

ORDINANCE ON THE CONDITIONS AND PROCEDURE FOR IMPLEMENTING ECOLOGICAL ASSESSMENT OF PLANS AND PROGRAMMES (TITLE AMEND. – SG 03/2006)

Prom. SG. 57/2 Jul 2004, Amend. SG. 3/10 Jan 2006, Amend. SG. 29/16 Apr 2010, Amend. SG. 3/11 Jan 2011, Amend. and suppl. SG. 38/18 May 2012, Amend. and suppl. SG. 94/30 Nov 2012, Amend. and suppl. SG. 12/12 Feb 2016, Amend. and suppl. SG. 3/5 Jan 2018, Corr. SG. 8/23 Jan 2018, Amend. and suppl. SG. 31/12 Apr 2019, Amend. and suppl. SG. 67/23 Aug 2019

Chapter one. GENERAL PROVISIONS

Art. 1. (amend. - SG 03/06, former text of Art. 1. – SG, N 3 of 2011) The ordinance shall determine the conditions and the order for ecological assessment of plans and programmes, which are in process of preparation and/or approval by the central and the territorial bodies of the executive power, the bodies of local government and the National Assembly, called hereinafter "ecological assessment" or "EA".

(2) (New - SG, 3/11, suppl. - SG, 38/12). For the cases of compliance assessment through the procedure of EA under Art. 31, Para. 4 of the Biological Diversity Act, the requirements of Chapter Three of the Ordinance on the Conditions and Procedures for Assessment of the Compliance of Plans, Programs, Projects and Investment Proposals with the Object and Purposes of Conservation of Protected Areas, adopted by Decree No. 201 of The Council of Ministers of 2007 (promulgated, SG, No. 73/07; amend. and suppl., 81/10 and 3/11).

Art. 2. (1) (amend. - SG 03/06, amend. – SG, 38/12, amend. – SG, 12/16, in force from 12.02.2016) The implementing of EA shall be obligatory for the plans and the programmes, which:

1. are required under Art. 85, Para. 1 of the Environmental Protection Act (EPA), or
2. are included in Annex N 1 and outline the framework for the future development of investment proposals under Annexes N 1 and 2 of the EPA, or
3. represent significant changes to plans and programs under items 1 and / or 2, or
4. are likely to have a significant negative impact on the protected areas of the "Natura 2000" network, according to a Decision under Art. 20 of the Ordinance on the conditions and procedure for evaluating the compliance of plans, programs, projects and investment proposals with the subject matter and objectives of protection of the protected areas.

(2) (Amend. – SG, 3/06, amend. – SG, 29/10, suppl. – SG, 3/11. Amend. – SG, 38/12) The necessity of EA shall be estimated under Chapter Two for:

1. (amend. – SG, 12/16, in force from 12.02.2016) plans and programs and their amendments under Art. 85, Para 1 of the EPA, which define the use of small territories at local level and / or are included in Annex No 2;

2. (amend. – SG, 12/06, in force from 12.02.2016) minor changes of plans and programs under Para. 1, item 1 and / or 2;

3. (amend. – SG, 94/12, in force from 30.11.2012) plans and programs and their amendments apart from Annexes N 1 and 2, which outline the framework for the future development of investment proposals under Annex No. 1 to Art. 92, item 1 and Annex No. 2 to Art. 93, Para. 1, items 1 and 2 of EPA;

4. (new – SG, 94/12, in force from 30.11.2012) plans and programs and their amendments apart from Annexes N 1 and 2, which do not outline the framework for future development of investment proposals under Annex No. 1 to Art. 92, item 1 and Annex No. 2 to Art. 93, Para. 1, items 1 and 2 of the

EPA, which are expected to have a significant impact on the environment and human health, when applied.

(3) (new - SG 03/06, amend. – SG, 12/16, in force from 12.02.2016) The ecological assessment of the plan or of the programme provided in an international treaty, where the Republic of Bulgaria is a party to, shall be performed following the determined in the treaty procedure.

(4) (new - SG 03/06) For plans and programmes under Para 1 and 2, for which the procedure of another normative act requires assessment of the impact on the environment, upon a written request of the assignor, the competent bodies under Art. 4 and the bodies of improvement and/or adoption of the respective plan or programme may co-ordinate the conduction of several procedures or to conduct one joint procedure.

(5) (new - SG 03/06, repealed, - SG, 3/18).

Art. 3. (1) (Amend. – SG, 12/16, in force from 12.02.2016) The ecological assessment shall be implemented in the following sequence:

1. notification to the competent authority about determination of the applicable EA procedure;
2. consideration of the need for EA;
3. defining the scope and contents of EA;
4. drawing up a report on EA;
5. conducting consultations with the public, interested bodies and third parties, likely to be affected by the plan or program;
6. reflecting the result from consultations on the EA report;
7. issuing an opinion on EA;
8. observation and control at the implementation of the plan or the programme.

(2) (Amend. – SG, 12/16, in force from 12.02.2016) The activities of Para 1, items 1 – 8 or these of them, which are applicable according to the concrete case, shall be joint with the stages, through which passes the procedure for working out and approval of the plan/programme observing the following conditions:

1. (suppl. – SG, 3/11) the ecological assessment shall be implemented simultaneously with the working out of the plan or the programme and the opinion on it, or decision, which shall consider if EA is to be performed, shall be issued before the approval of the plan or the programme;

2. the documentation, which is required for implementing EA by the order of the ordinance, can be supplemented according to the respective special law for the plan/programme.

(3) (amend. - SG 03/06) The provisions, referring to the drafting of the report on EA, and to the conduction of consultations shall be also applied for the ecological part of the plan or the programme in the cases of Art. 86, Para 4 of EPA.

Art. 4. The competent bodies for EA of plans and programmes shall be:

1. for the plans and the programmes, approved by the central bodies of the executive power and by the National Assembly – the Minister of Environment and Waters;
2. for the plans and the programmes, approved by the territorial bodies of the executive power or by the municipal council – the director of the respective regional inspectorate for environment and waters (RIEW) or the Minister of Environment and Waters within the scope of their competence, determined according to art. 10, par 2 of EPA or under the respective special law.

Art. 4a. (New, SG, 31/19, effective from 12.04.2019) (1) The competent authority or an official, authorized by him shall require from the relevant bodies officially created information and / or documentation for carrying out the relevant procedure under the Ordinance.

(2) The competent authority or an official, authorized by him shall provide the relevant authorities with information and / or documentation, where justified.

Art. 5. (1) The bodies of art. 4 at exercising their authorities for EA shall be assisted by:

1. Interdepartmental commission, called hereinafter "the commission" – specialised members of the Supreme expert ecological council (SEEC) at the Minister of Environment and Waters;
2. ecological expert council (EEC) at RIEW.

(2) (suppl. - SG 03/06, amend. and suppl. – SG, 67/19, in force from 23.08.2019) In the commission and the expert councils of para 1 in addition to representatives of the Ministry of Environment and Waters (MEW) shall obligatory be included representatives of the Ministry of Health, the Ministry of Agriculture, Food and Forests and the Ministry of Regional Development and Public Works and/or their regional structures.

Art. 6. (1) (Amend. – SG, 12/16, in force from 12.02.2016) The assignor of the plan/programme shall ensure the assigning of EA and conducting consultations with the bodies, responsible for the preparation and the implementation of the plan/programme, the interested and the affected bodies, and with the team working out the plan or the programme.

