011) "Persons placing liquid fuels on the market" shall be the persons within the meaning given by the Clean Ambient Air Act.

43o. (New, SG No. 42/2011) "Life-cycle greenhouse gas emissions" shall be all net emissions of CO₂, CH₄ and N₂O that can be assigned to a particular liquid fuel (including any blended components thereof). This includes all relevant stages from extraction or cultivation, including land-use changes, transport and distribution, processing and combustion, irrespective of where those emissions occur.

43p. (New, SG No. 42/2011) "Greenhouse gas emissions per unit of energy (intensity)" shall be the total mass of CO₂ equivalent greenhouse gas emissions associated with the particular liquid fuel, divided by the total energy content of the fuel (expressed as the lower heating value of the fuel concerned).

44. "Organization" shall be a company, association, enterprise, government authority or institution, a part or a combination thereof, incurring limited liability or enjoying another status at public or private law, which has a function and administrative structure in its own right. In respect of organizations with multiple functional units, each unit may be defined as a single organization.

45. "Environmental management system" shall be that part of the overall management system which includes the organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for elaboration, implementation, attainment, review and maintenance of environmental policy.

46. "Audit of the environmental management system" shall be systematic and documented process of inspection for objective obtaining and evaluation of evidence in order to determine whether the environmental management system of an organization complies with the auditing criteria as established by the said organization and to notify the management of the said

organization of the results of this process.

47. "Affixation of lead seals" shall be the placing of a lead seal by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

48. "Affixation of paper tapes" shall be the placing of a paper tape bearing the impression of an ink stamp by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

49. "Environmental damage resulting from past act or omission" shall be old pollution of sites or building structures on industrial sites with dangerous substances and waste generated by industrial, agricultural, commercial or transport activity posing a hazard to human health or to the environment.

50. "Sustainable development" shall be development meeting the needs of the present without limiting or compromising the ability and capacity of future generations to meet their own needs. Sustainable development shall combine the two main aspirations of society:

- a) achievement of economic growth ensuring improving living standards;
- b) present and future protection and improvement of the environment.

51. "Accident" shall be a sudden technological failure of machines, facilities and units involving stopping or serious disturbance of the technological process, explosions, occurrence of fire, excessive environmental pollution, destruction, casualties or hazard to human life and public health.

52. "Environmental monitoring" shall be the collection, evaluation and summarizing of environmental information by means of continuous or periodic observation of certain qualitative and quantitative indicators characterizing the state of the environmental media and the changes therein resulting from the impact of natural and anthropogenic factors.

53. "National Environmental Monitoring System" shall be a complex of measurement, analytical and information activities intended to provide timely and reliable information on the state of the environmental media and the factors impacting the said media, which is used for analyses, assessments and forecasts to justify activities to conserve and protect the environment and human health against harmful impacts.

53a. (New, SG No. 77/2005, amended, SG No. 103/2009) "Substantial change to an establishment and/or installation" shall be:

(a) changes or modifications in the operation of the establishment and/or installation planned by the operator, including the shutting down or modification of operational installations or construction of new installations, which could have significant repercussions on the major-accident hazard;

(b) any change in the quantity of each of the dangerous substances present in the establishment and/or installation, and/or any introduction of new dangerous substances which reflect on the classification of the establishment and/or installation and/or have significant repercussions on the major-accident hazard or the gravity of the consequences thereof.

(c) any significant change in the nature or physical form of the dangerous substances present or any change in the operational processes in which they are employed or produced;

(d) permanent closure of the establishment and/or installation;

(e) any changes in the statutory requirements for operational safety of the establishment and/or installation which require the use of other techniques;

54. (Amended, SG No. 77/2005, SG No. 103/2009) "Dangerous substance" shall be any substance, preparation or mixture specifically named in Table 1 of Annex 3 hereto, or classified in at least one of the hazard categories indicated in Table 3 of Annex 3 hereto, and present as a raw material, product, by-product, residue or intermediate, including a substance which may be generated as a result of a side reaction or upon occurrence of an accident.

54a. (New, SG No. 77/2005, amended, SG No. 103/2009) "Major accident" shall be the occurrence of a major emission, fire or explosion resulting from uncontrolled developments in the course of operation of any establishment which holds a permit issued under Article 104 (1) herein and leading to a serious danger to human health and/or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances listed in Table 1 of Annex 3 hereto or dangerous substances classified in at least one hazard category as indicated in Table 3 of Annex 3 hereto.

54b. (New, SG No. 77/2005) "Major-accident hazard" shall be any act or omission involving a dangerous substance listed in Table 1 of Annex 3 hereto or a dangerous substance classified in at least one of the categories indicated in Table 3 of Annex 3 hereto, which may injure human health and/or the environment.

55. "Integration of national environmental policy into sectoral policies" shall mean the reckoning with, and incorporation of, the environmental protection requirements into the process of development, application and enforcement of the sectoral policies as defined in Article 9 herein.

56. "Good agricultural practice" shall be the agricultural practice which is based on the principles of sustainable development.

57. "Areas placed under a special regime of protection" shall be areas where special protective measures are introduced for rare species of flora and fauna and for the habitats thereof.

58. (New, SG No. 77/2005) "Allowance" shall be an allowance to emit one tonne of carbon dioxide equivalent during a specified period, which shall be valid only for the purposes of the greenhouse gas emission allowance trading scheme.

59. (New, SG No. 77/2005) "Greenhouse gases" shall be the six gases regulated by the Kyoto Protocol: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆).

60. (New, SG No. 77/2005) "Tonne of carbon dioxide equivalent" shall be one metric tonne of carbon dioxide (CO₂) or an amount of any other greenhouse gas with an equivalent global-warming potential.

61. (New, SG No. 77/2005) "Emission reduction unit" shall equal to one tonne of carbon dioxide equivalent, achieved as a result of a Joint Implementation project under Article 6 of the Kyoto Protocol.

62. (New, SG No. 77/2005) "Certified emission reduction unit" shall equal one tonne of carbon dioxide equivalent, achieved as a result of a Clean Development Mechanism project under Article 12 of the Kyoto Protocol.

63. (New, SG No. 77/2005) "Verification" shall be a process of independent audit and confirmation of the reliability, truthfulness and accuracy of the monitoring system and of the data and information reported in connection with greenhouse gas emissions.

64. (New, SG No. 99/2006) "Project activity" shall be an activity under a project in accordance with Article 6 (Joint Implementation) and Article 12 (Clean Development Mechanism) of the Kyoto Protocol.

65. (New, SG No. 103/2009) "Incremental sanction" shall be a sanction the amount of which increases progressively in time in the presence of legally established prerequisites for this and on the basis of an objectively determined calculation formula.

66. (New, SG No. 46/2010, effective 18.06.2010) "Assigned amount" shall be the total quantity of greenhouse gas emissions which is assigned to the Republic of Bulgaria under the Kyoto Protocol for the period from the 1st day of January 2008 to the 31st day of December 2012.

67. (New, SG No. 46/2010, effective 18.06.2010) "Assigned amount unit (AAU)" shall be a tradable unit of the "assigned amount" equal to one tonne of carbon dioxide equivalent.

68. (New, SG No. 46/2010, effective 18.06.2010) "Validation" shall be a process of independent audit and confirmation of the reliability, truthfulness and accuracy of the project documents.

69. (New, SG No. 42/2011) "Electricity generator" shall be an installation that, on or after the 1st day of January 2005, has produced electricity for sale to third parties, and which does not carry out any other activity indicated in Annex 7 hereto.

§ 2. In cases where this Act requires notification or announcement and where no express rules or the application of expressly established procedure is provided for this, any such notification or announcement, as the case may be, shall follow the procedure established by the Code of Civil Procedure.

§ 2a. (New, SG No. 103/2009, amended, SG No. 46/2010, effective 18.06.2010) This Act transposes the provisions of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, of Directive 2003/104/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, of Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community and of Article 1, paragraphs 10 and 13 of Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community.

§ 2b. (New, SG No. 42/2011) This Act transposes 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 (OJ L 140/88 of 5 June 2009).

TRANSITIONAL AND FINAL PROVISIONS

§ 3. The Environmental Protection Act (promulgated in the State Gazette No. 86 of 1991, amended in No. 90 of 1991; No. 100 of 1992; Nos. 31 and 63 of 1995; Nos. 13, 85 and 86 of 1997; No. 62 of 1998; Nos. 2 and 67 of 1999; Nos. 26, 27 and 28 of 2000; Nos. 1 and 26 of 2001) is hereby superseded.

§ 4. The secondary legislative acts for the application of this Act shall be issued within six months after the entry of the said Act into force.

§ 5. Until the issuance of the respective new secondary legislative acts, the secondary legislative acts issued in pursuance of the Environmental Protection Act as superseded shall apply in so far as they do not conflict this Act.

§ 6. Until the adoption of legislative acts on the activities covered under Article 144 (1) herein, methodologies and instructions of the Minister of Environment and Water shall apply.

