

PROTECTION FROM ENVIRONMENTAL NOISE ACT

In force from 1st of January 2006

Prom. SG. 74/13 Sep 2005, amend. SG. 30/11 Apr 2006, amend. SG. 41/2 Jun 2009, amend. SG. 98/14 Dec 2010, suppl. SG. 32/24 Apr 2012, amend. SG. 66/26 Jul 2013, amend. SG. 98/28 Nov 2014, amend. and suppl. SG. 12/3 Feb 2017, amend. and suppl. SG. 52/2 Jul 2019, suppl. SG. 60/30 Jul 2019

Chapter one. GENERAL PROVISIONS

Art. 1. This Act shall provide:

1. the assessment, the management and the control of noise in environment caused by automobile, railroad, air and water transport as well as by the industrial installations and facilities including for the categories of industrial activities of appendix no 4 of art. 117, para 1 of the Environmental Protection Act and by local sources of noise;

2. the determining of the degree of the noise loading in environment by measuring, assessment and mapping of the noise levels in environment and the development of strategic noise maps;

3. the acoustic planning by the development of the action plans on the basis of the mapping with regard to prevention and reduction of the noise in environment, mostly in cases when the exceeding of the values of given index for noise may cause harmful impact over the human health or for preserving the values of the indices for noise in environment in the regions where the values are not exceeded;

4. the access and the conceding of information to the public about noise in environment and its impact;

5. (amend. - SG 52/19) the competences of the state bodies and the bodies of the local government, the rights and the obligations of the natural persons, legal persons and sole traders connected with the assessment, management and control of noise in environment.

Art. 2. The objectives of this Act for creating healthy living conditions for the population and preservation of environment from noise shall be achieved through the development and the implementation of integrated approach and measures for its avoiding, prevention or reduction.

Art. 3. (1) This Act shall be implemented for the noise in environment to which people are exposed in the urbanized territories, in the parks and the gardens or in other quiet zones in the urbanized territories, in the quiet zones out of the urbanized territories or in the regions near children's and medical establishments, schools and scientific and research organizations.

(2) This Act shall not be applied for the noise:

1. caused by the person subjected to its impact;

2. caused by home activities;

3. caused by neighbors in residential buildings;

4. at the working places;

5. in the transport vehicles;

6. in zones of military activities;

7. (new - SG 52/19) caused by meetings, rallies and demonstrations.

(3) The assessment, the management and the control of the noise in the working environment shall be implemented in compliance with the Health and Safety Working Conditions Act and the acts of secondary legislation for its implementation.

(4) (suppl. - SG 52/19) The assessment, the management and the control of the noise in the

residential and the public buildings shall be implemented in compliance with the Health Act as well as the acts of secondary legislation for its implementation and in accordance with this Act.

(5) The requirements to the noise caused by home activities and by neighbors in residential buildings shall be determined with ordinances of the municipal councils approved by the order of the Local Government and Local Administration Act.

(6) The requirements for restriction of the harmful noise at designing and fulfillment of the constructions shall be determined in compliance with the Spatial Development Act.

Chapter two. STRATEGIC NOISE MAPS AND ACTION PLANS

Art. 4. (1) For the agglomerations, the basic railroads and the basic airfields on the territory of the country shall be developed and approved strategic maps for noise in environment.

(2) Within the framework of the strategic maps for the agglomerations shall be developed separate strategic maps for noise from automobile, railroad, air and water transport, from industrial activities etc. if there are such sources of noise in the respective agglomeration.

(3) The strategic maps for noise of para 1 shall contain textual and graphic information about:

1. transitional, present and expected noise situation defined by the means of the values of the indices for noise;

2. exceeding of the boundary values of the indices for noise;

3. the number of the homes, the children and the medical establishments, the schools and the scientific organizations in defined region which are exposed to increased values of the indices for noise;

4. the number of the people inhabiting region exposed to noise.

(4) The strategic maps for noise of para 1 shall determine the regions with established exceeding of the values of given index for noise which can cause harmful impact on human health and for which are applied action plans of art. 6.

(5) (suppl. - SG 12/17) The strategic noise maps of para 1 shall be reconsidered and upon necessity updated and approved at least once every 5 years from the date of their approval by the competent bodies of art. 5, para 6.

Art. 5. (1) The strategic noise maps shall be assigned for development by:

1. the mayors of municipalities – for the agglomerations;

2. (suppl. - SG 52/19) the Minister of Transport, Information Technology and Communications – for the basic railway lines and the basic airports;

3. (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works – for the basic roads.

(2) The mayors of municipalities shall present the drafts of the strategic noise maps for statement to the Minister of Health and the Minister of Environment and Waters at latest 4 months before the final date for their approval of § 2.

(3) The Minister of Health and the Minister of Environment and Waters shall in two months term after the presentation of the draft of strategic noise map send statement to the mayors of municipalities which shall be reflected in the preparation of ultimate draft of strategic noise map.

(4) Out of the cases of para 1, item 1 strategic noise maps may be assigned for development by the mayor of the respective municipality on his initiative, being approved by the respective municipal council.

(5) (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. - SG 52/19) The Minister of Transport, Information Technology and Communications and the Minister of Regional Development and Public Works shall present the drafts of strategic noise maps for approval to the Minister of Health at latest 4 months before the final date for their approval of § 2.