(2) The assignor shall ensure the resources for the expenses for working out the EA.

Art. 7. (Amend. – SG, 29/10) (1) Amend. – SG, 3/18) The Ministry of Environment and Waters and RIEW shall keep public register for the procedures for EA of plans and programmes as data base with the register of art. 102 of EPA.

(2) The Register under Para. 1 shall contain data on the execution of EA procedures and shall be maintained as a single electronic database, with a separate file opened for each EA procedure.

(3) (Amend. - SG, 38/12) The access to review the information, entered in the register shall be provided through the websites of the Ministry of Environment and Waters (MEW) and the Regional Inspectorate of Environment and Waters (RIEW).

(4) (Suppl., SG, 3/18) The Register shall be established by an order of the Minister of Environment and Waters, which shall determine the rules for its keeping:

1. the persons, responsible for keeping the Register;
2. the procedure for updating of the Register data;
3. the procedure for exchange of information between the MEW and RIEW;
4. the contents of the file under Para. 2.

Art. 7a. (New, SG, 3/11) (1) In the cases under Art. 11, Para. 2 and 3, Art. 13, Para. 1, Art. 15, Para. 5, Art. 24, Para. 8 and Art. 27 of the Ordinance on the conditions and procedure for assessing the compatibility of plans, programs, projects and investment proposals with the object and purposes of protection of the protected areas, the corresponding joint environmental assessment procedure shall also be terminated.

(2) In cases of termination of the environmental assessment procedure, the corresponding joint procedure under Art. 31 of the Biological Diversity Act shall also be terminated.

(3) (Amend. - SG, 94/12, effective from 30.11.2012, amend. - SG, 3/18, amend. and suppl. - SG, 67/19, effective from 23.08.2019) The competent authority shall terminate the environmental assessment procedure at each stage of it, when it is confirmed by relevant competent authority (eg. Basin Directorate, Ministry of Agriculture, Food and Forestry, municipal authorities, etc.). inadmissibility of the plan / program against existing regulatory or administrative acts.

(4) (Suppl., SG, 31/19, effective from 12.04.2019) In the cases of termination of the procedure, provided for in the Ordinance, the termination shall be carried out by the competent authority with a decision. The competent authority or an official, authorized by him shall:

1. (new – SG, 31/09, in force from 12.04.2019) provide the decision to the contracting authority of the plan / program with an obligation to announce it within 3 days from receipt through the website of the

contracting authority and / or otherwise appropriate;

2. (new – SG, 31/09, in force from 12.04.2019) announce the decision on its website and in an appropriate place in its building;

3. (new – SG, 31/19, effective from 12.04.2019) provide a copy of the decision of the implementing body and the body for adoption / approval / confirmation of the plan or program for information and compliance.

(5) (New, SG, 94/12, effective from 30.11.2012, amend. – SG, 12/16, effective from 12.02.2016) The competent authority shall terminate the procedure, initiated under environmental assessment, where no more than 12 months after giving instructions by the competent authority at the relevant stage of the procedure, the contracting authority has not submitted information / documentation.

(6) (New, SG, 94/12, effective from 30.11.2012) In the cases of Para. 5, the competent authority or an official, authorized by him shall send a reminder letter to the contracting authority and shall set a deadline of 14 days, within which the contracting authority shall confirm the continuation of the procedure by submitting to the competent authority the relevant information / documentation or request termination of the procedure. If no reply is received and / or the relevant information / documentation is not provided by the contracting authority within the specified period, the procedure shall be terminated in accordance with the procedure of Para. 4.

Chapter two.

NOTIFICATION, ESTIMATION OF THE NECESSITY OF THE RANGE OF ECOLOGICAL ASSESSMENT (TITLE AMEND. – SG 03/06, AMEND. – SG, 12/16, IN FORCE FROM 12.02.2016)

Art. 8. (1) (New, SG, 12/16, effective from 12/02/2016) (1) (Suppl., SG, 3/18, suppl., SG, 31/19, in force from 12.04.2019) For determination of the applicable EA procedure, the contracting authority shall submit to the competent authority under Art. 4 notification according to model form under Annex 3, in one copy on paper and electronic form, submitting an assignment for development of the plan / program or their modification in scope, according to the Spatial Development Act (SDA) or the relevant other special legislative or administrative act and / or information for the purposes and predictions of the plan / program. The contracting authority shall ensure the uniformity of the contents of the paper and electronic media of the information with the annexes.

(2) (New, SG, 31/19, effective from 12.04.2019) The contracting authority may fulfill its obligations under Para. 1 by submitting the notification to the respective competent authority under the SDA or under another special act.

(3) (New, SG, 31/19, effective from 12.04.2019) For the cases under Para. 2, the authority under SDA or other special act shall forward the notification under Para. 1 to the relevant competent authority - MEW / RIEW.

(4) (Former Para. 2, amend. – SG, 31/09, in force from 12.04.2019) Within 14 days from receipt of the notification under Para. 1 or 3, the competent authority shall determine the applicability of the EA procedure by giving instructions on the need to carry out the procedure and the actions to be taken. The competent authority or an official, authorized by it shall notify the public concerned by means of a notice on its website.

(5) (Former Para. 3, SG, 31/19) When, on the basis of the notification under Para. 1 an applicable EA procedure cannot be determined, the competent authority shall inform the contracting authority what additional information / documentation is required to be presented and at what stage of the development of the plan / program.

(6) Former Para. 4, SG, 31/19) When the contracting authority also has the capacity of a competent authority under Art. 4, the notification shall be submitted by the head of the structural unit, responsible for the development of the plan / program in the administration of the contracting authority.

(7) (Former Para.5, amend. – SG, 31/19, effective from 12.04.2019) The competent authority or an official, authorized by it shall confirm, that for the plan or program is not required EA, if the plan or program is for an investment proposal, listed in Annex N 1 or Annex 2 to the EPA, for which under Art. 91, Para. 2 of EPA is only allowed to carry out an environmental impact assessment (EIA).

(8) (Former Para. 6, SG, 31/19, effective from 12.04.2019, amend. – SG, 67/19, in force from 23.08.2019) For confirmation under Para. 7, the contracting authority shall submit information, that the conditions and measures, corresponding to the plan, have been foreseen and fulfilled of the respective EIA/ decision on the assessment of the need for carrying out EIA.

Art. 8a. (Former text of Art. 8, SG, 12/16, effective from 12.02.2016) (1) (Suppl., SG, 3/11, suppl. - SG, 12/16, effective from 12.02.2016) To assess the need for EA, the contracting authority of the plan / program shall submit a written request under a form in Annex N 4 to the competent authority under Art. 44, on paper and electronic media, containing:

1. information about the assignor (body or authorised by law third person): name, full post address, person for contacts – telephone, fax and address for electronic mail;
2. general information about the proposed plan/programme:
 - a) ground for working out the plan/programme – normative or administrative act;
 - b) period of effect and stages of fulfilment of the plan/programme;
 - c) (suppl. – SG, 12/16, in force from 12.02.2016) territorial range (transnational, national, regional, district, municipal, for smaller territories) with pointing out the respective regions and municipalities;
 - d) affected elements of the National ecological network (NEN);
 - e) basic objectives of the plan/programme;
 - f) financing of the plan/programme (for example the state budget and the municipal budget, international programmes, financial institutions);
 - g) (suppl. – SG, 29/10) terms and stages of the working out of the plan of the programme and existence, normatively regulated of requirement for public discussion or other procedural form for participation of the public;
3. body, responsible for the implementation of the plan/programme.
4. (new - SG, 29/10) body to acceptance / approval / confirmation of the plan / program;
5. (new – SG, 3/18) Information about the date and way of payment of the due fee in the amount, determined in accordance with the Tariff on Fees, which are collected in the system of the Ministry of Environment and Waters (SG, 39/11; amend. and suppl., N 73 and 94/12, 2/13, 79/14 and 5 and 59/16).