§ 7. Within six months after the entry of this Act into force, the operators of installations falling within the scope of activities listed in Annex 4 hereto shall be obliged to give notification in writing of this fact to the Ministry of Environment and Water.

§ 8. (Amended, SG No. 105/2005) Any delinquent fees, fines and sanctions under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act and the Clean Ambient Air Act shall be collected with interest on taxes, fees and other such state receivables according to the procedure established by the Tax and Social Insurance Procedure Code .

§ 9. (Amended, SG No. 52/2008) (1) Upon privatization, the liability for damage caused to the environment and resulting from past acts or omissions shall be incurred by the privatized corporations or owners of self-contained parts concerned and the restoration of the environment shall be for the account thereof.

(2) (Amended and supplemented, SG No. 42/2011) Any contracts for implementation of programmes for elimination, upon privatization, of damage caused to the environment and resulting from past acts or omissions, which have been concluded before the 15th day of December 2007, shall be performed according to the hitherto effective procedure. Where necessary, any such contracts may be amended or supplemented with regard to the possibilities for implementation of the programmes.

(3) (New, SG No. 42/2011) Upon termination of any contract referred to in Paragraph (2), 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 the Environment as a Result of Past Acts or Omissions, adopted by Council of Ministers Decree No. 173 of 2004 (promulgated in the State Gazette No. 66 of 2004; corrected in No. 114 of 2004; amended in No. 65 of 2007).

§ 10. (1) Within one year after the entry of this Act into force, the municipality mayors shall elaborate the programmes referred to in Article 79 (1) herein.

(2) Item 1 of Article 81 (1), Article 81 (3), Article 82 (1) and (4), and Section II of Chapter Six herein shall enter into force on the 1st day of July 2004.

(3) Until the entry into force of the provisions specified in Paragraph (2), EIA of the national, functional-regional and administrative-regional development plans and programmes, the spatial-development plans and the modifications thereof shall be conducted according to a procedure established by a regulation of the Minister of Environment and Water.

§ 10a. (New, SG No. 77/2005) The classification of existing establishments and/or installations for safe disposal of liquid waste, tailings ponds or slime ponds containing dangerous substances, as well as the classification of existing establishments and/or installations whereof the activities are concerned with prospecting, exploration for, extraction and processing of subsurface resources by means of chemical or thermal treatment whereupon dangerous substances are used, shall be carried out not later than the 31st day of December 2006.

§ 11. (1) The requirement for issuance of an integrated permit under Chapter Seven herein shall apply to:

1. new and, in the event of change of production activities, existing installations and facilities: as from the 1st day of January 2003;

2. existing installations and facilities: during the period commencing on the 1st day of January 2003 and concluding on the 30th day of October 2007.

(2) (Amended, SG No. 77/2005) The deadline for compliance with the conditions set in the integrated permits as issued for existing installations shall be the 31st day of October 2007, with the exception of the cases in which another special law in the sphere of environmental protection or the Treaty concerning the Accession of the Republic of Bulgaria to the European Union provides otherwise.

(3) (New, SG No. 77/2005, amended, SG No. 82/2009, effective 16.10.2009) For separate units of a specific existing large combustion plant, the deadline for compliance with the conditions set in the integrated permits as issued may be extended until the 31st day of December 2014, where the said large combustion plant does not burn local lignite coal and, by a decision of the Minister of Economy, Energy and Tourism or of an official authorized thereby, the said plant is obligated to compensate part or all of the production of the decommissioned nuclear capacities and where compliance with the deadline referred to in Paragraph (2) would lead to insurmountable difficulties for fulfilment of the production obligations of the said plant to maintain the national energy balance.

§ 11a. (New, SG No. 77/2005) Until the issuance of an integrated permit for the operation thereof under Chapter Seven herein, the relevant existing facilities and installations shall be subject to the condition set by the environmental impact assessment decisions issued according to the procedure established by the Environmental Protection Act as superseded (promulgated in the State Gazette No. 86 of 1991, corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 and 86 of 1997, No. 62 of 1998, Nos. 12 and 67 of 1999, Nos. 26, 27 and 28 of 2000, Nos. 1 and 26 of 2001; repealed in No. 91 of 2002).

§ 12. (Repealed, SG No. 86/2003, new, SG No. 99/2006, amended, SG No. 46/2010, effective 18.06.2010) Article 131h (9) and Article 131l (1) herein shall apply until the 31st day of December 2012.

§ 12a. (New, SG No. 47/2009, effective 23.09.2009) The time limit referred to in Article 99 herein shall start to run as from the date of entry into effect of the EIA decisions and shall furthermore refer to the decisions issued prior to the entry into force of the Act to Amend and Supplement the Environmental Protection Act (State Gazette No. 77 of 2005).

§ 12b. (New, SG No. 47/2009, effective 23.06.2009) (1) The EIA decisions by which development proposals have

been approved according to the procedure established by the Environmental Protection Act as superseded (promulgated in the State Gazette No. 86 of 1991; corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 ? 86 of 1997, No. 62 of 1998, Nos. 12 and 67 of 1999, Nos. 26, 27 and 28 of 2000, Nos. 1 and 26 of 2001; repealed in No. 91 of 2002) and according to the procedure established by this Act, wherein there are no changes of the development proposal and the construction whereof has not been completed as of this Act's entry into force, at the request of the competent authority and/or of the initiator shall be subject to review and evaluation for information updating in the analyses and assessments performed in the EIA documentation.

(2) The procedure shall commence by consultations between the competent authority and the initiator for specifying the scope and contents of the information whereby the EIA statement needs to be supplemented. Having specified these, the procedure shall proceed according to the procedure established by Articles 96 to 98 and Article 99 (1) herein.

(3) Within one month after conduct of the public discussion, the competent authority shall make a decision, taking into account the results thereof, whereby it shall:

1. confirm the EIA decision, or

2. amend and supplement the EIA decision with conditions for implementation, including measures to prevent, mitigate or eliminate significant adverse effects on the environment, as well as deadlines for compliance, where necessary.

(4) (Amended, SG No. 103/2009) In the cases where measures and conditions in an EIA decision are changed by an effective decision under Item 2 of Paragraph (3) and where a compatibility assessment procedure has been conducted according to the procedure established in § 14 of the Biological Diversity Act, if necessary the competent authority may, acting on its own initiative, amend and/or supplement the compatibility assessment decision with conditions to ensure the conservation of protected areas, requirements and measures to prevent, mitigate or eliminate as fully as possible the assumed adverse effects of the implementation of the development proposal.

(5) (New, SG No. 103/2009) In the cases referred to in Paragraph (4), the competent authority shall pronounce by a decision within one month after the entry into effect of the decision referred to in Item 2 of Paragraph (3).

(6) (New, SG No. 103/2009) Any appeal lodged against decisions referred to in Paragraphs (3) and (5) shall not stay the implementation thereof.

(7) (New, SG No. 103/2009) In case of a commenced procedure under Paragraph (1) in which no compatibility assessment procedure has been conducted or concluded for the development proposal under consideration, Article 31 (4) of the Biological Diversity Act shall apply.

§ 13. The Protection Against the Harmful Impact of Chemical Substances and Preparations Act (promulgated in the State Gazette No. 10/2000) shall be amended as follows:

1. Chapter Four shall be repealed.

2. Article 31 shall be repealed.

§ 14. (Effective 1. 01. 2003) The Clean Ambient Air Act (promulgated in the State Gazette No. 45 of 1996, amended in No. 49 of 1996; No. 85 of 1997; No. 27 of 2000; No. 102 of 2001) shall be amended as follows:

1. In Article 27:

a) in Paragraph (1), the words "the municipal authorities shall prepare and adopt" shall be replaced by "the municipality mayors shall elaborate, and the Municipal Councils shall adopt";

b) Paragraph (2) shall be amended to read as follows:

"(2) The programmes referred to in Paragraph (1) shall be an integral part of the municipal environmental programmes referred to in Article 79 of the Environmental Protection Act."

2. In the title of Chapter Six, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

3. In Paragraphs (1) and (3) of Article 31, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

4. In Paragraphs (1) and (3) of Article 32, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

5. In Paragraphs (1) and (2) of Article 33, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

6. In Article 44, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

7. Paragraph 4b shall be repealed.

§ 15. (Effective 1.01.2003) The Protected Areas Act (promulgated in the State Gazette No. 133 of 1998, amended in No. 98 of 1999; Nos. 28, 48 and 78 of 2000; No. 23 of 2002) shall be amended as follows:

1. In Article 74:

a) in Paragraph (1), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

b) Paragraph (4) shall be amended to read as follows:

"(4) The resources covered under Paragraph (1) shall be expended according to the Rules of Operation of the Enterprise for Management of Environmental Protection Activities."

2. In Article 86:

a) in Item 1 of Paragraph (2), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities";

b) in Paragraph (4), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

§ 16. (Effective 1.01.2003) Paragraph (1) of Article 25 of the Medicinal Plants Act amended in No. 23 of 2002) shall be amended as follows:

1. In Item 2, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

2. In Item 3, the words "the respective Municipal Environmental Protection Fund" shall be replaced by "the respective municipal budget".

