

ORDINANCE FOR THE CONDITIONS AND THE ORDER FOR IMPLEMENTING ENVIRONMENTAL IMPACT ASSESSMENT (TITLE AMEND. – SG 03/2006)

Prom. SG. 25/18 Mar 2003, amend. SG. 3/10 Jan 2006

Chapter one. GENERAL PROVISIONS

Art. 1. The ordinance shall determine the conditions and the order for implementing of environmental impact assessment (EIA) of the investment proposals of art. 81, para 1, item 2 of the Law of protection of environment (LPE) and art. 31, para 2 of the Law of the biologic diversity.

Art. 2. (1) Environmental impact assessment shall be implemented in the following sequence:

1. notifying of the competent bodies and the affected population;
2. assessment of the need of EIA;
3. making consultations: determining of the scope, the content and the form of the report for EIA;
4. assessment of the quality of the report for EIA;
5. organising of public discussion of the report for EIA;
6. taking of decision on EIA;
7. implementing of control of the fulfilment of the conditions of the decision for EIA;
8. (new - SG 03/06) re-certification of decision on EIA, which has lost its legal effect.

(2) The requirements of chapter eight shall be applied for the cases of investment proposals with cross border impact.

Art. 3. (1) The Minister of Environment and Waters shall create with an order public register of art. 102 of LPE and determine the rules for its keeping.

(2) The register of para 1 shall contain data about the implementing of the procedures of EIA and it shall be maintained as unified electronic data base, for each procedure for EIA a separate file being opened, which shall contain at least the information of appendix No 1.

(3) The access for reviewing of the information, input in the register, shall be ensured through the site of the Ministry of Environment and Waters (MEW) in Internet.

(4) In the register shall be kept a list of the documents for the procedures for EIA.

(5) The access to the available documents of para 4 shall be by the order of LPE.

(6) With the order of para 1 shall be determined:

1. the persons, responsible for the keeping of the register;
2. the order for updating of the data in the register;
3. the order for exchange of information between MEW and the regional inspectorates for environment and waters (RIEW).

Chapter two. NOTIFYING. ASSESSMENT OF THE NEED OF IMPLEMENTING OF EIA

Art. 4. (1) (amend. - SG 03/06)The assignor shall be obliged to inform in writing the competent bodies – MEW/RIEW, about his investment proposal during the pre-investment investigations.

(2) (amend. - SG 03/06) Simultaneously with the notifying of the competent body of para 1 the assignor shall inform in writing the mayor(s) of the respective municipality(s), regions(s) and mayoralty(s) and the affected population – through the mass media and/or in another way.

(3) (new - SG 03/06) The information under Para 1 and 2 shall contain at least:

1. data about the assignor;
2. summary of the proposal, including description of the main processes, the capacity, total used square, if it is for a new investment proposal and/or about expanding, and/or for change of the production activity shall be stated;
3. relation with other existing and approved with the structural or another plan activities within the range of impact on the subject of the investment proposal;
4. location of the spot-populated place, municipality, residential area, land property, ownership, nearness to or impact on protected territories, expected trans-boundary impact, scheme of change of existing road infrastructure;
5. natural resources, planned to be used during the construction and exploitation;
6. waste which is expected to be generated.

Art. 5. (1) (amend. - SG 03/06) On the basis of the notification of art. 4 the competent body shall determine whether the investment proposal is included in appendix No 1 or in appendix No 2 of art. 81, para 1, item 2 of LPE, including for issuance of a complex permission, where such is required. The competent body shall inform in writing the assignor in 14 days term about the necessary activities to be undertaken.

(2) (amend. - SG 03/06) The competent body shall send a copy of the letter under Para 1 to the Mayor of the respective municipality/municipalities, region/regions, mayoralty /mayoralties and the concerned public shall be notified via announcement on his/her Internet page.

(3) (new - SG 03/06) In the cases of Art. 4, Art. 91, Para 2 of the LPE, where the investment proposal included in Appendix No. 1 and in Appendix No. 2 of the LPE, preparation of a separate plan or programme under Art. 85, Para 1 and 2 of LPE shall be required, the competent body on the environment may via the letter of Para 1, upon a request of the assignor or upon own judgment to admit performance of EIA only.