(2) To the request of para 1 shall be attached:

1. characteristics of the plan/programme about:
 - a) (amend. - SG 03/06) the investment proposals of Appendix No.1 to Art. 92, item 1 or of Appendix No. 2 to Art. 93, Para 1, items 1 and 2 of EPA and/or other investment proposals with presumed significant impact on environment, with regard to which the proposed plan/programme determines criteria, norms and other guiding conditions of importance for their future resolving or approval with respect to location, character, scale and operation conditions;
 - b) (amend. – SG, 12/16, in force from 12.02.2016) the place of the proposed plan / program in the overall process or hierarchy of planning, and the extent, to which the plan / program influences over other plans and programs;
 - c) (new, SG, 12/16, effective from 12.02.2016) importance of the plan / program for integrating environmental considerations, especially in view to promoting sustainable development;
 - d) (new, SG, 12/16, effective from 12.02.2016) environmental issues, relevant to the plan / program;
 - e) (new, SG, 12/16, effective from 12.02.2016) importance of the plan / program for the implementation of the EU environmental legislation;
 - f) (new, SG, 12/16, effective from 12.02.2016) availability of alternatives;

2. rationale of the concrete need of working out the plan/programme;
3. (amend. – SG, 31/19, in force from 12.04.2019) information on plans and programs and investment proposals, related to the proposed plan / program;
4. characteristics of the affected territory and the expected impacts on the environment and human health, in relation of:
 - a) probability, duration, frequency, reversibility and cumulative effects;
 - b) potential transborder impact;
 - c) the potential effect and risk to human health or the environment, including as a result of accidents, the magnitude and spatial extent of the consequences (geographical area and population, likely to be affected);
 - d) expected adverse impacts, arising from the increase of the dangers and consequences of a major accident occurrence of existing or new enterprises / facilities with low or high-risk potential, coordinated in accordance with the EPA, for the cases under Art. 104, Para. 3, item 3 of the EPA;
 - e) value and vulnerability of the affected area (due to particular natural features or cultural and historical heritage; exceeding environmental quality standards or limit values; intensive land use);
 - f) impact on areas or landscapes, that have recognized national, Community or international protection status;
5. (suppl., SG, 3/11) map or other up-to-date graphic material on the affected territory and its adjacent territories, tables, diagrams, photographs, etc. - at consideration of the contracting authority, annexes;
6. (new, SG, 38/12) regulatory requirements for monitoring and control during the implementation of the plan or program, including proposal for monitoring and control measures in relation to the environment and human health;
7. (new, SG, 12/16, effective from 12.02.2016, repealed - SG, 3/18).
- (3) (Repealed – SG, 12/16, in force from 12.02.2016).
- (4) (Repealed – SG, 12/16, in force from 12.02.2016).

Art. 9. (amend. - SG 03/06, repealed – SG, 12/16, in force from 12.02.2016).

Art. 10. (revoked – SG 03/06)

Art. 11. (revoked – SG 03/06)

Art. 12. (1) (amend. - SG 03/06, suppl. – SG, 29/10, amend. - SG, 94/12, effective from 30.11.2012, amend. - SG, 12/16, effective from 12.02.2016) The competent authority or an official, authorized by him shall consider within 7-day term the request under Art. 8a and its Annexes to it with respect to completeness of information and documentation.

(2) Upon established incompleteness, omissions and imprecision in the request or in the presented documentation by the assignor shall be required in writing to remove the admitted imprecision and/or to present additional information in defined term.

(3) (Amend. – SG, 29/10) In case the inaccuracies are not eliminated and / or no additional information is provided within the term under Para. 2, the procedure of the request examination shall be terminated.

(4) The time, determined for removal of the incompleteness and the imprecision in the documentation shall not be included in the term for pronouncing under art. 85, para 5 of EPA.

Art. 13. (1) (amend. - SG 03/11). (1) (Amend. - SG, 94/12, in force from 30.11.2012, amend. - SG, 12/16, force from 12.02.2016, amend. - SG, 3/18) The competent authority under Art. 4 or an official,

authorized by him shall send the documentation, submitted with the request under Art. 8a for an opinion, setting a reply period of up to 14 days from its receipt, regarding the need for an environmental assessment:

1. of the Ministry of Health, where the competent authority for deciding, whether or not to carry out an environmental assessment is the Minister of Environment and Waters;

2. of the relevant Regional Health Inspectorate (RHI), depending on the territorial scope of the respective plan / program, where the competent authority for deciding whether an environmental assessment is needed, is the Director of the respective RIEW;

3. and the Ministry of Health or the respective RHI prepare an opinion on the basis of the information, provided by the contracting authority and reasoned conclusions, regarding the degree of significance of the impact and risk to human health in the documentation under Art. 8a.

(2) (Amend., SG, 94/12, effective from 30.11.2012, amend., SG, 12/16, effective from 12.02.2016) If needed, the competent authority under Art. 4 or an official, authorized by him shall send the documentation under Art. 8a, requesting an opinion on the competence of the respective Municipal authorities and other specialized bodies, specifying a reply period of up to 7 days.

(3) When, within the term of Para. 1 and Para. 2 an opinion has not been received from the respective body, it shall be considered, that there are no objections, remarks and proposals on the documentation.

(4) (New, SG, 38/12, amend., SG, 94/12, effective from 30.11.2012) If necessary, the competent authority or an official, authorized by it shall coordinate in writing with the implementation of the plan or program, monitoring and control measures for the implementation of the plan or program with regard to the environment and human health, setting a response period of up to 7 days. Where no opinion is received within the time limit set, the measures shall be deemed to have been coordinated.

(5) (New, SG, 31/19, effective from 12.04.2019) The competent authority or an official, empowered by it shall notify the affected public by announcing on the Internet its received request under a standard form in accordance with Annex No. 4.

Art. 14. (1) The competent body of art. 4 shall estimate the need of implementing EA by determining the extent of significance of the impact on environment and human health on the basis of:

1. (amend. – SG, 12/16, in force from 12.02.2016) the information of Art. 8a, presented by the contracting authority;

2. the criteria of art. 85, para 4 of EPA;

3. the statements of art. 13.

(2) (amend. - SG 03/06, amend. - SG, 12/16, in force from 12.02.2016). Within the term under Art. 85, Para. 5 of EPA, the body of Art. 4 shall adopt a decision, assessing the need to carry out the EA, which shall contain:

1. name of the authority, which issues it;

2. legal and factual grounds for ordering the decision;

3. data about the contracting authority;

4. short characteristics of the plan or programme;

5. grounds;

6. conditions, measures and restrictions – if needed;

7. measures for monitoring and control during the implementation of the plan/programme – if needed;

8. order;

9. before which authority and in what term it may be appealed;

10. date of issue, signature.