§ 17. (Effective 1.01.2003) The Water Act (promulgated in the State Gazette No. 67 of 1999, amended in No. 81 of 2000; Nos. 34, 41 and 108 of 2001; No. 47 of 2002) shall be amended as follows:

1. In Article 196:

a) the words "shall be credited to a special analytical subaccount of the National Environmental Protection Fund" shall be replaced by "shall be credited to the Enterprise for Management of Environmental Protection Activities shall be";

b) Item 6 shall be repealed.

2. In Article 197:

a) in Paragraph (1), the words "The resources on the analytical subaccount shall be disbursed on" shall be replaced by "The resources covered under Article 196 herein shall be expended on";

b) Paragraph (2) shall be amended to read as follows:

"(2) The resources covered under Article 196 herein shall be expended in accordance with the Rules of Operation of the Enterprise for Management of Environmental Protection Activities. "

3. In Paragraph (4) of Article 199, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

§ 18. (1) The provisions of Articles 60 to 64, Items 1 and 4 of § 12, and § 14 to 17 incl. herein shall enter into force on the 1st day of January 2003.

(2) Until the entry into force of the provisions referred to in Paragraph (1), the activity of the National Environmental Protection Fund shall be carried out in accordance with the provisions of § 9 and Annex 7 to § 9 of the 2002 National Budget of the Republic of Bulgaria Act.

§ 19. (New, SG No. 46/2010, effective 18.06.2010) Where in the first two years of any period referred to in Article 131b (4) herein, none of the attributed aviation emissions from flights performed by an aircraft operator are attributed to the administering Member State of the said operator according to Item 43c (b) of § 1 of the Supplementary Provisions herein, 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 No. 46/2010, effective 18.06.2010) Article 131h (6) herein shall apply in respect of aircraft operators for the period indicated in Item 1 of Article 131b (4) herein.

Waste Management Act

Promulgated, SG No. 86/2003

TRANSITIONAL AND FINAL PROVISIONS

§ 13. The Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002) shall be amended as follows:

1. The words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced passim by "the Waste Management Act".

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, SG No. 77/2005)

SUPPLEMENTARY PROVISION

§ 103. Throughout the Act, the words "alteration" and "the alteration" shall be replaced, respectively, by "modification" and "the modification", and the words "project client" and "the project client" shall be replaced, respectively, by "initiator" and "the initiator".

TRANSITIONAL AND FINAL PROVISIONS

§ 104. The first National Allocation Plan for Greenhouse Gas Emission Allowance Trading, referred to in Article 77a (1) (of the Environmental Protection Act), shall be one-year and shall cover the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 105. Emission reduction units and certified emission reduction units shall be used in the greenhouse gas emission allowance trading scheme as from the 1st day of January 2008.

§ 106. (1) The Minister of Environment and Water shall be the competent authority on the part of the Republic of Bulgaria responsible for the implementation of the Environment 2007-2013 Operational Programme, co-financed by the Cohesion Fund and the Structural Funds of the EU.

(2) The Minister of Environment and Water may assign fulfilment of specific tasks in connection with the responsibilities referred to in Paragraph (1) to intermediate units.

(3) The intermediate units under the Environment 2007-2013 Operational Programme shall be established by a decision of the Council of Ministers on a motion by the Minister of Environment and Water.

§ 107. The pecuniary penalty referred to in Article 164a (of the Environmental Protection Act) shall amount to BGN 80 for the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 108. The Council of Ministers shall adopt the ordinances covered under Article 131k (of the Environmental Protection Act) within one year after the entry of this Act into force.

§ 109. The fees, fines and penalties due at the time of entry of this Act into force under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act and the Protection against the Harmful Impact of Chemical Substances and Preparations Act shall be collected according to the procedure established by Article 72a (of the Environmental Protection Act).

§ 110. As from the date of entry into force of this Act, temporary standards, within the meaning given by Articles 10 and 10a of the Clean Ambient Air Act, may not be endorsed for existing facilities and installations for which an integrated permit is required.

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 65/2006, effective 11.08.2006)

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TRANSITIONAL AND FINAL PROVISIONS

§ 4. Applications for issuance of permits under Article 131 (c), paragraph 1 for existing installations shall be submitted by 30 September 2006.

§ 5. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of Item 1 of § 1 herein, in respect of the provision of Item 9 of Article 11 (1) of the Environmental Protection Act, which shall enter into force as from the day of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Fisheries and Aquaculture Act

(SG No. 36/2008)

TRANSITIONAL AND FINAL PROVISIONS

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§ 84. Everywhere in the Environmental Protection Act (Promulgated, State Gazette No. 91/2002, corrected, SG No. 98/2002, amended, SG 86/2003, supplemented, SG No. 70/2004, SG No. 74/2005, amended and supplemented, SG No.

77/2005, amended, SG No. 88/2005, SG No. 95/2005, amended and supplemented, SG No. 105/2005, amended, SG No. 30/2006, amended and supplemented, SG No. 65/2006, amended, SG No. 82/2006, supplemented, SG No. 99/2006, amended, SG No. 102/2006, SG No. 105/2006, SG No. 31/2007, SG No. 41/2007, amended and supplemented, SG No. 89/2007) the words "minister of agriculture and forestry" shall be replaced by "minister of agriculture and food supply".

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Act to Amend and Supplement the Environmental Protection Act

SUPPLEMENTARY PROVISION

(Promulgated, State Gazette No. 52/2008)

§ 37. Throughout the Act the words:

1. "The Minister of Environment and Water or an official authorized thereby", "The Minister of Environment and Water or officials authorized thereby" and "The Minister of Environment and Water, the authorities covered under Paragraph (2) or officials authorized thereby" shall be replaced, respectively, by "The Minister of Environment and Water or a person empowered thereby", "The Minister of Environment and Water or persons empowered thereby" and "The Minister of Environment and Water, the authorities covered under Paragraph (2) or persons empowered thereby";

2. "the Ministry of State Policy for Disasters and Accidents", "the Minister of State Policy for Disasters and Accidents" and "the Minister of Agriculture and Food Supply" shall be replaced, respectively, by "the Ministry of Emergency Situations", "the Minister of Emergency Situations" and "the Minister of Agriculture and Food".

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Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 105/2008)

TRANSITIONAL AND FINAL PROVISIONS

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§ 11. Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

Act to Amend and Supplement

The Ministry of Interior Act

(State Gazette No. 93/2009, effective 24.12.2009)

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Supplementary Provision

§ 59. (Effective 24.11.2009, SG No. 93/2009) This Act introduces:

1. The Convention on the establishment of a European Police Office (Europol) adopted on 26 July 1995 (ratified by law, State Gazette No. 105 of 2006) ([Convention] not promulgated) and Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

Transitional and Final Provisions

§ 60. Upon entry into force of this Act, the existing civil service relationships of civil servants employed in the Ministry of Interior shall be retained according to Article 87a of the Civil Servants Act.

§ 61. Upon entry into force of this Act, the existing employment relationships of persons working in the Ministry of Interior under employment contracts shall not be terminated according to with Article 123 of the Labour Code.

§ 62. (Effective 24.11.2009, SG No. 93/2009) Incumbent investigating police officers, who do not comply with the requirements of Article 217 (1) [of the Ministry of Interior Act], shall perform the investigation functions assigned thereto in the course of two years after the entry into force of this Act.

§ 63. (Effective 24.11.2009, SG No. 93/2009) The Ministry of Interior shall be a successor to the assets, liabilities, rights and obligations of the Ministry of Emergency Situations, rendered defunct by the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), as well as of any documents which are not subject to archiving according to the procedure established by the National Archives Stock Act.

§ 64. (Effective 24.11.2009, SG No. 93/2009) The following persons shall be appointed to the Ministry of Interior without a competition held to this effect and without meeting the specific requirements of Item 4 of Article 179 (1) and Article 179 (3) [of the Ministry of Interior Act]: civil servants employed under civil service relationships and employees employed under employment relationships with the Minister of Emergency Situations, who perform functions related to disaster protection and ensuring citizens' access to the emergency response services via the National Emergency Call System Employing the Single European Number "112" at the date of entry into force of the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), which rendered the Ministry of Emergency Situations defunct.

§ 65. (Effective 24.11.2009, SG No. 93/2009) Until 31 December 2009, the employees referred to in § 64 herein shall be paid the remunerations, supplements and clothing allowances as set according to the hitherto effective procedure.

§ 66. (Effective 24.11.2009, SG No. 93/2009) Upon entry into force of this Act, the existing civil service relationships of civil servants and the employment relationships of the persons working in the Special Courier Service under employment contracts shall not be terminated but shall be transformed, accordingly, into civil service or employment relationships of employees of the Ministry of the Interior, whereby the persons concerned shall be appointed to the same positions which they held at the time of transformation of the legal relations.

