

ORDINANCE ON THE PUBLIC REGISTER OF OPERATORS PERFORMING ACTIVITIES UNDER ANNEX 1 TO ART. 3, ITEM 1 OF THE LIABILITY FOR PREVENTION AND REMEDIATION OF ENVIRONMENTAL DAMAGES ACT

Adopted by Decree No 317 of 12 December 2008 of the Council of Ministers

Prom. SG, issue 109 of 23 December 2008, am. and suppl. SG, issue 28 of 8 April 2016, am. SG, issue 55 of 7 July 2017

Chapter One. GENERAL PROVISIONS

Art. 1. The Ordinance defines the contents of the Public Register under Art. 15 of the Liability for Prevention and Remediation of Environmental Damages Act (LPREDA), as well as the procedure for providing information on the establishment and maintenance of this Register.

Art. 2. (1) The Register shall be conducted by officials authorised by the Minister of Environment and Water who:

1. enter data and circumstances in the Register;
 2. keep documents;
 3. provide inquiries.
- (2) The Register shall be kept in electronic form.

Art. 3. (Am. - SG, issue 28 of 2016 (effective from 8 April 2016) The Register under Art. 1 is public and shall be published on the [website](#) of the Ministry of Environment and Water.

Chapter Two. CONTENT OF THE PUBLIC REGISTER

Art. 4. The Register under Art. 1 contains the following data:

1. (suppl. - SG, issue 28 of 2016, effective from 8 April 2016) name and unique identification code (UIC) of the operator; for an individual - full name;
2. (am. - SG, issue 28 of 2016, effective from 8 April 2016) the relevant item(s) of Annex 1 to LPREDA, indicating the activity/activities performed by the operator;
3. brief description of each activity;
4. (suppl. - SG, issue 28 of 2016, effective from 8 April 2016) location of the site(s)/area(s) authorised for release of genetically modified organisms (GMOs) where the activity is being implemented (if applicable);
5. (suppl. - SG, issue 28 of 2016, effective from 8 April 2016) address, phone, fax, e-mail (information submitted by an individual is not published);
6. (suppl. - SG, issue 28 of 2016, effective from 8 April 2016) contact person - full name;
7. the regional inspectorate of environmental and water on the territory of which the activity is being implemented;
8. the basin water management directorate in the area of which the activity is being implemented;
9. licenses, permits, and registration certificates issued for implementing activities under Annex No 1 to LPREDA: act number, date of issue, competent authority, number and date of issue of the act with which it has been amended or updated.

Art. 5. The brief description of each activity of the operator under Art. 4, item 3 shall contain, where applicable, the following information:

1. (am. - SG, issue 28 of 2016, effective from 8 April 2016) specification of the scope of the activity in accordance with Annex 1 to LPREDA;

2. indication of whether the activity is subject to a permit, registration or licensing regime;

3. (am. - SG, issue 28 of 2016, effective from 8 April 2016) specification of the activity according to issued licenses, permits, and registration certificates in cases when such are required, and in other cases - in accordance with Annex No 1 to LPREDA;

4. (am. - SG, issue 28 of 2016, effective from 8 April 2016) capacity of the facilities/installations, incl. water quantities at water abstraction or discharge facilities or utilised areas when using a water body, or size of the areas authorised for release of GMOs or planted with genetically modified plants falling within the scope of Annex 1 to LRPRED, if specified in the relevant licenses, permits, and registration certificates under Art. 16, para. 1 and Annex 1 to LPREDA;

5. (am. - SG, issue 28 of 2016, effective from 8 April 2016) types of waste:

(a) waste subject to collection, transportation, disposal or recovery activities;

b) waste subject to waste transportation activities, incl. import, export and transit of waste within the meaning of Chapter Five, Section IV of the Law on Waste Management;

(c) mining waste which is being managed;

6. (am. - SG, issue 28 of 2016, effective from 8 April 2016) types of hazardous chemicals and mixtures, incl. crop protection products and biocidal products that are produced, used, stored, treated, filled or released into the environment;