(3) (amend. - SG 03/06, suppl. – SG, 38/12) In case of decision not to perform EA for the respective plan or programme, the competent body under Art. 4 shall state in the motives of the decision grounds for the conclusion that at the implementation of the plan/programme is not supposed significant

impact on environment and human health.

(4) (amend. - SG 03/06, suppl. – SG, 12/16, in force from 12.02.2016) In event of decision to perform EA for the respective plan or programme, the competent body under Art. 4 may set requirements to the contents and range of the assessment, which the contracting authority must conform to.

(5) (New, SG, 3/11) When assessing the necessity of carrying out an environmental assessment, regardless of the conclusions on the other criteria under Art. 85, Para. 4 of the EPA, the competent authority must make a decision to carry out an environmental assessment when:

1. (amend. – SG, 12/16, in force from 12.02.2016) there are circumstances under Art. 31, Para. 8 of the Biological Diversity Act, and / or

2. (amend. - SG, 3/18) with its opinion under Art. 13, Para. 1, the relevant specialized competent authority shall justify the assessment of the expected significant impact and the occurrence of a risk to human health during the implementation of the plan / program.

Art. 15. (amend. - SG 03/06, suppl. - SG, 29/10, as amended. - SG, 38/12, as amended. - SG, 12/16, in force from 12.02.2016) Within 3 days of its pronouncement under Art. 14, Para. 2, the competent authority, or an official authorized by it shall:

1. provide the decision to the contracting authority of the plan / program within 3 days of its issuance with an obligation to announce it within 3 days of receiving, via the contracting authority's website and / or in any other appropriate way

2. announce the decision on its website and at the appropriate location in its building;

3. provide a copy of the decision of the implementing authority and the authority for the acceptance / approval / confirmation of the plan or program for information and consideration.

Chapter three.

PREPARING REPORT ON ECOLOGICAL ASSESSMENT

Art. 16. (1) (Amend., SG, 29/10) The EA report or the environmental part of the plan / program shall be commissioned for development by a contracting entity to a team of experts with a head, each of whom shall submit a personally completed declaration that:

1. meets the requirements of Art. 83, Para. 2 of the EPA;

2. is familiar with the requirements of the current Bulgarian and EU environmental regulations and when working on the assessments under Art. 81, Para. 1 of the EPA invoke and comply with these requirements and with applicable methodological documents;

3. is not in personal conflict of interests in reference to the implementation of the plan / program.

(2) (Repealed – SG, 29/10).

(2) The experts of para 1 shall present declaration of art. 83, para 1 of EPA.

(3) The experts of para 1 shall be not personally interested when:

1. they are not assignor of the plan/programme;

2. they are not related persons in the context of § 1 of the additional provisions of the Commerce Act or are not in legal relation of employment, civil or official legal relation with the assignor of the plan or the programme;

3. they are not in employment, civil or official legal relation with the competent bodies of art. 10 of EPA;

4. they are not members of the commission/expert ecological council of art. 5 of of SEEC of art. 12, para 1, item 1 of EPA.

(4) (Amend. – SG, 29/10) The head of the staff shall be responsible for:

1. (repealed – SG, 29/10).

2. (suppl. – SG, 38/12) the conformity with a scheme, proposed by the assignor, for jointing the

process of planning and the basic procedure stages of EA according to Art. 3, Para 1, including for interaction of the teams for development of the draft plan/programme of the report on assessment of the level of impact, where such is required by the competent environment body and the report on EA/the ecological part;

3. (amend. - SG 03/06) the completeness and the reliability of the used information for EA;

4. the reflecting of the results from the consultations;

5. (suppl., SG, 38/12) the objectivity of the conclusion in the report on the EA / environmental part of the plan / program and the proposed measures, incl. to take account of the conclusions and measures in the impact assessment report, when requested by the competent environmental authority;

6. the quality of the whole report on EA.

(5) (Amend., SG, 12/16, effective from 12.02.2016) The experts shall be responsible for the completeness, reliability, objectivity and quality of the sections of the EA report they have developed and of their conclusions within the meaning of Art. 83, Para. 5 of the EPA.

(6) (New, SG, 12/16, effective from 12.02.2016) When damages occur due to failure to fulfill the obligations under Para. 4 and 5, experts shall be fully responsible.

Art. 17. (1) The report on EA shall be formed as unified document, including:

1. (amend. - SG 03/06, suppl. – SG, 12/16, in force from 12.02.16) content part according to the requirements of Art. 86, Para. 3 EPA and the results of consultations on the scope and content assignment;

2. list of the sources of information of the used methods for assessment and prognosis of the impact over environment with indication of the source, in which they have been published;

3. list of the experts and the chief, prepared the report on EA, in which everyone shall certify with signature the sections of the report, developed by him;

4. (repealed – SG, 29/10).

5. (amend. -SG, 29/10) declarations of Art. 16, Para 1;

6. reference about conducted consultations and opinions and proposals, expressed at the consultations, as well as about the way of their reflection.

7. (new – SG, 3/11) Annexes.

(2) (Amend. – SG, 29/10, suppl. – SG, 12/16, in force from 12.02.2016) In the reference of Para 1, item 6 the contracting authority of the report on EA and the experts shall describe grounded the accepted or the not accepted notes, recommendations or proposals and attach the documents, compiled for the results of the consultations (records, statements, inquiries etc.).

(3) As separate independent attachment to the report on EA shall be worked out not technical abstract in a language intelligible for the public in amount not less than 10 percent of the amount of the report. In addition to the textual part the abstract shall contain the necessary illustrative materials (maps, photos, schemes).

(4) (new - SG 03/06) The report on the EA shall include information which may be required with a ground, taking in view: the contemporary knowledge and methods of assessment; the content and the preciseness of the plan or of the programme; the stage on which the plan or the programme is within the process of improvement, the performed assessments on another stage of planning, which are in relation to the prognoses in the programme or in the plan.

Art. 18. (revoked – SG 03/06)

Chapter four.

CONDUCTING OF CONSULTATIONS AND REFLECTIN THE RESULTS FROM THEM

Art. 19. (1) (suppl. - SG 03/06) The assignor shall organise consultations with the public, the

interested bodies and third persons, for whom there is probability to be affected by the plan or the programme in the different stages of the preparation of the plan or of the programme, respectively of the EA.

(2) The bodies of Art. 4 shall ensure the consultations of para 1 when they are simultaneously also assignor of the plan/programme.

(3) (amend. - SG 03/06, amend. - SG, 38/12, amend. - SG, 94/12, effective from 30.11.2012) The consultations under Para. 1 and 4 shall be carried out according to a scheme, developed by the contracting authority, which shall also include information on the method of reconciling the planning process and the main stages of the EA in accordance with Art. 3, Para. 1, incl. for the interaction between the drafting teams of the plan / program of the impact assessment report, when such is requested by the competent authority, and of the EA / environmental report. The scheme shall be consulted with the competent authority under Art. 4. The scheme shall also include the envisaged ways of holding consultations under Art. 20, Para. 2, 3 and 5 and the public discussion under Art. 21.

(4) The consultations with the public, the interested bodies and third persons shall be implemented also by the order, provided for coordination of the draft of the normative act or the individual administrative act, with which the plan or the programme is approved.