(6) The strategic noise maps of para 1 shall be approved by:

1. the municipal councils – for the agglomerations;
2. the Minister of Health – for the basic railway lines, the basic airports and the basic roads, upon proposal of expert council with him.

(7) The functions and the members of the expert council of para 6, item 2 shall be provided with regulation approved by the Minister of Health. The chairman of the expert council shall be determined by the Minister of Health and the deputy chairman – by the Minister of Environment and Waters. The Minister of Health and the Minister of Environment and Waters shall determine equal number of members of the expert council.

Art. 6. (1) With objective management, prevention and reduction of the noise in environment in the agglomerations and in the regions of art. 3, para 1 in immediate proximity to the basic roads, the basic railway lines and the basic airports, to the industrial installations and facilities, including the categories industrial activities of appendix No 4 to art. 117, para 1 of the Environmental Protection Act, as well as to local sources of noise, action plans shall be developed.

(2) The action plans of para 1 shall contain analyses of the current status, prognoses and measures for reduction and prevention of the noise connected with exceeding of the boundary values of given index for the noise in environment in the regions of the agglomerations and in proximity of the basic roads, the basic railway lines and the basic airports on the territory of the country.

(3) (suppl. - SG 12/17) The action plans of para 1 shall be reconsidered in if necessary updated and approved at least once every 5 years after the date of their approval by the competent bodies of art. 8, para 2.

(4) The measures for reduction and prevention of the noise in environment provided in the action plans shall be implemented in the terms pointed out in them and shall be financed by the owners of the sites and the facilities – sources of noise in environment and in the cases of concluded concession contracts – by the concessionaires.

(5) The measures for reduction and for prevention of noise in environment from industrial installations and facilities in the categories industrial activities of appendix No 4 to art. 117, para 1 of the Environmental Protection Act shall be part of the conditions of the complex permit.

Art. 7. The requirements to the development and the content of the strategic noise maps of art. 4 and to the action plans of art. 6 shall be determined with ordinance of the Council of Ministers on proposal by the Minister of Health.

Art. 8. (1) Action plan shall be assigned for development by:

1. the mayor of the respective municipality – for the agglomerations by the order of the development, the approval, the accounting and the control of the municipal environmental protection programs under chapter five of the Environmental Protection Act;

2. (suppl. - SG 52/19) the Minister of Transport, Information Technology and Communications – for the basic railway lines and the basic airports;

3. (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works – for the basic roads.

(2) The action plans of para 1 shall be approved by:

1. the municipal councils – for the agglomerations;
2. the Minister of Health – for the basic railway lines, the basic airports and the basic roads, upon proposal of the expert council of art. 5, para, item 2.

(3) The measures in the action plans shall be integral part of the respective municipal environmental protection program.

(4) Out of the cases of para 1, item 1 action plans may be assigned for development by the mayor of

the respective municipality also on his initiative being approved by the respective municipal council.

Chapter three.
INFORMING AND PARTICIPATION OF THE PUBLIC

Art. 9. (1) At developing the action plans of art. 6 the competent bodies of art. 8, para 1 shall organize public discussion in which may participate public organizations, associations, individuals and corporate bodies, bodies of the executive power and the local authorities as well as other interested parties.

(2) The competent bodies of art. 8, para 1 shall ensure access to the draft action plan 30 days before the public discussion. They shall notify the persons of para 1 through the mass media or in another appropriate way about the place where the draft action plan is at disposal as well as about the place and the date of conducting the public discussion.

(3) The persons of para 1 shall present in writing their statements at the meeting for public discussion or send them to the competent body not later than 7 days after the date of conducting the public discussion.

(4) The statements from the public discussion shall be taken into consideration by the competent bodies at the development of ultimate variant of the action plans.

Art. 10. (1) The competent bodies of art. 8, para 1 shall ensure access of the public to the approved strategic noise maps and to the approved action plans by the order of chapter two of the Environmental Protection Act, including through the modern information technologies.

(2) Abstract with the most important information from the strategic noise maps of art. 4 and the action plans of art. 6 shall be published in the annual reports on the status of environment of art. 11, item 8 of the Environmental Protection Act.

(3) The information about the noise in environment shall be public. It shall be published in the Internet sites of the respective responsible institutions and persons in compliance with chapter two of the Environmental Protection Act.

(4) The basic indices and levels for noise in environment in the settlements, accounting the degree of discomfort during the different parts of the day and night, shall be determined with the ordinance of art. 11, item 5 and shall be published in the Internet site of the Ministry of Health.

Chapter four.

**COMPETENCES OF THE STATE BODIES AND THE BODIES OF LOCAL AUTHORITIES,
RIGHTS AND OBLIGATIONS OF THE NATURAL PERSONS, LEGAL PERSONS AND SOLE
TRADERS (Title amend. - SG 52/19)**

Chapter four.