7. (new - SG, issue 28 of 2016, effective from 8 April 2016) types of dangerous goods with which activities for transportation of dangerous goods are implemented within the meaning of the Law on Road Transport, the Law on Railway Transport, the Law on Maritime Spaces, Inland Waterways and Ports of the Republic of Bulgaria and the Law on Civil Aviation;

8. (new - SG, issue 28 of 2016, effective from 8 April 2016) genetically modified organisms with which work is carried out under controlled conditions, including the class of work pursuant to Art. 17 of the Law on Genetically Modified Organisms, or which are released into the environment or placed on the market, or with which activities are implemented for the transfer of GMOs, the import, export and transit of GMOs.

Chapter Three. PROCEDURE FOR PROVISION OF INFORMATION

Art. 6. (1) The executive authorities under Art. 16, para. 1 of LPREDA shall submit to the Minister of Environment and Water the information under Art. 4 within 60 days from the entry into force of the respective administrative act.

(2) The operators under Art. 17, para. 1 of LPREDA shall submit to the Minister of Environment and Water the information under Art. 4 within 30 days from the commencement of the activity.

(3) (Suppl. - SG, issue 28 of 2016, effective from 8 April 2016) The information under para. 1 and para. 2 shall be entered in the Register under Art. 1 within 7 days of its submission. In case the submitted information for entry in the Register under Art. 1 is incomplete, the persons under Art. 2 shall provide written instructions stating a deadline for elimination of the incompleteness.

(4) (Suppl. - SG, issue 28 of 2016, effective from 8 April 2016) Along with the information under Art. 4, the operators under para. 2 shall submit a statement of data reliability (according to the Annex).

Art. 7. (1) (Previous text of Art. 7, suppl. - SG, issue 28 of 2016, effective from 8 April 2016)

The operators and the executive authorities under Art. 6 shall provide the information under Art. 4 in paper and electronic form, except in cases when the information is available in another register. In such cases, the executive authorities under Art. 16, para. 1 of LPREDA shall provide, within the same time period, the website where there is information under Art. 4. In case the whole information under Art. 4 is not available on the respective website, the executive authorities under Art. 16, para. 1 of LPREDA shall submit to the Minister of Environment and Water the remaining information under Art. 4.

(2) (New - SG, issue 28 of 2016, effective from 8 April 2016) In case of discrepancies between the paper and the electronic version of the information under Art. 1, the record in paper form shall have effect.

Art. 8. (1) (Am. - SG, issue 28 of 2016, effective from 8 April 2016) In case of changes in any of the circumstances presented with the information under Art. 4, the operators and the executive authorities under Art. 6 are obliged to notify the Minister of Environment and Water within 14 days of the occurrence of the change. In cases where information is provided for an operator by the executive authorities under Art. 6 for the website under Art. 7, para. 1, the executive authorities shall not send notification of the change of circumstances. Where the change of circumstances is of general nature and does not affect the administrative act, the information shall be submitted by the operators. Operators shall also submit a statement of data reliability.

(2) The changes under para. 1 shall be entered in the Public Register within 7 days from the submission of the information.

(3) Any change in the circumstances entered in the Register under Art. 1, shall be noted.

(4) Obvious factual errors in the contents of the Public Register shall be corrected ex officio or at the request of concerned parties.

(5) (Suppl. - SG, issue 28 of 2016, effective from 8 April 2016) Notes, incl. deletions, shall be made in a way not to affect the integrity of the information about the already entered circumstances. Deletion of information submitted for entry by the respective executive authorities and operators, entered in the Register under Art. 1, shall be made after the grounds for entry have ceased to exist.

(6) (Am. - SG, issue 28 of 2016, effective from 8 April 2016) In the cases of para. 4 and 5, the official should specify the grounds and the date of the action.