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 103/2009)

TRANSITIONAL AND FINAL PROVISIONS

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§ 34. (1) Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

(2) he statutory instruments of secondary legislation issued until the entry of this Act into force, which do not conflict with this Act, shall retain the effect thereof.

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Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 46/2010, effective 18.06.2010)

TRANSITIONAL AND FINAL PROVISIONS

§ 38. (1) Within six months after the entry into force of this Act, the Council of Ministers shall adopt the requisite amendments to the ordinances referred to in Items 1, 2, 3 and 5 of Article 131k [of the Environmental Protection Act].

(2) (Repealed, SG No. 42/2011).

§ 40. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 42/2011)

TRANSITIONAL AND FINAL PROVISIONS

§ 26. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the ordinance referred to in Article 131t (2) [of the Environmental Protection Act].

§ 27. Within six months after the entry into force of this Act, the Minister of Environment and Water shall issue the methodology referred to in Article 131r (4) [of the Environmental Protection Act], acting in consultation with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

§ 28. (1) Until the 31st day of December 2012, allowances for new entrants in the greenhouse gas emission allowance trading scheme shall be issued on the basis of a decision on allocation of allowances for new entrants 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 entrant concerned.

(2) The Inter-departmental Working Group referred to in Paragraph (1) shall act pursuant to the Methodological Directions endorsed by Order No. RD-396 of the Minister of Environment and Water of 23 April 2010.

§ 29. The reports referred to in Article 131i(8) [of the Environmental Protection Act] for the period from the 1st day of January 2005 to the 31st day of December 2010 shall be presented at the Executive Environment Agency on or before the 15th day of July 2011.

§ 30. The provision of Article 97 (2) [of the Environmental Protection Act] shall furthermore apply to any EIA procedures which are not completed until the entry into force of this Act.

**Annex 1
to Item 1 of Article 92
(Amended, SG No. 77/2005,
SG No. 52/2008)**

Development proposals

Competence criteria

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- | | | |
|---|-----------------|----------------|
| 1. Crude-oil refineries (excluding manufacturing only of lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day | | all |
| 2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more, and: | up to 300
MW | over 300
MW |
| <p>— nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load</p> | | |
| 3. (a) Installations for the reprocessing of irradiated nuclear fuel | | all |
| 3. (b) Installations designed: | | all |
| <p>— for the production or enrichment of nuclear fuel;</p> <p>— for the processing of spent nuclear fuel or high-level radioactive waste;</p> <p>— for the final disposal of spent nuclear fuel;</p> <p>— solely for the final disposal of radioactive waste;</p> <p>— solely for the storage planned for more than 10 years of spent nuclear fuels or radioactive waste in a different site than the production site</p> | | |
| 4. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting | | all |
| 5. Ferrous metal foundries with a capacity exceeding 20 tonnes per day | all | |
| 6. Installations for the processing of ferrous metals: | | all |
| <p>(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;</p> <p>(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;</p> <p>(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour</p> | | |
| 7. Installations for: | | |
| (a) (amended, SG No. 52/2008) the production of crude metals other than those listed in Items 4, 5 and 6 from ore, ore concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes; | | all |

(b) (amended, SG No. 52/2008) the smelting, including the alloying of metals other than those listed in Items 4, 5 and 6 (refining, foundry casting etc.), with a melting capacity exceeding 4 tonnes per day for lead and for cadmium and 20 tonnes per day for all other metals

8. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vat exceeds 30 cubic metres all

9. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: all

(a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;

(b) for friction material, with an annual production of more than 50 tonnes of finished products;

(c) for other uses of asbestos, utilization of more than 200 tonnes per year

10. Integrated chemical installations for the manufacture on an industrial scale of chemical substances, using chemical conversion processes in which several units are functionally linked to one another and which are: all

(a) for the production of basic organic chemicals;

(b) for the production of basic inorganic chemicals;

(c) for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);

(d) for the production of basic plant protection products and of biocides;

(e) for the production of basic pharmaceutical products using a chemical or biological process;

(f) for the production of explosives;

(g) for the production protein animal-feed additives, enzymes and other proteins using chemical or biological conversion in the manufacturing process

11. Industrial plants: all

(a) for the production of pulp from timber or similar fibrous materials;

(b) for the production of paper and board with a production capacity exceeding 200 tonnes per day.

12. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day and of lime in rotary kins with a production capacity exceeding 50 tonnes per all

day or in other furnaces with a production capacity exceeding 50 tonnes per day

13. Installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day all

14. Installations for melting mineral substances, including the production of mineral fibres, with a melting capacity exceeding 20 tonnes per day all

15. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre all

16. Plants for the pre-treatment (operations such as: washing, bleaching, mercerization) or dyeing of fibres and/or textiles, where the treatment capacity exceeds 10 tonnes per day all

17. Plants for the tanning of hides and skins, where the treatment capacity exceeds 12 tonnes of finished products per day all

18. Installations for the surface treatment of substances. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kilograms per hour or more than 200 tonnes per year all

19. (a) Slaughterhouses with a carcass production capacity greater than 50 tonnes per day all

19. (b) Installations for the treatment and processing intended for the production of food products from: all

- animal raw materials (other than milk), with a finished product production capacity exceeding 75 tonnes per day;

- vegetable raw materials, with a finished product production capacity exceeding 300 tonnes per day (average value on a quarterly basis)

19. (c) Installations for the treatment and processing of milk, the quantity of milk received exceeding 200 tonnes per day (average value on an annual basis) all

20. Installations for the disposal or recycling of animal byproducts, including animal carcasses and animal waste, with a capacity exceeding 10 tonnes per day all

21. Installations for the intensive rearing of poultry or pigs with more than: all

(a) 40,000 places for the rearing of broilers, 40,000 places for layer hens;

(b) 2,000 places for the rearing of production pigs (over 30 kg);

(c) 750 places for sows

22. (a) Construction of railway trunk lines and Category I railway lines (lines for long-distance railway traffic) and of airports with a basic runway length of 2,100 metres or more all

22. (b) Construction of motorways and 1st Class roads all

22. (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length all

23. (a) Inland waterways and public transport ports which permit the passage of vessels of over 1,350 gross tonnes; all

23. (b) Piers for loading and unloading connected to land, excluding ferry piers, which can take vessels of over 1,350 gross tonnes all

24. Installations for the disposal of hazardous waste, within the meaning given by Item 4 of § 1 of the Supplementary Provisions of the Waste Management Act, through incineration, through chemical treatment within the meaning given by Item 8 (i) of § 1 of the Supplementary Provisions of the Waste Management Act, or through deposit all

25. Installations with a capacity exceeding 100 tonnes per 24 hours for the disposal of non-hazardous waste through incineration or chemical treatment within the meaning given by Item 8 (i) of § 1 of the Supplementary Provisions of the Waste Management Act, or through deposit all

26. Landfills for non-hazardous waste receiving more than 10 tonnes of waste per 24 hours or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste all

27. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equal to or exceeds 10 million cubic metres all

28. Works for the transfer of water resources between river basins, where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year all

29. In all other cases, works for the transfer of water resources between river basins, where the average annual (multi-annual average) flow of the basin of abstraction exceeds 2,000 million cubic metres per year. all

In the cases under Items 28 and 29, transfers of piped drinking water are excluded

30. Waste water treatment plants with a capacity exceeding all

150,000 population equivalent

31. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of natural gas		all
32. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres		all
33. Pipelines for the transport of gas, petroleum or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres	all	
34. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more		all
35. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres	all	
36. Quarries and open-cast mining, where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares		all
37. Tourism and leisure:		
(a) holiday villages, hotel complexes outside urban areas on a total surface area exceeding 1 hectare and associated developments	under 10 ha	over 10 ha
(b) ski-runs, ski-lifts, cable-cars of a total length exceeding 1,000 metres and associated developments		all
(c) sports, recreation or amusement complexes outside urban areas on a total surface area exceeding 2 hectares	under 10 ha	over 10 ha
38. Any change to or extension of a development proposal included in this Annex, where such a change or extension in itself meets the thresholds, if any, set out in this Annex	According to the relevant competence criteria applicable to the development proposal for the change or extension, as indicated in the Annex	

Note. Nuclear power stations and other nuclear reactors qualify as dismantled or decommissioned when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

Annex 2
to Items 1 and 2 of Article 93 (1)
(Amended, SG No. 77/2005)

Development proposals
1. Agriculture, silviculture and aquaculture:
(a) restructuring of rural land holdings;
(b) use of uncultivated land or semi-natural areas for intensive agricultural purposes;
(c) water management projects for agriculture, including irrigation and land drainage projects;
(d) initial afforestation and deforestation for the purposes of conversion to another type of land use;
(e) intensive livestock installations (development proposals not included in Annex 1);
(f) intensive fish farming;
(g) reclamation of land from the sea;
(h) river channelization.
2. Extractive industry
(a) quarries, open-cast mining and peat extraction (not included in Annex 1);
(b) underground mining;
(c) extraction of inert materials by marine or fluvial dredging;
(d) deep drillings:
— geothermal
— for the storage of nuclear waste material
— for water supplies,
with the exception of drillings for investigating the stability of the geological foundation;
(e) extraction of coal, petroleum, natural gas, ores and bituminous shale.
3. Energy industry
(a) industrial installations for the production of electricity, steam and hot water (not included in Annex 1);
(b) industrial installations for carrying gas, steam and hot water, transmission of electrical energy by overhead cables (not included in Annex 1);
(c) installations for surface storage of natural gas;

