

# Environmental Protection Act

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(\*) (Editor's Note: Regarding the entry into force of the Environmental Protection Act amendment promulgated in SG No. 12/13.02.2009, see Sole Paragraph of the Act to Supplement the Tax and Social-Insurance Procedure Code (SG No. 32/2009).

(\*\*) (Editor's Note: Regarding the entry into force of the Environmental Protection Act amendment promulgated in SG No. 32/24.04.2012, see Item 2 of § 98 of the Act to Amend and Supplement the Environmental Protection Act (SG No. 32/2012).

Text in Bulgarian: Закон за опазване на околната среда

## Chapter One

### GENERAL DISPOSITIONS

#### Section I

#### Applicability and Scope

##### Article 1

This Act shall regulate the social relations with regard to:

1. protection of the environment for the present and future generations and protection of human health;

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

## **Article 2**

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

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

## **Article 3**

Environmental protection shall be based on the following principles:

1. sustainable development;
2. prevention and reduction of risk to human health;
3. priority of pollution prevention over subsequent elimination of pollution damage;
4. public participation in and transparency of the decision making process regarding environmental protection;
5. public awareness regarding the state of the environment;
6. polluter pays for damage caused to the environment;
7. conservation, development and protection of ecosystems and the biological diversity inherent therein;
8. restoration and improvement of environmental quality in polluted and disturbed areas;

9. prevention of pollution and damage and of other adverse impacts on clean areas;
10. integration of environmental protection policy into the sectoral and regional economic and social development policies;
11. access to justice in environmental matters.

#### **Article 4**

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

#### **Article 5**

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

#### **Article 6**

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

#### **Article 7**

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

### **Section II**

## **National Environmental Protection Policy and Environmental Management Authorities**

#### **Article 8**

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

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

#### **Article 9**

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

#### **Article 10**

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

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

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

1. within the territory of any municipality: the RIEW Director or the Municipality Mayor and, in the cities subdivided into wards, the Ward Mayor;
2. within the territory of any administrative region: the Regional Governor or the RIEW Director;
3. within the territory of several municipalities covered by a single RIEW: the Director of the competent Inspectorate;
4. within the territory of several municipalities covered by different RIEWs: the Minister of Environment and Water.

## **Article 11**

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

1. together with the authorities referred to in Article 9 herein, develop the environmental protection policy and strategy in the Republic of Bulgaria;
2. direct the National Environmental Monitoring System through the Executive Environment Agency;
3. control the state of the environment in Bulgaria;
4. coordinate the controlling powers of other executive authorities in respect of the environment;
5. issue orders, permits, instructions and endorse methodologies;
6. jointly with the executive authorities concerned:
  - a) issue maximum permissible emission levels by type of pollutant and levels of maximum permissible concentrations of harmful substances by environmental medium and by area;
  - b) endorse EIA methods;
  - c) issue standards on efficient utilization of renewable and non- renewable natural resources;
  - d) ensure the collection and provision of information on the state of the environment;
7. perform other activities associated with environmental protection and management in conformity with the special laws;
8. prepare an Annual Report on the State of the Environment;
- 8a. (new, SG No. 52/2008, amended, SG No. 62/2015, effective 14.08.2015, SG No. 42/2022, effective 7.06.2022) implement the organization and coordination activities according to Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 on the establishment of a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No. 1293/2013 (OJ L 172/53 of 17 May 2021);
9. (new, SG No. 65/2006, effective 1.01.2007) prepare and submit to the European Commission reports on the implementation of statutory instruments of the Acquis Communautaire in the field of Environment.

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

## **Article 12**

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

1. a Supreme Environmental Expert Council;
2. advisory councils on the policy of management of environmental media.

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



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

### **Article 13**

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

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

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

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

### **Article 14**

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

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

(3) (Repealed, SG No. 15/2013, effective 1.01.2014).

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

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

### **Article 15**

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

1. inform the community about the state of the environment according to the requirements of this Act;
2. together with the other authorities, elaborate and control plans for elimination of the effects of accidents and burst pollution within the territory of the municipality;
3. organize waste management within the territory of the municipality;
4. oversee the construction, maintenance and proper operation of waste water treatment plants in the urbanized areas;
5. organize and oversee the cleanness, maintenance, conservation and expansion of the settlement green structures within the nucleated settlements and in the country areas, as well as the conservation of biological diversity, of the landscape and of the natural and cultural heritage therein;
6. designate and make public the persons responsible for maintenance of the cleanness of streets, sidewalks and other areas for public use within the nucleated settlements, and oversee the performance of the duties of the said persons;
7. organize the operation of eco-inspectorates, including such functioning on a pro bono basis, established by resolution of the competent Municipal Council, which are empowered to draw up written statements ascertaining administrative violations;
8. designate the officials empowered to draw up written statements ascertaining administrative violations under this Act;
9. exercise the powers vested therein under the special laws regulating the environment;
10. designate the persons in the municipal administration possessing the requisite occupational skills to carry out the activities comprehended in environmental management.

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

## **Article 16**

Regional Governors shall perform the following functions:

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

## **Chapter Two**

### **INFORMATION RELATING TO THE ENVIRONMENT**

#### **Article 17**

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

#### **Article 18**

The information relating to the environment shall be:

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

#### **Article 19**

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

1. the state of the environmental media covered under Article 4 herein and the interaction therebetween;
2. (supplemented, SG No. 77/2005) the factors covered under Article 5 herein, as well as the activities and/or measures, including administrative measures, international agreements, policies, legislation, including reports on application of environmental legislation, plans and programmes affecting or capable of affecting the environmental media;
3. the state of human health and safety, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;
4. cultural and historical heritage sites, buildings and installations, inasmuch as they are or may be affected by the state of the environmental media or, through the said media, by the factors, activities or measures referred to in Item 2;
5. costs-benefit analysis and other economic analyses and assumptions used within the framework of the measures and activities referred to in Item 2;
6. emissions, discharges and other harmful impacts on the environment.

#### **Article 20**

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

1. classified information constituting a state secret or an official secret;
  2. information constituting an industrial or commercial secret, designated as such by law;
  3. intellectual property;
  4. (amended, SG No. 17/2019) information constituting personal data, where the natural person concerned has not consented to the disclosure of the said information, in compliance with the requirements for the protection of personal data;
  5. (supplemented, SG No. 12/2017) information whose disclosure would adversely affect the interests of a third party which has supplied the information requested without that party being under or capable of being under a legal obligation to do so, and where that party does not consent to the release of the material;
  6. (supplemented, SG No. 12/2017) information whose disclosure would impact adversely the environmental media.
- (2) Information relating to the environment shall be provided within fourteen days after the date on which the applicant was notified about the decision of the competent authority to provide access to the information requested.
- (3) The persons who or which report information relating to the environment to the competent authorities shall be obliged to mark the information subject to any of the restrictions on provision covered under Paragraph (1).
- (4) Upon making a decision to refuse provision of any information covered under Paragraph (1), the competent authority shall take into account the public interest served by disclosure of any such information.
- (5) In the cases of restricted access, the available information relating to the environment shall be provided in the part therein as can possibly be separated out from the information covered under Paragraph (1).
- (6) The restriction of the right of access to information shall not apply to any information relating to emissions of harmful substances into the environment expressed as limit values established by legislative acts.

## **Article 21**

- (1) Competent authorities under this Chapter shall be the central and local executive authorities that collect and hold information relating to the environment.
- (2) (Amended, SG No. 15/2013, effective 1.01.2014) Competent authorities within the meaning given by Paragraph (1) shall furthermore be the other bodies and organizations that form part of the consolidated fiscal programme and that collect and hold information relating to the environment, with the exception of the legislative and judicial authorities.
- (3) (New, SG No. 77/2005) Any natural or legal person, who or which provides public services relating to the environment and who or which carries out this activity under the control of the authorities and organizations covered under Paragraphs (1) and (2), shall likewise be obligated to provide information relating to the environment according to the procedure established by this Chapter.

## **Article 22**

- (1) (Amended, SG No. 77/2005, SG No. 103/2009) The Minister of Environment and Water shall lay before the Council of Ministers annually a report on the state of the environment which, after its adoption, shall be posted on the Internet site of the Ministry of Environment and Water and of the Environment Executive Agency as a National Report on the State and Protection of the Environment.
- (2) (Amended, SG No. 103/2009) The Report referred to in Paragraph (1) shall be laid before to the Council of Ministers within three months after the National Statistical Institute provides the requisite information and data.
- (3) (New, SG No. 77/2005, supplemented, SG No. 42/2022, effective 7.06.2022) Annually, not later than the 30th day of April, each Regional Inspectorate of Environment and Water shall prepare a regional report on the state of the environment within the territory covered by the said inspectorate during the preceding year which shall be published on their website. The content and scope of the regional report shall be determined by directions of the Minister of Environment and Water.

## **Article 22a**

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

(1) The operators carrying out activities listed in Annex I to Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC, hereinafter referred to as "Regulation (EC) No. 166/2006", shall report data on pollutant release and transfer in the register referred to in Item 2 of Article 22b herein, published on the Internet site of the Executive Environment Agency.

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

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

(4) (Supplemented, SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or an official empowered thereby shall give directions for the conduct of the verification under Paragraph (3).

## **Article 22b**

(New, SG No. 52/2008)

The Executive Director of the Executive Environment Agency shall:

1. (amended, SG No. 42/2011) summarize the data referred to in Article 22a (3) herein;
2. maintain a public pollutant release and transfer register at the national level and ensure access to the said register through the Internet site of the Executive Environment Agency.

## **Article 22c**

(New, SG No. 52/2008)

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

## **Article 23**

(1) (Amended, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) In the event of accidental or other pollution, where the limit values for pollutants discharge in the environment as established by a statutory instrument or an individual administrative act are exceeded, the polluters, as well as the persons responsible for observance of the limit values shall be obligated to notify immediately the competent regional governors, mayors of the municipalities concerned, the relevant RIEWs, the basin directorates, and the authorities of the Ministry of Interior and, in case of change of the radiation level, the Nuclear Regulatory Agency as well.

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

## **Article 24**

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

## **Article 25**

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

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

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

## **Article 25a**

(New, SG No. 77/2005)

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

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

1. texts of international treaties, conventions or agreements and legislation relating to the environment;
2. strategies, plans and programmes relating to the environment;
3. reports on the progress or application of the instruments and documents covered under Items 1 and 2, should any such reports have been prepared or maintained in an electronic form;
4. the National Report and the regional reports on the state of the environment, as well as other reports on the state of the environment provided for in the law or in a statutory instrument of secondary legislation;
5. data or consolidated data derived from the monitoring of activities which have or are likely to have an environmental impact
6. public registers according to the procedure established by this Act or by other special environmental laws.

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

## **Article 26**

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

(2) Any decision to grant access to information under Article 34 (1) of the Access to Public Information Act shall specify whether expressly processed information or another type of information is provided.

## **Article 27**

(Amended, SG No. 30/2006, SG No. 76/2017)

Any refusal to provide information a party shall need to prepare the case for the defence thereof in any proceeding provided for in this Act or in another law shall be subject to appeal according to the procedure established by Chapter Three, Section IV of the Access to Public Information Act.

## **Article 28**

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

## **Article 29**

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

## **Article 30**

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

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

## **Article 31**

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

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

## **Chapter Three**

# **CONSERVATION AND USE OF ENVIRONMENTAL COMPARTMENTS AND WASTE MANAGEMENT**

## **Section I**

### **General Terms**

#### **Article 32**

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

#### **Article 33**

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

#### **Article 34**

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

## **Section II**

### **Conservation and Use of Water and Water Bodies**

#### **Article 35**

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

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

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

#### **Article 36**

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

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

1. without permit;
2. by permit;
3. (amended, SG No. 96/2017, effective 1.01.2018) by the award of a concession.

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

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

### **Article 37**

The conservation of water and water bodies shall ensure:

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

### **Article 38**

(Amended, SG No. 77/2005)

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

## **Section III**

### **Soil Protection, Sustainable Use and Restoration (Title amended, SG No. 89/2007)**

#### **Article 39**

(Amended, SG No. 77/2005)

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

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

1. (amended, SG No. 89/2007) prevention of soil degradation;
2. sustained preservation of the multi-functional capacity of soil;
3. ensuring effective protection of human health;
4. preservation of soil qualities as an environment for normal development of soil organisms, plants and animals;
5. exercise of preventive control for prevention of adverse modifications of soil and application of good land-use practices;
6. (amended, SG No. 89/2007) elimination and/or mitigation of harmful modifications of soil quality caused by soil-degrading processes, according to the requirements of the types of land use.

#### **Article 40**

(Amended, SG No. 77/2005)

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

#### **Article 40a**

(New, SG No. 77/2005, amended, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023, SG No. 102/2023)

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

#### **Article 41**

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

#### **Article 42**

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

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

#### **Article 43**

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

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023, SG No. 102/2023) Prior to commencement of construction or prospecting, exploration and extraction of subsoil resources, the humus layer of the soil shall be removed, deposited and utilized as intended under terms and according to a procedure established by an ordinance issued by the Minister of Agriculture and Food, the Minister of Environment and Water, and the Minister of Regional Development and Public Works.

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

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

#### **Article 44**

(Amended, SG No. 42/2022, effective 7.06.2022)

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

#### **Article 44a**

(New, SG No. 77/2005)

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

#### **Article 44b**

(New, SG No. 77/2005)

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

### **Section IV**

## **Conservation and Use of the Bowels of the Earth**



## **Article 45**

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

## **Article 46**

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

1. protection and efficient utilization of subsoil resources and of ground water;
2. environmentally sound waste management and waste recovery;
3. (repealed, SG No. 77/2005);
4. restoration and/or reclamation of grounds disturbed upon exploration and exploitation;
5. effective protection against natural disasters, accidents and other destructive processes caused by human activity.

## **Article 47**

The bowels of the Earth shall be used for:

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

## **Article 48**

(Amended, SG No. 77/2005)

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

## **Article 49**

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

## **Article 50**

(Amended, SG No. 77/2005)

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

## **Section V**

### **Conservation and Use of Biological Diversity**

## **Article 51**

- (1) The species, the natural habitats of species with the biological diversity inherent therein shall be subject to conservation and protection.
- (2) Conservation of the diversity of natural habitats and of species of wild flora and fauna shall follow the terms and a procedure established by a special law.
- (3) (New, SG No. 77/2005) The natural landscape shall be conserved and used in a manner and by means precluding a

harmful impact, irreversible modifications and/or damage of the elements thereof.

## **Article 52**

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

## **Article 53**

(1) Long-term and annual plans and programmes shall be elaborated for conservation and use of forests, game, fish, herbs, mushrooms and other renewable wildlife resources.

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

## **Article 54**

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

# **Section VI**

## **Ambient Air Quality Protection**

## **Article 55**

Ambient air quality protection shall ensure:

1. protection of human health, of living organisms, of natural and cultural assets against harmful impacts and prevention of the occurrence of risks and damage to society from modified atmospheric air quality, ozone layer depletion and climate change resulting from various human activities;
2. preservation of ambient air quality in areas where it is not degraded, and improvement of the said quality in the remaining areas.

## **Article 56**

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

## **Article 56a**

(New, SG No. 52/2008)

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

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

# **Section VII**

## **Waste Management**

## **Article 57**

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

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

- a) development and implementation of technologies ensuring efficient utilization of natural resources;
  - b) technical development and placing on the market of products designed in such a manner so as the manufacture, use and safe disposal therein have no, or have the least possible, contribution to an increase of the quantity or hazard of waste and the risks of pollution therewith;
  - c) development of appropriate techniques for final safe disposal of dangerous substances contained in waste designed for recovery, recycling or treatment;
2. waste recovery by means of recycling, reuse or regeneration or by another processes of retrieval of recyclable resources or of use of waste as an energy source;
  3. safe storage of waste irrecoverable at the present stage of development.

#### **Article 58**

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

1. do not lead to damage or risk to the environmental media;
2. do not cause additional environmental load associated to noise, vibrations and odour.

#### **Article 59**

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

### **Section VIII**

**(New, SG No. 70/2004)**

### **Protection of the Environment from Pollution by Asbestos and Mercury (Title amended, SG No. 46/2010, effective 18.06.2010)**

#### **Article 59a**

(New, SG No. 70/2004)

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

1. the requirements and measures to prevent and reduce the asbestos pollution of air and water;
2. the methods and procedures for defining asbestos in dust emissions;
3. the methods and procedures for defining the concentration of undissolved substances in asbestos-containing waste waters;
4. the cases, where exceptions to the requirements and measures under subpara 1 may be allowed.

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

#### **Article 59b**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 53/2018, effective 26.06.2018).

#### **Article 59c**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 53/2018, effective 26.06.2018).

#### **Article 59d**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 53/2018, effective 26.06.2018).

## **Chapter Four**

# **ECONOMIC ORGANIZATION OF ENVIRONMENTAL PROTECTION ACTIVITIES**

### **Article 60**

(Effective 1.01.2003 - SG No. 91/2002)

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

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

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

### **Article 61**

(Effective 1.01.2003 - SG No. 91/2002)

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

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

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

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

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

1. charges provided for in the special laws regulating the environment;
2. action resources allocated from the national budget for environmental programmes, where the competent authorities have made a decision to this effect;
3. donations by resident and non-resident natural and juristic persons;
4. income accruing from interest on deposits;
5. (supplemented, SG No. 77/2005, SG No. 89/2007, SG No. 32/2012, effective 24.04.2012, amended, SG No. 42/2022, effective 7.06.2022) fines or pecuniary penalties for administrative violations under this Act, the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Biological Diversity Act, The Protection from Environmental Noise Act and the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act, imposed by the Minister of Environment and Water or by officials empowered thereby;
6. income accruing from portfolio investments of short-term government securities and bonds;
7. income accruing from environmental protection services and activities;
8. other proceeds determined by a legislative act.

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

### **Article 62**

(Effective 1.01.2003 - SG No. 91/2002)

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

on the activities during the preceding calendar year.

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

1. objectives and expected results;
2. activities to be conducted for achievement of the results, including an investment plan of the Enterprise;
3. plan for management of the resources referred to in Article 61 (5) herein, elaborated on the basis of expected operating expenses and income of the Enterprise.

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

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

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

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

(7) (New, SG No. 105/2005, amended, SG No. 105/2006, SG No. 95/2015, effective 1.01.2016) The reporting data concerning the assets, liabilities, income and expenditures of the Enterprise shall be consolidated according to the procedure established in Article 63 (4) of the Accountancy Act.

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

(9) (New, SG No. 32/2012, effective 24.04.2012) The procedure for interaction and exchange of information between the Enterprise and the authorities which are administrators of income accruing to the Enterprise, in respect of the collection, recovery and control of the said income, shall be regulated by an instruction of the Minister of Environment and Water.

## **Article 63**

(Effective 1.01.2003 - SG No. 91/2002)

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

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

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

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

1. Chairperson: the Minister of Environment and Water;
2. a representative of the Ministry of Environment and Water;
3. the Executive Director of the Executive Environment Agency;
4. a representative of the Ministry of Finance;
5. a representative of the National Association of Municipalities in the Republic of Bulgaria;
6. a representative of the business community, nominated by the not-for-profit legal entities designated for pursuit of public benefit activities whereof the charter or deed of incorporation includes activities associated with environmental protection.
7. the Executive Director referred to in Paragraph (2).

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

## **Article 64**

(Effective 1.01.2003 - SG No. 91/2002)

(1) (Corrected, SG No. 98/2002, repealed, SG No. 38/2012, effective 1.07.2012).

(2) (Repealed, SG No. 38/2012, effective 1.07.2012).

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

## **Article 65**

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

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

(3) (New, SG No. 1/2019, effective 3.01.2019) Eighty per cent of the pecuniary penalties for administrative violations of Article 164(1), i.e. for any failure to comply with the integrated permit conditions relating to ambient air pollution shall be credited in revenue to the budget of the municipality where the installation is located.

(4) (Renumbered from Paragraph (3), amended, SG No. 1/2019, effective 3.01.2019) The proceeds referred to in Paragraphs (1), (2) and (3), as well as the proceeds from fines imposed for violation of the ordinances adopted by the Municipal Councils in connection with environmental protection, shall be expended on environmental projects and activities according to priorities specified in the municipal environmental programmes.

(5) (New, SG No. 1/2019, effective 3.01.2019) The amounts payable with respect to the pecuniary penalties referred to in Paragraph (3) shall be transferred into the account of the relevant RIEW in whose territory the installation is located.

(6) (New, SG No. 1/2019, effective 3.01.2019) At the end of each calendar month the RIWW shall allocate the proceeds from the penalties referred to in Paragraph (3) for the preceding month and shall transfer them to the account for the municipal budgets.

(7) (New, SG No. 1/2019, effective 3.01.2019) The proceeds referred to in Paragraph (6) shall be spent only to finance measures aimed at reducing fine particulate matter and improving the quality of ambient air.

## **Article 66**

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

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

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

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

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

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

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

## **Article 67**

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

## **Article 68**

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

1. action resources allocated by the national budget, including resources in connection with "debt-for-environment" and "debt for-nature" swap agreements;

2. grants from international financial institutions, governments, international funds and non-resident juristic persons, provided for environmental programmes and projects;

3. donations from international foundations and foreign citizens to assist the national environmental policy;

3a. (new, SG No. 46/2010, effective 18.06.2010, amended, SG No. 22/2014, effective 11.03.2014) proceeds from sales of AAUs;

4. principal repayments and interest payment on loans extended through the Fund;

5. interest on resources of the National Trust EcoFund deposited with the servicing bank;

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

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

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

## **Article 69**

(Amended, SG No. 77/2005)

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

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

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

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

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

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

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

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

## **Article 69a**

(New, SG No. 77/2005)

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

1. a memorandum on inspection by the controlling officials of the Ministry of Environment and Water;
2. (amended, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) reports of laboratory tests/analyses for identification of the environmental pollution or damage and/or non-compliance with the established emission values and restrictions issued by accredited laboratories for own periodical or continuous measurements of the persons referred to in Article 69 (1) herein;
3. a memorandum of ascertainment, drawn up on the basis of the memoranda referred to in Item 1 and/or the reports referred to in Item 2 by the controlling officials of the Ministry of Environment and Water;
4. a proposal by the controlling officials of the Ministry of Environment and Water for imposition of a sanction, including the type, duration and causes of the environmental pollution or damage, as well as the type and amount of the sanction.

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

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

## **Article 69b**

(New, SG No. 77/2005)

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

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

(3) (Amended, SG No. 32/2012, effective 24.04.2012) Where the discontinuance or abatement of the environmental pollution or damage is ascertained by tests/analyses, the said tests/analyses shall be performed by accredited laboratories, including accredited laboratories for own periodical or continuous measurements.

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

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



values and restrictions has been discontinued.

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

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

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

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

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

## **Article 69c**

(New, SG No. 77/2005)

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

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

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

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

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

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

(7) (Supplemented, SG No. 32/2012, effective 24.04.2012) Should the penalized person fail to notify the authority which has issued the order referred to in Paragraph (3) of the resumption of the activity and, after an inspection by the control authorities of the Ministry of Environment and Water, should it be ascertained that the said activity has been resumed, the Minister of Environment and Water or an official empowered thereby on the basis of a memorandum on inspection and a memorandum of ascertainment drawn up shall impose, by a penalty decree, a sanction for the period commencing upon the halting of the sanction under Paragraph (3) and concluding on the date of the inspection by the control authorities of the Ministry of Environment and Water.

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

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

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

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

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

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

## **Article 70**

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

## **Article 71**

(1) (Previous text of Article 71, SG No. 52/2008, supplemented, SG No. 62/2015, effective 14.08.2015, SG No. 98/2018, effective 27.11.2018) The Ministry of Environment and Water shall charge fees for the issuance of EIA decisions, decisions on approval of safety reports, permits, opinions, including opinions on major-accident prevention policy documents, opinions confirming the classification of lower-tier or upper-tier establishments, licences, and for registration. The application or request for the issuance of administrative acts shall state a date and a mode of payment of the fee (by payment card at a point of sale terminal, by bank transfer or other).

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

## **Article 72**

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

## **Article 72a**

(New, SG No. 77/2005)

(1) (Supplemented, SG No. 89/2007, amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009; amended, SG No. 42/2022, effective 7.06.2022) Any delinquent fines and sanctions under this Act, under the Water Act, the Soils Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Biological Diversity Act and the Protection Against the Harmful Impact of Chemical Substances and Mixtures Act shall be collected with interest on the sanctions and costs by the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

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

## **Article 73**

(Amended, SG No. 15/2013, effective 1.01.2014)

On a motion by the Minister of Environment and Water, made in consultation with the Minister of Finance, financial resources in the state budget shall be allocated annually for implementation of priority environmental projects and activities included in the

national environmental strategies and programmes shall be allocated annually by the State Budget Act.

#### **Article 74**

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

### **Chapter Five**

## **ENVIRONMENTAL STRATEGIES AND PROGRAMMES**

#### **Article 75**

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

(2) (Amended, SG No. 88/2005, SG No. 93/2009, effective 25.12.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017, SG No. 102/2022, effective 1.01.2023, SG No. 102/2023) The Minister of Environment and Water shall, acting in consultation with the Minister of Health, the Minister of Regional Development and Public Works, the Minister of Transport, Information Technology and Communications, the Minister of Agriculture and Food and other ministers and heads of state agency concerned, elaborate the National Environmental Strategy and lay the said Strategy before the Council of Ministers for approval.

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

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

#### **Article 76**

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

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

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

3. objectives and priorities;

4. modalities for attainment of the objectives;

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

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

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

8. miscellaneous.

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

1. adherence to the principles of sustainable development;

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

3. prevention and reduction of the risk to biological diversity;
4. mitigation of the harmful impact of natural processes and phenomena on the environmental media;
5. optimum utilization of natural resources and energy.

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

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

## **Article 77**

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

## **Article 77a**

(New, SG No. 77/2005, amended, SG No. 82/2009, effective 16.10.2009, SG No. 66/2013, effective 26.07.2013, repealed, SG No. 22/2014, effective 11.03.2014).

## **Article 78**

(Amended, SG No. 21/2020, effective 13.03.2020)

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

## **Article 79**

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

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

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

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

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

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

## **Article 80**

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

# **Chapter Six**

# **ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**

## **Section I**

## **General Provisions**

## Article 81

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

1. (effective 1.07.2004 - SG No. 91/2002, supplemented, SG No. 77/2005) environmental assessment shall be conducted of plans or programmes which are in a process of preparation and/or approval by central or local executive authorities, bodies of local self-government and the National Assembly;

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

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

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

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

(5) (Renumbered from Paragraph (4), SG No. 77/2005, amended, SG No. 12/2017) Compatibility assessment pursuant to Article 31 of the Biological Diversity Act shall also be carried out for the plans, programmes and development proposals or the modifications or extensions thereof which fall within the scope of the assessments referred to in Paragraph (1).

(6) (Renumbered from Paragraph (5), amended, SG No. 77/2005, SG No. 12/2017) It shall be decided on a case-by-case basis whether to carry out EIA of development proposals for construction, activities and technologies referred to in Annexes 1 and 2 thereto, of parts of development proposals, where they serve solely national defence purposes, or of development proposals resulting from natural phenomena within the meaning of § 1, item 1 of the supplementary provisions of the Disaster Protection Act. The decision not to carry out EIA shall be motivated by Council of Ministers' resolution based on a substantiated proposal of the Minister of Environment and Water and the relevant competent authority pursuant to a special law, taking into consideration the expected adverse effects which the EIA may have on the national defence purposes or the reaction to natural phenomena.

(7) (Renumbered from Paragraph (6), SG No. 77/2005, amended, SG No. 12/2017) Other than in the cases referred to in Article 98, the EIA procedure for development proposals may, in exceptional cases, not be carried out – upon a proposal of the competent authority, where the proposals are approved following a procedure that includes similar assessment and where public access to information is granted. The exemption proposal shall take into consideration the expected adverse effects which the EIA may have on the purposes the development proposal.