**COMPETENCES OF THE STATE BODIES AND THE BODIES OF LOCAL AUTHORITIES,
RIGHTS AND OBLIGATIONS OF THE CORPORATE BODIES AND THE SOLE
ENTREPRENEURS**

Art. 11. The Minister of Health shall:

1. organize the establishing, the functioning and the management of the national system for monitoring of noise in urbanized territories in compliance with the Health Act;

2. organize the implementing of assessment of the harmful effects of the noise on the health of the population;

3. organize the implementing of the measuring, assessment, management and control of noise in environment caused by local sources of noise;

4. every year prepare summarized national report on the noise in environment and in 6 months term

after the elapse of the calendar year present I to the Minister of Environment and Waters in connection with the preparation of the annual report on the status of environment under art. 11, item 8 of the Environmental Protection Act;

5. (suppl. - SG 52/19) together with the Minister of Environment and Waters issue ordinance with which are determined the indices for noise in environment accounting for the discomfort during the different parts of day and night, the limit values of the indices for noise in environment, in the premises of residential and public buildings, in areas and territories intended for housing, recreation zones and areas and mixed-use areas, the methods for assessment of the values of the indices for noise in environment as well as the methods for assessment of the harmful effects of the noise on the health of the population;

6. together with the Minister of Environment and Waters issue ordinance for the order and the way for creating the networks and for the activities of the national system for monitoring of the noise in environment and for the requirements for conducting of own monitoring and conceding of information from the sources of noise in environment;

7. (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. - SG 52/19) together with the Minister of Transport, Information Technology and Communications and with the Minister of Regional Development and Public Works issue ordinance for the requirements for the creating the maintenance and the content of the registers of art. 13 and 14.

Art. 12. The Minister of Environment and Waters shall:

1. organize the implementation of the measuring, assessment, management and control of the noise emitted from the industrial installations and facilities including the categories of industrial activities from appendix No 4 to art. 117, para 1 of the Environmental Protection Act;

2. in coordination with the Minister of Health organize the conceding of information and the reporting with regard to the noise in environment before international organizations in compliance with international agreements to which the Republic of Bulgaria is a party.

Art. 13. (suppl. - SG 52/19) The Minister of Transport, Information Technology and Communications shall:

1. organize the creating and the maintenance of register of the basic airports and the basic railway lines in the country;

2. organize the activity for determining the basic airports and the basic railway lines in the country.

Art. 14. (amend. - SG 66/13, in force from 26.07.2013) (1) (Amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall:

1. organize the creating and the maintenance of register of the agglomerations and the basic roads in the country;

2. organize the activity for determining the agglomerations and the basic roads in the country;

(2) (Amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works, together with the Minister of Health, the Minister of Interior and the Minister of Environment and Waters issue ordinance for restriction of the harmful noise through noise insulation of the buildings at their designing and for the rules and the norms at the fulfillment of the constructions with regard to noise emitted during the construction.

Art. 15. (1) The mayors of municipalities and the mayors of regions in the towns with region division shall:

1. organize and assign the development of strategic noise maps of art. 4 and of the action plans of art. 6 at local level and implement control over them;

2. determine officials from the existing structures in the municipal administration having the necessary qualification for control and implementation of the activities connected with restriction of the noise levels in environment.

(2) The competent bodies of the central administration shall render methodical assistance for fulfillment of the obligations of the bodies of the local authorities.

Art. 16. (amend. - SG 52/19) The natural persons, legal persons and sole traders shall:

1. (suppl. - SG 52/19) implement their activity in a way not admitting causing of noise in environment in the premises of residential and public buildings, as well as in the premises of multi-purpose buildings above the limit values determined with the ordinance of art. 11, item 5;

2. the owners of installations and facilities from the categories of industrial activities from appendix No 4 to art. 117, para 1 of the Environmental Protection Act shall conduct own monitoring and concede information to the regional inspectorates for environment and waters (RIEW) about the noise emitted by them in environment;

3. render cooperation to the competent bodies under this Act at implementing control and checks.

Art. 16a. (new – SG 41/09, in force from 02.06.2009, amend. - SG 52/19) (1) It is forbidden to load sites for production, trading and service sites established and located in areas and territories intended for housing recreational areas and zones and mixed-use areas as well as in residential buildings with more than one dwelling and multi-purpose buildings for the time from 23.00 to 08.00.

(2) It is forbidden to make loud sounds in sites under para. 1 and open areas in zones and territories intended for housing, recreation areas and areas and mixed-use areas for the time from 14.00 to 16.00 and from 23.00 to 8.00 with the exception of the territories of religious temples, railway stations, bus stations, airports, maritime stations and the use of warning systems and alert the population in case of disaster.

(3) It is prohibited make loud sounds in open areas in areas and territories intended for housing, recreation areas and areas and mixed-use areas by road vehicles with the exception of motor vehicles with special regime of movement and in the cases determined by an ordinance of the respective municipal council.

(4) Making loud sounds in open areas of vessels for sport, tourism and water entertainment, which sail in the internal sea waters, the territorial sea and the inland waterways of the Republic of Bulgaria with the exception of vessels with special regime of movement, shall be carried out in compliance with the requirements of para. 2.

(5) It is forbidden to make noise during construction from 14.00 to 16.00 and from 23.00 to 08.00.

(6) Exceptions to the prohibition under para. 2 shall be admitted in public outdoor activities, the sounding of these events shall be carried out under conditions and by order, determined by the ordinance under para. 3.

Art. 16b. (new - SG 52/19) (1) Natural persons, legal persons and sole traders submit an application to the municipal or district administration on the working hours at the opening of sites under Art. 16a, para. 1, as well as on the changing their working hours, under conditions and by order, determined by an ordinance of the respective municipal council.