Art. 19a. (new - SG 03/06 amend. - SG, 3/11, as amend. - SG, 38/12, as amend. - SG, 12/16, effective from 12.02.2016) The contracting authority shall assign a task to determine the content and scope of the assessment, in which he shall hold consultations with:

1. (amend. – SG, 12/16, in force from 12.02.2016) the competent authority under Art. 4;
2. the relevant specialized competent authorities under Art. 13, Para. 1 on the content and scope of the assessment of the health and hygiene aspects of the environment and the risk to human health;
3. (suppl., SG, 38/12, suppl. SG, 94/12, effective from 30.11.2012) other specialized administrations and the public concerned in accordance with the scheme under Art. 19, Para. 3.

Art. 20. (1) The consultations in the drafted report on the EA/the ecological part of the plan or the programme shall include:

1. publishing of announcement about conducting of consultations, which shall include:
 - a) (amend. – SG, 3/18) the information of Art. 8a, Para. 1.
 - b) (suppl. – SG, 3/11) place with public access and time for acquainting with the draft plan/programme, the report on EA and the materials with all the Annexes to it;
 - c) (amend. - SG 29/10, suppl. – SG, 3/11, suppl. – SG, 38/12) term for expression of an opinion, which may not be shorter than 30 days; after publication of the communication and provision of access under item 1, letter "b";
 - d) way of expressing of statement, which cannot be only by Internet or other electronic means;
2. ensuring of:
 - a) access and sufficient technical opportunity for acquainting with the materials of the report on EA, with the draft of the plan/programme and with the visual materials for each of the assessed alternatives;
 - b) (amend. – SG, 29/10) expert or person with the necessary qualification of the planning team, responsible for presenting additional verbal clarifications on site;
 - c) the accepting of the statements, expressed in time.

(2) (suppl. - SG 03/06) The consultations with the public and the interested bodies and third persons may be implemented in one or in several of the following ways:

1. sending of messages to the central and the territorial bodies of the executive power and to the municipal councils;
2. working out and dissemination of leaflet or brochure with brief information about the plan/programme;
3. organising of expert or public groups for the range of the assessment;

4. sending by post or by Internet of opinions, statements and recommendations to the team for the report on EA and to the assignor;

5. public discussions.

(3) (new - SG 03/06, suppl. - SG, 3/11, as amend. - SG, 12/16, effective from 12.02.2016, amend. - SG, 3/18, suppl. - SG, 31/19, effective from 12.04.2019) The contracting authority shall consult on the EA report or the environmental part of the plan or program and the competent authority under Art. 4, by providing him with documentation on paper and electronic media for an opinion within the term of Para. 1, item 1, letter "c". The competent authority or an official, authorized by him under Art. 4 shall:

1. require an opinion on the documentation from the competent authority under Art. 13, Para. 1, specifying a response period of up to 20 days; when no opinion is received within the specified period, it shall be deemed, that the competent authority under Art. 13, Para. 1 has no remarks and suggestions on the documentation provided;

2. at his discretion, request an opinion on the documentation from other competent authorities or organizations, taking into account the specifics of the plan / program, whether or not they are included in the consultation scheme under Art. 19, Para. 3, setting a response period of up to 14 days; where no opinion is received within the prescribed period, the competent authority or organization concerned shall be deemed to have no comments and suggestions;

3. reflect the opinions received under items 1 and 2 in the reply to the contracting authority.

(4) (prev. text of Para 3 - SG 03/06, suppl. - SG, 94/12, effective from 30.11.2012) The communication under Para. 1, item 1 shall be disseminated through the website of the contracting authority on the Internet and / or in other publicly accessible ways. The communication shall be provided to the competent authority under Art. 4 for information and publication on his website.

(5) (New - SG, 3/11) Before the consultations under Para. 1 and 3 in cases, where the competent authority under Art. 4 has also requested the preparation of an impact assessment report, pursuant to Art. 31 of the Biodiversity Act, the contracting authority shall submit to the competent authority the Annex under Art. 34, Para. 1 of the Ordinance on the conditions and procedures for assessment of the compatibility of plans, programs, projects and investment proposals with the subject and purposes of conservation of protected areas for assessment of its quality in accordance with Art. 24, Para. 3 - 7.

(6) (New, SG, 3/11) The consultations on the EA report under Para. 1-3 shall begin only after the competent authority has pronounced a positive assessment on the impact assessment report under Para. 5, of which he shall notify the contracting authority in writing. Within 5 days after the written notification, the competent authority shall make publicly available the impact assessment report for a period of 30 days by publishing on his website, irrespective of the obligations of the contracting authority under Para. 1 and 2.

(7) (New, SG, 3/11) In the case of three consecutive negative assessments of the quality of the impact assessment report, the competent authority under Art. 4 shall terminate the environmental assessment procedure, which shall be notified to the contracting authority.

(8) (New, SG, 38/12) Upon submission by the contracting authority the documentation under Para. 3, the competent authority under Art. 4 or an official, authorized by him / her shall coordinate in writing with the body on the implementation of the plan or program the monitoring and control measures while implementing the plan or program with regard to the environment and human health, fixing a response period of up to 14 days. Where no opinion is received within the time limit set, the measures shall be deemed to have been coordinated.

Art. 21. (1) Public discussion of the report on EA shall be obligatory in the cases when:

1. is required for the draft of the plan or the programme according to a special law;
2. more than two motivated negative statements or proposals for alternatives have been received, reflected in the report on EA or at conducting of the consultations.

(2) (Amend. - SG, 38/12) The public discussion under Para. 1 shall comply with the requirements of the special Act, if any, as well as with the following minimum requirements for its organization and

implementation:

1. (suppl., SG, 29/10, amend., SG, 3/11, amend., SG, 38/12, amend. SG, 3/18) The contracting authority shall notify in writing the authority under Art. 4, as well as the bodies, which participated in the consultations about the presence of the circumstances under Para. 1, specifying the venue, date and time for the public meeting, as well as the place for public access and the deadline for acquaintance with the draft plan / program, the EA report with all Annexes and materials thereto;

2. the assignor shall notify in writing the persons, conceded statement of para 1, item 2 and by its discretion can notify in writing also other persons, bodies and organizations about the meeting for public discussion;

3. (amend. – SG, 29/10, amend. - SG 3/11, amend. - SG 38/12, amend. 94/12, effective from 30.11.2012) the public consultation meeting shall be held after the consultations under Art. 20, Para. 1 and shall be chaired by the contracting authority or an official, authorized by him;

4. (suppl. – SG, 29/10) The contracting authority shall ensure presence at the meeting of representative of the design staff, the head and the independent experts, who shall acquaint in brief the present people with the plan or the programme and respectively with the results of the implemented EA;

5. record shall be kept for the public discussion by a person, defined by the assignor; the record shall be signed by the representative of the assignor and the minutes taker and to it shall be attached the written statements, conceded in advance or during the discussion;

6. the person of item 5 shall concede the materials with the results of the public discussion to the assignor in 3 days term after the date of the meeting.

Art. 22. (Suppl., SG, 38/12, suppl., SG, 12/16, effective from 12.02.2016) Where, as a result of the consultations, other alternatives, opinions or proposals to the plan or program need to be considered and assessed, or when after the consultations there are changes in the draft plan / program, the contracting authority shall entrust the completion of the EA report or consider the need for continuation of the consultations, including the organization of a new public discussion in accordance with Art. 21, Para. 2. The reasons for assigning the supplement or consideration for continuation of the consultations shall be included in the documentation under Art. 23, Para. 1, p. 2.

Chapter five.