(8) (New, SG No. 12/2017) In the cases referred to in Paragraph (7):

1. the competent authority shall substantiate whether another similar assessment is appropriate;

2. the competent authority shall provide to the public concerned the information obtained during the assessment referred to in item 1 above, as well as information about the resolution to grant an exemption and the grounds and motivation for that exemption;

3. prior to granting consent, the Minister of Environment and Water shall notify the European Commission of the reasons serving as motivation for the exemption and shall submit the information referred to in item 2 above.

## Article 82

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

(2) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) The assessment referred to in Item 2 of Article 81 (1) herein shall be integrated with the procedures for preparation and approval of the development proposal according to the procedure established by a special law.

(3) (Supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012) Where implementation of the development proposal requires pursuit of other subsidiary or supporting activities connected with the principal subject of assessment, the said activities shall likewise be included in the requisite assessment, irrespective of whether the said activities in themselves fall within the scope of Annexes 1 or 2 hereto. If the subsidiary or supporting activities in themselves are subject to EIA as development proposals, all assessments shall be integrated and a single joint procedure shall be conducted.

(4) (Effective 1.07.2004 - SG No. 91/2002, amended, SG No. 32/2012, effective 24.04.2012, SG No. 27/2013) The environmental assessment of plans and programmes shall be completed when an opinion or a decision of the competent authority referred to in Article 84 (1) herein is issued. The said effective opinion or decision shall be a mandatory condition for subsequent approval of the plan or programme. The authorities responsible for the adoption and implementation of the plan or programme shall reckon with the said opinion or decision and with the conditions, measures and restrictions set therein.

(5) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012, SG No. 27/2013) The assessment of development proposals shall be completed when a decision of the competent authority referred to in Article 93 (2) or (3) or Article 94 herein is issued, and the said decision may contain conditions, measures and restrictions which shall be mandatory for the initiator. The said effective decision shall be a mandatory condition for the approval/authorization of the development proposal according to the procedure established by a special law. The approving/authorizing authority shall reckon with the nature of the decision, shall take into account the conditions, measures and restrictions, and the said decision shall be an annex constituting an integral part of the administrative act on approval/authorization necessary for the implementation of the development proposal.

(6) (New, SG No. 32/2012, effective 24.04.2012) Any commenced EIA or environmental assessment procedures may be terminated at each stage where the development proposal, plan or programme concerned is found inadmissible and in the cases under the ordinances referred to in Article 90 (1) and Article 101 (1) herein.

## **Article 83**

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

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

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

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

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

1. they are not personally interested in the implementation of the respective development proposal, plan or programme;
2. they are familiar with the requirements of the effective Bulgarian and European statutory framework regulating the environment and that they refer to and comply with these requirements and with applicable methodological documents in the course of their work on the assessments referred to in Article 81 (1) herein; the requirements for the declarations shall be specified by the ordinances referred to in Article 90 (1) and Article 101 (1) herein.

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

## **Section II**

**(Effective 1.07.2004 - SG No. 91/2002)**

# Environmental Assessment of Plans and Programmes

## Article 84

(1) (Supplemented, SG No. 32/2012, effective 24.04.2012) The Minister of Environment and Water or the competent RIEW Director shall be the authority competent to issue an opinion or decision on environmental assessment of plans and programmes according to Article 82 (4) herein.

(2) (Amended, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) The opinion or decision referred to in Paragraph (1) shall be issued after conduct of the requisite procedure and shall be based on the entire documentation prepared or required in the course of the procedure as conducted, inter alia taking into account the results of the consultations with the public.

## Article 85

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

(2) (Amended, SG No. 77/2005, supplemented, SG No. 62/2015, effective 14.08.2015) Any plans and programmes referred to in Paragraph (1), which affect small areas at local level and involve minor modifications of plans and programmes referred to in Paragraph (1), shall require an environmental assessment solely where they are likely to have significant effects on the environment.

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

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

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

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

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

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

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

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

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

4. (new, SG No. 42/2022, effective 7.06.2022) the plan or programme's effect on climate, and the plan or programme's vulnerability to climate change.

(5) (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) A reasoned decision referred to in Paragraph (4) shall be issued within thirty days after submission of a request by the initiator of the plan or programme depending on the specificity and complexity of the said plan or programme and shall be announced to the general public.

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

## **Article 86**

(1) (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) The preparation of the environmental assessment shall be commissioned by the initiator of the plan or programme under the terms and according to the procedure established by Article 83 herein.

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

(3) The environmental assessment report shall mandatorily contain:

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

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

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

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

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

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

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

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

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

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

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

## **Article 87**

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



1. (amended, SG No. 103/2009) ensure the necessary support to the experts referred to in Article 83 (1) herein for consultations with the bodies concerned and likely to be affected, in particular with those responsible for the preparation and implementation of the plan or programme subject to environmental assessment;
2. organize consultations with the public and with persons concerned who are affected by the implementation of the plan or programme;
3. send a copy of the plan or programme and of the report referred to in Article 86 (2) herein to each State likely to be affected by the implementation of the said plan or programme;
4. organize consultations with the State likely to be affected.

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

## **Article 88**

(1) (Amended, SG No. 32/2012, effective 24.04.2012) The opinion on an environmental assessment or the decision whereby it is evaluated that there is no need to conduct an environmental assessment shall mandatorily include justification of the selection of a particular alternative from an environmental point of view and the measures referred to in Article 89 herein. The opinion on an environmental assessment or the decision may contain conditions, measures and restrictions the compliance wherewith shall be mandatory.

(2) (Supplemented, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012, amended, SG No. 42/2022, effective 7.06.2022) The opinion on the environmental assessment or the decision stating whether an environmental assessment needs to be carried out or not, shall be made available to the general public, the parties affected and concerned, and to any State likely to be affected by the implementation of the plan or programme according to a procedure established by the ordinance referred to in Article 90 (1) herein.

(3) (New, SG No. 62/2015, effective 14.08.2015, amended, SG No. 42/2022, effective 7.06.2022) The parties concerned may appeal the opinion on the environmental assessment or the decision stating whether an environmental assessment needs to be carried out or not according to the procedure established by the Administrative Procedure Code within fourteen days of its announcement.

(4) (New, SG No. 76/2017, supplemented, SG No. 42/2022, effective 7.06.2022) The judgments of the court of first instance on appeals lodged by 1 July 2024 against opinions and decisions referred to in Paragraph (1) relating to the implementation of works which have been designated works of national importance by an act of the Council of Ministers and are works of strategic importance shall be final.

(5) (New, SG No. 76/2017, amended, SG No. 42/2022, effective 7.06.2022) The appeals referred to in Paragraph (4) shall be reviewed by the Supreme Administrative Court, and the proceedings shall be concluded within six months from the lodgement of the said appeals. The court shall make public the judgment within one month from the hearing at which the examination of the case was concluded.

(6) (New, SG No. 62/2015, effective 14.08.2015, renumbered from Paragraph (4), SG No. 76/2017) The opinion or decision referred to in Paragraph (1) shall lose its legal effect if the relevant plan or programme is not approved within five years from the entry into effect of the said opinion or decision, which shall be ascertained by an inspection by the competent environment authority.

(7) (New, SG No. 12/2017, renumbered from Paragraph (5), SG No. 76/2017) In case of change of the developer and/or before amending the plan or programme the developer, respectively the new developer, shall notify the competent environment authority in a timely manner.

## **Article 89**

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

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

## **Article 90**

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

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

1. (amended, SG No. 77/2005) the evaluation of the need and scope of environmental assessment of the potential effects of implementation of the plan or programme, as well as concerning the manner of announcement to the general public of the decision referred to in Article 85 (4) herein;
2. the obligations of the authorities which initiate or implement the plan or programme subject to environmental assessment;
3. the scope, content and form of the environmental assessment report;
4. the deadlines, terms and a procedure for holding consultations with the public and third parties likely to be affected by the plan or the programme;
5. (supplemented, SG No. 32/2012, effective 24.04.2012) the form and content of the evaluation decision and of the opinion of the Minister of Environment and water or of the competent RIEW Director;
6. the conditions for inclusion of the results of the consultations referred to in Item 4 in the opinion of the Minister of the Environment of Water or of the competent RIEW Director;
7. (amended, SG No. 32/2012, effective 24.04.2012) the monitoring and control of compliance with the conditions, measures and restrictions set in the evaluation decision or in the opinion of the Minister of Environment and Water or of the competent RIEW Director in the process of implementation of the plan or programme;
8. the monitoring and control of the environmental effects upon implementation of the plan or programme with a view to undertaking measures for prevention or mitigation of the environmental damage likely to occur as a result of the said implementation;
9. (new, SG No. 32/2012, effective 24.04.2012) the content and the maintenance of the register containing data about environmental assessment procedures as part of the register referred to in Article 102 herein.

## **Article 91**

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

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

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

## **Section III**

### **Environmental Impact Assessment of Development Proposals**

## **Article 92**

Environmental Impact Assessment shall mandatorily be conducted of:

1. any development proposals for execution of construction, activities and technologies listed in Annex 1 hereto;
2. (supplemented, SG No. 47/2009, effective 26.06.2009) any development proposals for execution of construction, activities and technologies likely to cause a significant adverse transboundary environmental impact according to Appendix I to Article 2

of the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, ratified by law (State Gazette No. 28 of 1995) ([Convention] promulgated in the State Gazette No. 86 of 1999; corrected in No. 89 of 1999).

## Article 93

(1) (Amended, SG No. 77/2005, SG No. 47/2009, effective 23.06.2009) The need of conduct of EIA shall be evaluated for:

1. any development proposals according to Annex 2 hereto;
2. any extension or modification of development proposals according to Annex 2 hereto, which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension or modification may cause a significant adverse impact on the environment;
3. any extension or modification of development proposals according to Annex 1 hereto and Appendix I to Article 2 of the Convention on Environmental Impact Assessment in a Transboundary Context, which have already been approved or are in the process of being approved, have been executed or are in the process of being executed, provided any such extension and/or modification may cause a significant adverse impact on the environment;
4. (supplemented, SG No. 54/2020) development proposals according to Annex 1 designed exclusively or principally for the development and testing of new methods or products and which will not operate for more than two years, with the exception of installations for disposal of hazardous or non-hazardous waste through incineration or co-incineration within the meaning given by the Waste Management Act;
5. (repealed, SG No. 32/2012, effective 24.04.2012, new, SG No. 54/2020) development proposals according to Item 10.1 of Annex 1, which fall within the scope of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (OJ, L 300/1 of 14 November 2009).

(2) (Amended, SG No. 32/2012, effective 24.04.2012) The Minister of Environment and Water shall evaluate the need of conduct of EIA in each particular case conforming to the criteria covered under Paragraph (4) and shall deliver a reasoned decision on:

1. the cases referred to in Item 4 of Paragraph (1);
2. all cases in which a significant impact on the environment in the territory of another State or States is likely;
3. any development proposals, any extensions or modifications thereof, which are located or directly affect the territory of any reserves, national parks and managed reserves constituting protected areas according to the procedure established by the Protected Areas Act;
4. any development proposals, any extensions or modifications thereof, which have been designated works of national importance by an act of the Council of Ministers;
5. (new, SG No. 62/2015, effective 14.08.2015) any development proposals, any extensions or modifications thereof, affecting an area covered by two or more RIEWs;
6. (new, SG No. 98/2018, effective 27.11.2018) any development proposals, any extensions or modifications thereof, entirely located within the water area of the Black Sea or the River Danube.

(3) (Amended, SG No. 32/2012, effective 24.04.2012, supplemented, SG No. 54/2020) The need of conduct of EIA under Items 1 to 3 and 5 of Paragraph (1) shall be evaluated by the competent RIEW Director in each particular case and conforming to the criteria established under Paragraph (4), and the said Director shall deliver a reasoned decision on such a determination.

(4) (Amended, SG No. 77/2005, SG No. 19/2009, effective 10.04.2009, SG No. 12/2017) The need to carry out EIA pursuant to Paragraph (1) shall be evaluated on the basis of:

1. the following characteristics of the development proposal:
  - a) size, area covered, parameters, scale, volume, productivity, scope, and layout of the development proposal in its entirety;

- b) relationship to and cumulation with other existing and/or approved development proposals;
- c) the use of natural resources, in particular land, soil, water and biodiversity;
- d) the production of waste;
- e) pollution and nuisances;
- f) the risk of major accidents and/or disasters which are relevant to the development proposal concerned, including those caused by climate change, in accordance with scientific knowledge;
- g) the risks to human health due to adverse effects on the components of the living environment within the meaning of § 1, item 12 of the supplementary provisions of the Health Act;

2. location of development proposal which might impact negatively the environmentally sensitive characteristics of the geographical areas and therefore these characteristics must be considered, with particular regard to:

- a) the existing and approved land use;
- b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c) the absorption capacity of the natural environment, paying particular attention to: wetlands, riparian areas, river mouths; coastal zones and the marine environment; mountain and forest areas; areas protected under national legislation; affected elements of the National Environmental Protection Network; areas relevant to the development proposal in which there has already been a failure to meet the environmental quality standards or in which it is considered that there is such a failure; densely populated areas; landscapes and sites of historical, cultural or archaeological significance; areas and/or zones and sites with specific sanitary status or subject to health protection;

3. type and characteristics of the potential impact on the environment, taking into consideration the likely significant effects on the environment in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the development proposal on the factors specified in Article 95, Paragraph (4), taking into account:

- a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- b) the nature of the impact;
- c) the transboundary nature of the impact;
- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the cumulation of the impact with the impact of other existing and/or approved development proposals;
- h) the possibility of effectively reducing the impact.

4. the public interest in the development proposal.

(5) (New, SG No. 12/2017) In order to enable the evaluation of the need to carry out EIA in the cases referred to in Paragraph (1), in compliance with the criteria listed in Paragraph (4), the developer shall:

- 1. provide information on the characteristics of the development proposal and its likely significant impacts on the environment and human health;
- 2. submit a description of the development proposal, containing specifically:
  - a) a description of the physical characteristics of the whole development proposal and, where relevant, of demolition works;

b) a description of the location of the development proposal, with particular regard to the environmental sensitivity of geographical areas likely to be affected;

c) a description of the aspects of the environment likely to be significantly affected by the development proposal;

d) to the extent of the information available: a description of any likely significant effects of the development proposal on the environment and human health resulting from: the expected residues and emissions, as well as the production of waste; the use of natural resources, in particular soil, land, water and biodiversity;

3. where applicable, take into account the available results from other relevant environmental impact assessments carried out pursuant to a special law;

4. submit a description of the characteristics of the development proposal and/or of the measures envisaged to avoid or prevent the eventual significant adverse impacts on the environment and human health.

(6) (Renumbered from Paragraph (5), SG No. 12/2017) The authorities referred to in Paragraphs (2) and (3) shall pronounce on the need of conduct of EIA within one month after a request is made by the initiator of the proposal referred to in Item 2 of Article 81 herein. The reasoning for the evaluation shall be declared to the general public.

(7) (New, SG No. 32/2012, effective 24.04.2012, renumbered from Paragraph (6), SG No. 12/2017) Upon change of the initiator, of the parameters of the development proposal or of any of the circumstances whereunder a decision evaluating the need of an EIA has been issued, the initiator or the new initiator shall notify, in a timely manner, the competent environment authority.

(8) (New, SG No. 53/2012, effective 13.07.2012, renumbered from Paragraph (7), SG No. 12/2017) A decision stating that an EIA is not required shall lose its legal effect if, within 5 years of the date of its issue, the implementation of the development proposal has not begun, which shall be ascertained with an inspection by the control authorities responsible for the environment.

(9) (New, SG No. 12/2017) Mandatory EIA may be carried out for development proposals without making an evaluation:

1. upon request by the developer;

2. where any of the circumstances referred to in Article 31, Paragraph (8) of the Biological Diversity Act is present;

3. in the cases referred to in Article 156f, Paragraph (3) of the Water Act.

(10) (New, SG No. 76/2017, supplemented, SG No. 42/2022, effective 7.06.2022) The decisions under Paragraph (6) shall be appealable according to the procedure established by the Administrative Procedure Code. The judgments of the court of first instance on appeals lodged by 1 July 2024 against decisions of the Minister of Environment and Water on development proposals, any extensions or modifications thereof, which have been designated works of national importance by an act of the Council of Ministers and are works of strategic importance, shall be final.

(11) (New, SG No. 76/2017, amended, SG No. 42/2022, effective 7.06.2022) The court shall examine the appeals referred to in the second subparagraph of Paragraph 10 and shall render judgment, and the proceedings shall be concluded within six months from the lodgement of the said appeals. The court shall make public the judgment within one month from the hearing at which the examination of the case was concluded.

## **Article 94**

(Supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012)

(1) The Minister of Environment and Water shall be a competent authority for the purposes of making a decision on EIA for any development proposals, extensions or modifications:

1. affecting any reserves, national parks and managed reserves constituting protected areas according to the procedure established by the Protected Areas Act;

2. affecting an area covered by two or more RIEWs;

3. in the cases of evaluation of the need of conduct of EIA under Article 93 (2) herein;

4. in the cases referred to in Article 98 (1) herein;
  5. which have been designated works of national importance by an act of the Council of Ministers;
  6. for drilling for exploration and production of unconventional hydrocarbons, including shale gas;
  7. (new, SG No. 12/2017) in cases where the RIEW Director is the developer;
  8. (new, SG No. 98/2018, effective 27.11.2018) entirely located within the water area of the Black Sea or the River Danube;
  9. (new, SG No. 98/2018, effective 27.08.2019) which are covered in Annex 1 hereto and are subject to a common EIA procedure and at least one of the procedures referred to in Article 109 (1) or (2) herein or in Article 117 (1) or (2) herein.
- (2) (Amended, SG No. 12/2017) The competent RIEW Director shall be the competent authority for the purposes of making a decision on EIA for any development proposals, extensions or modifications in the cases not covered under Paragraph (1), as well as where the Minister of Environment and Water is the developer.
- (3) (New, SG No. 12/2017, amended, SG No. 98/2018, effective 27.11.2018, SG No. 84/2023, effective 6.10.2023) The Counter-Corruption Act shall apply to any persons participating in the EIA procedures.
- (4) (New, SG No. 98/2018, effective 27.08.2019) A common EIA procedure and at least one of the procedures referred to in Article 109 (1) or (2) herein or in Article 117 (1) or (2) herein shall be carried out at the request of the developer.

## **Article 95**

- (1) (Amended, SG No. 77/2005, SG No. 12/2017, SG No. 98/2018, effective 27.11.2018, amended and supplemented, SG No. 42/2022, effective 7.06.2022) The developer of the development proposal shall inform in writing the competent authority and shall make the proposal thereof publicly available on the website thereof, if any, and through the mass communication media or in another appropriate manner. The competent authority or an official empowered thereby shall make the proposal publicly available on the website thereof and shall notify in writing the mayor of the municipality, borough and mayoralty concerned. The mayor of the municipality, borough or mayoralty concerned shall make the development proposal publicly available on the website, if any, and in a place accessible to the general public.
- (2) (New, SG No. 77/2005) The initiator shall ensure elaboration of terms of reference for the scope and content of the EIA for any development proposals under Annex 1 hereto and for such proposals in respect of which conduct of EIA has been evaluated by a decision.
- (3) (Renumbered from Paragraph (2), SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010) The initiator shall undertake consultations with the competent authorities or officials empowered thereby, with other specialized institutions and the public concerned for the purpose of the making of an EIA decision. The consultations shall be undertaken with regard to:
1. the specific characteristics of the proposed construction, activities or technologies, level of development of the design solution and its inter-relation with existing or other planned construction, activities or technologies;
  2. the characteristics of the existing environment and all environmental media thereof;
  3. the significance of the eventual impacts;
  4. (supplemented, SG No. 98/2018, effective 27.08.2019) the terms of reference for the scope and content of the EIA, including in the cases referred to in Item 9 of Article 94 (1) herein;
  5. the scope of study connected to the EIA;
  6. the alternative development proposals;
  7. the affected population's interests and opinions;
  8. the sources of information;
  9. the forecasting methods used to assess the effects on the environment;

10. measures for mitigation of the eventual adverse impacts on the environment.

(4) (New, SG No. 12/2017) The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a development proposal on the following factors:

1. population and human health;

2. biodiversity, with particular attention to species and habitats which are subject to conservation of protected areas of the National Environmental Protection Network;

3. land, soil, water, air and climate;

4. material assets, cultural heritage and the landscape;

5. the interaction between the factors referred to in items 1 to 4.

(5) (New, SG No. 12/2017) The effects referred to in paragraph (4) on the factors set out therein shall include the expected effects deriving from the vulnerability of the development proposal to risks of major accidents and/or disasters that are relevant to the proposal concerned.

## **Article 96**

(1) (Amended, SG No. 77/2005, SG No. 103/2009, supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 32/2012, effective 24.04.2012, SG No. 12/2017) The developer of the proposal referred to in Article 81, Paragraph (1), item 2 shall prepare and submit to the competent authority for quality assessment an EIA report containing at least:

1. a detailed description of the development proposal comprising information on the size, area covered, parameters, scale, volume, productivity, scope, and layout of the development proposal in its entirety; the detailed description of the development proposal shall contain:

a) a description of the location of the development proposal;

b) a description of the physical characteristics of the whole development proposal, including, where relevant, requisite demolition works, and the water-use and land-use requirements during the construction and operational phases;

c) a description of the main characteristics of the operational phase of the development proposal (all processes and activities), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;

d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, non-ionising radiation, radiation) and quantities and types of waste produced during the construction and operation phases;

2. a description of the reasonable alternatives (for example in terms of activities, technology, location, size and scale) studied by the developer, which are relevant to the development proposal and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into consideration the consequences from the impacts of the development proposal on the environment.

3. a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development proposal as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. a description of the factors specified in Article 95, Paragraph (4) likely to be significantly affected by the development proposal: population, human health, biodiversity (for example fauna and flora), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape; the description of the likely significant effects on the factors specified in Article 95, Paragraph (4) shall cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development proposal and shall take into account

the environmental protection objectives which are relevant to the development proposal;

5. a description of the likely significant effects of the development proposal on the environment resulting from, inter alia:

a) the construction and operation of the development proposal, including, where relevant, destruction, demolition and decommissioning works;

b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;

c) the emission of pollutants, noise, vibration, non-ionising radiation and radiation, the creation of nuisances, and the disposal and recovery of waste;

d) the risks to human health, cultural heritage or the environment, including as a result of accidents or disasters;

e) the cumulation of effects with other existing and/or approved development proposals, taking into account any existing environmental problems relating to areas of particular environmental importance which are likely to be affected or the related to the use of natural resources;

f) the impact of the development proposal on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the development proposal to climate change;

g) the technologies and the substances used;

6. (new, SG No. 42/2022, effective 7.06.2022) description of the available results from other relevant assessments carried out pursuant to the national legislation with relation to the investment proposal which were prepared before the EIA report and were taken into account;

7. (renumbered from Item 6, SG No. 42/2022, effective 7.06.2022) a description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered by the developer in compiling the required information and the main uncertainties involved;

8. (renumbered from Item 7, SG No. 42/2022, effective 7.06.2022) a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and human health, and a description of any proposed monitoring arrangements (for example the preparation of a post-project analysis), explaining the extent, to which significant adverse effects on the environment and human health will be avoided, prevented, reduced or offset; the description should cover both the construction and operational phases and contain a plan for implementing the measures;

9. (renumbered from Item 8, SG No. 42/2022, effective 7.06.2022) a description of the expected significant adverse effects of the development proposal on the environment and human health deriving from the vulnerability of the development proposal to risks of major accidents and/or disasters which are relevant to the proposal concerned; the relevant information must have been obtained through risk assessments; this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and human health, as well as details of the preparedness for and proposed response to such emergencies;

10. (renumbered from Item 9, SG No. 42/2022, effective 7.06.2022) advice and opinions issued by the public concerned, by the authorities competent to make an EIA decision or officials empowered thereby and other specialized institutions and the States affected in a transboundary context, as a result of the consultations held;

11. (renumbered from Item 10, SG No. 42/2022, effective 7.06.2022) conclusion in conformity with the requirements of Article 83 (5) herein;

12. (renumbered from Item 11, SG No. 42/2022, effective 7.06.2022) a non-technical summary of the information;

13. (renumbered from Item 12, SG No. 42/2022, effective 7.06.2022) a description on the difficulties (technical reasons, insufficiency or lack of data) encountered in the collection of information for preparation of the EIA report;

14. (renumbered from Item 13, SG No. 42/2022, effective 7.06.2022) other information at the discretion of the competent authority or an official empowered thereby;



15. (renumbered from Item 14, SG No. 42/2022, effective 7.06.2022) a reference list detailing the sources used for the descriptions and assessments included in the report.

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

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

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

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

(6) (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) The competent authority or an official empowered thereby shall evaluate the quality of the EIA statement with regard to the consultations held under Article 95 (3) herein and the satisfaction of the requirements of the statutory framework regulating the environment within thirty days after submission of the statement.

(7) (New, SG No. 98/2018, effective 27.08.2019, amended, SG No. 42/2022, effective 7.06.2022) In the cases referred to Item 9 of Article 94 (1) herein, where the development proposal is furthermore subject to a procedure under Article 109 (1) or (2) herein, the documents referred to in Items 1 and 3 of Article 112 (3) herein shall also be attached to the statement referred to in Paragraph (1).

(8) (New, SG No. 98/2018, effective 27.08.2019) In the cases referred to Item 9 of Article 94 (1) herein, where the development proposal is furthermore subject to a procedure under Article 117 (1) or (2) herein, the statement referred to in Paragraph (1) shall furthermore include a description of:

1. proof of application of the best available techniques, including:

(a) circumstances referred to in Article 123a (3) herein;

(b) (amended, SG No. 42/2022, effective 7.06.2022) circumstances referred to in Article 123a (6);

(c) description of the existence of the circumstances covered under Article 123 (4) or (5) herein;

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

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

4. the planned measures for monitoring harmful substance emissions into the environment;

5. the dangerous chemical substances, soil and groundwater pollutants used, produced or released; results of an assessment of the risk of soil and/or groundwater contamination where a frequency of the monitoring other than the frequency specified in Item 7 of Article 123 (1) herein is proposed;

6. where the substances referred to in Item 5 are present, a baseline report containing information:

(a) taking into account the possibility of soil and groundwater contamination of the site of the installation;

(b) sufficient so as to make a quantified comparison of the current soil and groundwater contamination with the soil and groundwater contamination upon definitive cessation of activities;

(c) on the present use and the past uses of the site;

(d) on soil and groundwater measurements conducted, including new such measurements, reflecting the state at the time the report is drawn up, having regard to the possibility of soil and groundwater contamination by the dangerous substances to be used, produced or released by the installation concerned.

(e) any other information satisfying the requirements of Litterae (a) to (d).

## Article 97

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

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

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

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

(5) (Supplemented, SG No. 77/2005, renumbered from Paragraph (4), SG No. 42/2011, amended, SG No. 12/2017) The developer of the proposal referred to in Article 81, Paragraph (1), item 2 shall ensure public access to the EIA documentation for at least thirty calendar days prior to commencement of the consultation referred to in Paragraph (1). The competent authorities referred to in Article 94, Paragraphs (1) and (2) or officials authorised thereby shall ensure public access to the EIA documentation for at least thirty calendar days prior to commencement of the consultation referred to in Paragraph (1) via its internet page at a specially designated place.

(6) (Renumbered from Paragraph (5), SG No. 42/2011, amended, SG No. 12/2017) Members of the public shall submit their opinions in writing prior to or during the public consultation meeting, or no later than three days after the consultation by sending them to the developer and to the authority competent to make an EIA decision.

(7) (New, SG No. 42/2022, effective 7.06.2022) The competent authority shall inform the public via its website of the nature of the possible decisions, and shall announce the draft decision on the EIA no later than three working days prior to the meeting of the relevant authority pursuant to Article 12, Paragraph (1), item 1, or Paragraph (2).