(d) installations for underground storage of combustible gases;
(e) installations for surface storage of fuels;
(f) industrial briquetting of coal;
(g) installations for the processing and storage of radioactive waste (not included in Annex 1);
(h) installations for hydroelectric energy production;
(i) installations for the harnessing of wind power for energy production (wind farms).
4. Production and processing of metals
(a) installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting (not included in Annex 1);
(b) installations for the processing of ferrous metals:
- hot-rolling mills;
- smitheries with hammers;
- application of protective fused metal coats;
(c) ferrous metal foundries (not included in Annex 1);
(d) installations for the smelting, including the alloyage, of non-ferrous metals (excluding precious metals), drawing, moulding and rolling of ferrous-metal and alloy products (not included in Annex 1);
(e) installations for surface treatment of metals and plastic materials using an electrolytic or chemical process (not included in Annex 1);
(f) manufacture and assembly of motor vehicles and manufacture of motor vehicle engines;
(g) shipyards;
(h) construction and repair of aircraft;
(i) manufacture of railway equipment;
(j) swaging by explosives;
(k) installations for the roasting and sintering of metallic ores.
5. Mineral industry
(a) coke ovens (dry coal distillation);
(b) installations for the manufacture of cement (not included in Annex 1);
(c) installations for the production of asbestos and the manufacture of asbestos-based products (not included in Annex 1);

(d) installations for the manufacture of glass, including glass fibre (not included in Annex 1);

(e) installations for smelting mineral substances, including the production of mineral fibres (not included in Annex 1);

(f) installations for manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain (not included in Annex 1).

6. Chemical industry installations (not included in Annex 1)

(a) installations for the production of chemicals and preparations and intermediate products;

(b) installations for the production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;

(c) storage facilities for petroleum, petrochemical and chemical products.

7. Food industry establishments (not included in Annex 1)

(a) manufacture of vegetable and animal oils and fats;

(b) canning of plant and animal products;

(c) manufacture of dairy products;

(d) brewing and malting;

(e) confectionery and syrup manufacture;

(f) installations for the slaughter of animals;

(g) industrial starch manufacturing;

(h) fish-meal and fish-oil factories;

(i) sugar factories.

8. Textile, leather, wood and paper industries

(a) industrial plants for the production of paper and board (not included in Annex 1);

(b) plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles (not included in Annex 1);

(c) tanning of hides and skins (not included in Annex 1);

(d) cellulose-processing and production installations.

9. Rubber industry. Manufacture and treatment of elastomer-based products.

10. Infrastructure development proposals:

(a) industrial estate development projects;

(b) urban development projects, including the construction of shopping centres and car parks;

(c) construction of railways and intermodal transshipment facilities, and of intermodal terminals (not included in Annex 1);

(d) construction of airfields (not included in Annex 1);

(e) construction of roads (not included in Annex 1);

(f) construction of harbours, port installations and canals, including fishing harbours (not included in Annex 1);

(g) inland-waterway construction, canalization and flood-relief works;

(h) dams and other installations designed to hold water or store it on a long-term basis (not included in Annex 1);

(i) tramways, underground and elevated railways, suspended lines used exclusively or mainly for passenger transport;

(j) oil and gas pipeline installations (not included in Annex 1);

(k) long-distance aqueducts;

(l) coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;

(m) groundwater abstraction and artificial groundwater recharge schemes (not included in Annex 1);

(n) works for the transfer of water resources between river basins (not included in Annex 1).

11. Other development proposals

(a) permanent racing and test tracks for motor vehicles;

(b) installations and landfills for the disposal of waste (not included in Annex 1);

(c) waste-water treatment plants (not included in Annex 1);

(d) sludge-deposition sites;

(e) storage of scrap iron, including scrap vehicles;

(f) test benches for engines, turbines or reactors;

(g) manufacture of artificial mineral fibres (not included in Annex 1);

(h) installations for the safe disposal or destruction of explosive substances;

(i) installations for the safe disposal or recovery of animal carcasses and animal waste (not included in Annex 1);

(j) plants for packaging of plant protection products;
(k) storage facilities for plant protection products;
12. Tourism and leisure
(a) Ski-runs, ski-lifts and cable-cars and associated developments (not included in Annex 1);
(b) marinas;
(c) holiday villages, hotel complexes outside urban areas and associated developments (not included in Annex 1);
(d) permanent camp sites and caravan sites;
(e) theme parks.

Annex 3 to Article 103 (3) (Amended, SG No. 77/2005)

1. This Annex applies to determine the presence of dangerous substances at any establishment and/or installation for the purposes of classifying it as a "lower-tier establishment and/or installation" or an "upper-tier establishment and/or installation" by the operator and for implementation of the requirements of Chapter 7, Section I.

2. The operator of a new or operational establishment and/or installation in which dangerous substances are used and/or stored in quantities equal to or exceeding the quantities listed in Tables 1 and 3, column 2 of the Annex shall be obliged to classify it as a "lower-tier establishment and/or installation", and the operator of a new or operational establishment and/or installation in which dangerous substances are used and/or stored in quantities equal to or exceeding the quantities listed in Tables 1 and 3, column 3 shall be obliged to classify it as an "upper-tier establishment and/or installation". All requirements of the Annex shall be complied with when calculating the quantities of dangerous substances.

3. The classification referred to in Item 2 shall determine the obligations of the operators under Article 110 (1) and Article 116a.

4. Mixtures and preparations shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under the criteria indicated in the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations (promulgated in the *State Gazette* No. 5 of 2003; amended and supplemented in No. 66 of 2004, Nos. 50 and 57 of 2005, No. 20 of 2007 and Nos. 4 and 51 of 2008), or in the Ordinance on Plant Protection Products Authorization (*State Gazette* No. 81 of 2006), introducing the requirements of the European directives indicated in Item 1 of the notes to Table 3, unless a percentage composition or other description is specifically given.

5. The quantities set out in the tables below relate to all establishments and/or installations.

6. For the purpose of classifying the establishment and/or installation, the maximum quantities of dangerous substances which are present or are likely to be present at any one time on the site of the

establishment and/or installation must be considered. Dangerous substances in quantities present in quantities equal to or less than 2% of the relevant quantities indicated in the tables may be ignored for the purposes of calculating the total quantity of dangerous substances present according to the procedure established by Item 4 of the notes to Table 3 if their location within the establishment and/or installation is such that it cannot act as an initiator of a major accident elsewhere on the site of the establishment and/or installation.

7. The rules governing the addition of dangerous substances according to the procedure established by Item 4 of the notes to Table 3 shall apply where appropriate.

8. For the purposes of classification in accordance with the Annex, gas shall be any substance which has an absolute vapour pressure equal to or exceeding 101.3 kPa at a temperature of 20°C.

9. For the purposes of classification in accordance with the Annex, liquid shall be any substance which is not a gas and which is not a solid at a temperature of 20°C and a standard pressure of 101.3 kPa.

Where one or more dangerous substances present in the establishment and/or installation is or are named in Table 1 and is or are classified in one or more hazard categories in accordance with Table 3, the qualifying quantities indicated in Table 1 shall apply.

Table 1		
Named substances		
Dangerous substances	Qualifying quantity (tonnes)	
	Lower tier	Upper tier
1	2	3
Ammonium nitrate (see note 1)	5,000	10,000
Ammonium nitrate (see note 2)	1,250	5,000
Ammonium nitrate (see note 3)	350	2,500
Ammonium nitrate (see note 4)	10	50
Potassium nitrate (see note 5)	5,000	10,000
Potassium nitrate (see note 6)	1,250	5,000
Arsenic (V) oxide, arsenic (V) acid and/or their salts	1	2
Arsenic (III) oxide, arsenic (III) acid and/or their salts		0.1
Bromine	20	100
Chlorine	10	25
Nickel compounds in inhalable powder form (nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide)		1

Ethyleneimine	10	20
Fluorine	10	20
Formaldehyde (concentration D 90 per cent)	5	50
Hydrogen	5	50
Hydrogen chloride (liquefied gas)	25	250
Lead alkyls	5	50
Liquefied extremely flammable gases (including liquefied petroleum gas) and natural gas	50	200
Acetylene	5	50
Ethylene oxide	5	50
Propylene oxide	5	50
Methanol	500	5,000
4, 4-Methylenebis (2-chloraniline) and/or salts, in powder form		0.01
Methylisocyanate		0.15
Oxygen	200	2,000
Toluene diisocyanate	10	100
Carbonyl dichloride (phosgene)	0.3	0.75
Arsenic hydride (arsine)	0.2	1
Phosphorus trihydride (phosphine)	0.2	1
Sulphur dichloride	1	1
Sulphur trioxide	15	75
Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent		0.001
The following carcinogenic substances 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-dibromomethane, 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
Petroleum products:	2,500	25,000

(a) gasolines and naphthas;		
(b) kerosenes (including jet fuels);		
(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)		

Notes:

1. Ammonium nitrate (5,000/10,000): fertilisers capable of self-sustaining decomposition

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers containing ammonium nitrate with phosphate and/or potash), which are capable to self-sustaining decomposition and in which the nitrogen content is:

- between 15.75% by weight (15.75% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate) and 24.5% by weight (24.5% nitrogen content by weight corresponds to 70% ammonium nitrate) and with not more than 0.4 per cent total combustible/organic materials which fulfil the requirements of Annex 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods, adopted by Council of Ministers Decree No. 5 of 2003 (*State Gazette* No. 10 of 2003), introducing the requirements of Directive 80/876/EEC;

- 15.75% by weight or less and unrestricted combustible materials and capable of self-sustaining decomposition according to the UN Trough Test (see United Nations Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria, Part III, subsection 38.2).