(2) To the application under para. 1 shall be obligatory applied the opinion of the relevant regional health inspection on compliance with the limit values of the noise indicators, determined by the ordinance under Art. 11, item 5.

(3) For the issuance of the opinion under par. 2 the persons under para. 1 shall submit to the relevant regional health inspection:

1. an application that can also be sent electronically signed with advanced electronic signature, advanced electronic signature based on qualified electronic signature certificate or a qualified electronic

signature as required by Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OB, L 257/73 of 28 August 2014) and by Electronic Document and Electronic Trust Services Act and Electronic Government Act;

2. declaration that the requirements of the Spatial Planning Act are met - when the purpose of the premises is changed;

3. a copy of a document certifying the putting into operation of the construction in accordance with the Spatial Planning Act;

4. a copy of a document certifying the right to use the site;

5. report of the measurement of the noise level emitted by the site within the stated working time in neighboring living quarters that are adjacent to the site or bordering on it;

6. document for paid state fee under para. 6.

(4) The measurement under par. 3, item 5 shall be carried out by independent laboratories, which are accredited by the Executive Agency "Bulgarian Accreditation Service" or by another national accreditation body that is a party to the multilateral agreement on mutual recognition of the European Organization for Accreditation in the respective area or meet the requirements for recognition under Art. 5a, para. 2 of the National Accreditation Act of conformity assessment bodies and in whose scope of accreditation the noise indicator falls.

(5) The regional health inspection shall issue the opinion under para. 2 within 10 days of submission of the application on the basis of the submitted documents under para. 3 and verification of compliance with the values of the noise indicators specified in the protocol under para. 3, item 5 with the requirements of the Ordinance under Art. 11, item 5.

(6) For the issuance of the opinion under par. 2 shall be paid a state fee in the amount determined in the tariff under Art. 46 of the Health Act.

(7) In the event of inconsistencies with the requirements of the effective legislation and / or the incompleteness of the submitted documents under para. 3 a prescription is given and a deadline is set for complying with the requirements of the ordinance under Art. 11, item 5 and / or to remove deficiencies in the documents that is not longer than 14 days, the deadline under para. 5 stops running.

(8) Within 10 days from the expiration of the term under para. 7 the Regional Health Inspection shall measure the noise level the noise level made by the facility within the stated opening hours in cases where inconsistencies with the requirements of the Ordinance under Art. 11, item 5 are found and draw up a protocol.

(9) The Regional Health Inspection shall issue the opinion under par. 2 upon fulfillment of the prescription within 5 days from the carrying out of the measurement under para. 8 and / or from removal of the incompleteness in the documents.

(10) In case of failure to comply with the prescription under para. 7 the Director of the Regional Health Inspection makes a motivated refusal to issue the opinion under para. 2 and within 7 days notifies in writing the person who submitted the application under para. 3. In this case the procedure for issuance of an opinion under par. 2 is terminated, for which the relevant state and municipal authorities are also notified in writing.

(11) The refusal under para. 10 may be appealed under the Administrative Procedure Code, the appeal does not suspend the execution.

(12) In case of change of the circumstances under which the opinion under par. 2 was issued, a new opinion shall be issued under para. 2-9.

Chapter five. CONTROL

Section I.

General provisions

Art. 17. 9amend. – SG 41/09, in force from 02.06.2009; amend., - SG 98/10, in force from 01.01.2011) The Minister of health, the Directors of health inspectorates and the state health inspectors, determined by the Law for the Health shall carry out control on the noise in environment caused by local sources of noise by order determined with the Health Act.

Art. 18. The Minister of Environment and Waters, the directors of RIEW or officials authorized by them shall implement preventive, current and follow up control over the installations and the facilities of industry, including the categories of industrial activities of appendix No 4 to art. 117, para 1 of the Environmental Protection Act.

Art. 19. (amend. - SG 52/19) The Minister of the Interior or officials appointed by him shall exercise control:

1. over the road vehicles moving on the roads open for public use with regard to the noise emitted by them in environment in compliance with the Road Transport Act and the acts of secondary legislation for its implementation;
2. over compliance with the requirements of Art. 16a, para. 2 and 3.

Art. 20. (1) (suppl. - SG 52/19) The Minister for Transport, Information Technology and Communications shall through services determined by him implement control over:

1. the aviation means and the rolling railway stock about the noise emitted by them in environment ;
2. the technical fitness and the approval of the type of the new motor vehicles with regard to the noise emitted by them in environment in compliance with the Road Transport Act and the acts of secondary legislation for its implementation.
3. the basic airports about the noise emitted in environment as result of their activity.
4. (new - SG 52/19) compliance with the requirements of Art. 16a, para. 4.

(2) (suppl. - SG 52/19) The control about the noise emitted in environment from the basic airports shall be regulated with ordinance of the Minister of Transport, Information Technology and Communications.

Art. 21. (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works or officials authorized by him shall implement preventive, current and follow up control with regard to the protection from noise at designing and fulfillment of the constructions in compliance with the Spatial Development Act.