## Article 98

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

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

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

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

1. public access to the EIA information as provided;

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

## Article 99

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

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

(3) (Amended, SG No. 12/2017) The EIA decision shall contain:

1. the name of the issuing authority;
2. the name, place of residence/registered office of the developer;
3. the legal and factual grounds on which the decision is delivered;
4. the characteristics the development proposal and environmental conditions;
5. reasonings containing the substantiated conclusion of the competent authority as regards the significant impact of the development proposal on the environment and human health, taking into consideration the results from the assessment referred to in Articles 96, 97 and, where applicable, Article 98, and its own additional assessment;
6. operative part;
7. (amended, SG No. 42/2022, effective 7.06.2022) conditions for implementation, including measures to prevent, reduce and, if possible, offset the adverse effects on the environment and human health, deadlines for implementation, where necessary, as well as a plan for implementation of the measures referred to in Article 96, Paragraph (1), item 8;
8. liability for non-compliance with the conditions set in the decision;
9. appellate authority and time limit for appeal;
10. date of issue and signature.

(4) (New, SG No. 98/2018, effective 27.08.2019) In the cases referred to in Item 9 of Article 94 (1) herein, where the development proposal is furthermore subject to a procedure under Article 109 (1) or (2) herein, the competent authority shall furthermore pronounced by the decision referred to in Paragraph (3) according to the procedure established by Article 116 (1) herein.

(5) (New, SG No. 98/2018, effective 27.08.2019) In the cases referred to in Item 9 of Article 94 (1) herein, where the development proposal is furthermore subject to a procedure under Article 117 (1) or (2) herein, the decision referred to in Paragraph (3) shall furthermore include the content covered by Article 123 herein.

(6) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010, renumbered from Paragraph 4, SG No. 98/2018, effective 27.08.2019) Within seven days from the delivery of the EIA decision, the competent authority or an official empowered thereby shall:

1. (supplemented, SG No. 77/2005) provide the EIA decision to the developer of the proposal referred to in Item 2 of Article 81 (1) herein;
2. (supplemented, SG No. 77/2005, amended, SG No. 52/2008) make public the EIA decision through the national mass communication media, the Internet site thereof and/or another appropriate manner.

(7) (Supplemented, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010, SG No. 32/2012, effective 24.04.2012, renumbered from Paragraph 5, SG No. 98/2018, effective 27.08.2019) The competent authority referred to in Paragraph (1) or an official empowered thereby shall ensure access to the content of the EIA decision following the delivery thereof, including access to the annexes to the said decision through the Internet site thereof and according to the procedure established by the Access to Public Information Act.

(8) (Supplemented, SG No. 77/2005, amended, SG No. 30/2006, renumbered from Paragraph 6, amended, SG No. 98/2018, effective 27.08.2019) The persons concerned may appeal the EIA decision according to the procedure established

by the Administrative Procedure Code within fourteen days from the announcement under Paragraph (6).

(9) (New, SG No. 76/2017, renumbered from Paragraph 7, supplemented, SG No. 98/2018, effective 27.08.2019, SG No. 42/2022, effective 7.06.2022) The judgments of the court of first instance filed no later than 1 July 2024 on appeals against decisions of the Minister of Environment and Water on development proposals, any extensions or modifications thereof, which have been designated works of national importance by an act of the Council of Ministers and are works of strategic importance, as well as against decisions of the Minister of Environment and Water on the procedure referred to in Item 9 of Article 94 (1) herein, shall be final.

(10) (New, SG No. 76/2017, renumbered from Paragraph 8, amended, SG No. 98/2018, effective 27.08.2019, SG No. 42/2022, effective 7.06.2022) The court shall examine the appeals referred to in Paragraph (9) and shall render judgment, and the proceedings shall be concluded within six months from the lodgement of the said appeals. The court shall make public the judgment within one month from the hearing at which the examination of the case was concluded.

(11) (Supplemented, SG No. 77/2005, amended, SG No. 12/2017, renumbered from Paragraph 7, SG No. 76/2017, renumbered from Paragraph 10, SG No. 98/2018, effective 27.08.2019) In case of change of the developer, of the parameters of the development proposal or of any of the circumstances whereunder the EIA decision has been issued, the developer or the new developer shall notify in a timely manner the competent environment authority.

(12) (Amended, SG No. 77/2005, renumbered from Paragraph 8, SG No. 76/2017, renumbered from Paragraph 11, SG No. 98/2018, effective 27.08.2019) The EIA decision shall lose its legal effect if implementation of the development proposal has not commenced within five years from the date of issuance of the said decision, which shall be ascertained by an inspection by the environmental control authorities.

(13) (New, SG No. 77/2018, effective 1.01.2019, renumbered from Paragraph 12, SG No. 98/2018, effective 27.08.2019; declared unconstitutional by Decision No. 5 of the Constitutional Court of the Republic of Bulgaria, SG No. 36/2019)

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Stamp duty in the cassation proceeding whereby the EIA decision is appealed shall be determined according to the procedure established by the Administrative Procedure Code for claims of which the subject can be evaluated in monetary terms.

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## **Article 99a**

(New, SG No. 105/2008)

(1) (Supplemented, SG No. 32/2012, effective 24.04.2012) In the cases referred to in Article 118 (2) herein, the application of the best available techniques (BAT) shall be determined by means of an assessment of:

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

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

1. in a procedure for evaluation of the need of conduct of EIA: to the information determined by the ordinance referred to in Article 101 herein;
2. in an EIA procedure: to the EIA statement referred to in Article 96 (1) herein.

(3) (Amended, SG No. 32/2012, effective 24.04.2012) On the basis of the assessment referred to in Paragraph (1) and the observations, opinions and proposals received in the course of the EIA procedure, the decision referred to in Article 93 (2) and (3) or, respectively, the decision referred to in Article 99 (3) herein, shall include reasons for confirmation or non-confirmation of the use of BAT and shall pose conditions to the installations, facilities and technologies.

(4) (Amended, SG No. 32/2012, effective 24.04.2012) Upon non-conformation of the application of BAT, the decision referred to in Article 93 (2) and (3) herein or, respectively, the decision referred to in Article 99 (3) herein shall include a condition for submission of an application for the granting of an integrated permit in compliance with Article 118 (1) herein.

## **Article 99b**

(New, SG No. 62/2015, effective 14.08.2015)

(1) (Supplemented, SG No. 98/2018, effective 27.11.2018, SG No. 42/2022, effective 7.06.2022) A development proposal for the construction of a new and planned extensions or modifications of an existing or other lower-tier or upper-tier establishment/facility, which could have significant consequences in terms of major-accident hazards, shall be approved according to the procedure established by this Chapter based on additional information and assessment of:

1. the type and quantity of dangerous substances covered under Annex 3 hereto, which will be present at the establishment/facility, as well as the capacity of the facility for the warehousing and use thereof;

2. the major-accident hazards and the measures and means planned for the prevention, control and limitation of the consequences of major accidents for human health and the environment;

3. the safety distances between the establishment/facility to residential areas, establishments serving the public, leisure and recreational areas, neighbouring establishments and sites, areas and developments that could be the source of or increase the risk or consequences of a major accident and have domino effects, major transport routes and areas of special nature conservation importance or environmentally relevant areas protected by virtue of a statutory instrument or an administrative act;

4. (new, SG No. 98/2018, effective 27.11.2018, supplemented, SG No. 42/2022, effective 7.06.2022) the significance of the consequences in terms of major-accident hazards in case of planned extensions or modifications of an existing or other lower-tier or upper-tier establishment/facility, in accordance with the ordinance referred to in Article 103 (9) herein.

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

1. in a procedure for evaluation of the need of conduct of EIA: as an annex to the information determined by the ordinance referred to in Article 101 (1) herein;

2. (supplemented, SG No. 98/2018, effective 27.08.2019) in an EIA procedure: as an annex to the EIA statement under Article 96 (1) herein with the exception of the cases referred to in Item 9 of Article 94 (1) herein.

(3) Where the operator and the developer are different persons, the information referred to in Paragraph (1) shall be prepared and presented by the developer of the development proposal.

(4) (Amended, SG No. 98/2018, effective 27.11.2018) The information and the assessment referred to in Paragraph (1) shall be consulted ex officio with the authorities designated by the ordinance referred to in Article 101 (1) herein.

(5) (Amended, SG No. 98/2018, effective 27.11.2018) Based on the information and assessment referred to in Paragraph (1) and the opinions, comments and proposals received in the course of the relevant EIA procedure, reasons for approval of the location and confirmation of the safety distances shall be entered into the decision referred to in Article 93 (2) or (3) herein or, respectively, in the decision referred to in Article 99 (3) herein, and conditions shall be set to the facilities and technologies, as well as to the safety report.

(6) The competent authority referred to in Article 93 (2) or (3) herein shall issue a decision on conduct of an EIA where, based on the information and assessment under Paragraph (1), the said authority determines that, owing to the siting of the establishment/facility, a significantly negative effect on the environment and/or human health is likely. In the decision, the competent authority shall furthermore include a requirement for the initiator to explore and consider in the EIA statement alternatives, including a different siting of the establishment/facility, a different scale or model of carrying out the activity, alternative technologies and/or an alternative for the type and quantities of dangerous substances used.

(7) A decision denying approval to a development proposal shall be issued where, based on the information and assessment referred to in Paragraph (1), it is established in the EIA procedure that, owing to the siting of the establishment/facility, the development proposal will have a significantly negative effect on the environment and/or human health.

(8) The ordinances referred to in Article 101 (1) and Article 103 (9) herein shall establish the terms and procedure for joint application of the procedures under this Chapter and Section I of Chapter Seven herein, as well as the requirements to the form and content of the requisite information and documentation under Paragraph (2).

## **Article 100**

(Supplemented, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012, amended, SG No. 12/2017, SG No. 42/2022, effective 7.06.2022)

The competent authorities covered under Article 94 herein or officials authorized thereby shall oversee the implementation of the measures referred to in Item 8 of Article 96 (1) herein and the compliance with the conditions set in the EIA decision and in the decisions evaluating the need of conduct of EIA.

## **Article 101**

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

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

1. evaluation of the need of conduct of EIA of the development proposals under Annex 2 hereto;
2. the terms and a procedure for holding consultations with the authorities, the public and the persons likely to be affected by the implementation of the development proposal;
3. (supplemented, SG No. 98/2018, effective 27.08.2019) the scope, content and form of the EIA statement, including in the cases referred to in Item 9 of Article 94 (1) herein;
4. the criteria for quality evaluation of the EIA statement;
5. the procedure and manner for arrangement of a public discussion of the EIA statement;
6. the reasoning for making an EIA decision, including the manner in which the opinion of the general public has been taken into account;
7. (amended, SG No. 32/2012, effective 24.04.2012) the procedure and manner for implementation of monitoring and control over compliance with the decisions, including the conditions and measures therein;
8. (new, SG No. 77/2005, amended, SG No. 32/2012, effective 24.04.2012) the content and maintenance of the register containing data about EIA procedures.

## **Article 102**

(Amended, SG No. 32/2012, effective 24.04.2012, SG No. 98/2018, effective 27.11.2018)

The Ministry of Environment and Water shall keep a public register containing data about the conduct of EIA and environmental assessment procedures. The Ministry of Environment and Waters and the RIEW shall enter the information in the registers. The said register shall be accessible through the Internet sites of the Ministry of Environment and Water and the RIEW.

## **Chapter Seven**

### **PREVENTION AND LIMITATION OF INDUSTRIAL POLLUTION**

#### **Section I**

#### **Control of Major-Accident Hazards**

(Repealed, new, SG No. 62/2015, effective 14.08.2015)

## Article 103

(Amended, SG No. 77/2005, amended and supplemented, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) In order to prevent major accidents involving dangerous substances and to limit the consequences thereof for human life and health and for the environment, each operator of a new, existing or other establishment/facility in which any dangerous substances covered under Annex 3 hereto are present shall be bound to classify the establishment/facility in accordance with the criteria under Annex 3 hereto and to document the classification carried out.

(2) (Amended, SG No. 98/2018, effective 27.08.2019, SG No. 42/2022, effective 7.06.2022) In the cases where the establishment/facility referred to in Paragraph (1) is classified as a lower-tier establishment/facility or an upper-tier establishment and/or facility, the operator shall be bound to submit a notification of the classification carried out to the Executive Director of the Executive Environment Agency.

(3) The notification of the classification carried out shall contain the following information:

1. (amended, SG No. 42/2022, effective 7.06.2022) the name and/or trade name, the identification number of the operator and the full address of the establishment/facility;

2. the registered place of business of the operator, with the full address;

3. (amended, SG No. 42/2022, effective 7.06.2022) the name and position of the person in charge of the establishment/facility, if different from Item 1;

4. (amended, SG No. 42/2022, effective 7.06.2022) the dangerous substances and the danger category of substances involved or likely to be present in the establishment/facility;

5. (amended, SG No. 42/2022, effective 7.06.2022) the quantity and physical form of the dangerous substances and substances concerned in the establishment/facility;

6. the activity or planned activity of the facilities, including the storage facilities;

7. (amended, SG No. 42/2022, effective 7.06.2022) description of the immediate environment of the establishment/facility, and factors likely to cause a major accident or to aggravate the consequences thereof including, where available, details of neighbouring establishments, of sites, areas and developments that fall outside the scope of this Section but can be the source of or increase the risk or consequences of a major accident and of domino effects;

8. additional information regarding the establishment/facility for the purposes of reporting under Item 4 of Article 111 (1) herein, specified by the ordinance referred to in Paragraph (9).

(4) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of any new lower-tier or upper-tier establishment/facility shall submit the notification of the classification carried out, as well as of any update thereof:

1. (amended, SG No. 42/2022, effective 7.06.2022) prior to the submission of an application for clearance and approval of the development-project design according to the procedure established by Section II of Chapter Eight of the Spatial Development Act or prior to modifications to the establishment/facility which lead to a change in the inventory of dangerous substances;

2. (amended, SG No. 79/2019, effective 8.10.2019, SG No. 42/2022, effective 7.06.2022) for any establishments/facilities which fall within the scope of Annex 1 or 2 hereto, to the relevant competent authority referred to in Section III of Chapter Six herein simultaneously with the informing under Article 95(1) herein, where the information covered under Paragraph (3) is available at this stage. The notification shall be considered by the Executive Director of the Executive Environment Agency shall be consulted on the schedule.

(5) (Amended, SG No. 79/2019, effective 8.10.2019, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other lower-tier or upper-tier establishment/facility shall be bound to submit a notification of the classification carried out, as well as of any update thereof, to the Executive Director of the Executive Environment Agency:

1. (amended, SG No. 42/2022, effective 7.06.2022) prior to any modification which leads to a change in the inventory of

dangerous substances in Part 1 and/or 2 of Annex 3 hereto, present in the establishment/facility;

2. (amended, SG No. 42/2022, effective 7.06.2022) in advance of any significant increase or decrease in the quantity or significant change in the nature of physical form of the dangerous substance present in the establishment/facility, as indicated in the notification of the classification carried out, or in advance of any significant change in the processes employing it;

3. (amended, SG No. 42/2022, effective 7.06.2022) in advance of any modification of an establishment/facility which could have significant consequences in terms of major-accident hazards;

4. (amended, SG No. 42/2022, effective 7.06.2022) before the permanent closure or de-commissioning of the establishment/facility;

5. (amended, SG No. 42/2022, effective 7.06.2022) before a change in the information submitted by the operator by the notification of the classification carried out regarding the name and/or trade name of the operator and the full address of the establishment/facility, the registered place of business of the operator and the full address thereof, or the name and position of the person in charge of the establishment/facility, if different from the operator.

(6) (Supplemented, SG No. 101/2015, effective 22.12.2015, amended, SG No. 98/2018, effective 27.08.2019) Within ten days from the submission of the notification of the classification carried out, the Executive Director of the Executive Environment Agency shall confirm the classification carried out or shall notify the operator of the deficiencies found in the content of the information covered under Paragraph (3) and/or of non-conformities in the classification carried out according to the criteria under Annex 3 hereto, shall give written directions and shall set a deadline for curing the said deficiencies and/or non-conformities.

(7) (Amended, SG No. 98/2018, effective 27.08.2019) In the cases referred to in Item 2 of Paragraph (4), the operator/developer shall be notified of the confirmation of the classification according to the procedure established by the ordinance referred to in Article 101 (1) herein based on a written confirmation by the Executive Director of the Executive Environment Agency.

(8) This Section shall not apply to:

1. (amended, SG No. 42/2022, effective 7.06.2022) any establishments/facilities, including storage facilities, in which:

(a) the functions of an operator are performed by the Ministry of Defence of another legal person of the armed forces of the Republic of Bulgaria according to the Defence and Armed Forces of the Republic of Bulgaria Act;

(b) dangerous substances are handled, services are provided and/or military products are produced for the purpose of national defence and security, for which permits have been issued according to the Weapons, Ammunition, Explosive and Pyrotechnic Articles Act, and/or constitute special-purpose installations related to national defence and security within the meaning given by Item 63 of § 5 of the Supplementary Provisions of the Spatial Development Act;

2. any hazards created by ionizing radiation originating from substances;

3. the transport of dangerous substances or preparations and intermediate temporary storage during carriage by road, rail, inland waterways, sea or air, outside the area of the establishments referred to in Paragraph (2), including loading, unloading and/or transport to and from another means of transport at docks, wharves, or marshalling yards;

4. the transport of dangerous substances in pipelines, including pumping stations, outside the establishments referred to in Paragraph (2);

5. the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes with the exception of:

(a) onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines;

(b) chemical and thermal processing operations and storage related to those operations which involve dangerous substances;

(c) operational extractive waste disposal facilities, including tailing ponds or dams, containing dangerous substances;

6. the offshore exploration and exploitation of minerals, including hydrocarbons;



7. the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons, are also carried out;
8. waste landfill sites, including underground waste storage, with the exception of:
  - (a) chemical and thermal processing operations and storage related to those operations which involve dangerous substances;
  - (b) operational extractive waste disposal facilities, including tailing ponds or dams, containing dangerous substances;
  - (c) (repealed, SG No. 53/2018, effective 26.06.2018).
- (9) The Council of Ministers shall adopt an ordinance on the prevention of major accidents involving dangerous substances and on the limitation of the consequences of such accidents.

### **Article 103a**

(New, SG No. 103/2009, amended, SG No. 32/2012, effective 1.01.2013, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 62/2015, effective 14.08.2015).

### **Article 104**

(Amended and supplemented, SG No.77/2005, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Supplemented, SG No. 42/2022, effective 7.06.2022) The measures to prevent major accidents and limit the consequences thereof for human health, property, and the environment shall be taken into account in:

1. spatial planning of the spatial development area, and
2. civil protection and environmental protection planning.

(2) In spatial planning of the spatial development area, control shall be exercised on:

1. (amended, SG No. 42/2022, effective 7.06.2022) the siting of new lower-tier or upper-tier establishments/facilities;
2. (amended, SG No. 42/2022, effective 7.06.2022) any modifications of lower-tier or upper tier establishments/facilities, or changes in a process, or in the nature or physical form or quantity of the dangerous substances, which could have significant consequences in terms of major-accident hazards or can lead to transformation of a lower-tier establishment/facility into an upper-tier establishment/facility, or vice versa;
3. (amended, SG No. 42/2022, effective 7.06.2022) the planning of new developments, including transport routes, residential areas, establishments serving the public in the vicinity of existing lower-tier or upper-tier establishments/facilities, where the siting or new developments may be the source of or increase the risk or consequences of a major accident in such establishments/facilities.

(3) Control under Paragraph (2) shall be exercised upon:

1. approval of development proposals according to the procedure established by Chapter Six of this Act and/or construction authorization according to the procedure established by Section II of Chapter Eight of the Spatial Development Act for the cases referred to in Paragraph (2);
2. (amended, SG No. 42/2022, effective 7.06.2022) approval of safety reports according to the procedure established by Articles 109 – 115 herein for the construction and/or operation of new, for the operation of other, or for modifications pursuant to Paragraph 2(2) to existing upper-tier establishments/facilities or parts thereof;
3. (amended, SG No. 42/2022, effective 7.06.2022) clearance, under Article 127 (2) of the Spatial Development Act, of spatial development plans and modifications thereof upon planning developments in the cases referred to in Paragraph (2), including spatial development plans of municipalities and detailed plans for lots within the spatial development area of which lower-tier or upper-tier establishments/facilities are sited;
4. (new, SG No. 42/2022, effective 7.06.2022) confirmation for the completeness and the consistency of the major-accident

prevention policy document pursuant to Article 106 for the construction and/or operation of new, for the operation of other or for modifications pursuant to Paragraph 2(2) of existing lower-tier establishments/facilities or parts thereof.

(4) (Supplemented, SG No. 42/2022, effective 7.06.2022) The control pursuant to Paragraph 2 shall ensure implementation of the policy on land use or any other related policy and the procedures for its implementation, taking into account the need for a long-term plan with regard to:

1. (amended, SG No. 42/2022, effective 7.06.2022) maintaining safety distances between lower-tier or upper-tier establishments/facilities and residential areas, establishments and areas serving the public, recreational areas and, where possible, major transport routes;

2. (amended, SG No. 42/2022, effective 7.06.2022) maintaining safety distances between lower-tier or upper-tier establishments/facilities or other relevant measures to areas of particular natural sensitivity or interest and cultural and historical heritage sites in the vicinity of establishments, where appropriate, for the purpose of their protection;

3. (amended, SG No. 42/2022, effective 7.06.2022) taking additional technical measures to reduce the risks to human health and the environment in the case of existing lower-tier or upper-tier establishments/facilities.

(5) (Amended, SG No. 42/2022, effective 7.06.2022) For the purposes of Paragraphs (3) and (4), the operator of an upper-tier establishment/facility shall make available to the relevant competent authority under Section II of Chapter Eight of the Spatial Development Act full information regarding the risks to human health and the environment arising from the presence of dangerous substances covered under Annex 3 hereto in the said establishment/facility, technical advice on those risks for each specific case or in total, upon making decisions, and on the measures to prevent major accidents involving such substances and to limit the consequences of such accidents. The operator of a lower-tier establishment/facility shall make this information available upon request by the relevant competent authority referred to in Chapter Eight, Section II of the Spatial Development Act.

(6) In the cases where the sites referred to in Paragraph (2) fall within the scope of Chapter Six herein, the information referred to in Paragraph (5) shall be made available at the earliest stage for the purposes of consulting the public concerned.

(7) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) Upon issuing decisions on the approval of safety reports according to the procedure established by this Section or of decisions on the approval of spatial development plans according to the procedure established by the Spatial Development Act which envisage the construction and operation of lower-tier or upper-tier establishments/facilities, or modifications thereto pursuant to Paragraph 2(2), or of developments referred to in Item 3 of Paragraph (2), the relevant competent authority shall take into consideration the technical advice referred to in Paragraph 5, and the opinions, comments and proposals regarding the risks of major accidents identified at the establishments/facilities, obtained in the course of the public access under Article 115, Paragraphs (1) and (2), or upon the consultations under Article 87 (2).

## **Article 105**

(Repealed, SG No. 77/2005, new, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a lower-tier establishment/facility and of an upper-tier establishment/facility shall be obliged to:

1. take at any time the necessary measures to prevent major accidents and to limit the consequences thereof for human health and the environment;

2. be prepared to certify at any time, including for the purposes of control by the commissions under Article 157a (2) herein, that it has taken all necessary measures referred to in Item 1;

3. render the necessary assistance to the commissions under Article 157a (2) herein for the conduct of inspections of the establishment/facility, including for the taking of samples and gathering the information necessary to ascertain compliance with the obligations under this Section and the ordinance referred to in Article 103 (9) herein;

4. draw up a major-accident prevention policy (MAPP) and ensure that it is properly implemented by appropriate means, structures and a safety management system (SMS);

5. draw up a report on the major-accident prevention policy document (MAPPD), setting out the relevant MAPP and SMS.

(2) The major-accident prevention policy must:

1. (amended, SG No. 42/2022, effective 7.06.2022) be proportionate to the major-accident hazards and take into account the complexity of the organisation of the activities in the establishment/facility;

2. include the operator's overall aims and principles of action, the role and responsibility of management, as well as a commitment towards continuously improving the control of major-accident hazards on the part of the operator;

3. ensure a high level of protection of human health and the environment by planning, developing and implementing appropriate means, structures and management systems.

(3) (Amended, SG No. 42/2022, effective 7.06.2022) For lower-tier establishments/facilities, the obligation to implement the MAPP may be fulfilled by appropriate means, structures and management systems other than those specified in Item 4 of Paragraph (1), if they take into account the major-accident hazards and comply with the requirements for scope and content of the MAPP as established by the ordinance referred to in Article 103 (9) herein.

## **Article 106**

(Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other lower-tier establishment/facility shall prepare and submit the MAPPD and all its updates to the RIEW director in whose territory the establishment/facility is located.

(2) (New, SG No. 42/2022, effective 7.06.2022) The major-accident prevention policy document of a new lower-tier establishment/facility shall be submitted by the operator to the RIEW director no later than three months prior to the commissioning of the establishment/facility or prior to modifications thereto which lead to a change in the inventory of dangerous substances.

(3) (New, SG No. 42/2022, effective 7.06.2022) The RIEW director or an official empowered thereby shall publish on the RIEW website the MAPPD submitted by the operator and any updates thereof, shall make sure that the public concerned has access to it for a period of 14 days, and shall afterwards prepare and publish on the RIEW website the draft decision pursuant to Paragraph 4. Where surface and/or ground waters, or water bodies may be affected, within the same timeframe the RIEW director shall notify ex officio the director of the relevant basin directorate.

(4) (Renumbered from Paragraph (2), amended, SG No. 42/2022, effective 7.06.2022) Within twenty days of the receipt of the MAPPD or any update thereof, the RIEW director or an official empowered thereby shall issue a reasoned decision confirming or refusing to confirm the completeness and conformity of the document to the requirements of the ordinance referred to in Article 103 (9) herein or shall notify the operator in writing of the errors and deficiencies in the form and content of the MAPPD and shall set a deadline of up to one month for curing any such errors and deficiencies. If necessary, the RIEW director may require an opinion from the authorities referred to in Article 157a (2) herein regarding the completeness and conformity of the MAPPD.

(5) (New, SG No. 42/2022, effective 7.06.2022) The decision referred to in Paragraph (4) shall contain:

1. name of the issuing body;

2. name of the operator, name and full address of the establishment/facility;

3. characteristics of the establishment/facility;

4. legal and factual grounds;

5. description of the results from the consultations held with the public concerned, and the manner in which these results have been taken into account;

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

7. operative part;

8. authority before which the decision is subject to appeal and the time limit for appeal;

9. date of issue and signature.

(6) (Renumbered from Paragraph (3), amended, SG No. 42/2022, effective 7.06.2022) The lower-tier establishment/facility shall be commissioned after the decision confirming the MAPPD has become effective.

(7) (New, SG No. 42/2022, effective 7.06.2022) Within three days of issue of the decision referred to in Paragraph (4) the RIEW director or an official empowered thereby shall publish said decision on the RIEW website.

(8) (New, SG No. 42/2022, effective 7.06.2022) The decision referred to in Paragraph (4) can be appealed against within 14 days of the date of its publication as per the procedure prescribed by the Administrative Procedure Code.

(9) (Renumbered from Paragraph (4), amended, SG No. 42/2022, effective 7.06.2022) Within seven days from sending the decision under Paragraph (4) to the operator, the RIEW director or an official empowered thereby shall send a copy of the report to the authorities referred to in Article 157a (2) herein for the purposes of control.