2. Ammonium nitrate (1,250/5,000): fertiliser grade

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers in which the nitrogen content as a result of ammonium nitrate is:

- more than 24.5% by weight, except for mixtures of ammonium nitrate 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% by weight (28% nitrogen content by weight as a result of ammonium nitrate corresponds to 80% ammonium nitrate) for mixtures of ammonium nitrate with dolomite, limestone and/or calcium carbonate with a purity of at least 90%, and

which fulfil the requirements of Annex 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods.

3. Ammonium nitrate (350/2,500): technical grade

This applies to:

- ammonium nitrate and preparations of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is:

- 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;

- aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

4. Ammonium nitrate (10/50): ‘off-specs’ material and fertilisers not fulfilling the detonation test

This applies to:

- material rejected (discarded) during the manufacturing process, ammonium nitrate and preparations of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Items 2 and 3 that are 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 Items 2 and 3;

- fertilisers referred to in Item 1, first indent, and in Item 2, which do not fulfil the requirements of Annex No. 3 to Articles 23 and 27 of the Ordinance Establishing Special Requirements for Fertiliser Composition, Packaging, Labelling, Sampling and Analysis Methods (promulgated in the *State Gazette* No. 10 of 2003; amended in No. 105 of 2005).

5. Potassium nitrate (5000/10000): composite potassium nitrate-based fertilisers in which the potassium nitrate is in crystalline form.

6. Potassium nitrate (1250/5000): composite potassium nitrate-based fertilisers in which the potassium nitrate is in crystalline form.

7. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins shall be calculated using the following factors:

International Toxic Equivalent Factors (ITEF) for congeners of concern (NATO/CCMS)			
2,3,7,8-TCDD	1	2,3,7,8-TCDF	0,1
1,2,3,7,8-PeDD	0,5	2,3,4,7,8-PeCDF	0,5
		1,2,3,7,8-PeCDF	0,05
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	0,001	1,2,3,4,6,7,8-HPCDF	0,01
		1,2,3,4,7,8,9-HPCDF	0,01

OCDF

0,001

(T = tetra, P = penta, Hx = hexa, HP = hepta, O = octa)

Table 3

Categories of substances and preparations not named in Table 1

Categories of dangerous substances		Qualifying quantity (tonnes)	
		Dangerous substances	Dangerous substances
1		2	3
1.	Very toxic	5	20
2.	Toxic	50	200
3.	Oxidizing	50	200
4.	Explosive (see note 2) where the substance, preparation or article falls under UN/ADR Division 1.4	50	200
5.	Explosive (see note 2) where the substance, preparation or article falls under any of UN/ADR Divisions 1.1, 1.2, 1.3, 1.5 or 1.6 or risk phrase R2 or R3	10	50
6.	Flammable (where the substance or preparation falls within the definition given in note 3(a))	5,000	50,000
7a.	Highly flammable (where the substance or preparation falls within the definition given in note 3(b) (1))	50	200
7b.	Highly flammable liquids (where the substance or preparation falls within the definition given in note 3(b) (2))	5,000	50,000
8.	Extremely flammable (where the substance or preparation falls within the definition given in note 3(c))	10	50

9.	Dangerous for the environment, in combination with the following risk phases:		
	(a) R50: "Very toxic to aquatic organisms" (including R50/53)	100	200
	(b) R51/53: "Toxic to aquatic organisms; may cause long-term adverse effects in the aqueous environment"	200	500
10.	Any classification not covered by those given above in combination with the following risk phrases:		
	(a) R14: "Reacts violently with water" (including R14/15)	100	500
	(b) R29: "In contact with water, liberates toxic gas"	50	200

Notes:

1. Substances and preparations shall be classified in accordance with the requirements of the Protection against the Harmful Impact of Chemical Substances and Preparations Act and the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations, which introduced the following directives and their adaptations to technical progress: Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1) and Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (2).

When substances which are present or are likely to be present in the establishment and/or installation are not classified as dangerous under Article 2 of the Protection against the Harmful Impact of Chemical Substances and Preparations Act, for example waste, but nevertheless in the conditions of production, use or storage in the establishment and/or installation they have or are likely to have a hazard and possess or are likely to possess equivalent properties in terms of major-accident potential, the temporary packaging and labelling provisions in accordance with the requirements of the Ordinance Establishing the Procedure and Manner for Classifying, Packaging and Labelling of Chemical Substances and Preparations shall be applied.

When dangerous substances present in the establishment and/or installation are classified in more than one hazard category, the hazard category with the lowest qualifying quantities in accordance with Table 3 of the Annex shall apply. For the application of Item 4 of the notes, the qualifying quantity used shall be the one corresponding to the classification concerned.

2. An "explosive" shall mean:

- a substance or preparation which creates the risk of an explosion by shock, friction, fire or other sources of ignition (risk phrase R2);

- a substance or preparation which creates extreme risk of explosion by shock, friction, fire or other sources of ignition (risk phrase R3); or

- a substance, preparation or article covered by Class 1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (UN/ADR), concluded on 30 September 1957, as amended and as transposed by Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (3).

Included in this definition are pyrotechnics, which for the purposes of Chapter Seven, Section 1 of the Act are defined as substances (or mixtures of substances) designated to produce heat, light, sound, gas or smoke or through a combination of such effects through self-sustained exothermic chemical reactions. Where a substance or preparation is classified by both UN/ADR and risk phrases R2 or R3, the UN/ADR classification shall be used.

Substances and articles of Class 1 shall be classified in any of the divisions 1.1 to 1.6 in accordance with the UN/ADR classification scheme. The divisions concerned are:

Division 1.1. "Substances and articles which have a mass explosion hazard (a mass explosion is an explosion which affects almost the entire load virtually instantaneously)."

Division 1.2. "Substances and articles which have a projection hazard but not a mass explosion hazard."

Division 1.3. "Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or , but not a mass explosion hazard:

(a) combustion which gives rise to considerable radiant heat; or

(b) which burn one after another, producing minor blast or projection effects or both."

Division 1.4. "Substances and articles which present only a slight risk in the event of ignition or initiation during carriage. The effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire shall not cause virtually instantaneous explosion of the entire contents of the package."

Division 1.5. "Very insensitive substances having a mass explosion hazard which are so insensitive that there is very low probability of initiation or of transition from burning to detonation under normal conditions of carriage. As a minimum requirement they shall not explode in the external fire test."

Division 1.6. "Exceptionally insensitive articles which do not have a mass explosion hazard. The articles contain only extremely insensitive detonating substances and demonstrate a negligible probability of accidental ignition or propagation. The risk is limited to the explosion of a single article."

Included in this definition are also explosive or pyrotechnic substances or preparations contained in articles. In the case of articles containing explosive or pyrotechnic substances or preparations, if the quantity of the substance or preparation contained is known, that quantity shall be considered for the purposes of Chapter 7, Section I of the Act. If the quantity is not known, then, for the purposes of Chapter 7, Section I of the Act, the whole article shall be treated as explosive.

3. "Flammable", "highly flammable" and "extremely flammable" in rows 6, 7 and 8 of Table 3 shall mean:

(a) "flammable liquids": substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C (risk phrase R10), supporting combustion;

(b) "highly flammable liquids":

- substances and preparations which may become hot and catch fire in contact with air at ambient temperature without any input of energy (risk phrase R17);

- substances and preparations which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high temperature or pressure, may create major-accident hazards;

- substances and preparations having a flash point than 21°C and which are not extremely flammable (risk phrase R11, second indent);

c) "extremely flammable gases and liquids":

- liquid substances and preparations which have a flash point lower than 0°C and with the boiling point (or, in the case of a boiling range, the initial boiling point) of which at normal pressure is less than or equal to 35°C (risk phrase R12, first indent); and

- gases which are flammable in contact with air at ambient temperature and normal pressure (risk phrase R12, second indent), whether or not kept in the gaseous or supercritical state; and

- flammable or highly flammable liquid substances and preparations maintained at a temperature above their boiling point.