Art. 6. (amend. - SG 03/06) The assignor shall submit written request to the competent body of art. 93, para 2 or 3 of LPE together with the information of appendix No 2 for assessing of the need of implementing EIA for the proposals of art. 93, para 1, to which information concerning the public interest of the investment proposal if such was manifested shall be attached.

(2) (amend. - SG 03/06) In event of found incompleteness, omissions and impreciseness of the request or in the presented documentation under Para 1, the competent body shall demand from the assignor to remove the admitted impreciseness and/or to submit additional information and shall determine a term for this.

(3) In case that the impreciseness are not removed and/or additional information is not submitted within the term of Para 2, the procedure of consideration the request shall be terminated.

(4) The term determined for removal of incompleteness and impreciseness of the documentation shall not be included in the term to pronounce under Art. 93, Para 5 of LPE.

Art. 7. (1) The competent body of art. 6 shall assess the need of implementing of EIA determining the degree of importance of the impact over the environment on the basis of:

1. (amend. - SG 03/06) information, presented by the assignor under art. 6;
2. the criteria of art. 93, para 4 of LPE.

(2) If necessary the competent body shall:

1. organise visit on the place for check of the information of art. 6;
2. conduct consultations with the specialised competent bodies of the Ministry of Health in connection with determining the degree of importance of the impact and the risk for human health.

Art. 8. (1) In one month term after submitting of the request of art. 6 the competent body shall take decision on the need of implementing of EIA, which shall contain:

1. the name of the body, which issues it;
2. (amend. - SG 03/06) the name of the assignor, the residence/the headquarters;
3. brief description of the investment proposal;
4. the legal and the factual grounds for decreeing of the decision;
5. detailed motives, based on the assessment of item 7;
6. regulatory part;
7. date of issuing, signature.

(2) In 3 days term after decreeing of the decision of para 1 the competent body shall:

1. (amend. - SG 03/06) concede the decision to the assignor;
2. (amend. - SG 03/06) announce the motives for the assessment with an announcement at a public accessible place in the building of MEW and/or RIEW for 14 days;
3. (amend. - SG 03/06) inform in writing about the taken decision the respective municipality(s), region(s) and mayoralty(s), in which territory the investment proposal is provided to be realised.

(3) (new - SG 03/06) The respective municipality or municipalities, region or regions and mayoralty/mayoralties shall fix announcement about the received information under Para 2, item 3 at a public accessible place and on its Internet page for 14 days.

Chapter three.

CONDITIONS AND ORDER FOR IMPLEMENTING CONSULTATIONS. DETERMINING OF THE SCOPE, THE CONTENT AND THE FORM OF THE EIA REPORT

Art. 9. (1) (amend. - SG 03/06) According to the characteristics of the investment proposal the assignor shall determine with which specialised departments and representatives of the affected public to implement the consultations of art. 95, para 2 of LPE.

(2) (amend. - SG 03/06) Upon expressed in writing interest in the procedure of EIA by persons or organisations out of these determined in para 1 the assignor shall ensure implementing of consultations with the interested persons.

(3) The consultations of para 2 can be organised in some of the following ways:

1. announcing in the mass media;
2. sending of messages to the local authorities;
3. preparing and dissemination of prospect or brochure with brief information about the investment proposal;
4. dissemination of letters or questionnaires to interested organisations or persons, living in close proximity, with request for information and commentary on the investment proposal;
5. putting of information boards or posters;
6. organising of expert or public groups for the scope of the assessment;
7. organising of meeting with the affected population.

(4) (amend. - SG 03/06) At the consultations the assignor shall concede sufficient information and time for clarifying his intentions and for expressing of opinion to the competent bodies for taking of decision on EIA, to the specialised departments and the affected public.

(5) (amend. - SG 03/06) The assignor shall prepare information about the implemented consultations and the motives for the accepted and not accepted notes and recommendations.