(10) (Renumbered from Paragraph (5), amended, SG No. 42/2022, effective 7.06.2022) The operator referred to in Paragraph (1) shall regularly review the MAPP and the SMS and, where necessary, update the MAPPD, as follows:

1. (amended, SG No. 42/2022, effective 7.06.2022) at least every five years;

2. (amended, SG No. 42/2022, effective 7.06.2022) upon any significant increase or decrease in the quantity of dangerous substances in the establishment/facility;

3. (amended, SG No. 42/2022, effective 7.06.2022) upon any modification of the establishment/facility or change in a process, or in the nature or physical form or quantity of the dangerous substances, which could have significant consequences in terms of major-accident hazards or can lead to classification of the establishment/facility as an upper-tier establishment/facility;

4. (amended, SG No. 42/2022, effective 7.06.2022) after the occurrence of a major accident in the establishment/facility;

5. (amended, SG No. 42/2022, effective 7.06.2022) on its own initiative or at the request from the RIEW director, where justified by new facts or to take account of new technical knowledge about the safe operation of the establishment/facility and/or as a result of the control.

(11) (Renumbered from Paragraph (6), amended and supplemented, SG No. 42/2022, effective 7.06.2022) Where in the cases referred to in Paragraph (10) it is established that an update of the MAPPD is not necessary, the operator shall be bound to document the data and conclusions of the review carried out and to make available the documentation to the commission referred to in Article 157a (2) herein for the purposes of control. Within 7 days of the MAPPD review, the operator shall send the conclusions and the documentation to the RIEW director.

## **Article 107**

(Repealed, SG No. 77/2005, new, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other upper-tier establishment/facility shall be obliged to develop and implement:

1. a safety report;

2. a major-accident prevention policy document;

3. (amended, SG No. 42/2022, effective 7.06.2022) an internal emergency plan for the establishment/facility.

(2) The form and content of the documents covered under Paragraph (1) shall be determined by the ordinance referred to in Article 103 (9) herein.

(3) By the safety report, the operator shall be bound to demonstrate that:

1. the major-accident prevention policy and the respective safety management system for implementing it have been put into effect;
  2. major-accident hazards and possible major-accident scenarios have been identified and the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;
  3. (amended, SG No. 42/2022, effective 7.06.2022) it ensures adequate safety and reliability in the design, construction, operation and maintenance of any facility, including storage facility, equipment and infrastructure connected with its operation which are linked to major-accident hazards inside the establishment/facility;
  4. (amended, SG No. 42/2022, effective 7.06.2022) an internal emergency plan for the establishment/facility has been drawn up;
  5. (amended, SG No. 42/2022, effective 7.06.2022) the mayor of the relevant municipality where the establishment/facility is located is supplied with the necessary information for drawing up an external emergency plan of the establishment/facility;
  6. (amended, SG No. 42/2022, effective 7.06.2022) sufficient information is provided to enable the competent authorities under Chapter Six herein and under the Spatial Development Act regarding the siting of new activities or developments around the establishment/facility.
- (4) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other upper-tier establishment/facility shall be bound to draw up the internal emergency plan in consultation with its personnel, including long-term relevant subcontracted personnel.
- (5) An operator which has drawn up an emergency plan by virtue of an obligation imposed by another statutory instrument shall be bound to take the necessary action in order to ensure that the said plan is put into effect without delay when:
1. a major accident occurs, or
  2. an uncontrolled event occurs which can be expected to cause a major accident.
- (6) (New, SG No. 42/2022, effective 7.06.2022) The operator of an upper-tier establishment/facility shall provide the mayor of the relevant municipality where the establishment/facility is located with the necessary information as stated in the ordinance referred to in Article 103, Paragraph 9 for drawing up an external emergency plan.

## **Article 108**

- (Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)
- (1) (Amended, SG No. 42/2022, effective 7.06.2022) The mayor of a municipality where an upper-tier establishment/facility is located shall be obliged to draw up and ensure the implementation of an external emergency plan for the said establishment/facility, describing the measures which must be taken outside the area of the establishment/facility. The external emergency plan shall be drawn up as part of the municipal disaster protection plan referred to in Article 9 (10) of the Disaster Protection Act.
- (2) (Supplemented, SG No. 42/2022, effective 7.06.2022) The external emergency plan referred to in Paragraph (1) shall be drawn up, updated and adopted in accordance with Article 9, Paragraphs (10) and (11) of the Disaster Protection Act and based on the information provided by the operator under Article 107, Paragraph (6), or Article 116f, Paragraph (4), or Article 116h, Paragraph (3), item 2 herein within six months from the date of provision of the said information.
- (3) (Supplemented, SG No. 42/2022, effective 7.06.2022) The draft of the external emergency plan referred to in Paragraph (1) and any substantial modification thereof shall, within three days of their drafting, be consulted by the mayor of the relevant municipality with:
1. (supplemented, SG No. 42/2022, effective 7.06.2022) the public concerned by ensuring for a period of 14 days public access to the draft or its modifications via the municipality's website, if available, or in another suitable manner;
  2. the operator of the establishment/facility;
  3. the relevant RIEW covering the area of the establishment/facility;

4. the constituents of the single emergency system concerned with the implementation of the measures in the external emergency part and disaster protection;
  5. (new, SG No. 42/2022, effective 7.06.2022) the director of the basin directorate, where the draft concerns surface and/or ground waters, or water bodies.
- (4) The form and content of the external emergency plan shall be determined by the ordinance referred to in Article 103 (9) herein.
- (5) Each municipality mayor who has drawn up an external emergency plan shall be bound:
1. (amended, SG No. 42/2022, effective 7.06.2022) at suitable intervals not longer than three years, to review, check, and where necessary, update the external emergency plan in case of:
    - (a) issue of decisions pursuant to Article 116(1) or Article 116g(4);
    - (b) receipt of the information referred to in Article 116f, Paragraph 4;
    - (c) occurrence of a major accident in the grounds of an upper-tier establishment/facility;
    - (d) changes which occurred in the establishment/facility, or in the relevant rescue services pursuant to the Disaster Protection Act, in the new technological knowledge, as well as in the knowledge about the response to major accidents;
  2. to organize and conduct periodically drills and exercises under the plan referred to in Paragraph (1).
- (6) (New, SG No. 42/2022, effective 7.06.2022) In preparing the external emergency plan, including updates thereto, the mayor shall take into account the opinions, comments and proposals received pursuant to Paragraph 3.
- (7) (Renumbered from Paragraph (6), amended, SG No. 42/2022, effective 7.06.2022) Annually, on or before the 31st day of January, the mayors of municipalities where upper-tier establishments/facility are located shall provide the competent RIEW directors with information regarding drills and exercises conducted under the external emergency plans in accordance with the ordinance referred to in Article 103 (9) herein.

## **Article 109**

(Repealed, SG No. 77/2005, new, SG No. 62/2015, effective 14.08.2015)

- (1) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) The construction and operation of a new upper-tier establishment/facility, and the operation of an existing or other upper-tier establishment/facility, or parts thereof shall be carried out after the issuing by the Executive Director of the Executive Environment Agency of a decision on the approval of the safety report under the terms and according to the procedure established by this Section.
- (2) (Amended, SG No. 42/2022, effective 7.06.2022) The provision of Paragraph (1) shall furthermore apply to any planned modifications/extensions of existing upper-tier establishments/facilities.
- (3) (Amended, SG No. 42/2022, effective 7.06.2022) The decision referred to in Paragraph (1) shall be a mandatory condition for the granting of a building permit for the establishment/facility according to the procedure established by the Spatial Development Act.
- (4) An exception under Paragraph (3) shall be admitted for establishments/facilities, as well as planned modifications/extensions thereof, in respect of which the relevant EIA procedure according to the procedure established by Section III of Chapter Six herein has been completed by the delivery of a decision approving the siting and confirming the safety distances in accordance with Article 99b (5) herein.
- (5) (New, SG No. 98/2018, effective 27.08.2019) The provisions of Paragraphs (1) and (2) shall not apply in the cases referred to in Item 9 of Article 94 (1) herein where they are according to the procedure established by Section III of Chapter

Six herein.

## **Article 110**

(Amended, SG No. 77/2005, amended and supplemented, SG No. 103/2009, amended, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Supplemented, SG No. 98/2018, effective 27.08.2019, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall be the authority competent to issue decisions an to terminate the effect of decisions under Article 116 and Article 116g (4) herein under the terms and according to the procedure established by this Section and shall maintain an archive of the acts issued, except in the cases referred to in Item 9 of Article 94 (1) herein.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) The authority referred to in Paragraph 1 shall, with a reasoned decision, terminate the validity of the decisions under Article 116(1), item 1 or Article 116g(4) after receiving an updated notification of classification pursuant to Article 103(5) by the operator of an establishment/facility classified as upper-tier with regard to:

1. (amended, SG No. 42/2022, effective 7.06.2022) a significant decrease in the quantity or a change in the inventory of dangerous substances based on which the establishment/facility is no longer classified as an upper-tier establishment and/or facility;
2. (amended, SG No. 42/2022, effective 7.06.2022) before the final de-commissioning of the establishment/facility.

## **Article 110a**

(New, SG No. 77/2005, amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009, amended and supplemented, SG No. 32/2012, effective 1.01.2013, repealed, SG No. 62/2015, effective 14.08.2015).

## **Article 111**

(Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) The Minister of Environment and Water or an official empowered thereby:

1. (repealed, SG No. 79/2019, effective 8.10.2019);
2. (amended, SG No. 42/2022, effective 7.06.2022) shall notify the potentially affected countries and shall provide information in accordance with the requirements of the Convention on the Transboundary Effects of Industrial Accidents, signed at Helsinki on 17 March 1992 (ratified by an Act [promulgated in the] State Gazette No. 28 of 1995), where there is a risk of a major accident with transboundary effects occurring in an upper-tier establishment/facility;
3. upon the occurrence of a major accident meeting the criteria for reporting under Annex 5 hereto, shall report the information referred to in Article 116d (2) and (3) herein, provided by the operator of a lower-tier or upper-tier establishment//facility to the Major Accident Reporting System (eMARS) electronic database of the European Commission;
4. (supplemented, SG No. 42/2022, effective 7.06.2022) based on the notification of classification received under Article 103 (2) or (5) herein, shall report information on the lower-tier and upper-tier establishments/facilities to the Seveso Plants Information Retrieval System (eSPIRS) electronic database of the European Commission;
5. shall inform the European Commission of the name and address of any body which possesses relevant information on major accidents and can advise the competent authorities of other Member States which take action in the event of such an accident;
6. (amended, SG No. 42/2022, effective 7.06.2022) shall keep a public electronic register of the lower-tier and upper-tier establishments and facilities;
7. (new, SG No. 42/2022, effective 7.06.2022) shall inform the operator of a new, existing or other establishment/facility or other establishment/facility in which dangerous substances from Annex 3 are present of the applicability of the exception referred to in Article 103, Paragraph 8, item 1 and/or items 5 to 8.

(2) The form and content of the register referred to in Item 6 of Paragraph (1) shall be determined by the ordinance referred to

in Article 103 (9) herein.

(3) (Amended, SG No. 42/2022, effective 7.06.2022) The register referred to in Paragraph 1, item 6 shall be accessible on the website of the Ministry of Environment and Water.

## **Article 112**

(Amended, SG No. 77/2005, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other upper-tier establishment/facility shall submit to the Executive Director of the Executive Environment Agency an application for approval of the safety report, and with regard to new establishments/facilities said report shall be presented not later than six months prior to the submission of an application for the grant of a building permit according to the procedure established by the Spatial Development Act.

(2) The form and content of the application referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 103 (9) herein.

(3) The operator shall attach the following to the application referred to in Paragraph (1):

1. (supplemented, SG No. 42/2022, effective 7.06.2022) safety report which also contains the MAPPD;
2. (repealed, SG No. 42/2022, effective 7.06.2022);
3. (amended, SG No. 42/2022, effective 7.06.2022) an internal emergency plan for the establishment/facility;
4. (repealed, SG No. 98/2018, effective 27.11.2018);
5. (repealed, SG No. 98/2018, effective 27.11.2018).

(4) (Amended, SG No. 42/2022, effective 7.06.2022) By the application referred to in Paragraph (1), the operator may request from the Executive Director of the Executive Environment Agency that part of the information under Paragraph (3), item 1 or the inventory of dangerous substances from Annex 3 be treated as confidential where they constitute a production or business secret, and shall present the relevant reasons for this.

(5) (Amended, SG No. 17/2019, amended, SG No. 42/2022, effective 7.06.2022) Where part of the information referred to in Paragraph (3), item 1 or the inventory of dangerous substances from Annex 3 constitutes a state secret or an official secret or contains any personal data, the operator shall present the relevant reasons for application of provisions of the Classified Information Protection Act or, respectively, of the requirements for the protection of personal data.

(6) (New, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency may determine that part of the information under Paragraph (3), item 1 or the inventory of dangerous substances from Annex 3 should be treated as confidential on the grounds referred to in Paragraphs 4 and 5.

(7) (Amended, SG No. 12/2017, renumbered from Paragraph (6), amended, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall, within 14 days of receipt of the application, inform the operator in writing whether the operator's application has been approved in part or in whole for the cases referred to in Paragraphs 4 and 5 or for the decision referred to in Paragraph 6. For the purposes of public access [the Executive Director of the Executive Environment Agency] shall set a 5-day time limit for submission of an amended version of the documents on paper and in electronic form which shall not contain the information considered to be confidential. In the cases referred to in Article 114 (1) herein, an amended version of the documents for the purposes of public access shall be submitted together with the amended and supplemented documents.

(8) (Renumbered from Paragraph (7), SG No. 42/2022, effective 7.06.2022) In the cases referred to in Article 109 (4) herein, the application referred to in Paragraph (1) shall be considered by the Executive Environment Agency provided there is an enforceable decision on the approval of the development proposal under Article 99b (5) herein.

(9) (Renumbered from Paragraph (8), SG No. 42/2022, effective 7.06.2022) In the cases referred to in Article 109 (1) herein, the application referred to in Paragraph (1) shall be considered by the Executive Environment Agency provided there is an opinion by the relevant competent authority under Section III of Chapter Six herein to the effect that the development proposal is not subject to a procedure under Section III of Chapter Six herein.



## **Article 112a**

(New, SG No. 77/2005, amended, SG No. 52/2008, SG No. 32/2012, effective 1.01.2013, repealed, SG No. 62/2015, effective 14.08.2015).

## **Article 112b**

(New, SG No. 77/2005, amended, SG No. 52/2008, repealed, SG No. 62/2015, effective 14.08.2015).

## **Article 113**

(Amended, SG No. 77/2005, SG No. 30/2006, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015) (1) (Amended, SG No. 42/2022, effective 7.06.2022) In the cases referred to in Article 109 (4) herein, the operator shall submit the application referred to in Article 112 (1) herein not later than six months prior to the commissioning of the establishment/facility or of parts thereof.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) Upon consideration of the documents referred to in Paragraph (1), the Executive Director of the Executive Environment Agency shall ensure the use of any information received and conclusion made in procedures conducted according to the procedure established by Chapter Six herein and procedures for the issuing or updating a permit referred to in Article 117 herein, where so applicable to the establishment/facility.

(3) (Amended, SG No. 42/2022, effective 7.06.2022) The operator referred to in Paragraph (1) shall be bound to implement all measures in the safety report as approved, related to the construction and safe operation of the establishment/facility, and in the cases referred to in Article 109 (4) herein, the relevant measures and conditions in the decision referred to in Article 99b (5) herein as well.

(4) The information in the safety report referred to in Paragraph (3) must conform to the information submitted to the competent authority referred to in Section III of Chapter Six herein, as well as the conditions and measures in the decisions delivered whereby the relevant EIA procedures have been completed.

## **Article 114**

(Amended, SG No. 77/2005, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) Within fourteen days from the receipt of the documents referred to in Article 112 (3) herein, the Executive Director of the Executive Environment Agency shall notify the operator of any errors and deficiencies in the said documents and shall set a deadline of up to 30 days for curing any such errors and deficiencies.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) Within seven days from the expiry of the time limit referred to in Paragraph (1) or from the receipt of the amended and supplemented documents, the Executive Director of the Executive Environment Agency shall send the documents for an opinion to the Minister of Health, the Minister of Interior, the Executive Director of the General Labour Inspection Executive Agency, the municipality mayor and the Director of the RIEW covering the area of the establishment/facility.

(3) The Executive Director of the Executive Environment Agency and the authorities referred to in Paragraph (2) or officials empowered thereby may conduct on-site inspections for the purpose of assessing the conformity of the documents covered under Article 112 (3) herein with the measures envisaged by the operator to prevent major accidents and to limit their consequences.

(4) (Supplemented, SG No. 81/2016, effective 14.10.2016) The authorities referred to in Paragraph (2) or officials authorised thereby shall send the opinions thereof to the Executive Director of the Executive Environment Agency within one month from the receipt of the documents covered under Article 112 (3) herein.

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

## **Article 115**

(Amended, SG No. 77/2005, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) Within the time limit referred to in Article 114 (2) herein, the Executive

Director of the Executive Environment Agency shall publish a notice of open public access to the documents referred to in Items 1 and 3 of Article 112 (3) herein on the website of the Agency and shall afford the public concerned access to the said documents within one month from the date of publication of the notice. The Executive Director of the Executive Environment Agency shall provide the documents and a copy of the notice to the mayor of the municipality where the establishment/facility is located, and in the cases of establishments/facilities in which a major accident with transboundary effects can originate, the said Executive Director shall notify the Minister of Environment and Water for the purposes of Item 2 of Article 111 (1) herein.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) Within five days from the receipt of the documents covered under Items 1 and 3 of Article 112 (3) herein, the mayor of the relevant municipality shall inform the public concerned by means of a notice in the local mass communication media and shall afford access to the said documents within one month from the date of publication of the notice. The scope and content of the notice shall correspond to the notice referred to in Paragraph (1). The Minister of Environment and Water shall notify the potentially affected countries and shall provide information in accordance with the requirements of the Convention on the Transboundary Effects of Industrial Accidents.

(3) Within the month of public access referred to in Paragraphs (1) and (2), members of the public concerned may submit written opinions, comments and proposals on the documents.

(4) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) In the cases where a request under Article 112 (4) or (6) herein has been granted, the Executive Director of the Executive Environment Agency and the mayor of the relevant municipality shall provide the public concerned with documents amended by the operator according to Article 112 (7) herein.

(5) Within three days from the expiry of the time limit referred to in Paragraph (2), the mayor of the relevant municipality shall send the results of the public access held, including information on the manner in which the said access was provided, through official channels to the Executive Director of the Executive Environment Agency.

(6) The procedure and manner for holding a public access and the content of the notice referred to in Paragraph (1) shall be determined by the ordinance referred to in Article 103 (9) herein.

(7) In drawing up a decision under Article 116 herein, the Executive Director of the Executive Environment Agency shall take into consideration the opinions on the documents obtained in the course of the public access.

(8) (Amended, SG No. 12/2017, SG No. 42/2022, effective 7.06.2022) Where, based on the review of documentation by the Executive Environment Agency and/or based on an opinion pursuant to Paragraph (3) or Article 114 (4) herein, any non-conformities or deficiencies are found in the documents referred to in Article 112 (3), Items 1 and 3 herein, the Executive Director of the Executive Environment Agency shall give instructions to the operator and shall set a deadline not longer than 30 days for remedying any such non-conformities or deficiencies.

(9) (New, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall, within 25 days of the expiry of the deadline referred to in Article 114(4), or of receipt of the amended and supplemented documents referred to in Paragraph 8, make available to the public concerned the draft decision pursuant to Article 116(1) or pursuant to Article 116g(4) on its website for a period of 14 days.

## **Article 116**

(Amended, SG No. 77/2005, SG No. 35/2009, effective 12.05.2009, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) Within 30 days from the expiry of the time limit referred to in Article 114 (4) herein or from the receipt of the corrected and completed documents under Article 115 (8) herein, the Executive Director of the Executive Environment Agency shall issue:

1. a decision on the approval of the safety report where, as a result of the procedure conducted under Articles 109 to 115 herein, the Executive Director ascertains that the operator has envisaged sufficient measures to prevent major accidents and to limit the consequences thereof, which are documented in the safety report and, where applicable, has implemented the relevant measures and/or conditions in the decision whereby the procedure under Section III of Chapter Six herein has been completed, or

2. a decision on the non-approval of the safety report, where:

- (a) the operator has not envisaged measures in the safety report or the measures envisaged are insufficient to prevent major accidents or to limit the consequences thereof, or the relevant measures and/or conditions in the decisions whereby the procedure under Section III of Chapter Six herein has been completed are not implemented, or
- (b) the operator has failed to comply with the directions given and/or has failed to comply with the time limit set according to Article 115 (8) herein; or
- (c) an authority referred to in Article 114 (2) herein or a member of the public concerned has submitted a reasoned objection concerning the legal conformity of the implementation of the project.
- (2) On the basis of the information in the safety report, the Executive Director of the Executive Environment Agency may issue a reasoned decision waiving the obligation of the mayor of the relevant municipality to draw up an external emergency plan for the establishment/facility as required.
- (3) Based on the information in an updated safety report of the establishment/facility under Article 116g herein, the Executive Director of the Executive Environment Agency may withdraw in writing the waiver decision under Paragraph (2), specifying the date of expiry of the period of the waiver and the date by which the mayor of the relevant municipality must draw up and submit an external emergency plan of the establishment/facility.
- (4) (Amended, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall send the decision referred to in Paragraph (2) to the Minister of Environment and Water where, based on the documents referred to in Article 112 (3) herein, the Executive Director ascertains that a particular upper-tier establishment/facility, which is located close to the territory of a Member State under the Convention on the Transboundary Effects of Industrial Accidents does not present a major-accident hazard beyond its boundary and the mayor is not required to draw up an external emergency plan. The Minister of Environment and Water shall notify the other Member State.
- (5) (New, SG No. 42/2022, effective 7.06.2022) The decision under Paragraph 1 or under Article 116g(4) shall contain:
1. name of the issuing body;
  2. name of the operator, name and full address of the establishment/facility;
  3. characteristics of the establishment/facility;
  4. legal and factual grounds;
  5. description of the results from the consultations held with the public concerned, and the manner in which these results have been taken into account;
  6. measures to prevent major accidents involving dangerous substances and to limit the consequences of such accidents for human life and health and for the environment;
  7. operative part;
  8. the authority before which the decision may be appealed, and time limit for appeal;
  9. date of issue and signature.

#### **Article 116a**

(New, SG No. 77/2005, amended, SG No. 103/2009, amended and supplemented, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015, repealed, SG No. 42/2022, effective 7.06.2022).

#### **Article 116b**

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) Within seven days from the issuing of a decision under Article 116 (1) or Article 116g (4) herein, the Executive Director of the Executive Environment Agency shall notify the operator of the establishment/facility and the authorities referred to in Article 111 (1) and Article 114 (2) herein in writing of the

issuing of the said decision. The mayor of the relevant municipality shall be notified of a decision issued under Article 116 (2) or (3) herein.

(2) (Supplemented, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall make public any decision referred to in Article 116 (1) or Article 116g (4) herein within 14 days from the issuing thereof through the national mass communication media, the website of the Agency and/or another appropriate manner.

#### **Article 116c**

(New, SG No. 77/2005, amended and supplemented, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015, supplemented, SG No. 42/2022, effective 7.06.2022)

The decisions referred to in Article 116 (1) or Article 116g (4) herein may be appealed according to the procedure established by the Administrative Procedure Code within fourteen days after having been made public under Article 116b herein.

#### **Article 116d**

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) Upon the occurrence of a major accident, the operator of a lower-tier or upper-tier establishment/facility shall immediately and via the most suitable means notify the competent operational centre of the Chief Directorate of Fire Safety and Civil Protection and the mayor of the immediately endangered municipality according to the procedure established by the Disaster Protection Act, as well as the directors of the RIEW and the basin directorate covering the area of the establishment/facility, and shall proceed with implementation of the internal emergency plan of the establishment.

(2) (Supplemented, SG No. 42/2022, effective 7.06.2022) Upon the occurrence of a major accident, the operator, immediately after ascertaining the event or not later than 30 days after the occurrence thereof, shall, by using the most appropriate means, provide the Minister of Environment and Water with information regarding:

1. the circumstances of occurrence of the accident;
2. the dangerous substances which have caused the occurrence of the accident or which aggravate the consequences thereof;
3. (amended, SG No. 42/2022, effective 7.06.2022) the data available to assess the effects of the accident on human health, property and the environment;
4. the emergency measures taken;
5. the measures envisaged to prevent any recurrence of such an accident;
6. the measures envisaged to limit the medium-term and long-term consequences of the accident;
7. a detailed analysis of the magnitude of the accident according to the criteria under Annex 5 hereto.

(3) The operator shall be bound to update the information covered under Paragraph (2) and to provide the said information to the authority referred to in Paragraph (2) where justified by new facts related to the causes of occurrence of the accident and the consequences thereof if further investigation reveals additional facts which alter that information or the conclusions drawn.

#### **Article 116e**

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operators of lower-tier and upper-tier establishments/facilities and the mayors of the affected municipalities shall regularly provide the public concerned with clear and intelligible information on emergency planning for those establishments/facilities and the requisite measures and behaviour upon the occurrence of a major accident.

(2) The safety report and the inventory of dangerous substances shall be made available to the public upon request.

(3) The scope, content and manner of provision of the information referred to in Paragraphs (1) and (2) shall be determined by the ordinance referred to in Article 103 (9) herein.

(4) The decisions on provision of information under Paragraph (2) shall be appealable according to the procedure established by Section IV of Chapter Three of the Access to Public Information Act.

(5) The information provided under Paragraphs (1) and (2) must conform to the statutory requirements for access to information classified as state or official secret and/or for personal data protection.

(6) (New, SG No. 42/2022, effective 7.06.2022) Additional information for upper-tier and lower-tier establishments/facilities concerning the safety measures and requisite behaviour in the event of a major accident pursuant to this section which is not contained in the public register referred to in Article 111(1), item 6 shall be published on the websites of, respectively, the Executive Environment Agency, the RIEW, and the municipality in which the establishment/facility is located, and of the establishment/facility operator, if they have websites, or shall be made public in another appropriate manner.

(7) (New, SG No. 42/2022, effective 7.06.2022) In case of hazard of occurrence of a major accident with transboundary effects, the operator of an upper-tier establishment/facility shall provide the information referred to in Paragraph 1 to the Minister of Environment and Water for the purposes of Article 111(1), item 2.

## **Article 116f**

(New, SG No. 77/2005, amended and supplemented, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of a new, existing or other upper-tier establishment/facility shall regularly review and, where necessary, update the safety report, including the MAPPD and SMS:

1. (amended, SG No. 42/2022, effective 7.06.2022) at least every five years;
2. after the occurrence of a major accident in the area of the establishment/facility;
3. (amended, SG No. 42/2022, effective 7.06.2022) on its own initiative or at the request from the Executive Director of the Executive Environment Agency or from the competent RIEW Director or officials empowered thereby, where justified by new facts, circumstances or new technical knowledge about the safe operation of the establishment/facility, including conclusions arising from analysis of accidents or "near misses", and by developments in knowledge concerning the assessment of hazards;
4. (amended, SG No. 42/2022, effective 7.06.2022) upon any modifications of the establishment/facility or any change in a particular process or in the nature or physical form or quantity of the dangerous substances, which could have significant consequences in terms of major-accident hazards or in case of non compliance with an already approved safety report for the establishment.

(2) The operator referred to in Paragraph (1) shall test, review and, where necessary, shall update the internal safety report:

1. at suitable intervals of no longer than three years;
2. after the occurrence of a major accident in the area of the establishment/facility;
3. upon modifications to the establishment or the constituents of the single emergency system under the Disaster Protection Act, new technical knowledge, and knowledge concerning the response to major accidents.

(3) (Supplemented, SG No. 42/2022, effective 7.06.2022) Where, based on a review of the documents referred to in Paragraph (1) and/or Paragraph (2), the operator establishes that an update is not necessary, the operator shall document the data and conclusions of the review carried out and shall make available the documentation to the commission referred to in Article 157a (2) herein upon inspection. Within 7 days of the review of the documents referred to in Paragraph 1 and/or Paragraph 2, the operator shall send the conclusions/documentation to the Executive Director of the Executive Environment Agency.