ISSUING AN OPINION ON ECOLOGICAL ASSESSMENT

Art. 23. (1) (Suppl. – SG, 12/16, in force from 02/2016) The contracting authority shall submit request for issuing an opinion on EA according to a standard form under Annex N 5, to the competent body of Art. 4, to which the following shall be attached:

1. (amend. and suppl. – SG, 3/11) the report on EA with all annexes to it and untechnical abstract – in 1 copy on paper and electronic media;

2. (suppl., SG, 38/12, suppl. SG, 94/12, in force from 30.11.2012) documentation of the results from the consultations with the public and interested and concerned bodies and persons, including reference to the reasons for accepting or not - of the received opinions and proposals, as well as the reasons for the assignment / refusal of the assignment of the supplement or estimation for continuation of the consultations within the meaning of Art. 22.

(2) (Suppl. – SG, 3/11) In the cases of Art. 3, Para 3 the contracting authority shall submit a request, accompanied by a copy of the ecological part of the plan/programme in one copy on paper and electronic media.

(3) (New, SG, 3/11) The contracting authority shall be obliged to ensure uniformity of the contents in the documentation, submitted under Para. 1 and 2, on paper and on electronic media. In case of non-compliance, the competent authority shall take into account the paper media.

(4) (Former Para. 3 – SG, 3/11) The request of para 1, which is not formed or compiled according to the requirements, shall be returned to the depositor in 7 days term with the respective instructions.

(5) (Former Para. 4, SG, 3/11, suppl., SG, 38/12, amend., SG, 12/16, effective from 12.02.2016)) The contracting authority shall be obliged to provide the competent authority under Art. 4 and the public through its website and / or otherwise appropriately, an access to the draft plan / program and its accompanying documentation, including the results of the public consultation, information, of which it shall provide to the request under Para. 1.

(6) (New, SG, 3/11) When, while submitting a request for issuing an opinion on the EA under Para. 1, the competent authority found that, during the consultation, information had been received on the subject and purpose of the protected zones and / or their expected degree of damage, which differs from the information, provided by the contracting authority in the annexes to the EA report, an impact assessment report, within the time limit under Para. 4 the competent authority shall also give instructions for taking action if needed, under Art. 36, Para. 9 of the Ordinance on the terms and procedure for assessing the compatibility of plans, programs, projects and investment proposals with the subject matter and objectives of protection of the protected areas.

Art. 24. (Suppl. – SG, 29/10, repealed – SG, 38/12).

Art. 25. (1) In 30-day term after submitting the request of art. 23, para 1 the competent body of art. 4 shall issue statement on the basis of decision of the commission/expert council of art. 5, para 1.

(2) For taking decision of para 1 the commission/expert council shall assess the documentation of art. 23, para 1 and 2 about compliance with the requirements for:

1. structure and contents of the report on EA of art. 86, para 3 of EPA;
2. the form of the report, including the necessary attachments;
3. reliability and actuality of the sources of initial data;
4. considering of reasonable alternatives, including "zero" alternative, for achieving of the basic objectives of the plan/programme;
5. (amend. – SG, 38/12) the convergence of the goals and measures of the plan / program with the main goals and priorities of strategies, plans and programs on environment and human health;
6. organisation for working out the report on EA simultaneously with the plan or programme;
7. (amend. – SG, 12/16, in force from 12.02.2016) reflecting of the results of the consultations in the documentation on EA.

(3) (new - SG 03/06, suppl. – SG, 12/16, in force from 12.02.2016) Where within the inspection of the documentation under Para 2 the commission or the expert ecology council finds that the provided information is incomplete, not-precise or doubts exist concerning its reliability and/or its relevance, shall by own decision to require from the assignor to submit within a determined term additional or the reliable information.

(4) (New, SG, 3/11, amend., SG, 3/18) Decision under Para. 3 shall also be taken when a reasoned opinion has been deposited by the respective specialized body under Art. 13, Para. 1, regarding gaps in the analyzes and the assessment of the estimated impact and the degree of risk to human health, presented in the EA report.

(5) (New, SG, 3/11) In the event that the term, specified in the decision under Para. 3, the contracting authority fails to submit the required supplementary and / or revised information, the procedure shall be terminated.

(6) (Former Para. 3, SG, 3/06, former Para. 4 – SG, 3/11, repealed – SG, 38/12)

Art. 26. (1) The competent body of Art. 4 shall issue statement on EA by:

1. (amend. – SG, 3/11) coordinating the plan/programme, where:

a) the plan / program assumptions are in line with the environmental and human health regulations;
b) no grounded objections have been received as a result of the consultations;
c) the conclusion of the assessment under Art. 31 of the Biodiversity Act is, that the subject of protection in the respective protected area will not be significantly damaged, as in the cases under Art. 33 of the Biodiversity Act;

d) a reasoned opinion has been lodged with the specialized competent authorities - the Ministry of Health or the respective RHI, that no significant adverse impact and risk to human health are expected, when implementing the plan / program;

2. (amend. – SG, 3/11) fails to coordinate the plan/programme, where:

a) the predictions in them do not comply with the environmental and the protection of human health regulations;

b) reasoned objections have been received against the implementation of the plan or program or upon legality;

c) the conclusion of the assessment under Art. 31 of the Biodiversity Act is, that the object of conservation in the respective protected area will be significantly damaged;

d) a reasoned opinion was submitted to the specialized competent authorities - the MH or the relevant RHI, that the implementation of the plan / program could have a significant negative impact on human health.

(2) (Suppl., SG, 3/11, amend., SG, 12/16, effective from 12.02.2016) The opinion under Para. 1, item 1 shall contain:

1. the name of the body, issuing it;

2. legal and factual grounds for ruling the opinion;

3. data about the contracting authority;

4. short characteristic of the plan/programme;

5. grounds;

6. justification for the preferred alternative from an environmental point of view, including in the light of the results of consultations with the authorities concerned and with the public;

7. conditions and measures to prevent, minimize or eliminate as far as possible the alleged adverse effects of the implementation of the plan or program on the environment;

8. the monitoring and control measures for the implementation of the plan or program, including the periodicity of the control and monitoring report;

9. ruling part;

10. where and in what term it may be appealed;

11. date of issue, signature.

Art. 27. (1) (Amend. – SG, 38/12) Within 3 days from ruling the opinion on EA, the competent authority under Art. 4 or an official authorized by him shall:

1. provide the contracting authority with the opinion of EA, obliged to announce it within 3 days of its receipt via the contracting authority's website and / or by other appropriate means;

2. (amend., SG, 12/16, effective from 12.02.2016) announce the opinion on its website on the Internet and in its building;

3. provide a copy of the opinion of the implementing authority and the authority for the acceptance / approval / confirmation of the plan or program for information or compliance.

(2) (Suppl., SG, 3/06, amend., SG, 29/10, amend., SG, 38/12) The contracting authority and/or the body of acceptance/approval/confirmation of the plan / or program shall disclose the opinion on EA and upon announcement of the plan or program, provided for in the respective special Act, together with the reference under Art. 29, Para. 1.

(3) The access to the report on EA/ the ecological part of the plan or the programme shall be implemented by the order of chapter two of EPA.

Chapter six.