Art. 10. (1) (amend. - SG 03/06) An assignor of a proposal, included in appendix No 1 of art.92, item 1 of LPE or an assignor, received decision of art. 8, that implementing of EIA is necessary, shall assign the working out of terms of reference for scope of EIA under art. 95, para 2 of LPE.

(2) The information, received at the consultations of art. 9, shall be used at working out of the terms of reference of para 1.

(3) The terms of reference of para 1 shall contain:

1. characteristic of the investment proposal, including:

a) description of the physical characteristics of the investment proposal and necessary areas (as used terrain, farm land, forest area, others) during the phase of construction and the phase of exploitation;

b) description of the basic characteristics of the production process, e.g. kind and quantity of the used raw materials and materials;

c) determining of the kind and the quantity of the expected wastes and emissions (polluting of waters, air and soils; noise; vibrations; radiation – light, heat; radioactivity etc.) as result of the exploitation of the investment proposal;

2. alternatives for implementing of the investment proposal;

3. characteristic of the environment, in which will be realised the investment proposal and prognosis of the impact;

4. (amend. - SG 03/06) importance of the impacts on environment, definition of the unavoidable and durable impacts on environment by the construction and exploitation of the investment proposal subject which may be significant and which shall be observed in details in the EIA report.

5. structure of the EIA report with description of expected content of the items, included in it;

6. list of the necessary appendices, lists etc.;

7. stages, phases and terms for developing of the EIA report;

8. other conditions or requirements.

(4) (amend. - SG 03/06) For investment proposals, for which is required issuing of complex permission for prevention and control of pollution, the terms of reference of para 1 shall include the requirement for comparison of the offered technologies and installations or the equipment to the conclusions provided in the comparative documents with the best available techniques in the EIA report.

(5) (amend. - SG 03/06) If necessary the assignor shall conduct consultations with the specialised competent bodies of the Ministry of Health in connection with para 3, item 5 for the content and the scope of the assessment of the health – hygiene aspects of the environment and the risk for human health.

Art. 11. (1) (suppl. - SG 03/06) The assignor shall assign the preparing of the EIA report in compliance with the terms of reference of art. 10, para 3 and the requirements of Art. 91, Para 3 and Art. 96, Para 1 of LPE, using updated data, modern knowledge and assessment methods.

(2) The EIA report shall be prepared by a team of experts with a chief, who:

1. have certificate for entering in the public register of art. 83, para 4 of LPE;

2. are not personally interested in the realisation of the investment proposals.

(3) The experts shall not be considered as personally interested when:

1. (amend. - SG 03/06) they are not owners or members of a management or control body of the corporate body – assignor;

2. (amend. - SG 03/06) they are not connected persons in the sense of the Commercial Law and they are not in employment legal relations with the assignor;

3. (amend. - SG 03/06) they are not in legal relations of employment with the competent bodies of art. 10 of LPE;

4. they are not members of the expert ecological councils of art. 12, para 1, item 1 and para 2 of LPE;

5. they have not participated in the preparing and the approval of the respective investment proposal.

(4) The chief of the team of experts shall be responsible for:

1. the determining of the experts, necessary for the implementing of EIA, taking into account the specifics of the subject of the assessment and the conditions of the environment;

2. the completeness and the reliability of the presented information in the EIA report;
3. the reflecting of the statements and the opinion of the affected public;
4. objectivity of the conclusion of art. 96, para 1, item 8 of LPE.

(5) The registered experts shall be responsible for the completeness, the reliability and the objectivity of the sections, developed by them in the EIA report under art. 12, para 1, item 4 and of the conclusion, given by them in the sense of art. 83, para 3 of LPE.

(6) If due to non fulfilment of the obligations of para 4 and 5 damages occur, the registered experts shall bear responsibility in full extent.

Art. 12. (1) The EIA report shall be formed as unified document, including:

1. the essential part according to art. 11, para 1;
2. list of the sources of information, which the authors have used in EIA reports;
3. the information of art. 9, para 5;
4. list of the registered experts and chief of the team, prepared the EIA report, in which each one shall sign under the sections of the report, developed by him;
5. written declarations of art. 11, para 3, signed personally by the experts;
6. copies of the certificates for entering in the register of MEW.