(4) (Amended, SG No. 42/2022, effective 7.06.2022) When the internal emergency plan is updated pursuant to Paragraph 2, the operator shall provide to the mayor of the municipality concerned information needed for updating the external emergency plan.

(5) (New, SG No. 42/2022, effective 7.06.2022) In the cases referred to in Paragraph 2 the operator shall, within 7 days, send the updated internal emergency plan to the Executive Director of the Executive Environment Agency and shall make it available to the commission referred to in Article 157a (2) for the purposes of control.

## **Article 116g**

(New, SG No. 77/2005, amended, SG No. 30/2006, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) Within seven days from the updating of the safety report, the operator referred to in Article 116f (1) herein shall submit an application for approval of the updated report to the Executive Director of the Executive Environment Agency, stating therein the reasons and circumstances of the update made and describing the modifications made in the said report.

(2) The operator shall attach the following to the application referred to in Paragraph (1):

1. the updated safety report;
2. updated documents referred to in Items 2 and 3 of Article 107 (1) herein, where the modifications so require;
3. (repealed, SG No. 98/2018, effective 27.11.2018).

(3) (Amended, SG No. 98/2018, effective 27.11.2018) In the cases referred to in Item 4 of Article 116f (1) herein, the operator shall submit the updated safety report to the Executive Director of the Executive Environment Agency at the earliest time but not later than four months prior to the planned date for carrying out the modifications.

1. (repealed, SG No. 98/2018, effective 27.11.2018);
2. (repealed, SG No. 98/2018, effective 27.11.2018);
3. (repealed, SG No. 98/2018, effective 27.11.2018).

(4) Upon receipt of an updated safety report under Paragraph (2), the Executive Director of the Executive Environment Agency shall conduct the procedure according to the procedure established by Articles 112 to 116 herein and shall issue a new decision on the approval or non-approval of the updated safety report.

## **Article 116h**

(New, SG No. 77/2005, amended, SG No. 103/2009, SG No. 32/2012, effective 1.01.2013, repealed, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) Where, based on the information provided by the operator in the notification of classification, in the MAPPD, in the safety report or as a result of the inspections referred to in Article 157a (2) herein, the Executive Director of the Executive Environment Agency or the competent RIEW Director identifies any lower-tier or upper-tier establishments/facilities for which there is a risk of domino effects because of the proximity, geographical position of such establishments and/or facilities or the inventory of dangerous substances which increases the hazard or consequences of major accidents, and shall notify the operators of such establishments/facilities of this.

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

1. to exchange information on the nature and extent of the hazard of a major accident in the establishments/facilities;
2. (amended, SG No. 42/2022, effective 7.06.2022) to update the information referred to in Item 1, taking account of the nature and magnitude of the hazard of a major accident in the major accident prevention policies, the safety management systems, the safety reports, and the internal emergency plans of the establishments/facilities, where applicable.

(3) In the cases referred to in Paragraph (1), the operators shall cooperate in:

1. providing information under Article 116e (1) herein to the public and to neighbouring sites which do not fall within the scope of this Section;
2. providing information necessary for the drawing up of an external emergency plan by the mayor of the municipality where the

establishment/facility is located.

(4) (New, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall provide to the relevant operator additional information, where such information is available to them, about the immediate environment of the establishment/facility, and factors likely to cause a major accident or to aggravate the consequences thereof including, where available, details of neighbouring establishments, as well as of sites that fall outside the scope of this section, areas and developments that could be the source of or increase the risk or consequences of a major accident and of domino effects.

## **Article 116i**

(New, SG No. 77/2005, amended, SG No. 32/2012, effective 1.01.2013repealed, SG No. 62/2015, effective 14.08.2015).

## **Section II**

### **Integrated Permits**

#### **Article 117**

(1) (Amended, SG No. 98/2018, effective 27.11.2018) The construction and operation of new installations and facilities for industrial activities of the categories listed in Annex 4 hereto, and the operation of operational installations and facilities of the said categories shall be admitted after granting of an integrated permit according to the provisions of this Section.

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

(3) (Repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

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

(5) (Amended, SG No. 77/2005, repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

(6) (New, SG No. 77/2005, repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

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

(8) (New, SG No. 98/2018, effective 27.08.2019) Paragraphs (1) and (2) shall not apply in the cases referred to in Item 9 of Article 94 (1) herein.

#### **Article 118**

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

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

(3) (New, SG No. 105/2008, amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) In the cases referred to in Paragraph (2):

1. the integrated permit shall be a mandatory condition for the commissioning of the installations and facilities;
2. until the granting of an integrated permit, the requirements for the issuance and obtaining of permits, licences, expert opinions and assessments according to the effective legislation shall apply.

(4) (New, SG No. 32/2012, effective 7.01.2014 (\*\*), amended, SG No. 42/2022, effective 7.06.2022) In the cases referred to in Paragraph (1) and applicable to operational installations, the submission of an application for the granting of an integrated permit or the existence of an integrated permit shall waive the requirements for the issuance and obtaining of the following authorizations, permits and registrations:

1. (amended, SG No. 53/2012, effective 13.07.2012, SG No. 42/2022, effective 7.06.2022) pursuant to Article 67 and 78 with relation to Article 35 of the Waste Management Act, except for the registration of activities for waste collection and transport within the meaning of § 1, items 41 and 43 of the Supplementary Provisions of the Waste Management Act;
2. (amended, SG No. 62/2015, effective 14.08.2015) under Item 3 of Article 46 (1) of the Water Act.

## **Article 119**

- (1) The terms and a procedure for the granting of an integrated permit referred to in Article 117 herein shall be established by an ordinance of the Council of Ministers.
- (2) The ordinance referred to in Paragraph (1) shall furthermore establish relevant requirements for:
  1. the content and the form of the applications for granting of integrated permits;
  2. the procedure and manner for determination of the best available techniques (BAT);
3. (amended, SG No. 77/2005, SG No. 46/2010, effective 18.06.2010, SG No. 98/2018, effective 27.08.2019, supplemented, SG No. 42/2022, effective 7.06.2022) the procedure and manner for reconsideration, updating and revocation of issued integrated permits and for change of operator;
4. the procedure and manner for reporting harmful substance emissions;
5. (amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) the content of the monitoring referred to in Items 4 and 7 of Article 123 (1) herein, including the monitoring procedures and the obligation to provide relevant information to the authorities responsible for enforcement of compliance under Article 120 (5) herein;
6. (new, SG No. 98/2018, effective 27.08.2019) the content and form of the information referred to in Item 1 of Article 123c herein.

## **Article 120**

- (1) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, supplemented, SG No. 32/2012, effective 7.01.2014 (\*\*), amended, SG No. 98/2018, effective 27.08.2019, amended and supplemented, SG No. 42/2022, effective 7.06.2022) The Executive Director of the Executive Environment Agency shall be the authority competent to grant, refuse, reconsider, update and revoke any permits according to the procedure established by this Section, except in the cases referred to in Item 9 of Article 94 (1), as well as to confirm/refuse to change the operator in an issued permit.
- (2) (Supplemented, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, SG No. 32/2012, effective 7.01.2014 (\*\*)) The competent authority referred to in Paragraph (1) shall ensure the use of any information received and conclusion reached in EIA upon the granting of an integrated permit for a new installation or upon modification in an existing installation, whereto the requirements of Section III of Chapter Six herein apply.
- (3) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*), SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or an official empowered thereby shall follow developments in BAT, as well as the publication of any new or updated BAT conclusions, and shall make that information available to the public concerned and to the competent authority referred to in Paragraph (1).
- (4) (Amended, SG No. 77/2005, SG No. 32/2012, effective 7.01.2014 (\*\*), supplemented, SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or an official empowered thereby shall propose measures for encouragement of the development and application of emerging techniques, in particular for those emerging techniques described in BAT reference documents, where this is necessary for the environmental objectives.
- (5) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) Control over compliance with the conditions specified in any permit granted under Article 117 herein shall be exercised by the competent RIEW.

## **Article 121**

(Amended, SG No. 32/2012, effective 7.01.2014)



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

1. the implementation of all appropriate preventive measures against pollution, in particular through application of BAT;
2. the implementation of systematic environmental management;
3. the prevention of environmental pollution according to the emission limit values and the environmental quality values/standards;
4. waste prevention; treatment of waste produced in the following order of priority: preparing for reuse, recycling, recovery or, in the cases where this is technically or economically impossible, safe disposal, while avoiding or reducing the impact thereof on the environment;
5. the efficient use of energy;
6. the implementation of necessary measures to prevent industrial accidents and limit the consequences thereof;
7. the undertaking of necessary measures to avoid any possible pollution risks;
8. upon definitive cessation of the activities listed in Annex 4 hereto, the operator:
  - (a) shall assess the state of soil and groundwater contamination by hazardous substances used, produced or released by the installation;
  - (b) where the installation has caused significant pollution of soil or groundwater by any hazardous substances referred to in Littera (a) compared to the state established in the baseline report, undertake the necessary measures to eliminate the pollution so as to return the soil and/or groundwater to the baseline state;
  - (c) upon implementation of the measures referred to in Littera (b), take into account the technical feasibility of such measures;
  - (d) (supplemented, SG No. 42/2022, effective 7.06.2022) in case of a significant risk to human health and the environment posed by any activities listed in Annex 4 hereto, according to the baseline report referred to in Item 12 of Article 122 (2) herein, take action for the removal, control, containment or reduction of the dangerous substances so that the site, taking into account the conditions thereof according to Item 4 of Article 122 (2) herein and the current or the approved future use thereof, ceases to pose such a risk;
  - (e) implement the actions referred to in Littera (d) even where preparation of a baseline report is not required therefrom.

## **Article 122**

- (1) For the purpose of obtaining an integrated permit, the installation and facility operator shall submit an application to the relevant competent authority.
- (2) (Amended and supplemented, SG No. 77/2005, amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) The application referred to in Paragraph (1) shall include a description of:
  1. the installation and the activities which are carried out or are to be carried out therein, the various modes of operation thereof, including a description of the main alternative to the proposed technology, techniques and measures, if any
  2. the raw materials, prime materials and substances used (including auxiliary ones);
  3. the water used and the energy used in/or generated by the facility
  4. the conditions of the site on which the installation is located;
  5. the sources of emissions; the nature and quantities of foreseeable emissions from the installation into each medium covered under Article 4 herein and by factor covered under Article 5 herein, as well as identification of possible significant effects of the said emissions on the environment;
  6. proof of implementation of BAT, including:
    - (a) circumstances covered under Article 123a (3) herein;

- (b) circumstances referred to in Article 123a (5) herein;
  - (c) of existence of the circumstances covered under Article 123 (4) or (5) herein.
7. the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;
  8. measures for the prevention, preparation for re-use, recycling, recovery and/or safe disposal of waste generated by the installation;
  9. further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 121 herein;
  10. monitoring of harmful substance emissions into the environment;
  11. the hazardous chemical substances, soil and groundwater pollutants used, produced or released; results of a systematic appraisal of the risk of soil and/or groundwater contamination, in case a frequency of the monitoring other than the frequency specified in Item 7 of Article 123 (1) herein is proposed;
  12. a baseline report, in case of presence of the substances referred to in Item 11, containing information:
    - (a) taking into account the possibility of soil and groundwater contamination of the site of the installation;
    - (b) sufficient so as to make a quantified comparison of the current soil and groundwater contamination with the soil and groundwater contamination upon definitive cessation of activities;
    - (c) on the present use and the past uses of the site;
    - (d) on soil and groundwater measurements conducted, including new such measurements, reflecting the state at the time the report is drawn up, having regard to the possibility of soil and groundwater contamination by the hazardous substances to be used, produced or released by the installation concerned;
    - (e) any other information satisfying the requirements of Litterae (a) to (d).
  - (3) Any application for the granting of an integrated permit shall furthermore include a non-technical summary of the details covered under Paragraph (2).
  - (4) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) In the cases of a substantial change:
    1. the application for the granting of an integrated permit shall contain information on the parts of the installation which undergoes the change; the information shall be provided within the scope covered under Paragraph (2);
    2. the decision of the competent authority under Article 120 (1) herein shall reflect the proposed change in the operation of the installation.
  - (5) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) Upon preparation of the application, the operator may use information made available by the competent authority in implementation of the provisions of Chapter Six and of Section I of this Chapter.
  - (6) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) A baseline report referred to in Item 12 of Paragraph (2) shall be drawn up solely upon granting or updating an integrated permit for a site for which such a report has not been drawn up.

## **Article 122a**

(New, SG No. 105/2008)

- (1) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) Within forty-five days after submission of the application, the competent authority referred to in Article 120 (1) herein shall verify whether the content and form of the said application conform to the requirements of the ordinance referred to in Article 119 (1) herein and, where necessary, shall conduct an on-site inspection.
- (2) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) Upon ascertainment of any deficiencies and non-conformities within the time limit referred to in Paragraph (1), the competent authority referred to in Article 120 (1) herein shall notify the

operator referred to in Article 122 (1) herein in writing, giving directions as to the necessary corrections and additional information and stating the grounds for this.

(3) (Supplemented, SG No. 32/2012, effective 7.01.2014 (\*\*)) In the cases referred to in Paragraph (2), the operator referred to in Article 122 (1) herein shall submit the additional application within one month after the notification.

(4) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) In case the directions referred to in Paragraph (2) or the time limit referred to in Paragraph (3) are not complied with, the competent authority referred to in Article 120 (1) herein shall make a decision terminating the consideration of the application for the granting of an integrated permit.

(5) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*)) Within fourteen days after completion of the verifications referred to in Paragraph (1) or the re-submission of the application referred to in Paragraph (3), the competent authority referred to in Article 120 (1) herein shall commence a procedure for the granting of an integrated permit, of which the said authority shall notify the operator in writing, and, acting jointly with the municipalities, shall make public and afford the persons concerned equal access, in the course of one month, to the application, including the persons concerned in the State affected by the operation of the installation in conditions of transboundary impact.

(6) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*), SG No. 42/2022, effective 7.06.2022) Within 25 days from expiry of the time limit referred to in Paragraph (5), the competent authority referred to in Article 120 (1) shall prepare the draft integrated permit, and:

1. within three days shall make available on its website the draft integrated permit for a period of 14 days, with equal treatment of the persons concerned;

2. within three days shall send the draft integrated permit to the mayor of the relevant municipality who shall make it publicly available for a period of 14 days;

3. within 20 days of expiry of the time limit referred to in items 1 and 2 above, shall coordinate the draft integrated permit with the relevant RIEW and basin directorate, and shall notify in writing the operator pursuant to Article 122(1) of the draft integrated permit.

(7) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*), SG No. 98/2018, effective 27.11.2018, SG No. 42/2022, effective 7.06.2022) Within 30 days from the notification under Paragraph (6), item 3 the competent authority referred to in Article 120(1) shall:

1. where necessary, make consultations with the operator;

2. for a period of 7 days provide access on the website of the Executive Environment Agency to information on the outcome from the consultations made pursuant to Paragraph 1, as well as on the coordination with the RIEW and basin directorate directors.

(8) (Amended, SG No. 32/2012, effective 7.01.2014 (\*\*), SG No. 98/2018, effective 27.11.2018) Within ten days from expiry of the time limit referred to in Paragraph (7), the competent authority referred to in Article 120 (1) herein shall grant an integrated permit or shall refuse to grant such a permit, stating the reasons for the refusal.

## **Article 123**

(Amended and supplemented, SG No. 77/2005, amended, SG No. 105/2008, SG No. 32/2012, effective 7.01.2014 (\*\*))

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

1. (supplemented, SG No. 98/2018, effective 27.11.2018) the emission limit values for the pollutants listed in Annex 8 hereto and for other substances which are likely to be emitted from the installation concerned in significant quantities:

- (a) the emission limit values shall be determined having regard to the nature and potential of the substances to transfer pollution from one environmental medium to another;

(b) the emission limit values may be supplemented or replaced by equivalent parameters or technical measures ensuring an equivalent level of environmental protection;

2. (amended, SG No. 42/2022, effective 7.06.2022) the applicable conditions for protecting the soil, the surface and ground waters;

3. the applicable conditions for monitoring and management of waste generated by the installation;

4. the relevant emission monitoring conditions:

(a) specifying the testing methodology, the minimum frequency and the evaluation procedure;

(b) where the requirements of Item 2 of Article 123a (1) herein are applied, proving that the results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels specified in BAT conclusions adopted by a decision of the European Commission;

(c) based on the BAT conclusions adopted by a decision of the European Commission, unless in conflict with the national statutory framework regulating the environment;

5. the conditions for supplying the control authority, at least annually, with:

(a) information on the results of emission monitoring referred to in Item 4 and other data necessary for the control authority to verify compliance with the permit conditions;

(b) where Item 2 of Article 123a (1) herein is applied, a summary of the results of emission monitoring sufficient for a comparison with the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission;

6. the conditions ensuring implementation of the measures referred to in Item 2 and monitoring the results of the application thereof;

7. the relevant conditions for periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found on the site, as well as having regard to the possibility of soil and groundwater contamination at the site on which the installation is located; the monitoring shall be carried out at least once five years for groundwater and the years for soil; another frequency may be justified by the operator on the basis of a systematic appraisal of the risk of contamination;

8. the conditions for taking actions: upon deviation from normal operating conditions, including start-up and shut-down of the installation, leaks of fluids or gases, malfunctions or accidents, sudden stoppages and definitive cessation of operations;

9. the conditions for the minimisation of long-distance or transboundary pollution;

10. the conditions for assessing compliance with the emission limit values referred to in Item 1 or with other conditions for emission control;

11. the conditions for implementation of Item 8 of Article 121 herein;

12. (amended, SG No. 42/2022, effective 7.06.2022) the conditions for implementation of Article 123a(6) - where necessary;

13. the conditions for implementation of Article 125 (2) and (3).

(2) The competent authority referred to in Article 120 (1) herein shall set the permit conditions with reference to the BAT conclusions.

(3) Where necessary, the competent authority shall set stricter values for the parameters describing the technique applied than those described in the BAT conclusions.

(4) The competent authority referred to in Article 120 (1) herein shall set permit conditions on the basis of BAT determined according to the criteria under the ordinance referred to in Article 119 herein after prior consultations with the operator in the cases where:

1. an activity or a type of production process carried out within the installation is not covered by any of the BAT conclusions,

or

2. the applicable conclusions do not address all the potential environmental effects of the said activity or process.

(5) The competent authority referred to in Article 120 (1) may set the permit conditions on the basis of a BAT which is not described in any applicable BAT conclusion in case:

1. the technique is determined in accordance with the criteria for BAT under the ordinance referred to in Article 119 herein;

2. (amended, SG No. 42/2022, effective 7.06.2022) the requirements of Paragraphs 7, 8 and 9, and of Article 123a, Paragraphs 1, 3, 4 and 6 have been observed;

3. the integrated permit conditions ensure a level of environmental protection equivalent to the level achieved by means of the BAT described in BAT conclusions: in the cases where the BAT conclusions do not contain emission levels.

(6) Upon setting integrated permit conditions for an activity falling within the scope of Point 6.6 of Annex 4 hereto, the competent authority shall furthermore apply the provisions of the statutory framework relating to animal welfare.

(7) The emission limit values shall apply to emissions of harmful and hazardous substances at the points where the emissions leave the installation, and any dilution prior to that point must be disregarded when determining those values.

(8) When determining the emission values for the release of wastewater into sewerage, the existence of a wastewater treatment plant shall be taken into account in case the effect of the said plant guarantees an equivalent level of protection of the environment as a whole and this does not lead to higher levels of pollutants in the environment.

(9) The values and the measures referred to in Item 1 of Paragraph (1) for installations and facilities listed in Annex 4 hereto shall be based on the application of BAT without prescribing the use of a specific technique or technology.

(10) The values referred to in Item 1 of Paragraph (1) may not be higher than the legally established emission limit values.

(11) (Amended, SG No. 98/2018, effective 27.11.2018) Where necessary, the competent authority referred to in Article 120 (1) herein shall include in the permit additional stricter measures for conformity with environmental quality values/standards than those achievable by the use of BAT, without prejudice to measures which may be taken to comply with other measures designed to achieve conformity with environmental quality values/standards.

(12) (Supplemented, SG No. 98/2018, effective 27.11.2018) The integrated permit shall not include emission limit values for greenhouse gases which are included in Annex 1 to Article 30 (3) of the Climate Change Mitigation Act, of categories of activities listed in the said Annex, unless this is necessary to ensure that ambient air quality will not be impaired.

(13) (New, SG No. 98/2018, effective 27.11.2018) Paragraph 12 shall not apply where the installations are temporarily excluded from the scheme for greenhouse gas emission allowances trading.

## **Article 123a**

(New, SG No. 32/2012, effective 7.01.2014 (\*\*))

(1) Under normal operating conditions, the emission values referred to in Item 1 of Article 123 (1) herein:

1. shall not exceed the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission; those emission values shall be expressed for the same or shorter periods of time and under the same reference conditions as the emission levels laid down in the decisions, or

2. shall differ from the levels referred to in Item 1 but shall ensure compliance of the emissions with the emission levels as laid down in the BAT conclusions adopted by a decision of the European Commission.

(2) Compliance with Item 2 of Paragraph (1) shall be guaranteed by conducting emission monitoring and evaluation of the results by the control authority at least annually.

(3) (Amended, SG No. 98/2018, effective 27.11.2018) The competent authority referred to in Article 120 (1) herein may set less strict emission limit values than the limit values referred to in Paragraph (1) where an assessment shows that the achievement of emission levels associated with the BAT as described in BAT conclusions adopted by a decision of the

European Commission would lead to disproportionately higher costs compared to the environmental benefits due to:

1. the geographical location of the installation, or
2. the environmental conditions in the area of the site, or
3. the technical characteristics of the installation.

(4) In the cases referred to in Paragraph (3), the emission values must not lead to significant environmental pollution and must ensure a high level of protection of the environment.

(5) (New, SG No. 42/2022, effective 7.06.2022) The competent authority referred to in Article 120(1) shall reassess the implementation of Paragraph 3 every time when the permit conditions are reviewed in the cases referred to in Article 124(2) and (5) or in Article 126(1).

(6) (Renumbered from Paragraph (5), SG No. 42/2022, effective 7.06.2022) The competent authority referred to in Article 120 (1) herein may waive the application of the provisions of Paragraphs (1) and (2), Item 1 of Article 121 and Article 123 (9) herein for the testing and use of emerging techniques for a total period of time not exceeding nine months. After expiry of the period specified in the permit, either application of the technique shall be stopped or the emissions from the activity shall be brought into conformity with the emission levels according to the specific BAT.

### **Article 123b**

(New, SG No. 32/2012, effective 7.01.2014 (\*\*))

(1) Simultaneously with the drafting of an integrated permit, the competent authority referred to in Article 120 (1) herein shall prepare a technical assessment, justifying therein the applicable integrated permit conditions. The technical assessment shall contain:

1. the reasons on which the decision is based;
2. the results of the consultations held before the decision was taken and an explanation of how they were taken into account;
3. the title of the BAT reference documents and conclusions relevant to the installation or activity concerned;
4. the reasons for determining the permit conditions, including the emission limit values, in relation to the BAT and the emission levels associated with the BAT;
5. upon application of Article 123a (3) herein, the specific reasons for that application based on the criteria laid down and the conditions imposed in the same provision.

(2) In the cases covered under Article 123 (4) and (5) herein, in the technical assessment the competent authority referred to in Article 120 (1) herein shall describe the evidence furnished of the applicability of the said cases.

(3) In the cases covered under Article 123a (3) herein, in the technical assessment the competent authority referred to in Article 120 (1) herein shall describe the evidence furnished of the applicability of the said cases.

### **Article 123c**

(New, SG No. 98/2018, effective 27.08.2019)

The installation operator shall be bound:

1. to inform the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment;
2. to comply with the integrated permit conditions;
3. to prepare and implement a coordinated self-monitoring plan in accordance with the integrated permit conditions;
4. to regularly inform the control authority of the monitoring results and immediately inform the said authority of any incident or accident causing a significant adverse impact on the environment;

5. to provide conditions to the representatives of the control authority upon all necessary inspections of the installation to take samples and gather any information necessary for the performance of the duties of the said representatives under this Act;
6. to prepare and provide to the control authority an annual report on implementation of the activities for which an integrated permit has been granted.

### **Article 123d**

(New, SG No. 98/2018, effective 27.08.2019)

Within 20 days after being informed under Item 1 of Article 123c herein, the competent authority shall notify the operator of the type of the applicable procedure under Article 117 (2) or under Article 126 (1) herein or of the absence of a need of conduct of a procedure.

### **Article 124**

(Amended and supplemented, SG No. 77/2005, amended, SG No. 50/2008, amended and supplemented, SG No. 105/2008, supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 46/2011, SG No. 32/2012, effective 7.01.2014 (\*\*))

(1) Any integrated permit referred to in Article 117 herein shall have an indefinite term of validity except in the cases where the statutory framework regulating the environment provides for specific deadlines for cessation of operations of the installations.

(2) (Amended, SG No. 98/2018, effective 27.08.2019) The competent authority referred to in Article 120 (1) herein shall reconsider and update the permit where

1. the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new emission limit values need to be included therein;
2. the facility is not covered by any of the BAT conclusions but developments in the BAT allow for significant reduction of emissions;
3. a change has occurred in the operational safety requirements for the installation, requiring other techniques to be used;
4. the statutory framework regulating the environment has been revised in terms of introducing new quality values for environmental compartments or factors;
5. a BAT conclusion, adopted by a decision of the European Commission, relating to the main activity of an installation, has been published;
6. (new, SG No. 42/2022, effective 7.06.2022) the data from monitoring and/or assessments show that the environmental objectives pursuant to Article 156a of the Water Act established for a water body in a River Basin Management Plan are not achieved or there is a risk of deterioration in the status of a water body or the potential of an artificial or heavily modified water body, at the request of the basin directorate director.

(3) (Repealed, SG No. 98/2018, effective 27.08.2019).

(4) In the cases where the operator ceases any activity listed in Annex 4 hereto or part thereof, as a result of which any installation within the scope of the said Annex for which the granting of an integrated permit is required is no longer present on the site for which the integrated permit has been granted, the competent authority referred to in Article 120 (1) herein shall revoke the decision to grant an integrated permit.

(5) (Amended, SG No. 98/2018, effective 27.08.2019) At the request of the competent authority, all permit conditions shall periodically be reconsidered and, where necessary, the said conditions shall be updated. The operator shall submit all the information necessary for the purpose of reconsidering the permit conditions. The reconsideration and, where necessary, the subsequent updating:

1. shall be done within four years after publication of the decision of the European Commission;
2. shall ensure compliance with the requirements of this Chapter;

3. shall take into account all the new or updated BAT conclusions, adopted by a decision of the European Commission since the permit was granted or last updated and which are applicable to the installation.

(6) (Amended, SG No. 98/2018, effective 27.08.2019) The updated permit conditions relating to Item 5 of Paragraph (2) shall be implemented by the operator within four years from the publication of the decision of the European Commission.

(7) (Supplemented, SG No. 98/2018, effective 27.08.2019) Upon reconsideration, the competent authority shall use any available information, including such resulting from self-monitoring or control as conducted, as well as all other data that enables a comparison of the operation of the installation with the BAT described in the applicable BAT conclusions and with the emission levels associated with the BAT.

(8) (Amended, SG No. 98/2018, effective 27.08.2019) Upon updating, when Article 123a (3) herein is applied, or upon modification in connection with Item 1 of Paragraph (2) of an integrated permit, the competent authority shall afford the persons concerned access to the draft update according to the procedure established by Article 122a (5) herein.

## **Article 125**

(Amended, SG No. 52/2008, amended and supplemented, SG No. 105/2008, amended, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, SG No. 32/2012, effective 7.01.2014 (\*\*)) (1) (Repealed, SG No. 98/2018, effective 27.08.2019).

(2) In the event of a breach of the permit conditions, the operator:

1. shall immediately inform the control authority;
2. shall immediately take the measures necessary to ensure that compliance is restored within the shortest possible time;
3. shall comply with any complementary measures to restore compliance as required by the control authority;
4. shall suspend the operation of the installation until compliance is restored in the cases where the breach poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment.