Art. 22. (1) The mayors of municipalities or officials authorized by them shall:

1. (suppl. - SG 52/19) exercise control for observing of the rules and the standards for fulfillment of the constructions with regard to the noise emitted during construction and complying with the prohibition under Art. 16a, para. 5;
2. exercise control for observing of the requirements of this Act in the quiet zones and the urbanized territories;
3. organize and regulate the movement of automobile transport in the settlements with regard reduction of the noise levels to the admissible standards;
4. (new – SG 41/09, in force from 02.06.2009, suppl. - SG 52/19) exercise control for compliance

with the requirements of Art. 16a, para. 1 and 6 and Art. 16b, para. 1.

(2) Upon necessity of implementing of measuring of the noise level the control of para 1, item 1 shall be accomplished together with the regional bodies of the Ministry of Health.

Art. 23. The bodies of the executive power and the administrations subordinated to them, the organizations, the individuals and the corporate bodies and the sole entrepreneurs shall be obliged to render cooperation to the bodies implementing control of the fulfillment of this Act.

Art. 24. The control bodies shall compile acts for the administrative breaches established during the control activity.

Art. 24a. (new - SG 60/19, in force from 30.07.2019) An ordinance of the Council of Ministers defines the conditions and procedure for interaction between state bodies in exercising their control powers under this Act.

Section II. Preventive control

Art. 25. The preventive control shall be implemented through the procedures for ecological assessment and environmental impact assessment and through issuing of permits by the order of the Environmental Protection Act as well as through the procedures for coordination and permission by the order of the Health Act and the Spatial Development Act.

Art. 26. (1) The preventive control shall have as objective prevention of the emitting of different kinds of noise in environment above the limit values determined in the ordinance of art. 11, item 5.

(2) (amend. - SG 52/19) In fulfillment of their functions and with regard to the achieving of the objective of the preventive control the bodies of art. 17 – 22 shall compile warning records to individuals, to the management bodies of the corporate bodies and to the sole entrepreneurs who are subject to control.

(3) In the records of para 2 shall be reflected the circumstances which may lead to the emitting of different kinds of noise in environment above the limit values and prescriptions shall be given for not admitting these facts or circumstances.

(4) The prescriptions of para 3 shall be obligatory for the checked.

Section III. Current and follow up control

Art. 27. (1) The current control shall comprise:

1. the control over the sources of noise in environment;
2. the control over the fulfillment of the conditions in the issued by the competent bodies complex permits and other documents under the procedures of art. 25 referring the emitting of noise in environment.

(2) The current control shall be implemented through accomplishing of checks, observations and measurements.

(3) The current control shall include access to:

1. (amend. - SG 52/19) the data from the own monitoring of the noise in environment emitted from the activity of the natural persons, legal persons and sole traders;
2. (amend. - SG 52/19) the information connected with the activity of the natural persons, legal persons and sole traders causing noise in environment;

3. the properties and the facilities connected with the activity causing noise regardless of the form of ownership.

Art. 28. (1) (amend. - SG 52/19) During the implementing of the current control officials determined by the bodies of art. 17 – 22 shall compile fact finding records or acts.

(2) In the records of para 1 shall be reflected the established facts and circumstances and obligatory prescriptions shall be given with pointing out of terms and responsible bodies and persons for their fulfillment.

Art. 28a. (new - SG 52/19) (1) Where a violation under Art. 16a, para. 2 and 3 was found, the officials appointed by the Minister of Interior under Art. 19 shall issue a written order to stop the noise:

1. from the respective site of production, storage and trade or service point established and located in areas and territories intended for housing, recreational areas and areas and mixed-use areas as well as in residential buildings with more than one dwelling and mixed-use buildings - in the cases under Art. 16a, para. 2.

2. with speakers located in open areas in areas and territories intended for housing, recreation areas and areas and mixed-use areas - in the cases under Art. 16a, para. 2;

3. from the road vehicle - in the cases under Art. 16a, para. 3;

(2) The orders under para. 1 may be appealed under the Administrative Procedure Code, the appeal does not suspend the execution.

Art. 28b. (new - SG 52/19) (1) In case of complaints and signals for noise emission above the limit values determined by the ordinance under Art. 11, item 5, by a specific site under Art. 16b, para. 1 the Regional Health Inspection shall, within three days, measure penetration noise in the respective adjacent living quarters which are in close proximity to the site or bordering on it, and draws up a statement of findings.

(2) When the measurement under par. 1 detects no noise above the limit values specified in the Ordinance under Art. 11, item 5 the Regional Health Inspection issues a conclusion of conformity within 5 days of making the measurement.

(3) When the measurement under par. 1 detects noise above the limit values specified in the Ordinance under Art. 11, item 5 the Regional Health Inspection issues injunction and sets a deadline for compliance with the requirements of the Ordinance, which is not longer than 14 days, the term under para. 2 stops running.

(4) Within 10 days from the expiration of the term under para. 3 the Regional Health Inspection shall re-measure the noise level emitted by the site subject of the inspection and shall draw up a statement of findings.

(5) The Regional Health Inspection shall issue a conclusion of conformity with the fulfilled prescription under para. 3 within 5 days from the carrying out of the remeasurement under para. 4.

(6) In the event of non-fulfilment of the prescription under para. 3 the Director of the Regional Health Inspectorate issues an order for cancellation of the issued opinion under Art. 16b, para. 2 and within 7 days inform the respective person under Art. 16b, para. 1 as well as the mayor of the municipality and the bodies of the Ministry of Interior to take immediate action in their competence.