(2) The non technical abstract of the EIA report of art. 96, para 1, item 9 of LPE shall be formed as independent appendix to the EIA report.

Chapter four.

ASSESSMENT OF THE QUALITY OF THE EIA REPORT

Art. 13. (amend. - SG 03/06) For assessment of the quality of the EIA report the assignor shall present to the competent body one copy of the report of art. 12 on paper and on electronic carrier, of the terms of reference of art. 10 and a copy of a document for paid fee.

Art. 14. (1) The competent body shall assess the quality of the EIA report in 14 days term after submitting it on the basis of the following criteria:

1. compliance with the worked out art. 10;
2. reflecting of the results of the conducted consultations;
3. equal description, analysis and comparison of the alternatives;
4. (amend. - SG 03/06) assessment of the importance of the impacts; description of: direct and the indirect; cumulative; short-, medium- and long-term; permanent and temporary; positive and negative impacts on human-beings and the environment by the construction and exploitation of the investment proposal;
5. (amend. - SG 03/06) proposing of measures for prevention or reduction of the significant harmful impacts for ensuring of compliance with the normative provisions for environment and developed, in a table-format plan for execution of the measures as per form provided in Appendix 2a;
6. existence of graphic material – maps, schemes, sketches, diagrams etc.;
7. the non technical abstract not to contain technical terminology.

(2) The competent body shall apply the following degree system for assessment of the quality of the report:

1. degree A – full information has been presented without omissions and weaknesses;
2. degree B – information has been presented with insignificant omissions, which are not significant for the taking of decision;
3. degree C – information has been presented with omissions, which are not of essential importance for the taking of decision;

4. degree D – insufficient information has been presented for taking of decision, but it requires little additional work;

5. degree F – extremely insufficient information with many omissions and weaknesses, which does not allow taking of decision.

(3) The assessments of items 1, 2 and shall be considered as positive.

Art. 15. (1) (amend. - SG 03/06) Upon positive assessment of art. 14, para 3 the competent body shall notify the assignor with a letter and require additional not less than three copies of the EIA report for MEW and not less than two copies for RIEW.

(2) (amend. - SG 03/06) Upon assessment of art. 14, para 2, item 4 the competent body shall notify the assignor with a letter and return the report for completion, giving concrete instructions for this.

(3) (suppl. - SG 03/06) Upon assessment of art. 14, para 2, item 5 the competent body shall notify the assignor with a letter and return the report for re-working with concrete instructions for this.

(4) In the cases of para 2 and 3 the competent body shall determine term for presenting of the completed/re-worked report.

Chapter five.

ORGANISING OF PUBLIC DISCUSSION OF THE EIA REPORT

Art. 16. (amend. - SG 03/06) With the letter of art. 15, para 1 the competent body shall also determine the affected municipalities, districts and/or mayoralities, with which the assignor is to organise public discussion of the EIA report.

Art. 17. (1) The public discussion of the EIA report shall be implemented in the following way:

1. (amend. - SG 03/06) the assignor concedes one copy of the EIA report to the determined bodies under art. 16;

2. (amend. - SG 03/06) the affected municipalities, districts and/or mayoralities of art. 16 together with the assignor determine the place, the date and the hour for conducting of meeting(s) for public discussion, the place and the time for public access to the EIA report, as well as the place for conceding of written statements; the assignor announces them in the mass media and/or in another way at least 30 days before the meeting for public discussion; the announcement shall be prepared according to the model of appendix No 3;

3. (amend. and suppl. - SG 03/06) the assignor notifies in writing the competent bodies about the place, the date and the hour for conducting of the meeting(s) for the public discussion and present evidence for the execution under item 2 within 7 days after it.;

4. (amend. and suppl. - SG 03/06) on his discretion the assignor can notify in writing also other specialized persons, bodies and organisations about the meeting(s) for public discussion;

5. (amend. - SG 03/06) the meeting(s) for the public discussion shall be managed by the assignor or by a person, authorised by him;

6. (amend. and suppl. - SG 03/06) the assignor ensures the presence of the chief and representatives of the team of independent experts at the meeting(s) and they acquaint the present in brief with the investment proposal and respectively with the results of the implemented EIA, by using also maps, schemes and other illustration materials;

(2) (amend. - SG 03/06) A record shall be kept for the public discussion by an official, determined by the mayor of the municipality (district, mayoralty), on which territory the meeting is conducted. The record shall be signed by the assignor and by the minutes taker and the written statements, conceded preliminary or during the discussion, shall be attached to it.