MONITORING AND CONTROL AT IMPLEMENTATION OF THE PLAN/PROGRAMME

Art. 28. (1) (Amend. - SG, 29/10, amend. - SG, 3/11, former text of Art. 28 - SG, 12/16, effective from 12.02.2016) The authority under Art. 4, issued the opinion under Art. 26, Para. 1, item 1, or the decision for assessing the necessity of carrying out an environmental assessment under Art. 14, or an official, empowered by him shall be competent to monitor and control the implementation of the measures, referred to in the EA opinion or the conditions and measures in a decision, assessing the need to carry out the EA in the process of implementing the plan or program.

(2) (New, SG, 12/16, in force from 12.02.2016, amend. - SG, 67/19, in force from 23.08.2019) In the cases under Art. 88, Para. 6 of the EPA, the verification shall be carried out by the respective RIEW and within 7 days after the inspection the contracting authority and the MEW shall be informed of the results, when the opinion or decision has been issued by the Minister of Environment and Waters.

Art. 29. (1) (Amend. – SG, 12/16, in force from 12.02.2016, amend. – SG, 3/18) The assignor shall be obliged before the ultimate accepting or approval of the plan/programme to send to the bodies of Art. 28 and to those, responsible for the implementation of the plan/programme summarized information, including analysis of:

1. (suppl. – SG, 3/11, amend. – SG, 38/12) the compliance of the plan/programme with the basic results and recommendations of the documentation on EA with the results of the consultations, conditions, measures and restrictions in the opinion on EA, or in the decision for estimation of the need of performing EA;

2. (amend. – SG, 3/18) the compliance of the plan/programme with the alternative, grounded in the statement on EA of art. 26, para 2, item 6 for achieving the objectives of the plan or the programme;

3. (suppl., SG, 38/12, amend., SG, 3/18) the extent, to which the measures under Art. 26, Para. 2, items 7 and 8 or under Art. 14, Para. 2, items 6 and 7 are provided for in the plan or program.

(2) (Suppl., SG, 29/10, amend., SG, 12/16, effective from 12.02.2016, amend. and suppl., SG, 3/18) The authority under Art. 28 or an official, authorized by him shall pronounce in writing on the information under Para. 1 within 7 days of its submission, accepting it or returning it with specific instructions, and shall notify the plan approval authority thereof. If necessary, the competent authority or an official, authorized by him shall consult with the relevant Basin Directorate for Water Management, the Ministry of Health or the RHI and / or other bodies, fixing a response period of up to 7 days from receipt of the reference. The deadline for consultations shall not be included in the time limit for the decision pronouncing.

(3) (New - SG, 94/12, in force from 30.11.2012, suppl. - SG, 12/16, in force from 12.02.2016) The contracting authority shall notify the competent authority under Art. 4 within 14 days after the approval / acceptance / confirmation of the plan / program, including the announcement of approval / acceptance / confirmation.

Art. 30. (1) (Suppl., SG, 38/12, amend., SG, 12/16, effective from 12.02.2016) The contracting authority shall prepare a report on monitoring and control in the implementation of the plan / program, including measures to prevent, reduce or remedy as far as possible the foreseeable adverse effects of the implementation of the plan / program on the environment and human health, with the periodicity, specified in the EA opinion or the decision, assessing the need for EA.

(2) (Suppl. – SG, 29/10, suppl. – SG, 94/12, in force from 30.11.2012) The body of Art. 28 or an official, authorized by him shall approve the report under Para. 1 or return it for supplementation with mandatory instructions within 7 days of its submission.

(3) (New, SG, 12/16, effective from 12.02.2016) If necessary, the competent authority shall consult

with the relevant Basin Directorate for Water Management, the Ministry of Health or the RHI and / or other bodies, designating reply deadline within 7 days of receipt of the report. The deadline for holding the consultations shall not be included in the term under Para. 2.

(4) (Former Para. 3 – SG, 12/16, in force from 12.02.2016) The contracting authority shall ensure public access to the report of Para 1 and the information of Art. 29, Para 1.

Art. 31. (1) (Amend. – SG, 3/18) In the cases when notification of Art. 8, Para 1, information of Art. 29, Para 1, have not been received, the procedure has been terminated at returning of the documentation to the assignor or the pronouncing of Art. 29, Para 2 or of Art. 30, Para 2 is negative, the competent body of Art. 28 can stop the working out and the implementing of the plan/programme depending on the phase of fulfilment as compulsory administrative measure of control, as well as to propose to other control bodies the undertaking of measures of their competence.

(2) (Amend. – SG, 3/18) Institutions, controlling the financing of the plan/programme with budget and public resources, shall notify the bodies of Art. 28 about established breaches of the requirements for implementing ecological assessment as well as about not fulfilment of the measures of Art. 26, Para 2, item 7 and 8, or under Art. 14, Para. 2, item 6 and 7.

Chapter seven.

IMPLEMENTING OF ECOLOGICAL ASSESSMENT IN CROSS-BORDER CONTEXT

Art. 32. (Suppl. – SG, 38/12) Ecological assessment of plans and programmes with cross-border impact shall be implemented according to the requirements of EPA, the ordinance, the Convention for environmental impact assessment in cross-border context (the Convention for EIA), ratified with law (SG, 86/99), and the Protocol for strategic ecological assessment to it, ratified by an Act (SG, 97/06) and international agreement between the Republic of Bulgaria and affected country or countries.

Art. 33. Competent body for the procedure for EA in cross-border context shall be the Minister of Environment and Waters. The other bodies for environment shall be obliged to timely concede the received information about the conducted procedures and to render the necessary cooperation to the competent body and to the assignors.

Art. 34. (1) Upon estimation that a plan/programme, proposed for EA, will probably have significant impact on environment on the territory of another country or countries, for which the Republic of Bulgaria is country of origin, the Minister of Environment and Waters shall notify the assignor and the affected country or countries about this and determine term for answer whether the respective country will participate in the procedure.

(2) In the notification of para 1 shall be pointed out:

1. the affected country or countries;
2. data about the assignor;
3. the term, in which the assignor is obliged to send copy of the plan/programme, including ecological part or report on EA, after he is notified about the person for contacts from the affected country;
4. the term, in which the affected country concedes the necessary information about the person of item 3.

(3) Upon affirmative answer on behalf of the affected country, accompanied with decision of the competent national body for participation in the procedure the cross-border aspects in the required range shall be accounted for, bilateral or multilateral inter-state consultations being conducted about achieving of agreement for:

1. the order for informing and giving opportunity for expressing statement by the competent bodies for protection of environment and health care and the affected public in defined term;
2. determining reasonable term for the duration of the consultations;
3. ensuring of access to the statement on EA.

Art. 35. Ecological assessment of plans and programmes with cross-border impact, implemented on the territory of other countries, for which the Republic of Bulgaria is affected country, shall be implemented in the following sequence:

1. at receiving notification about plan/programme, which will be implemented on the territory of other country with probable significant impact on the territory of the Republic of Bulgaria, in the term, pointed out in the notification, MEW shall notify the country of origin about its decision to participate or not to participate in the procedure for EA:

- a) upon expressed consent for participation shall be followed the national procedure of the country of origin, if other is not provided in international agreement, to which the Republic of Bulgaria is a party;

- b) the Minister of Environment and Waters shall ensure public access to the presented information about EA under the conditions and by the order of art. 20 and timely send all statements on the documentation before the taking of decisions by the competent body of the other country;

2. in case notification has not been received by the country of origin about plan/programme in cross-border context, which can render significant impact on the territory of the Republic of Bulgaria, MEW shall make the necessary steps to the competent body of the country of origin for conducting consultations for participation in the procedure.