(7) The order under para. 6 may be appealed under the Administrative Procedure Code, the appeal shall not suspend the execution.

Art. 29. The follow up control shall be implemented through following of:

1. the results of the fulfillment of the measures provided in the action plans of chapter two;

2. the fulfillment of the prescriptions given to the controlled persons during the implementation of the preventive and the current control.

Chapter six.
COMPULSORY ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PUNITIVE PROVISIONS

Section I.
Compulsory administrative measures

Art. 30. For prevention and termination of the administrative breaches of this Act and the harmful consequences from them the competent bodies or officials authorized by them shall apply compulsory administrative measures by the order of art. 31.

Art. 31. (1) (amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, suppl. - SG 52/19) The Minister of Health, the Minister of Environment and Waters, the Minister of Regional Development and Public Works, the directors of regional health inspections and the mayors of municipalities or officials authorized by them in compliance with their authorities may:

1. prescribe measures for removal of established breaches;

2. stop activities of industrial installations and facilities, including the categories of industrial activities of appendix No 4 to art. 117, para 1 of the Environmental Protection Act, and of local sources of noise at breaching the requirements of this Act.

(2) The termination of the activities of para 1, item 2 shall be implemented with order by the bodies of para 1 and it shall be in force till the removal of the reason led to imposing of the compulsory administrative measure.

(3) (new - SG 52/19) In case of non-fulfillment of the order under Art. 28a, para. 1, item 1 the activity of the site shall be suspended for a period of three days, with notice being given on the prominent place that the activity of the site is suspended.

(4) (new - SG 52/19) In a subsequent violation under Art. 16a, para. 2, effected within one year from the issuance of the order under Art. 28a, para. 1, item 1 the activity of the site is suspended for a period of 14 days, with notice being given on the prominent place that the activity of the site is suspended.

(5) (new - SG 52/19) The suspension of the activity under para. 3 and 4 shall be carried out by an order for compulsory administrative measure, issued by the officials appointed by the Minister of Interior under Art. 19.

Art. 32. (amend. - SG 30/06, in force from 12.07.2006, amend. - SG 52/19) The orders of art. 31, para 2 and 5 may be appealed by the order of the Administrative procedure code and the appeal does not suspend the enforcement.

Section II.
Administrative offences and penalties

Art. 33. (1) (amend. - SG 52/19) For the breaches of this Act which do not constitute crimes the officials shall be punished with fines from 200 to 700 levs.

(2) (amend. - SG 52/19) For the breaches of this Act which do not constitute crimes the individuals shall be punished with fines from 200 to 700 levs and to the corporate bodies and the sole entrepreneurs shall be imposed proprietary sanctions in extent from 500 to 3000 levs.

(3) (amend. - SG 52/19) At repeated breach of para 1 and 2 the individuals and the officials shall be punished with fines from 700 to 1500 levs and to the corporate bodies and the sole entrepreneurs shall be imposed proprietary sanctions in extent from 3000 to 7000 levs.

Art. 34. (1) (amend. - SG 52/19) For breaches of this Act connected with exceeding of the limit noise values the individuals shall be punished with fine from 500 to 1000 levs and to the corporate bodies and the sole entrepreneurs shall be imposed proprietary sanctions in extent from 3000 to 6000 levs.

(2) (amend. - SG 52/19) At repeated breach of para 1 the individuals shall be punished with fines from 2000 to 6000 levs and to the corporate bodies and the sole entrepreneurs shall be imposed proprietary sanctions in extent from 5000 to 12 000 levs.

Art. 34a. (new - SG 52/19) (1) For violation under Art. 16a, para. 1-5 natural persons shall be punished with a fine from BGN 500 to BGN 1000, and legal entities and sole traders shall be subject to a proprietary sanctions amounting from BGN 3000 to BGN 6000.

(2) In the case of a repeated violation under para. 1 natural persons shall be punished with a fine from BGN 2000 to BGN 6000, and legal entities and sole traders shall be imposed a proprietary sanction in the amount of BGN 5000 to BGN 12 000.

Art. 34b. (new - SG 52/19) With the drawing up of the act for establishing an administrative violation, the material evidence related to the establishment of the violation under Art. 16a, para. 2 may be seized and retained.

Art. 35. The penalties of art. 33 shall also be imposed to the persons who:

1. do not concede to the control bodies the existing data and information from own monitoring;
2. do not fulfill the prescriptions provided in the individual administrative acts and in the fact finding records of art. 28, para 1, issued by the competent bodies or by officials authorized by them.

Art. 36. (amend. - SG 52/19) The acts with which are established the administrative breaches of this Act shall be compiled by officials determined by the competent bodies of art. 17 – 22.

Art. 37. (amend. - SG 52/19) The punitive decrees under this Act shall be compiled by the order of The Administrative Violations and Penalties Act and issued by the competent bodies of art. 17 – 22.

Art. 38. (new - SG 32/12, in force from 24.04.2012) The fines and property sanctions collected under this Act, imposed by the bodies referred to in Art. 18, shall be deposited at the Environmental Protection Management Enterprise.