4. In case where the establishment and/or installation produces, uses and/or stores more than one dangerous substance classified in one and the same or in similar hazard categories in quantities lower than the qualifying quantities under column 2 or column 3 of Table 1 and/or 3, in order to determine whether the establishment and/or installation is covered by Chapter 7, Section I of the Act and to determine the hazard potential thereof, the following rule shall be used:

The establishment shall be classified as a "lower-tier establishment" if the sum $q_1/Q + q_2/Q + q_x/Q$ is equal to or greater than one,

where:

Q_1, q_2, \dots, q_x is the quantity of dangerous substances in the same hazard category present;

Q is the qualifying quantity of dangerous substances indicated in column 2 of Tables 1 and/or 3.

The establishment shall be classified as an "upper-tier establishment" if the sum $q_1/Q + q_2/Q + q_x/Q$ is equal to or greater than one,

where:

Q_1, q_2, \dots, q_x is the quantity of dangerous substances in the same hazard category present;

Q is the qualifying quantity of dangerous substances indicated in column 3 of Tables 1 and/or 3.

This rule shall be used to assess the overall hazards associated with the toxicity, flammability, and eco-toxicity of the substances. It must therefore be applied three times:

(a) for the addition of substances and preparations named in Table 1 and classified as toxic or very toxic, together with substances and preparations classified as toxic or very toxic in accordance with rows 1 or 2 of Table 3;

(b) for the addition of substances and preparations named in Table 1 and classified as oxidising, explosive, flammable, highly flammable, or extremely flammable, together with substances and preparations classified as oxidising, explosive, flammable, highly flammable or extremely flammable in accordance with rows 3, 4, 5, 6, 7a, 7b or 8 of Table 3;

(c) for the addition of substances and preparations named in Table 1 and classified as dangerous for the environment (R50 (including R50/53) or R51/53), together with substances and preparations classified as dangerous for the environment in accordance with rows 9(a) or 9 (b) of Table 3.

The establishment and/or installation shall fall within the scope of Chapter 7, Section I of the Act if any of the sums obtained by Litterae (a), (b) or (c) is equal to or greater than 1."

to Article 117 (1)
(Amended, SG No. 77/2005,
SG No. 52/2008)

Categories of Industrial Activities

The threshold values given below generally refer to production capacities or outputs. Where one operator carries out several activities falling under the same subheading in the same installation or on the same site, the capacities of such activities are added together.

1. Energy industries

1.1. Combustion installations with a rated thermal input exceeding 50 MW.

1.2. Crude-oil and gas refineries.

1.3. Coke ovens.

1.4. Coal gasification and liquefaction plants.

2. Production and processing of metals

2.1. Metal ore (including sulphide ore) roasting and sintering installations.

2.2. Installations for the production of pig iron or steel (primary or secondary fusion), including continuous casting, with a capacity exceeding 2.5 tonnes per hour.

2.3. Installations for the processing of ferrous metals:

(a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

(b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.

2.4. Ferrous metal foundries with a production capacity exceeding 20 tonnes per day.

2.5. Installations:

(a) (amended, SG No. 52/2008) for the production of crude metals other than those listed in Items 2.2, 2.3 and 2.4 from ore, concentrates or secondary raw materials by metallurgical, chemical and electrolytic processes;

(b) (amended, SG No. 52/2008) for the smelting, including the alloying, of metals others than those listed in Items 2.2, 2.3 and 2.4 (refining, foundry casting, etc.), with a melting capacity exceeding 4 tonnes per day for lead and for cadmium or 20 tonnes per day for all other metals.

2.6. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vats exceeds 30 cubic metres.

3. Mineral industry

3.1. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day and of lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day.

3.2. Installations for the production of asbestos and the manufacture of asbestos-based products.

3.3. Installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day.

3.4. Installations for melting mineral substances, including the production of mineral fibres, with a melting capacity exceeding 20 tonnes per day.

3.5. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre

4. Chemical industry

"Production," within the meaning of the categories of activities contained in this section, means the production on an industrial scale by chemical processing of substances or groups of substances listed in Sections 4.1 to 4.6

4.1. Chemical installations for the production of basic organic

chemicals, such as:

- (a) simple hydrocarbons (linear or cyclic; saturated or unsaturated; aliphatic or aromatic);
- (b) oxygen-containing hydrocarbons, such as: alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
- (c) sulphurous hydrocarbons;
- (d) nitrogenous hydrocarbons, such as: amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
- (e) phosphorus-containing hydrocarbons;
- (f) halogenic hydrocarbons;
- (g) organometallic compounds;
- (h) basic plastic materials, polymers synthetic fibres and cellulose-based fibres;
- (i) synthetic rubbers;
- (j) dyes and pigments;
- (k) surface-active agents and surfactants.

4.2. Chemical installations for the production of basic inorganic chemicals, such as:

- (a) gases: ammonia, chlorine, hydrogen chloride, fluorine, hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, carbonyl chloride;
- (b) acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
- (c) bases: ammonium hydroxide, potassium hydroxide, sodium hydroxide;
- (d) salts: ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborates, silver nitrate;
- (e) non-metals, metal oxides or other inorganic compounds, such as: calcium carbide, silicon, silicon carbide.

4.3. Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers).

4.4. Chemical installations for the production of biocides and of basic plant protection products.

4.5. Installations using a chemical and/or biological process for the production of basic pharmaceutical products.

4.6. Chemical installations for the production of explosives.

5. Waste management

5.1. Installations for the disposal or recovery of hazardous waste, within the meaning given by Item 4 of § 1 of the Supplementary Provisions of the Waste Management Act, inter alia for regeneration, recycling or disposal of waste oils, with a capacity exceeding 10 tonnes per day and carrying out one or more of the following activities:

- 5.1.1. each of the hazardous waste disposal activities;
- 5.1.2. one or more of the following hazardous waste recovery activities:
 - (a) (amended, SG No. 52/2008) recycling or reclamation of other inorganic materials;
 - (b) regeneration of acids or bases;
 - (c) (amended, SG No. 52/2008) recovery of components from catalysts;
 - (d) oil re-refining or other reuses of oil;
 - (e) use as a fuel or other means to generate energy.

5.2. Installations for the incineration of household waste, within the meaning given by Item 2 of § 1 of the Supplementary Provisions of the Waste Management Act, with a capacity exceeding 3 tonnes per hour.

5.3. Installations for the disposal of non-hazardous waste, including industrial and household waste, with a capacity exceeding 50 tonnes per day, carrying out the following activities:

- 5.3.1. biological treatment which results in final compounds or mixtures subject to disposal;
- 5.3.2. physico-chemical treatment (e.g. evaporation, drying, calcination etc.) which results in final compounds or mixtures subject to disposal.

5.4. Landfills receiving more than 10 tonnes of waste per 24 hours or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste

6. Other activities

6.1. Industrial plants for the production of:

- (a) pulp from timber or other fibrous materials;
- (b) paper and board with a production capacity exceeding 20 tonnes per

day.

6.2. Plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres and/or textiles, where the treatment capacity exceeds 10 tonnes per day.

6.3. Plants for the tanning of hides and skins, where the treatment capacity exceeds 12 tonnes of finished products per day.

6.4. (a) Slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

6.4. (b) Installations for the treatment and processing intended for the production of food products from:

- animal raw materials (other than milk), with a finished product production capacity greater than 75 tonnes per day;

- vegetable raw materials, with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis).

6.4. (c) Installations for the treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

6.5. Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day.

6.6. Installations for the intensive rearing of poultry or pigs with more than:

(a) 40,000 places for poultry;

(b) 2,000 places for production pigs (over 30 kilograms), or

(c) 750 places for sows.

6.7. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

6.8. Installations for the production of carbon or electrographite by means of incineration or graphitization.

Annex 5

to Item 54a of § 1 of the Supplementary Provisions (New, SG No. 77/2005)

Major Accident Criteria

A major accident is any accident which:

1. Involves dangerous substances in quantities of at least 5 per cent of the qualifying quantities according to Annex 3 to the Environmental Protection Act, Table 1 or Table 3, Column 3, and causes a fire, explosion or accidental discharge of dangerous substances.

2. Gives rise to at least one of the following adverse consequences for human life and health and for the infrastructure in the area of the establishment and/or installation:

(a) the death of at least one person within or outside the establishment and/or installation;

(b) six persons injured within the establishment and/or installation (hospitalized for at least 24 hours);

(c) one person outside the establishment (hospitalized for at least 24 hours);

(d) residential buildings outside the establishment and/or installation damaged and unusable as a result of the accident;

(e) evacuation of the persons affected outside the accident zone for not less than two hours (the product of the number of evacuees and the number of hours must be at least 500);

(f) confinement of the persons affected in protective facilities within the accident zone for not less than two hours (the product of the number of evacuees and the number of hours must be at least 500);

(g) interruption of drinking water, electricity, gas or telephone services for more than two hours (the product of the number of persons and the number of hours must be at least 1,000).