(3) (amend. - SG 03/06) The official of para 2 shall concede the materials with the results of the

public discussion to the assignor in 3 days term after the date of the meeting.

(4) (amend. - SG 03/06) In 7 days term after the meeting(s) for public discussion the assignor shall present to the competent body the record(s) and all the conceded written statements.

(5) (amend. and suppl. - SG 03/06) In 14 days term after the meeting/ the last meeting for public discussion the assignor shall present to the competent body written statement about the proposals, the recommendations, the opinions and the objections as result of the public discussion. The competent body shall provide access to the opinion observing the procedure of the Law of Access to Public Information.

(6) (amend. - SG 03/06) When in result of the public discussion are proposed in writing other possible ways for implementing of the investment proposal, the assignor on his discretion shall assign the supplementing of the EIA report and organise a new public discussion by the order of para 1.

(7) (amend. - SG 03/06) In the cases of completing of the EIA report of para 6 the assignor shall notify in writing the competent body and point out the term for presenting of the supplement.

Chapter six.

TAKING OF DECISION ON EIA

Art. 18. (1) The competent body shall take decision on EIA on the basis of:

1. the EIA report as basic document;
2. the documentation, presented in the progress of the procedure, in this number the supplement of art. 17, para 6;

3. (new - SG 03/06) opinions of other specialised persons, bodies and organisations which have provided competence by normative act within the field of components and factors of the environment.

4. (prev. text of item 3- SG 03/06) the results of the public discussion, in this number the statement of the assignor of art. 17, para 5;

5. (prev. text of item 4- SG 03/06) the decision of the Supreme expert ecological council (SEEC) at MEW or of the Expert ecological council (EEC) at the respective RIEW.

(2) The expert ecological councils of para 1, item 4 shall take decisions in compliance with the regulation of art. 12, para 3 of LPE.

Art. 19. (1) With the decision of art. 18, para 1 the competent body shall approve the implementing of the investment proposal in the cases when:

1. with the plan for fulfilment of the measures for prevention, reduction or liquidation of significant negative impacts is ensured the observing of the standards for quality of environment;

2. there are no motivated objections of unlawfulness against the implementation of the investment proposal.

(2) With the decision of art. 18, para 1 the competent body shall not approve the implementation of the investment proposal in the cases when:

1. with the plan for fulfilment of the measures for prevention, reduction or liquidation of significant negative impacts is not guaranteed the observing of the standards for quality of environment;

2. (amend. - SG 03/06) the assignor has not proposed or there are no other possible ways for implementing of the investment proposal, with which is guaranteed the observing of the standards for quality of environment;

3. motivated objections of unlawfulness against the implementation of the investment proposal have been deposited.

(3) The decision shall be compiled in compliance with the requirements of art. 99, para 3 of LPE according to the mode of appendix No 4.

(4) The conditions in the decision shall be based on:

1. the plan for fulfilment of the measures in the EIA report;

2. the lawful proposals of art. 17, para 4, 5 and 6.

Art. 20. (1) The competent body shall take EIA decision in the term of art. 99, para 2 of LPR depending on the specifics and the complexity of the investment proposal.

(2) In the term of para 1 shall not be included the time for supplementing of the EIA report of art. 17, para 7.

Art. 21. (amend. - SG 03/06) The EIA decision of art. 19, para 1 shall be an element of the factual components of the procedure of:

1. issuance of the act of earliest approval of the investment proposal under the procedure of a special law as per Art. 82, Para 2 of the LPE;

2. approval of the plan/programme of Art. 5, Para 3.