Additional provisions

§ 1. In the context of this Act:

1. (amend. - SG 52/19) "Noise in environment" is unwanted or harmful external sound caused by human activity, in this number the noise emitted by the transport vehicles from the automobile, railway, water and air transport, from industrial installations and facilities, including the categories of industrial activities of appendix No 4 to art. 117, para 1 of the Environmental Protection Act, and from local sources of noise incl. mechanical and electronic sound systems.

2. "Harmful effects" are the negative impacts over human health.

3. "Discomfort" is the degree of annoyance created by the noise in environment, determined by investigations in this field.

4. "Local sources of noise" are the commercial sites, the entertainment establishments, the centers

for services etc., located on the territory determined as urbanized territory under the Spatial Development Act.

5. "Index for noise" is physical value for determining the noise in environment which has connection with given harmful effect.

6. "Assessment" means any used method for calculation or prediction of the influence of given index for noise or the connected with it harmful effects over the environment and human health.

7. "Agglomeration" is settlement with population over 100 thousand residents or determined as urbanized territory under the Spatial Development Act.

8. "Quiet zone in the urbanized territories" is part of territory where values of indices for noise higher than the limit values are not admitted.

9. "Quiet zone out of the urbanized territories" is territory where are not admitted values of indices for noise caused by transport, industrial activity or entertainment establishments.

10. "Basic road" is republican road on which pass over 3 million motor vehicles annually.

11. "Basic railway line" is railway line on which pass over 30 thousand trains annually.

12. "Basic airport" is civil airport for public use – for servicing of international and domestic flights implementing more than 50 thousand take offs and landings annually except these made only for training purposes of the light aircraft.

13. "Card-indexing of noise" is the presenting of data about existing or expected noise situation as values of indices for noise proving breaches of defined limit value, the number of the affected residents in given region or the number of the homes exposed to some of indices for noise in defined territory.

14. "Strategic noise map" is map designated for overall assessment of the emitting of noise in given territory, caused by different sources of noise or for general prognosticating in such territory.

15. "Present noise situation" is the situation reflecting the status during the calendar year preceding the development of the strategic map.

16. "Action plans" are plans prepared for noise management in environment, including for its reduction if it is necessary.

17. "Acoustic planning" is controlling of future noise by planned measures as planning the use of land, systems for designing and traffic planning as well as reduction of noise through measures for noise insulation and control of the noise at the sources.

18. "Limit value" is value of the index for noise which exceeding imposes the competent bodies to consider and apply measures for reduction of noise.

19. "Measures" are defined organizational, economic or technical solutions for prevention and reduction of noise in environment which do not include concrete technology, trade mark, patent, type, origin or production.

20. "Noise in zones for military activities" is the noise caused by peace time human activities in them.

21. "Repeated" is the breach implemented in one year term after the entering into force of punitive decree with which penalty is imposed to the offender for the same kind of breach.

22. (new - SG 52/19) "Making sounds" means the emission of sound in the environment, transmitted by mechanical and electronic means and / or by voice and singing.

23. (new - SG 52/19) "Public events" are concerts, plays, screenings, circus shows, sports competitions and other similar events, exhibitions, fairs, ceremonies, public holidays or events of an official or commemorative nature.

24. (new - SG 52/19) "Areas and territories intended for housing, recreation zones and areas and mixed-use areas" shall be the zones and territories within the meaning of the Ordinance under Art. 13, para. 1 of the Spatial Development Act.

25. (new - SG 52/19) "Open area" is the unfinished part of the site, including the part on which there is a roofless structure or at least one enclosing wall.

§ 1a. (new - SG 12/17) The act shall implement the requirements of the Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OB, L 189/12 from 18 July 2002).

Transitional and concluding provisions

§ 2. The strategic noise maps of art. 4 shall be approved for:

1. all agglomerations with more than 250 thousand residents through which pass over 6 million motor vehicles annually, for all basic railway lines with over 60 thousand passing trains annually and for all basic airports on the territory of the country – in term till June 30, 2007;
2. all other agglomerations, basic roads and basic railway lines – in term till June 30, 2012.
3. (new - SG 12/17) for all other agglomerations, basic roads, basic railway lines and basic airports in Bulgaria - until 30th of June of each successive 5-year term from the expiry of the terms under item 1 and 2.

§ 3. The strategic noise maps of art. 4 shall be presented to the Minister of Health and the Minister of Environment and Waters by the bodies of art. 5, para 1 for:

1. all agglomerations with more than 250 thousand residents, for all basic roads on which pass over 6 million motor vehicles annually, for all basic railway lines with over 60 thousand trains annually and for all basic airports on the territory of the country – in term till September 30, 2007;
2. all other agglomerations, basic roads and basic railway lines – in term till September 30, 2012.
3. (new - SG 12/17) for all other agglomerations, basic roads, basic railway lines and basic airports in Bulgaria - until 30th of September of each successive 5-year term from the expiry of the terms under item 1 and 2.

§ 4. The action plans of art. 6 shall be approved for:

1. all agglomerations with more than 250 thousand residents and for regions near the basic roads with over 6 million passing motor vehicles annually, by the basic railway lines with over 60 thousand passing trains annually and by the basic airports on the territory of the country – in term till July 18, 2008;
2. all other agglomerations, basic roads and basic railway lines – in term till July 18, 2013.
3. (new - SG 12/17) for all other agglomerations, basic roads, basic railway lines and basic airports in Bulgaria - until 18th of July of each successive 5-year term from the expiry of the terms under item 1 and 2.