Transitional and Final Provisions

§ 1. (Am. - SG, issue 28 of 2016, effective from 8 April 2016) The Ordinance is adopted on the grounds of Art. 19 of LPREDA.

§ 2. To create the Register under Art. 15 of LRPRED, the operators and the executive authorities under Art. 6 shall submit to the Ministry of Environment and Water the information under Art. 4 within 2 months from the entry into force of the Ordinance.

§ 3. (New - SG, issue 28 of 2016, effective from 8 April 2016, am.- SG, issue 55 of 2017, effective 07.07.2017) Instructions on the implementation of the Ordinance shall be provided by the Minister of Environment and Water in coordination, if necessary, with the Minister of Agriculture, Food and Forestry, the Minister of Health, the Minister of Transport, Information Technology and Communications, the Minister of Energy according to their competence.

§ 4. (Previous § 3 - SG, issue 28 of 2016, effective from 8 April 2016) The control over the implementation of this Ordinance is assigned to the Minister of Environment and Water.

Transitional and Final Provisions

TO DECREE No 71 OF 1 APRIL 2016 AMENDING AND SUPPLEMENTING THE ORDINANCE ON THE PUBLIC REGISTER OF OPERATORS PERFORMING ACTIVITIES UNDER ANNEX No 1 TO ART. 3, ITEM 1 OF THE LIABILITY FOR PREVENTION AND REMEDIATION OF ENVIRONMENTAL DAMAGES ACT, ADOPTED BY DECREE No 317 OF THE COUNCIL OF MINISTERS OF 2008

(PROM. - SG, ISSUE 28 OF 2016, EFFECTIVE FROM 8 APRIL 2016)

§ 9. (1) Within 6 months from the entry into force of the Decree, the Minister of Environment and Water shall create an organisation for establishment/implementation of an information system for management and keeping of the Public Register under LPREDA.

(2) The electronic register, which at the moment of the entry into force of the Decree establishes, processes and stores operator information, shall be kept until the establishment/implementation of the information system for management and keeping of the Public Register under LPREDA. Until the implementation of the information system for management and keeping of the Public Register under LRPRED, the Register shall be kept in the form of an electronic table. After the implementation of the information system for management and keeping of the Public Register under LPREDA, the Register shall be an electronic database.

(3) The operators and the executive authorities under Art. 6 shall provide the information under Art. 4 electronically or in paper and electronic form after the establishment and implementation of the information system for keeping of the Public Register.

§ 10. The Decree comes into force on the day of its promulgation in the State Gazette.

Final Provisions

**TO DECREE No 130 OF 29 JUNE 2017 ON THE ADOPTION OF RULES OF PROCEDURE OF
THE MINISTRY OF AGRICULTURE, FOOD AND FORESTRY
(PROM. - SG, ISSUE 55 OF 2017, EFFECTIVE FROM 07/07/2017)**

§ 70. The Decree comes into force on the day of its promulgation in the State Gazette.

Annex to Art. 6, para. 4

(New - SG, issue 28 of 2016, effective from 8 April 2016)

STATEMENT

of data reliability

I, the undersigned:

.....

(full name, UCN, address and phone number)

in my capacity as a person

managing

authorised to represent

.....

name of the legal person/trader who manages the business, and UIC or

.....

individual, full name

(please use an "X" mark),

operator within the meaning of the Law on the Responsibilities for Prevention and Remediation of Environmental Damage:

HEREBY DECLARE THAT:

the data submitted for:

entry

update

deletion

elimination of obvious factual errors

(please use an "X" mark)

of the information in the Public Register under the Ordinance on the Public Register of Operators Performing Activities under Annex No. 1 to Art. 3, item 1 of the Law on the Responsibilities for Prevention and Remediation of Environmental Damage (SG, issue 109 of 2008) is true and accurate.

I am aware of the criminal responsibility I bear under Art. 313 of the Penal Code for declaring false information.

Date:.....

Declarant:.....

(name and surname)