(3) Upon occurrence of any incident or accident significantly affecting the environment, the operator shall take the actions covered under Paragraph (2) in order to limit the consequences and to prevent further possible incidents or accidents.

## **Article 125a**

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

## **Article 126**

(Repealed, SG No. 105/2008, new, SG No. 32/2012, effective 7.01.2014 (\*\*), amended, SG No. 98/2018, effective 27.08.2019)

(1) For the purpose of updating the integrated permit in the cases not covered under Article 124 (2) herein, the competent authority referred to in Article 120 (1) shall require from the operator to submit the necessary information within the time limit referred to in Article 123d herein and shall determine the scope of the said information, including:

1. a description of the change;
2. results of the self-monitoring of the emissions;
3. a baseline report according to Item 12 of Article 122 (2) herein;
4. proof of application of BAT, including a comparison between the technique chosen and the applicable BAT conclusions, including the emission levels laid down thereby;
5. proof of the existence of circumstances referred to in Article 123a (3) herein, in case the operator does not plan application of Article 123a (1) herein.

(2) Within one month from the submission of the information covered under Paragraph (1), the competent authority referred to in Article 120 (1) herein shall update the integrated permit.



(3) Within the time limit referred to in Article 123d herein, the competent authority referred to in Article 120 (1) herein shall inform the operator of the absence of a need of conduct of a procedure for the cases not covered by those referred to in Article 117 (2) or in Article 126 (1) herein.

(4) The competent authority referred to in Article 129 (1) herein shall enter the circumstances referred to in Paragraph (3) in the register referred to in Item 6 of Article 129 (2) herein.

## **Article 127**

(1) (Supplemented, SG No. 77/2005, amended, SG No. 52/2008, repealed, renumbered from Paragraph (2) and supplemented, SG No. 105/2008, amended, SG No. 46/2010, effective 18.06.2010, supplemented, SG No. 32/2012, effective 7.01.2014(\*\*), amended and supplemented, SG No. 42/2022, effective 7.06.2022) The decision to grant, refuse to grant, update or revoke an integrated permit and the decision to terminate the procedure shall be made public by the competent authority referred to in Article 120 (1) herein through the mass communication media within fourteen days from the date of granting of the said permit, and shall be simultaneously sent to the States affected by the operation of the facility in case of transboundary flux. The applicant shall likewise be notified in writing within the same time limit.

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

## **Article 128**

(Repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

## **Article 129**

(1) (Amended, SG No. 77/2005, redesignated from Article 129, supplemented, SG No. 42/2011, amended, SG No. 42/2022, effective 7.06.2022) The Ministry of Environment and Water shall keep a public register containing data on the granting, refusal to grant, revocation, reconsideration, and updating of integrated permits, and on the confirmation/refusal to change an operator. The Executive Environment Agency shall enter the information in the register. The said register shall be accessible through the website of the Ministry of Environment and Water.

(2) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) The register referred to in Paragraph (1) shall contain:

1. a copy of the decision;
2. a copy of the permit;
3. an up-to-date technical assessment;
4. data regarding the entry into effect of the decision;
5. information on the measures undertaken by the operator under Item 8 of Article 121 herein;
6. (new, SG No. 98/2018, effective 27.08.2019) the information referred to in Article 126 (3) herein.

(3) (New, SG No. 42/2011, renumbered from Paragraph (2) and amended, SG No. 32/2012, effective 7.01.2014 (\*\*), repealed, SG No. 42/2022, effective 7.06.2022).

(4) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) The Executive Environment Agency shall keep a public register on the Internet site thereof of the results of the emission monitoring as provided for in the integrated permits.

(5) (New, SG No. 32/2012, effective 7.01.2014 (\*\*)) The control authorities referred to in Article 120 (5) herein shall provide the information covered under Paragraph (4) to the Executive Environment Agency on an electronic storage medium.

## **Article 130**

(Amended, SG No. 52/2008, repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

## **Article 131**

(Repealed, SG No. 32/2012, effective 7.01.2014 (\*\*)).

## **Section III**

### **Schemes for Improvement of Environmental Protection Results (Title amended, SG No. 77/2005, SG No. 52/2008)**

#### **Article 131a**

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131b**

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131c**

(New, SG No. 77/2005, supplemented, SG No. 65/2006, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, SG No. 32/2012, effective 24.04.2012, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131d**

(New, SG No. 77/2005, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131e**

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131f**

(New, SG No. 77/2005, supplemented, SG No. 46/2010, effective 18.06.2010, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131g**

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, amended and supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131h**

(New, SG No. 77/2005, supplemented, SG No. 99/2006, amended and supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131i**

(New, SG No. 77/2005, amended and supplemented, SG No. 46/2010, effective 18.06.2010, supplemented, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131j**

(New, SG No. 77/2005, supplemented, SG No. 99/2006, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131k**

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

The Council of Ministers shall issue ordinances establishing:

1. (repealed, SG No. 22/2014, effective 11.03.2014);

2. (repealed, SG No. 22/2014, effective 11.03.2014);

3. (repealed, SG No. 22/2014, effective 11.03.2014);

4. (repealed, SG No. 42/2011);

5. (amended, SG No. 22/2014, effective 11.03.2014) the procedure and manner for organizing the national inventories for harmful substances in ambient air according to the requirements of the Convention on Long-range Transboundary Air Pollution, done at Geneva on 13 November 1979 (ratified by decree, State Gazette No. 16 of 1981) ([Convention promulgated in] State Gazette No. 45 of 2003).

#### **Article 131l**

(New, SG No. 99/2006, amended, SG No. 42/2011, SG No. 32/2012, effective 24.04.2012, supplemented, SG No. 53/2012, effective 13.07.2012, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131m**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131n**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131o**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131p**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131q**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131r**

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131s**

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 131t**

(New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 132**

(1) Organizations may assume voluntary commitments with regard to environmental protection in:

1. implementation of the activities thereof;

2. development, production, offering and use of products of the activities thereof.

(2) (Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) The voluntary commitments referred to in Paragraph (1) shall be implemented by means of:

1. the Community eco-management and audit scheme pursuant to Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No. 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L/342/1 of 22 December 2009), hereinafter referred to as "Regulation (EC) No. 1221/2009";

2. the EU Ecolabel scheme pursuant to Regulation (EC) No. 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27/1 of 30 January 2010), hereinafter referred to as "Regulation (EC) No. 66/2010".

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

### **Article 133**

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

(1) Each organisation may apply for registration pursuant to Chapter II of Regulation (EC) No. 1221/2009.

(2) (Repealed, SG No. 98/2018, effective 27.11.2018).

### **Article 134**

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

(1) (Supplemented, SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or an official empowered thereby shall be the competent authority responsible for the registration of organisations located in the European Union, pursuant to Article 11, paragraph 1 of Regulation (EC) No. 1221/2009, and shall keep a public register of EMAS registered organisations in Bulgaria.

(2) The RIEW Directors shall provide to the organisations referred to in Paragraph (1) information in accordance with Article 32, paragraph 4 of Regulation (EC) No. 1221/2009 on the applicable legal requirements relating to the environment and on the means of showing how the organisations meet the said requirements.

### **Article 135**

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The Bulgarian Accreditation Service Executive Agency shall be the national Accreditation Body pursuant to Article 28 of Regulation (EC) No. 1221/2009.

### **Article 136**

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The procedure for registration, renewal of registration and control over compliance with the requirements pursuant to Regulation (EC) No. 1221/2009 shall be established by an ordinance of the Minister of Environment and Water.

### **Article 136a**

(New, SG No. 32/2012, effective 24.04.2012)

The EMAS logo shall be used pursuant to Article 10 of Regulation (EC) No. 1221/2009.

### **Article 137**

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

(2) (Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) An EU Ecolabel may be awarded to products which comply with specific criteria adopted by a decision of the European Commission, published in the Official Journal of the European Union.

### **Article 138**

(Amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The Minister of Environment and Water or an official empowered thereby shall be the competent body pursuant to Article 4 of Regulation (EC) No. 66/2010.

## **Article 139**

(Amended, SG No. 77/2006, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012)

The EU Ecolabel shall be awarded and used pursuant to Article 9 of Regulation (EC) No. 66/2010.

## **Article 140**

(Amended, SG No. 31/2007, SG No. 52/2008, repealed, SG No. 32/2012, effective 24.04.2012).

## **Article 141**

(1) (Amended, SG No. 52/2008, redesignated from Article 141, amended, SG No. 32/2012, effective 24.04.2012, SG No. 98/2018, effective 27.11.2018) A fee according to a rate schedule approved by the Council of Ministers shall be paid for the processing of the application and for the award of the EU Ecolabel.

(2) (New, SG No. 32/2012, effective 24.04.2012) The costs of proving compliance with the criteria for the award of the EU Ecolabel shall be for the account of the applicant.

## **Article 142**

(Amended, SG No. 52/2008, repealed, SG No. 32/2012, effective 24.04.2012).

## **Section IV**

**(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 96/2015, effective 1.01.2016)**

### **International Trading of AAUs and National Green Investment Scheme**

#### **Article 142a**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142b**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142c**

(New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 22/2014, effective 11.03.2014, repealed, SG No. 96/2015, effective 1.01.2016).

#### **Article 142d**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142e**

(New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 35/2011, effective 3.05.2011, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142f**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142g**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 142h**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

## Chapter Eight

### NATIONAL ENVIRONMENTAL MONITORING SYSTEM

#### Article 143

The National Environmental Monitoring System shall cover the entire territory of Bulgaria.

#### Article 144

(1) The National Environmental Monitoring System shall comprehend:

1. the national networks for:

- a) ambient air monitoring;
- b) precipitation and surface-water monitoring;
- c) ground-water monitoring;
- d) sea-water monitoring;
- e) geological environment monitoring;
- f) (amended, SG No. 89/2007) soil monitoring;
- g) forests and protected-areas monitoring;
- h) (amended, SG No. 77/2005) biological diversity monitoring;
- i) radiological monitoring;
- j) environmental noise pollution monitoring;
- k) (repealed, SG No. 46/2010, effective 18.06.2010);
- l) monitoring of waste landfills and of past pollution with waste;

2. a system for information on, and control of, air emissions and the state of waste waters;

3. the operation, communication and information support and laboratory services to the networks covered under Item 1.

(2) The national environmental monitoring networks shall be designed and built in conformity with the national, European and international standards.

(3) For the purposes of the information support of the National Environmental Monitoring System, a National Automated System for Environmental Monitoring shall be established.

(4) The National Automated System for Environmental Monitoring shall be organized at national, basin, and regional level.

(5) The measurements and laboratory tests shall be performed by accredited laboratories.

(6) The Minister of Environment and Water shall issue an order endorsing the networks covered under Item 1 of Paragraph (1).

#### Article 145

The National Environmental Monitoring System shall perform the following tasks:

- 1. observation of the national networks in order to determine the state of the environmental media;
- 2. processing, analysis, visualization and storage of the information from the networks covered under Item 1 and from self-monitoring;

3. provision of information required for current control;
4. trends analysis, environmental risk assessment and development of proposals for improvement of the state of the environment;
5. information support of the executive authorities and of the public;
6. creation and maintenance of special inventory cards and registers for the environmental media and the factors impacting the said media;
7. exchange of information on the state of the environment with the European Monitoring System.

#### **Article 146**

- (1) (Supplemented, SG No. 74/2005, SG No. 89/2007) For the purpose of conduct of self-monitoring, the persons obliged under the Water Act, the Soils Act, the Clean Ambient Air Act, the Subsurface Resources Act, the Protection from Environmental Noise Act and the and the Waste Management Act, shall elaborate a plan in conformity with the conditions imposed by the permit or by the EIA decision.
- (2) The self-monitoring plan shall be approved by the authority which has obligated the person referred to in Paragraph (1).
- (3) Upon approval of the self-monitoring plan, the authority referred to in Paragraph (2) shall determine the information which the persons conducted self-monitoring shall be obliged to submit for inclusion in the National Automated System for Environmental Monitoring, as well as the procedure and manner for submission of the said information.

#### **Article 147**

- (1) (Supplemented, SG No. 74/2005) The National Environmental Monitoring System, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be organized and directed by the Minister of Environment and Water.
- (2) (Supplemented, SG No. 74/2005) The creation, operation, logistical, information and software support of the National Automated System for Eco-monitoring, with the exception of the National Monitoring System for Noise in Urbanized Areas, shall be implemented by the Executive Environmental Agency.
- (3) (Repealed, SG No. 77/2005).
- (4) (Supplemented, SG No. 74/2005) Methodological guidance of the monitoring activity, with the exception of the monitoring activity on noise in urbanized areas, shall be provided by the Executive Environment Agency.
- (5) The state of the environment shall be assessed at regional and national level, respectively, by the RIEWs and the Executive Environment Agency.
- (6) The data on and assessments of the state of the environment shall be published in a quarterly and annual Bulletin on the State of the Environment.
- (7) The observation and assessment data obtained as a result of the activity of the National Environmental Monitoring System, as well as from self-monitoring, shall provide a basis for the exercise of control and for imposition of sanctions upon violation of the regulatory requirements.

## **Chapter Nine**

## **CONTROL**

### **Section I**

### **General Terms**

#### **Article 148**

- (1) The Ministry of Environment and Water shall exercise control over the environmental media and the factors impacting the said media.

(2) The said control shall be preventive, current and follow-up.

(3) At the national level, the said control shall be implemented by The Minister of Environment and Water or by persons empowered thereby, and at the regional level by the RIEW directors, the Basin Directorate directors, the National Park directors, the municipality mayors or by officials authorized thereby.

#### **Article 149**

(1) (Supplemented, SG No. 77/2005) The natural and legal persons shall be obligated to afford immediate access to all sites and areas and render assistance to the authorities covered under Article 148 (2) herein for the purpose of conduct of inspection, for measurement or taking of samples from existing or potential sources of environmental pollution and/or environmental damage.

(2) Access to sites and areas of the Ministry of Interior or to the Ministry of Defence shall be granted by the competent chief of structural unit of the ministry.

(3) The executive authorities and the administrations thereof, the organizations, the juristic and natural persons shall be obliged to render assistance to the authorities exercising control over performance of the functions thereof.

#### **Article 150**

The natural and juristic persons possessing and using treatment facilities and waste treatment facilities shall be obliged to ensure the operation of the said facilities according to the provisions of the legislative acts and conforming to the conditions set in the EIA decisions, the permits and the other relevant individual administrative acts.

#### **Article 151**

(Amended, SG No. 77/2005)

(1) In respect of any administrative violations ascertained in the course of the control activity, the control authorities shall draw up written statements ascertaining the violations.

(2) In the cases referred to in Paragraph (1), the control authorities may issue written prescriptions and orders imposing coercive administrative measures.

### **Section II**

#### **Preventive Control**

#### **Article 152**

(Amended, SG No. 77/2005)

Preventive environmental protection control shall be implemented through environmental assessment upon approval of plans and programmes, through EIA as a condition in the development of the investment process, as well as by means of granting of integrated and other permits provided for in the law.

#### **Article 153**

(1) The purpose of preventive control shall be to prevent pollution and/ or damage to the environment in excess of the permissible levels prior to implementation of the proposed and/or planned activity.

(2) In the course of performance of the functions thereof and for the purpose of attaining the objective of preventive control, the authorities covered under Article 148 (3) shall issue warning statements to the natural persons, the management bodies of juristic persons and to sole traders subject to control.

(3) The statements drawn in pursuance of Paragraph (2) shall present the facts or circumstances which may lead to environmental damage and/or pollution and shall give mandatory prescriptions for avoidance of the facts and/or circumstances as presented therein.

(4) The prescriptions in the statement under Paragraph (3) shall be binding on the inspected person.



## **Section III**

### **Current and Follow-Up Control**

#### **Article 154**

(1) Current control shall comprehend:

1. control of the quality of the environmental media and of the factors impacting the said media;
2. (amended, SG No. 62/2015, effective 14.08.2015) control over compliance with the conditions specified in the permits and decisions as issued by the Ministry of Environment and Water, the Basin Directorates and the Regional Inspectorates of Environment and Water and of the measures provided for in the programmes.

(2) (Supplemented, SG No. 77/2005) Current control shall be implemented by means of conduct of inspections of documents and on-site inspections, observations and measurements.

(3) (New, SG No. 77/2005) Where any documents certifying compliance with the established requirements are found missing upon an inspection of documents or an on-site inspection, the inspected person shall present the said documents within seven days after the inspection.

(4) (Renumbered from Paragraph 3, SG No. 77/2005) Current control shall include access to:

1. the data on the self-monitoring of the site, conducted by the operator;
2. information relating to the production activity on the site;
3. the corporeal immovables and facilities constituting state, municipal and private property.

#### **Article 154a**

(New, SG No. 32/2012, effective 24.04.2012)

(1) The control authorities referred to in Article 120 (5) herein shall draw up, review and, where necessary, update an inspection plan for the installations within the scope of Annex 4 hereto in respect of the area covered thereby.

(2) The plan referred to in Paragraph (1) shall include:

1. a general assessment of the significant effects on the environment;
2. the geographical area covered by the plan;
3. a list of the installations;
4. procedures for drawing up programmes for routine inspections;
5. procedures for non-routine inspections;
6. where necessary, rules for joint inspections with other control authorities.

(3) Based on the plans referred to in Paragraph (2), the control authority shall regularly draw up programmes for routine inspections, including the frequency of on-site inspections for different types of installations.

(4) The frequency of the inspections referred to in Paragraph (3) shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall be at least once a year for installations posing the highest risks and once in three years for installations posing the lowest risks.

(5) If an inspection has identified an important case of non-compliance with the permit conditions, the control authority shall carry out a new on-site inspection within six months after the last inspection.

(6) The systematic appraisal of the environmental risk shall be based on at least the following criteria:

1. the potential and actual impact of the installations concerned on human health and the environment, taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
2. the record of compliance with the permit conditions;
3. a valid registration of the operator under the Community eco-management and audit scheme (EMAS) pursuant to Regulation (EC) No. 1221/2009.

(7) (Amended, SG No. 98/2018, effective 27.11.2018, SG No. 42/2022, effective 7.06.2022) Non-routine inspections shall be carried out within the shortest possible time from the receipt of complaints and alerts, environmental accidents and incidents or occurrences of non-compliance with the integrated permit conditions, and in the cases of a procedure initiated according to the procedure established by Article 117, 124 or 126 herein, before the completion of the said procedure.

(8) During each on-site inspection, the control authority shall draw up a memorandum of ascertainment. Based on the memorandum of ascertainment following the inspection, the control authority shall prepare a report containing findings of facts and circumstances regarding compliance of the installation with the permit conditions and, where necessary, mandatory prescriptions for the operator, as well as administrative penalty measures undertaken by the control authority.

(9) The control authority:

1. shall familiarize the operator with the report referred to in Paragraph (8) not later than two months after completion of the inspection;
2. shall publish the report referred to in Paragraph (8) in compliance with the requirements for public access to environmental information not later than four months after completion of the inspection.

(10) Notwithstanding the application of Article 125 (2) herein, the operator shall comply with the prescriptions given in the memorandum of ascertainment within the prescribed time limits.

## **Article 155**

(1) In the course of exercise of current control, officials designated by the authorities covered under Article 148 (3) herein shall draw up memorandums of ascertainment.

(2) The memorandums of ascertainment referred to in Paragraph (1) shall present the facts and circumstances as ascertained and shall give mandatory prescriptions, specifying deadlines and persons responsible for implementation of the said prescriptions.

## **Article 156**

Follow-up control shall be implemented by following:

1. (amended, SG No. 32/2012, effective 24.04.2012) the results of implementation of the conditions, measures and restrictions in EIA decisions, decisions evaluating the need of an EIA, opinions on an environmental assessment, decisions evaluating the need of an environmental assessment and in the permits, as well as the results of execution of development projects and of the implementation of the plan or the programme;
2. implementation of the prescriptions given to the persons controlled during preventive and current control.

## **Article 157**

The drawing up of written statements on commission of administrative violations and the issuance of penalty decrees shall be part of current and follow-up control.

## **Article 157a**

(New, SG No. 77/2005)

(1) (Amended, SG No. 62/2015, effective 14.08.2015, amended and supplemented, SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or the official empowered thereby shall control the fulfilment of the obligations of operators of any establishments/facilities classified as lower-tier or upper-tier establishments/facilities in accordance with Article

103 (2) or (5) herein.

(2) (Amended, SG No. 95/2005, SG No. 82/2006, SG No. 102/2006, SG No. 93/2009, SG No. 32/2012, effective 1.01.2013, amended and supplemented, SG No. 62/2015, effective 14.08.2015, supplemented, SG No. 42/2022, effective 7.06.2022) Control under Paragraph (1) shall be exercised by means of joint inspections by commissions designated by an order of the Minister of Environment and Water or an official empowered thereby and composed of empowered representatives of the territorial and regional structures of the Ministry of Environment and Water, the Ministry of Interior, the General Labour Inspectorate Executive Agency and the municipality mayors.

(3) (Amended, SG No. 62/2015, effective 14.08.2015) The commissions referred to in Paragraph (2) shall exercise planned and systematic control of the systems used in the establishments/facilities referred to in Paragraph (1) of a technical, organizational or managerial nature so as to ensure that:

1. (amended, SG No. 42/2022, effective 7.06.2022) the operator can demonstrate that he applies appropriate measures, in connection with the various activities of the establishment/facility, to prevent major accidents;

2. the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on-site and off-site;

3. the data and information contained in the safety report, or any other report submitted, adequately reflects the conditions in the establishment;

4. (amended and supplemented, SG No. 42/2022, effective 7.06.2022) the operator fulfils the obligations thereof under Article 103 (1) to (5), Article 104 (5) and (6), Article 105 (1), Article 106 (1), (2), (6), (10) and (11), Article 107 (1), (3), (4) and (6), Article 109, Article 112 (1) and (3), Article 113 (3) and (4), Article 116d, Article 116e (1) and (7), Article 116f, Article 116g (1), Article 116h (2) herein and the ordinance referred to in Article 103 (9) herein;

5. (amended, SG No. 42/2022, effective 7.06.2022) the mayors of municipalities where upper-tier establishments/facilities are located fulfil the obligations thereof under Article 108 herein.

(4) (Supplemented, SG No. 62/2015, effective 14.08.2015) The joint inspections under Paragraph (2) shall be conducted:

1. based on an annual control activity plan of the commissions;

2. upon receipt of complaints and alerts;

3. (new, SG No. 42/2022, effective 7.06.2022) where appropriate, in coordination with other inspections for compliance with this Act or other statutory acts in the field of prevention of industrial pollution, emergency and fire safety, or ensuring health and safety at work.

(5) (Amended, SG No. 62/2015, effective 14.08.2015, SG No. 42/2022, effective 7.06.2022) The RIEW directors, after consulting the authorities referred to in Paragraph (2), shall draw up, review periodically and, where necessary, update the control activity plans for the establishments/facilities referred to in Paragraph (1) in respect of the area covered thereby.

(6) (Amended, SG No. 62/2015, effective 14.08.2015) The control activity plans referred to in Paragraph (5) shall contain:

1. a general assessment of relevant safety issues;

2. the geographical coverage of the plan;

3. a list of the establishments/facilities referred to in Paragraph (1);

4. a list of groups/establishments referred to in Paragraph (1) with possible domino effects pursuant to Article 116h (1) herein;

5. a list of establishments/facilities referred to in Paragraph (1) where particular external risks or hazard sources could increase the risk or consequences of a major accident in those establishments/facilities;

6. procedures for conduct of joint routine on-site inspections, including the programmes for such inspections;

7. procedures for conduct of non-routine on-site inspections;

8. provisions on the cooperation between different control authorities.

(7) (Amended, SG No. 62/2015, effective 14.08.2015, supplemented, SG No. 42/2022, effective 7.06.2022) Based on the plans referred to in Paragraph (5), the Minister of Environment and Water:

1. shall issue an order endorsing and, where necessary, updating an annual control activity plan of the establishments/facilities referred to in Paragraph (1) within the national territory and shall designate by name the members and the chairpersons of the commissions referred to in Paragraph (2);

2. (amended, SG No. 42/2022, effective 7.06.2022) shall issue an order appointing the chairpersons of the commissions referred to in Paragraph (2) to draw up memoranda of ascertainment on the inspections as conducted, to issue mandatory prescriptions, and to draw up written statements on any administrative violations ascertained upon the inspections.

(8) (Amended, SG No. 62/2015, effective 14.08.2015) Based on the control activity plan referred to in Item 1 of Paragraph (7), the RIEW directors, after consulting the authorities referred to in Paragraph (2), shall draw up programmes for the conduct of routine inspections of all establishments/facilities in the plan, specifying the frequency of inspections for different types of establishments/facilities.

(9) (Amended, SG No. 62/2015, effective 14.08.2015) The frequency of inspections under Paragraph (2) shall be determined based on a systematic appraisal of hazards of the establishments/facilities concerned and shall be at least once a year for upper-tier establishments and facilities and at least once in three years for lower-tier establishments and facilities.

(10) (New, SG No. 62/2015, effective 14.08.2015) The working arrangements of the commissions referred to in Paragraph (2) and the form of the annual plan referred to in Paragraph (7) shall be determined by the ordinance referred to in Article 103 (9) herein.

(11) (New, SG No. 62/2015, effective 14.08.2015) The appraisal referred to in Paragraph (9) shall take account of at least the following criteria:

1. the potential impact of the establishment/facility concerned on human health and the environment;

2. compliance with the requirements of Section I of Chapter Seven herein and of the ordinance referred to in Article 103 (9) herein in those establishments/facilities;

3. implementation of the measures to prevent and control major accidents and to limit the consequences thereof in accordance with the approved safety report and, where appropriate, the conditions and measures in the EIA decision on the approval of the development proposal for the construction or modification of the said establishment/facility;

4. where appropriate, the findings of other inspections carried out to establish conformity with the statutory requirements in the field of prevention of industrial pollution, emergency and fire safety and ensuring health and safety at work in the establishment/facility.

(12) (New, SG No. 62/2015, effective 14.08.2015, amended, SG No. 42/2022, effective 7.06.2022) Within the shortest possible time from the receipt of any complaint, alert of a major accident or "near miss", incident or case of non-compliance with the provisions of Section I of Chapter Seven herein or of the ordinance referred to in Article 103 (9) herein, the commission referred to in Paragraph (2) shall conduct a non-routine on-site inspection.

(13) (New, SG No. 42/2022, effective 7.06.2022) The authorities referred to in Paragraph 2 shall cooperate and exchange information through a suitable mechanism and instruments with a view to effective implementation of the requirements of Chapter Seven, Section I, or the ordinance under Article 103(9).

## **Article 157b**

(New, SG No. 77/2005)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) During the joint inspection the chairperson of the commission referred to in Article 157a (2) shall draw up a memorandum of ascertainment providing mandatory prescriptions to the operator, with specific deadlines for implementation, where necessary. The memorandum of ascertainment shall be signed by all commission members.

(2) (Amended, SG No. 62/2015, effective 14.08.2015) Based on the memorandum referred to in Paragraph (1), after conduct of each inspection the chairperson of the commission referred to in Article 157a (2) herein:

1. (supplemented, SG No. 42/2022, effective 7.06.2022) shall draw up a report to the Minister of Environment and Water or an official empowered thereby, presenting therein the facts and circumstances ascertained regarding the compliance of the establishment/facility with the requirements of Section I of Chapter Seven herein and of the ordinance referred to in Article 103 (9) herein and, where necessary, shall specify the necessary actions on the part of the operator for bringing the establishment/facility into conformity with the said requirements;

2. within four months from the conduct of the inspection:

(a) shall communicate in writing the conclusions of the inspection carried out to the operator and shall issue mandatory prescriptions for taking the relevant actions under Item 1, setting a time limit for compliance to the operator;

(b) shall publish the date of the last inspection under Article 157a (2) herein on the Internet site of the relevant RIEW covering the area of the establishment/facility, or shall indicate where that information can be accessed electronically, and where, upon submission of an application according to the procedure established by Chapter Two herein, more detailed information about the inspection and the related control activity plan can be obtained, in compliance with the requirements for public access to environmental information.