§ 5. The action plans of art. 6 shall be conceded to the Minister of Health and the Minister of Environment and Waters by the bodies of art. 8 for:

1. all agglomerations with more than 250 thousand residents, all basic roads with over 6 million passing motor vehicles annually, for all basic railway lines with over 60 thousand passing trains annually and for all basic airports on the territory of the country – in term till October 31, 2008;
2. for all other agglomerations, basic roads and basic railway lines – in term till October 31, 2013.
3. (new - SG 12/17) for all other agglomerations, basic roads, basic railway lines and basic airports in Bulgaria - until 31th of October of each successive 5-year term from the expiry of the terms under item 1 and 2.

§ 6. (suppl. - SG 12/17) The determining of the agglomerations, of the basic railway lines, of the basic roads and of the basic airports of § 2, item 1 shall be implemented by the respective competent bodies in term up to two months after the Act enters into force, and these of § 2, item 2 – in term till October 31,

2008. After the expiry of the terms under the first sentence - annually by the end of February.

§ 7. In term two years after this Act enters into force the competent bodies shall ensure the necessary measuring means for implementing their control activity.

§ 8. In the Environmental Protection Act (prom. SG 91/02; corr. SG 98/02; amend. SG 86/03, SG 70/04) the following supplements shall be made:

1. In art. 146, para 1 after the words "Underground Resources Act" comma shall be put and shall be added "the Protection from Environmental Noise Act".

2. In art. 147:

a) in para 1 after the words "monitoring of environment" comma shall be put and shall be added "except the national system for monitoring of noise in the urbanized territories";

b) in para 2 after the words "the national automated system for ecological monitoring" comma shall be put and shall be added "except the national system for monitoring of noise in the urbanized territories";

c) in para 4 after the words "monitoring activity" comma shall be put and shall be added "except the monitoring activity for noise in urbanized territories".

§ 9. The ordinance of art. 11, item 7 shall be issued in term up to one month after the Act enters into force.

§ 10. The ordinances of art. 7 and art. 11, items 5 and 6 shall be issued in term up to three months after the Act enters into force.

§ 11. The ordinances of art. 14, item 1 and art. 20, para 2 shall be issued in term up to one year after the Act enters into force.

§ 12. The fulfillment of the law shall be assigned to the Minister of Health and the Minister of Environment and Waters.

The Act shall enter into force on January 1, 2006.

The Act was passed by the 40th National Assembly on August 31, 2005 and is affixed with the official seal of the National Assembly.

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from

the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT

(PROM. – SG 41/09, IN FORCE FROM 02.06.2009)

§ 96. The Act shall enter into force from the day of its promulgation in State Gazette, except for:

1. paragraphs 3, 5, 6 and 9, which shall enter into force from 1 January 2009;

2. paragraphs 26, 36, 38, 39, 40, 41, 42, 43, 44, 65, 66,69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 88, 89 and 90, which shall enter into force from 1 July 2009;

3. paragraph 21, which shall enter into force from 1 June 2010.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 32/12, IN FORCE FROM 24.04.2012)

§ 98. The Act shall enter into force from the day of its promulgation in State Gazette, except for the following provisions:

1. paragraphs 20 - 42, § 75 and § 91, which shall enter into force from January 1, 2013;

2. paragraphs 43 - 58, § 87 and § 88, which shall enter into force from January 7, 2014 as regard to operators:

a) of installations which are brought into operation and have integrated permits prior to January 7, 2013 and which carry out activities under Appendix No 4:

aa) item 1.1 - as regards to activities with a rated thermal input over 50 MW;

bb) items 1.2, 1.3, 1.4, letter "a", items 2.1 - 2.6, 3.1 - 3.5;

cc) items 4.1 - 4.6 - as regards to activities related production through chemical treatment;

dd) items 5.1, letters "f", "g", "i" and "k" and 5.2, letter "a" – only as regards to household waste;

ee) items 5.3.1, letters "a" and "b", 5.4, 6.1, letters "a" and "b", 6.2, 6.3, 6.4.1, 6.4.2, letter "a", 6.4.3 and 6.5 - 6.9;

b) whose application for integrated permit has been approved not later than 7 January, 2013. And the facilities – subject to the application, will be brought into operation not later than 7 January, 2014.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL PLANNING ACT

(PROM. - SG 66/13, IN FORCE FROM 26.07.2013)

§ 117. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PROTECTION FROM
ENVIRONMENTAL NOISE ACT

(PROM. - SG 52/19)

§ 29. Within 6 months after the entry into force of this Act the applications for working hours and for changing the working hours under Art. 16b, para. 1 shall be filed and considered under the previous order.

§ 30. The secondary legislation on the implementation of this Act shall be adopted, respectively issued and brought into compliance with the requirements of this Act within 6 months of its entry into force.

Transitional and concluding provisions
TO THE ACT SUPPLEMENTING THE CONCESSIONS ACT

(PROM. - SG 60/19, IN FORCE FROM 30.07.2019)

§ 6. Within 6 months of the entry into force of this Act, the Council of Ministers shall adopt the ordinance under Art. 24a of the Protection from Environmental Noise Act.

§ 7. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 2, para. 1 and 2, which shall enter into force on January 1, 2019.