Additional provisions

§ 1. In the context of the ordinance:

1. "Country of origin" is contracting country or party to the Convention for EIA or to the Protocol for strategic ecological assessment of the same convention, as well as any other country, under which jurisdiction is provided the working out of the plan/programme.

2. "Affected country" is contracting country or party to the Convention for EIA or to the Protocol for strategic ecological assessment of the same convention, as well as any other country, which may be affected by cross-border impact of the plan/programme on environment.

3. "Body, responsible for the implementation of the respective plan/programme" is the one, determined in the respective normative or administrative act and when such is not explicitly determined – the assignor.

Transitional and concluding provisions

§ 2. (1) ecological assessments and decisions on EIA of plans and programmes, entered into force, implemented till the ordinance enters into force, shall preserve their effect.

(2) Procedures for EIA of plans and programmes, for which terms of reference are approved under art. 7, para 1 of the revoked Ordinance No 2 of 2003 for the order for implementing environmental impact assessment of the national, the regional and the district plans and programmes for development, the development plans and their amendments (SG 24/03), shall be finished by the order of this ordinance.

(3) For a period of 24 months after the date on which the ordinance enters into force for plans and programmes and their amendments of art. 1 – in process of working out, which have not been approved by central and territorial body of the executive power and by municipal council or the draft for which has not been submitted to the National Assembly by the date, on which the ordinance enters into force, the necessity

of EA shall be estimated by the order of chapter two.

§ 3. (1) The assignors of plans/programmes in the spheres of art. 85, para 1 of LPE, which are worked out and approved pursuant to normative act or administrative act, or their amendments, entered into force after July 1, 2004, shall notify the Minister of Environment and Waters at entering into force of the respective act.

(2) Upon changes of the names of the plans/programmes of appendices No 1 and 2 due to change in the provisions the requirements for EA shall be applied for the respective plans/programmes according to the new provisions.

§ 3a. (New, SG, 29/10) The standard models of the EA opinions and of the decisions for assessing the necessity of carrying out the EA shall be approved by an order of the Minister of Environment and Waters and shall be published on the web site of the Ministry of Environment and Waters.

§ 3b. (New, SG, 29/10) The order under Art. 7, Para. 4 shall be issued within 3 months from the entry into force of this Ordinance and shall be published on the MoEW website.

§ 4. the Minister of Environment and Waters shall give instructions for the implementation of the ordinance.

§ 5. (1) The ordinance is approved pursuant to art. 90 of LPE.

(2) The ordinance shall enter into force on July 1, 2004.

Transitional and concluding provisions

TO DECREE N 168 OF 23, JULY, 2007 ON REFORMATION OF THE NATIONAL MANAGEMENT OF FORESTS IN THE STATE FORESTS AGENCY

(PUBL. – SG, 62/07, IN FORCE FROM 19.07.2007)

§ 6. In the regulation Act of the Council of Ministers:

1. The words: "Minister of Agriculture and Forestry" shall be replaced by "Minister of Agriculture and Foods" respectively.

2. The words: "Ministry of Agriculture and Forestry" shall be replaced by "Ministry of Agriculture and Food" respectively.

3. The words "National Forestry Management" shall be replaced by "State Forestry Agency" respectively.

4. The words "the head of the National Forestry Administration" are replaced respectively by "the chairman of the State Forestry Agency".

§ 9. The Decree shall enter into force on 19 July 2007.

Concluding provisions

TO DECREE N 194 OF 5 AUGUST 2008, AMENDING THE TARIFF ON FEES, COLLECTED BY THE NATIONAL OFFICE OF CORN AND FODDERS UNDER THE MINISTER OF AGRICULTURE AND FOODS

(PUBL. – SG, 71/08)

§ 5. In the legislative Acts of the Council of Ministers:

1. The words: "Minister of Agriculture and Welfare" shall be replaced by "Minister of Agriculture and Foods" and respectively.

2. The words "Ministry of Agriculture and Welfare" shall be replaced respectively by "Ministry of Agriculture and Foods".

Transitional and concluding provisions

**TO DECREE N 337 OF 30 DECEMBER, 2010, AMENDING AND SUPPLEMENTING
NORMATIVE ACTS OF THE COUNCIL OF MINISTERS**

(PUBL. – SG, 3/11)

§ 4. The Minister of Health in agreement with the Minister of Environment and Waters shall approve the criteria under Art. 14, Para. 5, item 2 and Art. 25, Para. 4 of the Ordinance on the conditions and procedure for carrying out environmental assessment of plans and programs with an order within 6 months from the entry into force of the Decree. The order shall be published on the websites of the Ministry of Health and the Ministry of Environment and Water.

Transitional and concluding provisions

**TO DECREE N 300 OF 23 NOVEMBER, 2012, AMENDING AND SUPPLEMENTING
NORMATIVE ACTS OF THE COUNCIL OF MINISTERS**

(PUBL. – SG, 94/12, IN FORCE FROM 30.11.2012)

§ 6. For the pending procedures under the Ordinance on the terms and procedure for carrying out environmental assessment of plans and programs, which began before the enactment of the Decree, the provisions of Art. 7a, Para. 5 and 6 of the same Ordinance.

§ 8. The Decree shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

**TO DECREE N 26 OF 9 FEBRUARY, 2016, AMENDING AND SUPPLEMENTING NORMATIVE
ACTS OF THE COUNCIL OF MINISTERS**

(PUBL. – SG, 12/16, IN FORCE FROM 12.02.2016)

§ 4. (1) The procedures under the Ordinance on the Conditions and Procedures for Performing Environmental Assessment of Plans and Programs that began prior to the entry into force of this Ordinance shall be completed in accordance with the previous procedure.

(2) For pending procedures under Para. 1, the provisions of Art. 7a, Para. 5 of the Ordinance under Para. 1 shall apply.

§ 5. The Decree shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

**TO DECREE N 336 OF 29 DECEMBER, 2017, AMENDING AND SUPPLEMENTING
NORMATIVE ACTS OF THE COUNCIL OF MINISTERS**

(PUBL – SG, 3/18, CORR. – SG, 8/18)

§ 12. The current procedures under the Ordinance on the Terms and Conditions for Carrying Out Environmental Assessment of Plans and Programs shall be completed under the current procedure.

Transitional and concluding provisions

**TO DECREE N 75 OF 8 APRIL, 2019, AMENDING AND SUPPLEMENTING NORMATIVE ACTS
OF THE COUNCIL OF MINISTERS**

(PUBL. – SG, 31/19, IN FORCE FROM 12.04.2019)

§ 6. The current procedures under the Ordinance on the conditions and procedure for carrying out environmental assessment of plans and programs shall be completed in accordance with the previous procedure.

§ 7. The Decree shall enter into force on the day of its promulgation in the State Gazette.

Concluding provisions

**TO DECREE N 203 OF 15 AUGUST, 2019, AMENDING AND SUPPLEMENTING NORMATIVE
ACTS OF THE COUNCIL OF MINISTERS**

(PUBL. – SG, 67/19, IN FORCE FROM 23.08.2019)

§ 5. The Decree shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 1, item 1, item 3, letter "b", items 4 - 7, items 9 - 18, § 2, item 6, letter "b", sub-letter "bb", item 7, item 10, letters "g" and "e", items 11 - 17, § 3, items 1, 2 and so. 5, letter "b", which shall come into force from 28 August, 2019.