3. Causes damage or pollution in excess of the emission limit values of:

(a) 10 kilometres or more of river or canal water;

- (b) 1 hectare of a man-made lake or pond water;
- (c) 2 hectares of delta water;
- (d) 2 hectares of a coastline or open sea water;
- (e) 1 hectare of an aquifer or groundwater;
- (f) 0.5 hectares or more of a protected area;
- (g) 10 hectares or more of other terrestrial habitats, including agricultural land.*

4. Causes one of the following damages to property:

- (a) damage to property in the establishment: at least BGN 4 million;
- (b) damage to property outside the establishment: at least BGN 1 million.

5. Accidents with transboundary effects.

* In assessing environmental damage to water habitats, reference shall be made to the provisions of Ordinance No. 6 of 2000 on Emission Standards for Permissible Content of Noxious and Dangerous Substances in Waste Waters Discharged into Water Bodies (promulgated in the State Gazette No. 97 of 2000, amended in No. 24 of 2004), Ordinance No. 7 of 2000 on the Terms and Procedure for Discharge of Industrial Waste Waters into Settlement Sewer Systems (State Gazette No. 98 of 2000), Ordinance No. 11 of 2002 on the Quality of Bathing Water (State Gazette No. 25 of 2000), Ordinance No. 4 of 2000 on the Quality of Waters Supporting Fish Life and of Shellfish Waters (State Gazette No. 88 of 2000), and Ordinance No. 12 of 2002 on the Quality Required of Surface Water Intended for Drinking and Household Water Supply (State Gazette No. 63 of 2002).

**Annex 6
to Article 131a (4)
(New, SG No. 46/2010, effective 18.06.2010,
amended, SG No. 42/2011)**

**From 1 January 2012 all flights which arrive or depart from an
aerodrome
situated in the territory of a Member State to which the Treaty applies
shall
be included in the greenhouse gas trading scheme.**

Activities

Greenhouse
gases

Aviation:

Carbon dioxide

Flights which depart from or arrive in an aerodrome situated in the territory of a Member State of the European Union.

This activity shall not include:

1. flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a country other than a Member State, where this is substantiated by an appropriate status indicator in the flight plan;

2. military flights performed by military aircraft and customs and police flights;

3. flights related to search and rescue, firefighting flights, humanitarian flights

and emergency medical service flights authorized by the competent authority referred to in Article 131a (1);

4. any flights performed exclusively under visual flight rules as defined in Annex 2 to the Chicago Convention;

5. flights terminating at the aerodrome from which the aircraft has taken off and during which no intermediate landing has been made;

6. training flights performed exclusively for the purpose of obtaining a licence, or a rating in the case of cockpit flight crew, where this is substantiated by an appropriate remark in the flight plan, provided that the flight does not serve for the transport of passengers and/or cargo or for the positioning or ferrying of the aircraft;

7. flights performed exclusively for the purpose of scientific research or for the purpose of checking, testing or certifying aircraft or equipment whether airborne or ground-based;

8. flights performed by aircraft with a certified maximum take-off mass of less than 5,700 kg;

9. (amended, SG No. 42/2011)flights performed in the framework of public service obligations imposed in accordance with Regulation (EC) No 1008/2008, to intra-Community air routes, on routes within the outermost regions as specified in Article 349 of the Treaty on the Functioning of the European Union, or on routes where the capacity offered does not exceed 30,000 seats per year, and

10. flights which, but for this point, would fall within this activity and are performed by a commercial air transport operator operating either:

(a) fewer than 243 flights per period for three consecutive four-month periods, or

(b) flights with total annual emissions lower than 10,000 tonnes per year.

Flights performed exclusively for the transport, on official mission, of a reigning Monarch and his immediate family, Heads of State, Heads of Government and Government Ministers, of a Member State may not be excluded under this point.

Annex 7 to Article 131i (5) (New, SG No. 46/2010, effective 18.06.2010)

1. Installations or parts of installations used for research, development and testing of new products and processes and installations exclusively using biomass are not covered by the greenhouse gas trading scheme.

2. The threshold values given below generally refer to production capacities or outputs. Where several activities falling under the same category are carried out in the same installation, the capacities of such activities are added together.

3. When the total rated thermal input of an installation is calculated in order to decide upon its inclusion in the greenhouse gas emission trading scheme, the rated thermal inputs of all technical units which are part of it, in which fuels are combusted within the installation, are added together. These units could include all types of boilers, burners, turbines, heaters, furnaces, incinerators, calciners, kilns, ovens, dryers, engines, fuel cells, chemical looping combustion units, flares, and thermal or catalytic post-combustion units. Units with a rated thermal input under 3 MW and units which use exclusively biomass shall not be taken into account for the purpose of this calculation. "Units using exclusively biomass" includes units which use fossil fuels only during start-up or shut-down of this unit.

4. If a unit serves an activity for which the threshold is not expressed as total rated thermal input, the threshold of this activity shall take precedence for the decision about the inclusion in the greenhouse gas emission trading scheme.

5. When the capacity threshold of any activity in this Annex is found to be exceeded in an installation, all units in which fuels are combusted, other than units for the incineration of hazardous or municipal waste, shall be included in the greenhouse gas emission permit.

Activities	Greenhouse gases
1	2
1. Energy industries	
1.1. Combustion of fuels in installations with a total rated thermal input exceeding 20 MW (except in installations for the incineration of hazardous or municipal solid waste)	Carbon dioxide
1.2. Refining of mineral oil	Carbon dioxide
1.3. Production of coke	Carbon dioxide
2. Production and processing of metals	
2.1. Meta ore (including sulphide ore) roasting and sintering, including pelletisation	Carbon dioxide
2.2. Production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour	Carbon dioxide
2.3. Production or processing of ferrous metals (including ferro-alloys) where combustion units with a total rated thermal input exceeding 20 MW are operated. Processing includes, <i>inter alia</i> , rolling mills, re-heaters, annealing furnaces, smitheries, foundries, coating and pickling	Carbon dioxide
2.4. Production of primary aluminium	Carbon dioxide and perfluorocarbons
2.5. Production of secondary aluminium where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
2.6. Production or processing of non-ferrous metals, including production of alloys, refining, foundry casting, etc., where combustion units with a total rated thermal input (including fuels used as reducing agents) exceeding 20 MW are operated	Carbon dioxide

3. Mineral industry	
3.1. Production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day	Carbon dioxide
3.2. Production of lime or calcination of dolomite or magnesite in rotary kilns or in other furnaces with a production capacity exceeding 50 tonnes per day	Carbon dioxide
3.3. Manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
3.4. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day	Carbon dioxide
3.5. Manufacture of mineral wool insulation material using glass, rock or slag with a melting capacity exceeding 20 tonnes per day	Carbon dioxide
3.6. Drying or calcination of gypsum or production of plaster boards and other gypsum products, where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
4. Other activities	
4.1. Production of pulp from timber or other fibrous materials	Carbon dioxide
4.2. Production of paper or cardboard with a production capacity exceeding 20 tonnes per day	Carbon dioxide
4.3. Production of carbon black involving the carbonization of organic substances such as oils, tars, cracker and distillation residues, where combustion units with a total rated thermal input exceeding 20 MW are operated	Carbon dioxide
4.4. Production of nitric acid	Carbon dioxide and nitrous oxide
4.5. Production of adipic acid	Carbon dioxide and nitrous oxide
4.6. Production of glyoxal and glyoxylic acid	Carbon dioxide and nitrous oxide
4.7. Production of ammonia	Carbon dioxide
4.8. Production of bulk organic chemicals by cracking, reforming, partial or full oxidation or by similar processes, with a production capacity exceeding 100 tonnes per day	Carbon dioxide
4.9. Production of hydrogen (H ₂) and synthesis gas by reforming or partial oxidation with a production capacity exceeding 25 tonnes per day	Carbon dioxide
4.10. Production of soda ash (Na ₂ CO ₃) and sodium bicarbonate (NaHCO ₃)	Carbon dioxide

<p>4.11. Capture of greenhouse gases from installations covered by Article 131c (1) and (2) for the purpose of transport and geological storage in a storage site for which a carbon dioxide storage permit has been issued in accordance with Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ, L 140/114 of 5 June 2009), hereinafter referred to as “Directive 2009/31/EC”</p>	<p>Carbon dioxide</p>
<p>4.12. Transport of greenhouse gases by pipelines for geological storage in a storage site for which a carbon dioxide storage permit has been issued in accordance with Directive 2009/31/EC</p>	<p>Carbon dioxide</p>
<p>4.13. Geological storage of greenhouse gases in a storage site for which a carbon dioxide storage permit has been issued in accordance with Directive 2009/31/EC</p>	<p>Carbon dioxide</p>