(3) Upon ascertainment of violations, the chairperson of the commission referred to in Article 157a (2) herein shall draw up a written statement on administrative violation.

(4) (Supplemented, SG No. 103/2009) The Minister of Environment and Water or an official empowered thereby shall issue a penalty decree, imposing thereby the relevant administrative sanction on the operator.

(5) (New, SG No. 62/2015, effective 14.08.2015) If an inspection has identified an important case of non-compliance with the requirements of Section I of Chapter Seven herein or of the ordinance referred to in Article 103 (9) herein, a new on-site inspection shall be conducted within up to six months from the date of the last inspection.

## **Article 157c**

(New, SG No. 77/2005)

(1) (Amended, SG No. 62/2015, effective 14.08.2015) Upon conduct of an inspection, the commissions referred to in Article 157a (2) herein shall have the right to require the necessary data, including to assign sampling and sample testing by accredited laboratories and to gather the necessary information to establish compliance with the requirements of Section I of Chapter Seven herein or and of the ordinance referred to in Article 103 (9) herein, as well as intelligence, reference information and explanations from the inspected persons and from third parties linked to the performance of the activity controlled, so as to allow:

1. assessing the possibility of the occurrence of a major accident;

2. determining the scope of possible increased probability or aggravation upon the occurrence of a major accident;

3. drawing up an external emergency plan;

4. identifying substances which, due to their physical form, particular conditions of use and/or the siting of the establishment/facility, may require additional review and update of the measures developed to prevent major accidents and to limit the consequences thereof.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) The operator of the establishment/facility shall be bound to ensure to the representatives of the control commission referred to in Article 157a (2) herein the assistance necessary for execution of all inspections of the establishment/facility, the taking of samples and collection of the information necessary for discharge of the duties thereof under this Act.

(3) The members of the commission referred to in Article 157a (2) herein shall be obligated to respect the confidentiality of any official, manufacturing and commercial secrets as have come to the knowledge thereof in the course of or in connection with the performance of the control activity.

## **Article 157d**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 53/2018, effective 26.06.2018).

## **Article 157e**

(New, SG No. 32/2012, effective 24.04.2012)

(1) Control over fulfilment of the requirements of Regulation (EC) No. 1221/2009 and Regulation (EC) No. 66/2010 shall be exercised by the RIEW directors.

(2) (Amended, SG No. 42/2022, effective 7.06.2022) Market surveillance authorities within the meaning of Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/2011 (OJ, L 169/1 of 25 June 2019) shall promptly notify the competent RIEW of any breaches of the use of the EMAS logo and of the EU Ecolabel ascertained upon the exercise of control according to the respective competences of the said authorities.

## **Article 157f**

(New, SG No. 32/2012, effective 24.04.2012)

In the cases of performance of control at the request of affected parties, the costs of the ascertainment of violations shall be paid by the offender concerned.

## **Chapter Ten**

# **COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY LIABILITY**

## **Article 158**

The Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall apply coercive administrative measures in the cases of:

1. accidents caused by acts of omissions of owners or users of sites and areas;
2. disaster situations;
3. occurrence of an immediate danger of environmental pollution or damage or of damage to human health or property;
4. prevention or termination of administrative violations related to environmental protection, as well as prevention and/or elimination of the harmful consequences of such violations.

## **Article 159**

(1) Coercive administrative measures shall be preventive, terminative and remedial.

(2) Upon application of coercive administrative measures, the Minister of Environment and Water or persons empowered thereby, the RIEW directors, the National Park directors and the Basin Directorate directors shall issue reasoned orders to terminate, with the assistance of the regional governors, the production activity of owners or users of areas, as well as to deny owners and users access to area, inter alia by means of affixation of lead seals and paper tapes.

(3) The marking of the lead seal and the manner of affixation of lead seals and paper tapes referred to in Paragraph (2) shall be endorsed by an order of the Minister of Environment and Water.

## **Article 160**

(1) A coercive administrative measure shall be applied by means of a reasoned order issued by an authority covered under Article 158 herein.

(2) Any order referred to in Paragraph (1) shall specify the type of coercive administrative measure and the manner of

application thereof.

(3) Any order referred to in Paragraph (1) shall be served on the person concerned according to the procedure established by the Code of Civil Procedure.

(4) (Amended, SG No. 30/2006) Any order referred to in Paragraph (1) shall be appealable by the persons concerned according to the procedure established by the Administrative Procedure Code, as the case may be.

(5) An appeal against any order referred to in Paragraph (1) shall not stay the execution thereof.

#### **Article 161**

(1) (Supplemented, SG No. 77/2005) The Minister of Environment and Water or a person empowered thereby shall appeal against any acts of the administrative authorities which conflict the statutory instruments in the field of environmental protection.

(2) Any appeal under Paragraph (1) shall stay the execution of the act appealed.

#### **Article 162**

(1) (Amended, SG No. 62/2015, effective 14.08.2015) For any violation of this Act, any natural persons, regional governors, municipality mayors, borough mayors, mayoralty mayors and officials shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 20,000, and any legal persons and sole traders shall be liable to a pecuniary penalty of BGN 5,000 or exceeding this amount but not exceeding BGN 500,000.

(2) The fine or pecuniary penalty under Paragraph (1) shall be imposed in a double for a repeated violation.

(3) (Amended, SG No. 62/2015, effective 14.08.2015) Manifestly minor cases of violation committed by natural persons shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 500.

#### **Article 162a**

(New, SG No. 62/2015, effective 14.08.2015)

(1) Any legal person or sole trader, which or who, in the course of or in connection with the performance of the activity thereof, commits, whether by action or omission, any unpermitted discharge of dangerous chemical substances and mixtures and/or waste from any production, storage or transport facility or installation, including a pipeline, which do not fall within the scope of a permit issued under Article 117 herein, shall be liable to a pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 500,000, and any such natural persons shall be liable to a fine of BGN 300 or exceeding this amount but not exceeding BGN 3,000.

(2) The fine or pecuniary penalty, as the case may be, shall be imposed in a double amount for a repeated violation.

#### **Article 163**

(1) (Previous text of Article 163, SG No. 77/2005, amended, SG No. 103/2009) Any member or team leader of a team referred to in Article 83 (1) herein, who violates Article 83 (5) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer penalty.

(2) (New, SG No. 77/2005, amended, SG No. 52/2008, SG No. 32/2012, effective 24.04.2012) Any person, who or which uses the EU Ecolabel in breach of the provisions of Article 9 of Regulation (EC) No. 66/2010, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(3) (New, SG No. 32/2012, effective 24.04.2012) Any person, who or which uses the EMAS logo in breach of the provisions of Article 10 of Regulation (EC) No. 1221/2009, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

(4) (New, SG No. 77/2005, renumbered from Paragraph (3), SG No. 32/2012, effective 24.04.2012) The fine or pecuniary penalty, as the case may be, shall be imposed in a double amount for a repeated violation.

#### **Article 164**

(1) (Previous text of Article 164, SG No. 52/2008, amended, SG No. 62/2015, effective 14.08.2015, supplemented, SG No. 98/2018, effective 27.08.2019) A pecuniary penalty of BGN 10,000 or exceeding this amount but not exceeding BGN 500,000 shall be imposed on any legal-person or sole-trader installation operator for any failure to comply with the requirements established by Article 123c and Article 125 herein.

(2) (New, SG No. 52/2008, amended, SG No. 42/2011) A pecuniary penalty to the amount of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any legal-person or sole-trader installation operator for any failure to comply with the requirements of Article 22a herein and for provision of untrue information.

(3) (New, SG No. 32/2012, effective 24.04.2012) Any operator of installations and facilities, which carry out activities falling within the scope of Annex 4 hereto without an integrated permit under Article 117 (1) and (2) herein, shall be liable to a fine or to a pecuniary penalty, as the case may be, of BGN 50,000.

(4) (New, SG No. 32/2012, effective 24.04.2012) The application of Paragraph (3) shall not suspend the actions referred to in Item 4 of Article 158 herein until the granting of an integrated permit.

#### **Article 164a**

(New, SG No. 77/2005, amended, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

#### **Article 164b**

(New, SG No. 52/2008)

A fine or a pecuniary penalty equivalent to the double amount of the unpaid eco-fee for the motor vehicle shall be imposed on the natural or legal person for any failure to comply with the requirements of Article 56a (1) herein.

#### **Article 164c**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014, new, SG No. 62/2015, effective 14.08.2015)

(1) (Amended, SG No. 42/2022, effective 7.06.2022) The Minister of Environment and Water or the Director of the RIEW covering the area of a lower-tier or upper-tier establishment/facility shall issue a reasoned order prohibiting the operation of the establishment/facility, including the storage facility, or of parts thereof, where:

1. the operator has failed to draw up and/or to present a MAPPD, a safety report and/or any other information required under this Section and the ordinance referred to in Article 103 (9) herein;

2. (amended, SG No. 42/2022, effective 7.06.2022) the operator operates a lower-tier establishment/facility without having obtained a decision confirming the MAPPD pursuant to Article 106(4), or the operator operates an upper-tier establishment/facility without having obtained a decision approving the safety report pursuant to Article 116(1), item 1, or a new decision approving an updated safety report pursuant to Article 116g(4), or after an issued decision refusing to confirm the MAPPD pursuant to Article 106(4), or a decision on the non-approval of a safety report pursuant to Article 116(1), item 2, or a new decision for non-approval of an updated safety report pursuant to Article 116g(4);

3. (amended, SG No. 42/2022, effective 7.06.2022) a lower-tier establishment/facility does not comply with the decision confirming the MAPPD pursuant to Article 106(4), or an upper-tier establishment/facility does not comply with decision approving the safety report pursuant to Article 116(1), item 1, or the new decision for approval of an updated safety report pursuant to Article 116g(4);

4. the measures applied by the operator are insufficient to prevent major accidents or to limit the consequences thereof, or

5. the control activity reports under Item 1 of Article 157b (2) herein contain findings of the commission referred to in Article 157a (2) herein about serious violations on the part of the operator in taking the necessary actions to prevent major accidents and to limit the consequences thereof.

(2) Any order referred to in Paragraph (1) shall be appealable by the persons concerned according to the procedure established by the Administrative Procedure Code.



(3) An appeal of any order referred to in Paragraph (1) shall not suspend the effect thereof.

## **Article 165**

(1) Any official, who shall deny access to the site or area to a controlling authority conducting an on-site inspection, measurement or taking a sample, will be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000.

(2) A pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 20,000 shall be imposed on any juristic person or sole trader in the cases where any factory or office worker employed thereby shall commit a violation under Paragraph (1), irrespective of whether the controlling authority is in a position to establish the identity of any such factory or office worker.

## **Article 166**

The sanctions provided for under Article 165 herein shall furthermore be imposed on any person who:

1. fails to submit the available self-monitoring data to the controlling authorities;
2. (amended, SG No. 32/2012, effective 24.04.2012) fails to comply with any conditions, measures and restrictions in permits, decisions or opinions issued by the competent environment authorities;
3. (amended, SG No. 77/2005, supplemented, SG No. 103/2009) fails to implement the prescriptions given in the individual administrative acts and the memoranda of ascertainment under Article 155 or 157b herein as issued by the Minister of Environment and Water, the RIEWs directors, the basin directorate directors, the national park directors, or by officials authorized thereby.

## **Article 166a**

(New, SG No. 77/2005)

(1) (Amended, SG No. 32/2012, effective 24.04.2012, SG No. 62/2015, effective 14.08.2015, supplemented, SG No. 42/2022, effective 7.06.2022) Any natural or legal person, who or which carries out an activity without an enforceable decision confirming the MAPPD pursuant to Article 106(4), or on the approval of a safety report under Item 1 of Article 116 (1) or under Article 116g (4) herein, in the cases where such decision is required, unless subject to a severer penalty, shall be liable to a fine or a pecuniary penalty, as the case may be, ranging from BGN 30 000 to BGN 100 000.

(2) (Amended, SG No. 32/2012, effective 24.04.2012, SG No. 62/2015, effective 14.08.2015, amended and supplemented, SG No. 42/2022, effective 7.06.2022) A fine or a pecuniary penalty, as the case may be, ranging between BGN 10 000 and BGN 20 000, shall be imposed on any natural person, unless subject to a severer penalty, or on any legal person for any failure to comply with technical, organizational and/or managerial measures to prevent major accidents and limit the consequences thereof in the MAPPD confirmed with the decision pursuant to Article 106(4), the safety report approved by the decision referred to in Item 1 of Article 116 (1) or Article 116g, as well as for any failure to fulfil the obligations referred to in Article 103 (2), (4) and (5), item 3 of Article 105(1), Article 106, Paragraphs (1), (2), (6), (10) and (11), Article 107, Paragraphs (1), (3), (4), (5) and (6), Article 109, Paragraphs (1) to (3), Article 112(1), Article 113, Paragraphs (3) and (4), Article 116d, Article 116f, Article 116g, Paragraphs (1) to (3).

(3) (Amended, SG No. 62/2015, effective 14.08.2015) A fine or a pecuniary penalty, as the case may be, of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed on any natural person, unless subject to a severer penalty, or on any legal person for any failure to fulfil the obligations referred to in Article 104 (5) and (6) and Article 116h (2) herein.

(4) (Amended, SG No. 62/2015, effective 14.08.2015, SG No. 42/2022, effective 7.06.2022) Any natural or legal person who or which fails to comply with the obligations provided for in Article 103 (1) and Article 113 (1) herein, shall be liable to a fine or a pecuniary penalty, as the case may be, of BGN 2000 or exceeding this amount but not exceeding BGN 5000.

## **Article 166b**

(New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 53/2018, effective 26.06.2018).

## **Article 167**

(Supplemented, SG No. 77/2005)

The written statements whereby administrative violations under this Act are ascertained shall be drawn up by officials designated by the Minister of Environment and Water or by officials or, respectively, by the RIEW directors, the basin directorate directors or the national park directors.

## **Article 168**

(Supplemented, SG No. 77/2005)

The penalty decrees under this Act shall be drawn up according to the procedure established by the Administrative Violations and Sanctions Act and shall be issued by the Minister of Environment and Water or by persons empowered thereby, by the RIEW directors, the Basin Directorate directors or the National Park directors.

## **Article 169**

- (1) The written statements ascertaining administrative violations under this Act may furthermore be drawn up by representatives of any public and of non-governmental ecologist organizations designated by the Minister of Environment and Water.
- (2) The penalty decrees under Paragraph (1) shall be issued by The Minister of Environment and Water or by persons empowered thereby.

## **Chapter ElevenCIVIL LIABILITY**

### **Article 170**

- (1) Any person, who shall culpably inflict environmental pollution or damage on another, will be obliged to indemnify the aggrieved party.
- (2) In cases where assets constituting state property has been damaged, the party empowered to bring an action under Paragraph (1) shall be:
  1. the Minister of Environment and Water, if the detriment extends over the territory of multiple administrative regions;
  2. the competent Regional Governor, if the detriment extends over the territory of multiple municipalities.
- (3) In cases where assets constituting municipal property have been damaged, the municipality mayor shall be empowered to bring the action under Paragraph (1).

### **Article 171**

The aggrieved parties under Article 170 (2) and (3) herein may bring action against the offender for cessation of the violation and for remediation of the consequences of pollution occurred.

### **Article 172**

The consequences caused by transboundary environmental pollution shall be eliminated in pursuance of an international treaty whereto the Republic of Bulgaria is a party.

## **SUPPLEMENTARY PROVISIONS**

§ 1. Within the meaning of this Act:

1. "Environment" shall be a complex of natural and anthropogenic factors and media in a state of mutual dependence, which affect the ecological balance and the quality of life, human health, and cultural and historical heritage.
2. "Environmental protection" shall be a complex of activities intended to prevent degradation of the environment, the rehabilitation, conservation and improvement thereof.

3. "Natural resources" shall be the elements of biotic and abiotic nature used or useable by man to satisfy the needs thereof.
4. "Renewable resources" shall be the resources which naturally replenish themselves or which may be replenished in whole or in part by special activities and whose replenishability rates comparable to the rates of the exploitation thereof is regarded as proven. All other resources shall be non renewable.
5. "Environmental pollution" shall be the change in environmental quality as a result of the occurrence and introduction of physical, chemical or biological factors from a natural or anthropogenic source inside or outside Bulgaria, irrespective of whether the effective national limit values are exceeded.
6. "Environmental damage" shall be any modification of one or several of the media comprising the environment which leads to deterioration of the quality of human life, reduction of biological diversity, or difficult restoration of natural ecosystems.
7. "Available primary information" shall be the information presenting the results of measurements, tests, observations and other such activities not accompanied by analyses, forecasts and explanations, which is collected within the scope of the obligations of the competent administration, without being expressly requested by a person concerned.
8. "Available pre-processed information" shall be the information which is processed, summarized and analyzed within the scope of the obligation of the competent administration, without being expressly requested by a person concerned.
9. "Expressly processed information" shall be the information collected or processed, summarized and analyzed at the request of a person concerned.
10. "Collection of information" shall be the actions of the competent administrations and of the obligated natural and juristic persons, whereby the facts constituting primary information are measured, ascertained and observed and whereby the information is processed.
11. "Reporting of information" shall be the act of delivery of the information by the obligated person to the competent administration or to the competent authority.
12. "Provision of information" shall be the act whereby the parties concerned are granted access to the available information.
13. "Landscape" shall be an area whereof the specific aspect and elements have emerged as a result of actions and interactions between natural and/or human factors.
- 13a. (New, SG No. 32/2012, effective 24.04.2012) "Groundwater" shall be the water within the meaning given by Item 24 of § 1 of the Water Act.
14. (Amended, SG No. 32/2012, effective 24.04.2012) "Soil" shall be the top layer of the Earth's crust situated between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms.
15. "Soil functions" shall be:
  - a) basis for life and living space for human beings, animals, plants and soil organisms;
  - b) an element of the natural balance, especially with the hydrological and nutrient cycles thereof.
16. "Harmful soil modifications" shall be the disturbance of the soil functions causing significant harm and damage to the individual and to the community in general:
  - a) chemical pollution in excess of the maximum permissible quantities with heavy metals and metaloids, resistant organic pollutants, pesticides and oils, including salinization and acidification;
  - b) pollution with fresh fertilizer residues and concentrated mineral fertilizers, as well as with various types of waste;
  - c) physical degradation, such as water and wind erosion with the anthropogenic aspects thereof, waterlogging and swamping, consequences of burning of stubble and plant residue.
17. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) "Development proposal" shall be:
  - (a) a proposal for the execution of construction works or building installations or schemes;

(b) other interventions in the natural surroundings and landscape, including those involving the extraction of mineral resources.

18. "Impact" shall be any direct effect on the environment that may be caused by the implementation of a development proposal for construction, activity or technology, including the effect on human health and safety, flora, fauna, soil, air, water, climate, landscape, historical monuments and other physical structures or the interaction among these factors.

19. "Transboundary impact" shall be any impact, not exclusively of a global nature, within an area under the jurisdiction of a country, caused by a proposed activity the physical origin whereof is situated wholly or in part within an area under the jurisdiction of another country.

20. (Amended, SG No. 77/2005) "Initiator of a development proposal" shall be a public authority, a natural or a legal person, who or which, according to the procedure of a special law, a statutory instrument or administrative act, has rights to initiate a development proposal or to apply for approval of a development proposal.

21. (Amended, SG No. 77/2005) "Initiator of a plan or programme" shall be the person or the authority who or which is empowered to commission the preparation of the said plan or programme.

22. "Plans and programmes" shall be plans, programmes, strategies and other similar documents, as well as the alterations thereof, which:

a) are required by statutory, regulatory or administrative provisions;

b) are subject to preparation and/or adoption by a public authority at national, regional or local level or are prepared by a competent authority for adoption according to a procedure approved by the Council of Ministers or the National Assembly.

23. "States concerned in a transboundary context" shall be the Party of origin of an environmental impact and the other Parties to the Convention on Environmental Impact Assessment in a Transboundary Context affected by the said impact.

24. "Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.

25. (Supplemented, SG No. 77/2005) "The public concerned" shall be the public referred to in Item 24, which is affected or is likely to be affected by, or which has an interest in, the procedures for approval of plans, programmes, development proposals, and in the decision-making process on the granting or updating of permits according to the procedure established by this Act, or in the conditions set in the permits, including the non-governmental organizations promoting environmental protection which are established in accordance with national legislation.

26. "Zero alternative" shall be the possibility not to implement the activity provided for in the development proposal.

27. "Non-technical summary" shall be a brief presentation of the information in the EIA statement in a language comprehensible to the general public of a length not less than 10 per cent of the length of the statement and containing the requisite visuals (maps, photographs, charts).

28. (Amended, SG No. 77/2005, repealed, SG No. 47/2009, effective 23.06.2009).

29. (Amended, SG No. 77/2005, SG No. 103/2009, supplemented, SG No. 62/2015, effective 14.08.2015) "Facility" shall be a technical entity within an establishment, whether on ground or underground, in which dangerous substances are produced, used, handled or stored. It shall include all the equipment, structures, pipework, machinery, tools, private railway sidings (internal railway tracks), docks, unloading quays (port terminals) serving the facility, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the facility.

29a. (New, SG No. 77/2005, supplemented, SG No. 103/2009, amended, SG No. 62/2015, effective 14.08.2015) "Storage of dangerous substances" shall be the presence of a definite quantity of dangerous substances for the purposes of warehousing, safekeeping or maintaining in stock.

29b. (New, SG No. 77/2005, amended, SG No. 42/2022, effective 7.06.2022) "Domino effect" shall be the increase of the risk or aggravation of the consequences of a major accident at an establishment/facility or at a group of establishments/facilities because of the geographical proximity to another establishment/facility or to a group of establishments/facilities or consequent to the dangerous substances which are produced, used and/or stored within the area of the said establishment/facility.

29c. (New, SG No. 77/2005) "Establishments serving the public" shall be:

(a) (amended, SG No. 62/2015, effective 14.08.2015, SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019) creches and kindergartens and social and integrated health and social services for residential care for children, schoolchildren or elderly people, schools and higher schools, pupil and student dormitories, music, language and sports schools, and centres for work with children;

(b) (amended, SG No. 62/2015, effective 14.08.2015) medical-treatment and health-care facilities;

(c) (supplemented, SG No. 62/2015, effective 14.08.2015) amusement parks and sports grounds: stadiums and sports halls;

(d) theatres, cinemas, concert halls;

(e) (supplemented, SG No. 62/2015, effective 14.08.2015) railway stations, airports, ports, bus stations and car parks;

(f) (supplemented, SG No. 62/2015, effective 14.08.2015) office buildings and public buildings, including shopping centres and supermarkets.

29d. (New, SG No. 77/2005, amended, SG No. 42/2022, effective 7.06.2022) "Necessary measures to prevent major accidents" shall be the technical, organizational and managerial measures necessary for the safe operation of the establishment/facility.

29e. (New, SG No. 62/2015, effective 14.08.2015, repealed, SG No. 12/2017).

29f. (New, SG No. 62/2015, effective 14.08.2015) "Major transport routes" shall be the national roads under the Roads Act and the railway trunk lines and the Category I and II railway lines under the Railway Transport Act.

30. "Environmental impact assessment decision" shall be an individual administrative act of the competent authority covered under Article 94 herein whereby the admissibility of design of a development proposal under Item 17 is approved by means of assessment of the location (building site, road bed) of the sites and of the expected environmental impact on the basis of an EIA statement, taking into account the public opinion and the observations expressed by the public concerned.

30a. (New, SG No. 77/2005) "Environmental nuisances" shall be the disturbance and inconvenience created by the environmental factors, determined according to studies in this field.

31. (Amended and supplemented, SG No. 62/2015, effective 14.08.2015) "Establishment" shall be the whole area and the sites therein under the control of an operator, where dangerous chemical substances or preparations are present in one or more facilities, including common or related infrastructures or activities. Establishments/facilities are either lower-tier establishments/facilities or upper-tier establishments/facilities.

31a. (New, SG No. 62/2015, effective 14.08.2015) "Lower-tier establishment/facility" shall be an establishment/facility where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Annex 3 hereto but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex 3 hereto, where applicable using the summation rule laid down in note 4 to Annex 3 hereto.

31b. (New, SG No. 62/2015, effective 14.08.2015) "Upper-tier establishment/facility" shall be an establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex 3 hereto, where applicable using the summation rule laid down in note 4 to Annex 3 hereto.

31c. (New, SG No. 62/2015, effective 14.08.2015) "Neighbouring establishment/facility" shall be an establishment/facility that is located in such proximity to another establishment/facility so as to increase the risk or consequences of a major accident.

31d. (New, SG No. 62/2015, effective 14.08.2015) "New establishment/facility" shall be:

(a) (amended, SG No. 42/2022, effective 7.06.2022) an establishment/facility that enters into operation or is constructed, on or after the 1st day of June 2015, or

(b) (amended and supplemented, SG No. 42/2022, effective 7.06.2022) a site of operation that falls within the scope of Section I of Chapter Seven herein, or a lower-tier establishment/facility that as at or after 1 June 2015 due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances becomes an upper-tier establishment/facility or vice versa;

(c) a site of operation that falls within the scope of Section I of Chapter Seven herein, or a lower-tier establishment/facility that becomes an upper-tier establishment/facility or a lower-tier establishment/facility, on or after the 1st day of June 2015 for reasons other than those referred to in Littera (b).

31e. (New, SG No. 62/2015, effective 14.08.2015) "Existing establishment/facility" shall be an establishment/facility that on the 31st day of May 2015 falls within the scope of Section I of Chapter Seven herein and from the 1st day of June 2015 is an establishment/facility whose classification as a lower-tier establishment/facility or upper-tier establishment/facility remains unchanged.

31f. (New, SG No. 42/2022, effective 7.06.2022) "Other establishment/facility" shall mean a site of operation that falls within the scope of Chapter Seven, Section I, or a lower-tier establishment/facility which becomes an upper-tier establishment/facility, or vice versa, as at or after 1 June 2015 for reasons beyond those referred to in item 31d.

32. (Amended, SG No. 32/2012, effective 24.04.2012) "Substance" shall be any chemical element or compound with the exception of the substances which are sources of ionizing radiation within the meaning given by Item 15 of § 1 of the Safe Use of Nuclear Energy Act and Item 3 of § 1 of the Genetically Modified Organisms Act.

33. (Amended, SG No. 32/2012, effective 24.04.2012) "Industrial pollution" shall be any direct or indirect entry, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health or to the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.

34. (Supplemented, SG No. 46/2010, effective 18.06.2010, amended, SG No. 32/2012, effective 24.04.2012) "Installation" shall be any stationary technical facility within which:

(a) one or more of the activities listed in Annex 4 hereto are carried out;

(b) any other activities are carried out on the same site and which is directly associated and/or has a technical connection with the facilities referred to in Littera (a) and which could have an effect on emissions and pollution.

35. (Amended, SG No. 32/2012, effective 24.04.2012) "Existing installation" shall be any installation that is commissioned according to the procedure established by the Spatial Development Act.

36. (Amended, SG No. 46/2010, effective 18.06.2010, SG No. 22/2014, effective 11.03.2014) "Emission" shall be the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources within a specific installation into the ambient air, water or soil or the release of greenhouse gases from aircraft performing an aviation activity listed in Annexes No. 1 and No. 2 to the Climate Change Mitigation Act.

37. "Emission limit value" shall be the mass of a particular substance, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more pre-defined periods of time. Emission limit values may furthermore be established for certain groups, families or categories of substances.

38. "Environmental quality values" shall be the requirements as established in the statutory instruments regulating the environment which must be complied with at a given time by the environment or particular part thereof, such as values of harmful substance content in the ambient air, values of water quality in the water bodies, standards of the quality of the other environmental media, and permissible values of the factors polluting or damaging the environment.