Chapter seven.

IMPLEMENTING OF CONTROL ON THE FULFILMENT OF THE CONDITIONS OF THE EIA DECISION

Art. 22. (1) The competent bodies shall implement control over the fulfilment of the conditions of the EIA decision:

1. at approval and co-ordination of the investment projects;

2. during the construction;

3. at issuing of permission for use of the construction;

4. during the exploitation of the site.

(2) The control of para 1 shall include check of documents and at a visit on the place check of the results from the fulfilment of the plan for the measures for prevention, reduction or liquidation of the significant harmful impacts on environment and assessment of their effectiveness and it shall be implemented by the order of chapter none of LPE.

(3) In the cases when the EIA decision has been issued by MEW, the control of the fulfilment of the conditions can be assigned to the respective RIEW, basin directorate or directorate of national park.

(4) (new – SG 03/06) In the cases of Art. 99, Para 8 of the LPE the inspections concerning the non-starting to execute the investment proposal shall be performed by the respective RIEW, and within 7 day-s term after the inspection, the assignor and the MEW shall be notified of the results, where the decision is issued by the Minister of Environment and Waters.

Art. 22a. (new – SG 03/06) (1) In the cases of Art. 99, Para 9 of the LPE for recertification of a decision on EIA, which has lost its legal effectiveness, the assignor shall submit a written request to the competent body which issued the decision.

(2) The request under Para 1 shall contain evidence of lack of amendment of the investment proposal and of the conditions of the environment.

(3) To the request an opinion of registered experts on EIA shall be attached.

(4) Within 14 days from submission of the request under Para 1, the competent body which issued it, shall recertify it by a decision on the base of the information in the request and in the opinion under Para 3;

(5) The competent body shall take a decision of recertification without need to have decision of the Supreme Expert Ecology Council (SEEC) to the MEW or of the Expert Ecology Council (EEC) to the respective REW.

(6) (amend., - SG 03/06) The decision of recertification shall be handed to the assignor and shall be

announced under the procedure of Art. 99, Para 4 of the LPE.

Chapter eight.

PROCEDURE OF EIA IN CROSS-BORDER CONTEXT

Art. 23. The environmental impact assessment for investment proposals with cross-border impact shall be implemented according to the requirements of LPE, of the ordinance and the Convention for environmental impact assessment in cross-border context, ratified with law – SG 28/95, in force from September 10, 1997 (prom. SG 6/99; corr. SG 89/99), unless an international agreement between the Republic of Bulgaria and affected state or states other is provided.

Art. 24. (amend., - SG 03/06)Competent body for the procedure for EIA in cross-border context shall be MEW. The other bodies of art. 10 of LPE shall be obliged to concede on time the received information about the conducted procedures and to render the necessary co-operation to MEW and the assignors.

Art. 25. The environmental impact assessment for investment proposals with cross-border impact, for which the Republic of Bulgaria is country of origin, shall be implemented in the following consequence:

1. notification of the competent bodies and the affected public of chapter two;

2. upon decision for need of EIA for a proposal with potential cross-border impact the Minister of Environment and Waters shall notify the affected country or countries about his decision and determine term for answer whether the respective (the affected) country will participate in the procedure; to the notification shall be attached description of the investment proposal and the available information (which is not secret according to the Law of protection of the classified information) about the eventual cross-border impact on environment as well as information about the character of the decision, which is expected to be taken:

a) upon negative answer on behalf of the affected country the further procedure shall entirely follow the consequence of art. 2, para 1;

b) (suppl., - SG 3/06) upon positive answer on behalf of the affected country and declaring of its wish to participate in the procedure the further consequence of the procedure of art. 2 shall be transformed and adapted with regard to accounting of the cross-border aspects and announcing before the public about application of a procedure in trans-boundary context shall be provided;

3. consultations between the two countries: whether will be followed the procedure, established by the national legislation; if the proposal is not included in appendix No 1 of the Convention for EIA in cross-border context, but is included in appendix No 2 of LPE; conceding of information about the basic requirements of the legislation; the time for consultations shall be determined between the two countries case by case;

4. (amend., - SG 3/06) determining of the scope of information, which the assignor should include in the EIA report, paying particular attention to the aspects with cross-border impact and to the measures for their prevention and restriction;;

5. (amend., - SG 3/06) preparation of EIA report; the assignor shall be obliged to present to the competent body additional copy of the report, translation of the whole report or part of it, if this is agreed between the competent bodies of the two countries, as well as translation of the non technical abstract;

6. assessment of the quality of the EIA report; apart from all the requirements of chapter four the competent body shall pay special attention to the cross-border impacts and to the measures for their prevention and restriction;

7. sending of the EIA report (its translation if agreed) and the translation of the non technical abstract to the competent body of the affected country and conceding of opportunity for conducting of consultations about: the potential cross-border impacts and the measures for prevention or reduction of the

impact; the possible offered alternatives of the investment proposal; other issues of mutual interest;

8. (amend., - SG 3/06) conceding to the assignor of the received documentation from the conducted consultations;

9. public discussion of the EIA report with opportunity for direct participation of a representative of the affected country and its public;

10. taking of decision on EIA accounting for the notes and the proposals, made by the affected country, participation in the procedure for EIA;

11. announcing of the decision on EIA and notifying of the decision to the affected country;

12. control of the fulfilment of the decision; upon explicit preliminary agreement the competent body of the country of origin shall notify the competent body of the affected country about the implemented control measures and the findings made.

Art. 26. The assessment of the impact on environment for investment proposal with cross-border impact, which will be implemented on the territory of other countries, upon which the Republic of Bulgaria is affected country, shall be implemented in the following consequence:

1. at receiving of notification about investment proposal, which will be implemented on the territory of another state and from which can be expected to have 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 in the EIA procedure:

a) upon expressed consent for participation shall be followed the national procedure of the country of origin, if other is not provided in an international agreement;

b) the Minister of Environment and Waters shall ensure public access to the presented information about EIA and send on time all statements about the documentation before the taking of decisions by the competent body of the other country;

2. in case notification has not been received from the country of origin about investment proposal of appendix No 1 of the Convention of EIA with cross-border context, which can render significant impact on the territory of the Republic of Bulgaria, the MEW shall take the necessary steps before the competent body of the country of origin for conducting of consultations for participation in the procedure.

Additional provisions

§ 1. In the context of the ordinance:

1. "Country of origin" is a contracting party or a party in the Convention of EIA in cross-border context, as well as any other state under which jurisdiction is provided to be implemented the proposed investment intention, at the construction and at the realising of which cross-border impact is supposed.

2. "Affected country" is a contracting country or a country in the Convention of EIA with cross-border context as well as any other state, which can be affected by cross-border impact from the investment proposal.

Transitional and concluding provisions

§ 2. The ordinance is approved pursuant to art. 101, para 1 of the Law of preservation of environment and art. 31 of the Law of the biological diversity and it shall revoke Ordinance No 4 of 1998 for assessment of the impact on environment (prom. SG 84/98; amend. and suppl. SG 68/00).

§ 3. The order of art. 3, para y shall be issued in 6 months term after the ordinance enters into force.

§ 4. For all EIA reports, assigned with a contract, signed before the ordinance enters into force, art. 9 and 10 shall not apply.

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

Additional provisions

TO DECREE NO. 302 OF 30TH OF DECEMBER 2005 OF AMENDMENT AND SUPPLEMENTATION OF THE ORDINANCE FOR THE CONDITIONS AND ORDER FOR IMPLEMENTING ENVIRONMENTAL IMPACT ASSESSMENT OF INVESTMENT PROPOSALS FOR CONSTRUCTION, ACTIVITIES AND TECHNOLOGIES, ADOPTED BY DECREE No. 59 OF THE COUNCIL OF MINISTERS OF YEAR 2003

(PROM. – SG 03/06)

§ 22. Everywhere in the ordinance the words "investor", "the investor" shall be replaced respectively by "assignor" and "the assignor".