39. (Amended and supplemented, SG No. 77/2005) "Integrated permit" shall be an individual administrative act granting authorization to operate all or part of a specific installation, subject to certain conditions which guarantee that the said installation complies with the requirements of Chapter Seven herein. A permit may cover one or more installations or parts of installations on the same site, are operated by the same operator, and some of which may not fall within the scope of Annex 4 hereto.

40. (Repealed, SG No. 98/2018, effective 27.08.2019).

41. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012, SG No. 98/2018, effective 27.08.2019) "Substantial change" shall be any change in the nature or functioning, or an extension, of an installation which may have significant negative effects on human health or on the environment. Any change to or increase of capacity shall be deemed to be substantial if the change or increase of capacity in itself meets the thresholds set out in Annex 4 hereto.

42. (Amended, SG No. 77/2005, SG No. 32/2012, effective 24.04.2012) "Best available techniques" (BAT) shall be the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) "techniques" shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(b) "available" techniques shall be techniques developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator;

(c) "best" shall be most effective in achieving a high general level of protection of the environment as a whole.

42a. (New, SG No. 32/2012, effective 24.04.2012) "BAT reference document" shall be a document which deals with defined activities and describes, in particular, applied techniques, present emissions and consumption of resources and substances, techniques evaluated for the determination of BAT, as well as BAT conclusions and any emerging techniques, giving special consideration to the criteria under the ordinance referred to in Article 119 herein and resulting from the exchange of information organized by the European Commission in order to draw up, review or update the said document.

42b. (New, SG No. 32/2012, effective 24.04.2012) "BAT conclusions" shall be a document containing a part of a BAT reference document laying down the conclusions on BAT, the description thereof, information to assess the applicability thereof, the emission levels associated with the BAT, the monitoring associated therewith, the consumption of resources and substances associated therewith and, where appropriate, relevant site remediation measures.

42c. (New, SG No. 32/2012, effective 24.04.2012) "BAT conclusion adopted by a decision of the European Commission" shall be a conclusion adopted in accordance with the comitology procedure after 7 January 2011.

42d. (New, SG No. 32/2012, effective 24.04.2012) "Emission levels associated with the BAT" shall be the emission levels obtained under normal operating conditions using the best available technique or a combination of BAT, as described in BAT conclusions, expressed as an average over a given period of time and under specified reference conditions.

42e. (New, SG No. 32/2012, effective 24.04.2012) "Emerging technique" shall be a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing BAT.

43. (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) "Operator" shall be any natural or legal person whereto any of the following characteristics applies:

(a) operates a particular establishment, facility and/or installation of his, her or its own, whether in whole or in part;

(b) controls the operation of a particular establishment, facility and/or installation, whether in whole or in part;

(c) manages and makes decisions concerning the present or future functioning of the establishment, facility and/or installation, whether in whole or in part.

43a. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43b. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43c. (New, SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43d. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43e. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43f. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43g. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43h. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43i. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43j. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

43k. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43l. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43m. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43n. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43o. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

43p. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

44. (Amended, SG No. 32/2012, effective 24.04.2012) "Organisation" shall be a company, corporation, firm, enterprise, authority or institution or part or combination thereof, whether registered as a legal person or not, public or private, which has its own functions and administration.

45. (Repealed, SG No. 32/2012, effective 24.04.2012, new, SG No. 62/2015, effective 14.08.2015) "Mixture" shall be a mixture or solution composed of two or more substances.

46. (Repealed, SG No. 32/2012, effective 24.04.2012, new, SG No. 62/2015, effective 14.08.2015) "Presence of dangerous substances" shall be the actual or anticipated presence of dangerous substances in the establishment/facility, or of dangerous substances which it is reasonable to foresee may be generated during loss of control of the processes, including storage activities, in any of the facilities within the establishment, in quantities equal to or exceeding the qualifying quantities set out in Part 1 or Part 2 of Annex 3 hereto.

47. "Affixation of lead seals" shall be the placing of a lead seal by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

48. "Affixation of paper tapes" shall be the placing of a paper tape bearing the impression of an ink stamp by the controlling authority for the purpose of restricting the access of persons to properties and facilities.

49. "Environmental damage resulting from past act or omission" shall be old pollution of sites or building structures on industrial sites with dangerous substances and waste generated by industrial, agricultural, commercial or transport activity posing a hazard to human health or to the environment.

50. "Sustainable development" shall be development meeting the needs of the present without limiting or compromising the ability and capacity of future generations to meet their own needs. Sustainable development shall combine the two main aspirations of society:

a) achievement of economic growth ensuring improving living standards;

b) present and future protection and improvement of the environment.

51. "Accident" shall be a sudden technological failure of machines, facilities and units involving stopping or serious disturbance of the technological process, explosions, occurrence of fire, excessive environmental pollution, destruction, casualties or hazard to human life and public health.

52. "Environmental monitoring" shall be the collection, evaluation and summarizing of environmental information by means of continuous or periodic observation of certain qualitative and quantitative indicators characterizing the state of the environmental media and the changes therein resulting from the impact of natural and anthropogenic factors.

53. "National Environmental Monitoring System" shall be a complex of measurement, analytical and information activities intended to provide timely and reliable information on the state of the environmental media and the factors impacting the said media, which is used for analyses, assessments and forecasts to justify activities to conserve and protect the environment and human health against harmful impacts.



53a. (New, SG No. 77/2005, amended, SG No. 103/2009, repealed, SG No. 62/2015, effective 14.08.2015).

54. (Amended, SG No. 77/2005, SG No. 103/2009, SG No. 32/2012, effective 24.04.2012) "Hazardous substance/dangerous" shall be:

(a) for the purposes of Section II of Chapter Seven herein: a substance or a mixture within the meaning given by Article 3 of Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006 (OJ L 353/1 of 31 December 2008);

(b) (amended, SG No. 62/2015, effective 14.08.2015) for the purposes of Section I of Chapter Seven herein: any substance or mixture classified under one or more of the hazard categories listed in Part 1 of Annex 3 hereto or named in Part 2 of Annex 3 hereto, including in the form of a raw material, product, by-product, residue or intermediate, including a substance which may be generated as a result of a side reaction or upon occurrence of an accident.

54a. (New, SG No. 77/2005, amended, SG No. 103/2009, SG No. 62/2015, effective 14.08.2015) "Major accident" shall be the occurrence of a major emission, fire or explosion resulting from uncontrolled developments in the course of the operation of any establishment or facility within the scope of Section I of Chapter Seven herein, and leading to serious danger to human health and/or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances classified under one or more one or more of the hazard categories listed in Part 1 of Annex 3 hereto or named in Part 2 of Annex 3 hereto.

54b. (New, SG No. 77/2005, repealed, SG No. 62/2015, effective 14.08.2015).

54c. (New, SG No. 62/2015, effective 14.08.2015) "Hazard" shall be the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health and/or the environment.

54d. (New, SG No. 62/2015, effective 14.08.2015) "Chemical substance hazard" shall be a characteristic property of a dangerous substance from which a potential for damaging human health and/or the environment arises in the physical situation in which the substance is found.

54e. (New, SG No. 62/2015, effective 14.08.2015) "Risk" shall be the likelihood of a specific effect occurring within a specified period or under specified conditions.

55. "Integration of national environmental policy into sectoral policies" shall mean the reckoning with, and incorporation of, the environmental protection requirements into the process of development, application and enforcement of the sectoral policies as defined in Article 9 herein.

56. "Good agricultural practice" shall be the agricultural practice which is based on the principles of sustainable development.

57. "Areas placed under a special regime of protection" shall be areas where special protective measures are introduced for rare species of flora and fauna and for the habitats thereof.

58. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014).

59. (New, SG No. 77/2005, amended, SG No. 22/2014, effective 11.03.2014) "Greenhouse gases" shall mean greenhouse gases within the meaning of § 1, item 41 of the additional provisions of the Climate Change Mitigation Act.

60. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014).

61. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014).

62. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014).

62a. (New, SG No. 32/2012, effective 24.04.2012, repealed, SG No. 22/2014, effective 11.03.2014).

63. (New, SG No. 77/2005, repealed, SG No. 22/2014, effective 11.03.2014).

64. (New, SG No. 99/2006, repealed, SG No. 22/2014, effective 11.03.2014).

65. (New, SG No. 103/2009) "Incremental sanction" shall be a sanction the amount of which increases progressively in time in

the presence of legally established prerequisites for this and on the basis of an objectively determined calculation formula.

66. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

67. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

68. (New, SG No. 46/2010, effective 18.06.2010, repealed, SG No. 22/2014, effective 11.03.2014).

69. (New, SG No. 42/2011, repealed, SG No. 22/2014, effective 11.03.2014).

70. (New, SG No. 32/2012, effective 24.04.2012) "Baseline report" shall be information on soil and groundwater contamination by relevant hazardous substances.

71. (New, SG No. 32/2012, effective 24.04.2012, supplemented, SG No. 62/2015, effective 14.08.2015) "Environmental inspection" shall be all actions, including site visits, monitoring of emissions and checks of internal reports and of follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation, undertaken by the control authority for the purpose of checking and promoting compliance with permit and decision conditions and, where necessary, monitoring the environmental impact of installations.

71a. (New, SG No. 42/2022, effective 7.06.2022) "Inspection pursuant to Chapter Seven, Section I" shall mean all actions, including site visits, checks of internal measures, systems and reports, and subsequent documents, as well as all necessary subsequent actions taken by or on behalf of the competent authority with a view to checking and promoting the compliance of establishments/facilities with the requirements of Chapter Seven, Section I.

72. (New, SG No. 32/2012, effective 24.04.2012) "Poultry" shall be fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants, partridges and ratite species (ostriches, emus, kiwis and other such) reared or kept in captivity for breeding, the production of meat or eggs for consumption, or for re-stocking supplies of game.

73. (New, SG No. 32/2012, effective 24.04.2012) "Unconventional hydrocarbons" shall be natural hydrocarbons from geological formations with low hydrocarbons content, low porosity and low, or very low permeability, whereof the extraction requires resort to technologies for additional intervention with the geological formations containing such hydrocarbons.

74. (New, SG No. 12/2017) "Environmental impact assessment" shall mean a process consisting of:

a) the preparation of an EIA report by the developer of the development proposal, as referred to in Articles 95 and 96;

b) the carrying out of consultations as referred to in Articles 95, 97, and, where relevant, Article 98;

c) the examination by the competent authority of the information presented in the EIA report and any supplementary information provided, where necessary, by the developer of the development proposal in accordance with Article 96, and any relevant information received through the consultations under Articles 96, 97, and, where relevant, Article 98;

d) the reasoned conclusion by the competent authority on the significant effects of the development proposal on the environment, taking into account the results of the examination referred to in Articles 96, 97, and, where relevant, Article 98, and, its own supplementary examination;

e) the integration of the competent authority's reasoned conclusion into the decision referred to in Article 99.

75. (New, SG No. 12/2017) "Cumulative impacts" shall mean environmental impacts resulting from augmenting the effect of the assessed plan, programme, project and development proposal, where to the effect of other past, present and/or anticipated future plans, programmes, projects and development proposals is added, irrespective of who has implemented the said plans, programmes, projects and development proposals. Cumulative impacts may result from individual plans, programmes, projects and development proposals which, when considered on their own, have an insignificant effect but, when considered in aggregate and recurrently implemented over a definite period, have a significant effect.

76. (New, SG No. 76/2017) "Work of strategic importance" shall mean any project included in the Energy Strategy of the Republic of Bulgaria until 2020 for Reliable, Efficient and Cleaner Energy or in an Integrated Transport Strategy for the Period Ending 2030.

77. (New, SG No. 42/2022, effective 7.06.2022) "Waste recovery" shall mean recovery within the meaning given by Item 13 of § 1 of the Supplementary Provisions of the Waste Management Act.

**§ 2.** In cases where this Act requires notification or announcement and where no express rules or the application of expressly established procedure is provided for this, any such notification or announcement, as the case may be, shall follow the procedure established by the Code of Civil Procedure.

**§ 2a.** (New, SG No. 103/2009, amended, SG No. 46/2010, effective 18.06.2010, SG No. 62/2015, effective 14.08.2015) This Act transposes the provisions of Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197/1 of 24 July 2012).

**§ 2b.** (New, SG No. 42/2011) This Act transposes the requirements of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OJ L 140/88 of 5 June 2009).

**§ 2c.** (New, SG No. 32/2012, effective 24.04.2012) This Act transposes the provisions of Chapters I and II and Annexes I and II to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334/17 of 17 December 2010).

**§ 2d.** (New, SG No. 12/2017) This Act implements the requirements of Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ, L 124/1 of 25 April 2014).

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 3.** The Environmental Protection Act (promulgated in the State Gazette No. 86 of 1991, amended in No. 90 of 1991; No. 100 of 1992; Nos. 31 and 63 of 1995; Nos. 13, 85 and 86 of 1997; No. 62 of 1998; Nos. 2 and 67 of 1999; Nos. 26, 27 and 28 of 2000; Nos. 1 and 26 of 2001) is hereby superseded.

**§ 4.** The secondary legislative acts for the application of this Act shall be issued within six months after the entry of the said Act into force.

**§ 5.** Until the issuance of the respective new secondary legislative acts, the secondary legislative acts issued in pursuance of the Environmental Protection Act as superseded shall apply in so far as they do not conflict this Act.

**§ 6.** Until the adoption of legislative acts on the activities covered under Article 144 (1) herein, methodologies and instructions of the Minister of Environment and Water shall apply.

**§ 7.** Within six months after the entry of this Act into force, the operators of installations falling within the scope of activities listed in Annex 4 hereto shall be obliged to give notification in writing of this fact to the Ministry of Environment and Water.

**§ 8.** (Amended, SG No. 105/2005) Any delinquent fees, fines and sanctions under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act and the Clean Ambient Air Act shall be collected with interest on taxes, fees and other such state receivables according to the procedure established by the Tax and Social Insurance Procedure Code.

**§ 9.** (Amended, SG No. 52/2008) (1) Upon privatization, the liability for damage caused to the environment and resulting from past acts or omissions shall be incurred by the privatized corporations or owners of self-contained parts concerned and the restoration of the environment shall be for the account thereof.

(2) (Amended and supplemented, SG No. 42/2011, supplemented, SG No. 32/2012, effective 24.04.2012, amended, SG No. 81/2019, effective 15.10.2019, supplemented, SG No. 42/2022, effective 7.06.2022) Any contracts for implementation of programmes for elimination, upon privatization, of damage caused to the environment and resulting from past acts or omissions, which have been concluded before the 15th day of December 2007, shall be performed according to the hitherto effective procedure. Where necessary, any such contracts may be amended or supplemented with regard to the possibilities for implementation of the programmes. The programmes shall be implemented according to this procedure not later than the 31st day of December 2025, and all programmes which have not started and/or whereof the implementation is not completed shall be terminated after that date. The completion of programmes not implemented after 31 December 2025 shall be the

responsibility and for the account of the buyer in the privatisation deal and the privatised undertaking and/or their successors.

(3) (New, SG No. 42/2011) Upon termination of any contract referred to in Paragraph (2), the programme shall be completed under the terms and according to the procedure established by the Ordinance on the Terms and Procedure for Determination of the Liability of the State and for Elimination, upon Privatization, of Damage Caused to the Environment as a Result of Past Acts or Omissions, adopted by Council of Ministers Decree No. 173 of 2004 (promulgated in the State Gazette No. 66 of 2004; corrected in No. 114 of 2004; amended in No. 65 of 2007).

**§ 10.** (1) Within one year after the entry of this Act into force, the municipality mayors shall elaborate the programmes referred to in Article 79 (1) herein.

(2) Item 1 of Article 81 (1), Article 81 (3), Article 82 (1) and (4), and Section II of Chapter Six herein shall enter into force on the 1st day of July 2004.

(3) Until the entry into force of the provisions specified in Paragraph (2), EIA of the national, functional-regional and administrative-regional development plans and programmes, the spatial-development plans and the modifications thereof shall be conducted according to a procedure established by a regulation of the Minister of Environment and Water.

**§ 10a.** (New, SG No. 77/2005) The classification of existing establishments and/or installations for safe disposal of liquid waste, tailings ponds or slime ponds containing dangerous substances, as well as the classification of existing establishments and/or installations whereof the activities are concerned with prospecting, exploration for, extraction and processing of subsurface resources by means of chemical or thermal treatment whereupon dangerous substances are used, shall be carried out not later than the 31st day of December 2006.

**§ 11.** (1) The requirement for granting of an integrated permit under Chapter Seven herein shall apply to:

1. new and, in the event of change of production activities, existing installations and facilities: as from the 1st day of January 2003;

2. existing installations and facilities: during the period commencing on the 1st day of January 2003 and concluding on the 30th day of October 2007.

(2) (Amended, SG No. 77/2005) The deadline for compliance with the conditions set in the integrated permits as granted for existing installations shall be the 31st day of October 2007, with the exception of the cases in which another special law in the sphere of environmental protection or the Treaty concerning the Accession of the Republic of Bulgaria to the European Union provides otherwise.

(3) (New, SG No. 77/2005, amended, SG No. 82/2009) For separate units of a specific existing large combustion plant, the deadline for compliance with the conditions set in the integrated permits as granted may be extended until the 31st day of December 2014, where the said large combustion plant does not burn local lignite coal and, by a decision of the Minister of Economy, Energy and Tourism or of an official authorized thereby, the said plant is obligated to compensate part or all of the production of the decommissioned nuclear capacities and where compliance with the deadline referred to in Paragraph (2) would lead to insurmountable difficulties for fulfilment of the production obligations of the said plant to maintain the national energy balance.

**§ 11a.** (New, SG No. 77/2005, repealed, SG No. 32/2012, effective 24.04.2012).

**§ 12.** (Repealed, SG No. 86/2003, new, SG No. 99/2006, amended, SG No. 46/2010, effective 18.06.2010) Article 131h (9) and Article 131l (1) herein shall apply until the 31st day of December 2012.

**§ 12a.** (New, SG No. 47/2009, effective 23.09.2009) (1) (Previous text of § 12a, SG No. 53/2012, effective 13.07.2012) The time limit referred to in Article 99 herein shall start to run as from the date of entry into effect of the EIA decisions and shall furthermore refer to the decisions issued prior to the entry into force of the Act to Amend and Supplement the Environmental Protection Act (State Gazette No. 77 of 2005).

(2) (New, SG No. 53/2012, effective 13.07.2012, amended, SG No. 62/2015, effective 14.08.2015, SG No. 12/2017) The period referred to in Article 93 (8) herein shall start from the date of entry into effect of the decision referred to in Article 93 (2) and (3) herein and shall furthermore apply to such decisions issued prior to the 1st day of July 2012.

**§ 12b.** (New, SG No. 47/2009, effective 23.06.2009) (1) The EIA decisions by which development proposals have been

approved according to the procedure established by the Environmental Protection Act as superseded (promulgated in the State Gazette No. 86 of 1991; corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 and 86 of 1997, No. 62 of 1998, Nos. 12 and 67 of 1999, Nos. 26, 27 and 28 of 2000, Nos. 1 and 26 of 2001; repealed in No. 91 of 2002) and according to the procedure established by this Act, wherein there are no changes of the development proposal and the construction whereof has not been completed as of this Act's entry into force, at the request of the competent authority and/or of the initiator shall be subject to review and evaluation for information updating in the analyses and assessments performed in the EIA documentation.

(2) The procedure shall commence by consultations between the competent authority and the initiator for specifying the scope and contents of the information whereby the EIA statement needs to be supplemented. Having specified these, the procedure shall proceed according to the procedure established by Articles 96 to 98 and Article 99 (1) herein.

(3) Within one month after conduct of the public discussion, the competent authority shall make a decision, taking into account the results thereof, whereby it shall:

1. confirm the EIA decision, or

2. amend and supplement the EIA decision with conditions for implementation, including measures to prevent, mitigate or eliminate significant adverse effects on the environment, as well as deadlines for compliance, where necessary.

(4) (Amended, SG No. 103/2009) In the cases where measures and conditions in an EIA decision are changed by an effective decision under Item 2 of Paragraph (3) and where a compatibility assessment procedure has been conducted according to the procedure established in § 14 of the Biological Diversity Act, if necessary the competent authority may, acting on its own initiative, amend and/or supplement the compatibility assessment decision with conditions to ensure the conservation of protected areas, requirements and measures to prevent, mitigate or eliminate as fully as possible the assumed adverse effects of the implementation of the development proposal.

(5) (New, SG No. 103/2009) In the cases referred to in Paragraph (4), the competent authority shall pronounce by a decision within one month after the entry into effect of the decision referred to in Item 2 of Paragraph (3).

(6) (New, SG No. 103/2009) Any appeal lodged against decisions referred to in Paragraphs (3) and (5) shall not stay the implementation thereof.

(7) (New, SG No. 103/2009) In case of a commenced procedure under Paragraph (1) in which no compatibility assessment procedure has been conducted or concluded for the development proposal under consideration, Article 31 (4) of the Biological Diversity Act shall apply.

**§ 13.** The Protection Against the Harmful Impact of Chemical Substances and Preparations Act (promulgated in the State Gazette No. 10/2000) shall be amended as follows:

1. Chapter Four shall be repealed.

2. Article 31 shall be repealed.

**§ 14.** (Effective 1.01.2003 - SG No. 91/2002) The Clean Ambient Air Act (promulgated in the State Gazette No. 45 of 1996, amended in No. 49 of 1996; No. 85 of 1997; No. 27 of 2000; No. 102 of 2001) shall be amended as follows:

1. In Article 27:

a) in Paragraph (1), the words "the municipal authorities shall prepare and adopt" shall be replaced by "the municipality mayors shall elaborate, and the Municipal Councils shall adopt";

b) Paragraph (2) shall be amended to read as follows:

"(2) The programmes referred to in Paragraph (1) shall be an integral part of the municipal environmental programmes referred to in Article 79 of the Environmental Protection Act."

2. In the title of Chapter Six, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

3. In Paragraphs (1) and (3) of Article 31, the words "National Environmental Protection Fund" shall be replaced by

"Enterprise for Management of Environmental Protection Activities".

4. In Paragraphs (1) and (3) of Article 32, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

5. In Paragraphs (1) and (2) of Article 33, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

6. In Article 44, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

7. Paragraph 4b shall be repealed.

**§ 15.** (Effective 1.01.2003 - SG No. 91/2002) The Protected Areas Act (promulgated in the State Gazette No. 133 of 1998, amended in No. 98 of 1999; Nos. 28, 48 and 78 of 2000; No. 23 of 2002) shall be amended as follows:

1. In Article 74:

a) in Paragraph (1), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

b) Paragraph (4) shall be amended to read as follows:

"(4) The resources covered under Paragraph (1) shall be expended according to the Rules of Operation of the Enterprise for Management of Environmental Protection Activities."

2. In Article 86:

a) in Item 1 of Paragraph (2), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities";

b) in Paragraph (4), the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

**§ 16.** (Effective 1.01.2003 - SG No. 91/2002) Paragraph (1) of Article 25 of the Medicinal Plants Act amended in No. 23 of 2002) shall be amended as follows:

1. In Item 2, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

2. In Item 3, the words "the respective Municipal Environmental Protection Fund" shall be replaced by "the respective municipal budget".

**§ 17.** (Effective 1.01.2003 - SG No. 91/2002) The Water Act (promulgated in the State Gazette No. 67 of 1999, amended in No. 81 of 2000; Nos. 34, 41 and 108 of 2001; No. 47 of 2002) shall be amended as follows:

1. In Article 196:

a) the words "shall be credited to a special analytical subaccount of the National Environmental Protection Fund" shall be replaced by "shall be credited to the Enterprise for Management of Environmental Protection Activities shall be";

b) Item 6 shall be repealed.

2. In Article 197:

a) in Paragraph (1), the words "The resources on the analytical subaccount shall be disbursed on" shall be replaced by "The resources covered under Article 196 herein shall be expended on";

b) Paragraph (2) shall be amended to read as follows:

"(2) The resources covered under Article 196 herein shall be expended in accordance with the Rules of Operation of the Enterprise for Management of Environmental Protection Activities."

3. In Paragraph (4) of Article 199, the words "National Environmental Protection Fund" shall be replaced by "Enterprise for Management of Environmental Protection Activities".

§ 18. (1) The provisions of Articles 60 to 64, Items 1 and 4 of § 12, and § 14 to 17 incl. herein shall enter into force on the 1st day of January 2003.

(2) Until the entry into force of the provisions referred to in Paragraph (1), the activity of the National Environmental Protection Fund shall be carried out in accordance with the provisions of § 9 and Annex 7 to § 9 of the 2002 National Budget of the Republic of Bulgaria Act.

§ 19. (New, SG No. 46/2010, effective 18.06.2010) Where in the first two years of any period referred to in Article 131b (4) herein, none of the attributed aviation emissions from flights performed by an aircraft operator are attributed to the administering Member State of the said operator according to Item 43c (b) of § 1 of the Supplementary Provisions herein, the aircraft operator shall be transferred to another administering Member State in respect of the next period. The new administering Member State shall be the Member State with the greatest estimated attributed aviation emissions from flights performed by that aircraft operator during the first two years of the previous period.

§ 20. (New, SG No. 46/2010, effective 18.06.2010) Article 131h (6) herein shall apply in respect of aircraft operators for the period indicated in Item 1 of Article 131b (4) herein.

TRANSITIONAL AND FINAL PROVISIONS

to the Waste Management Act

(Promulgated, SG No. 86/2003)

§ 13. The Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002) shall be amended as follows:

1. The words "the Limitation of the Harmful Impact of Waste on the Environment Act" shall be replaced passim by "the Waste Management Act".

ACT to Amend and Supplement the Environmental Protection Act

(Promulgated, SG No. 77/2005)

Supplementary Provision

§ 103. Throughout the Act, the words "alteration" and "the alteration" shall be replaced, respectively, by "modification" and "the modification", and the words "project client" and "the project client" shall be replaced, respectively, by "initiator" and "the initiator".

Transitional and Final Provisions

§ 104. The first National Allocation Plan for Greenhouse Gas Emission Allowance Trading, referred to in Article 77a (1) (of the Environmental Protection Act), shall be one-year and shall cover the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 105. Emission reduction units and certified emission reduction units shall be used in the greenhouse gas emission allowance trading scheme as from the 1st day of January 2008.

§ 106. (1) The Minister of Environment and Water shall be the competent authority on the part of the Republic of Bulgaria

responsible for the implementation of the Environment 2007 - 2013 Operational Programme, co-financed by the Cohesion Fund and the Structural Funds of the EU.

(2) The Minister of Environment and Water may assign fulfilment of specific tasks in connection with the responsibilities referred to in Paragraph (1) to intermediate units.

(3) The intermediate units under the Environment 2007-2013 Operational Programme shall be established by a decision of the Council of Ministers on a motion by the Minister of Environment and Water.

§ 107. The pecuniary penalty referred to in Article 164a (of the Environmental Protection Act) shall amount to BGN 80 for the period commencing on the 1st day of January 2007 and concluding on the 1st day of January 2008.

§ 108. The Council of Ministers shall adopt the ordinances covered under Article 131k (of the Environmental Protection Act) within one year after the entry of this Act into force.

§ 109. The fees, fines and penalties due at the time of entry of this Act into force under this Act, the Water Act, the Waste Management Act, the Medicinal Plants Act, the Protected Areas Act, the Clean Ambient Air Act and the Protection against the Harmful Impact of Chemical Substances and Preparations Act shall be collected according to the procedure established by Article 72a (of the Environmental Protection Act).

§ 110. As from the date of entry into force of this Act, temporary values, within the meaning given by Articles 10 and 10a of the Clean Ambient Air Act, may not be endorsed for existing installations and facilities for which an integrated permit is required.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 65/2006, effective 11.08.2006)

§ 4. Applications for granting of permits under Article 131 (c), paragraph 1 for existing installations shall be submitted by 30 September 2006.

§ 5. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of Item 1 of § 1 herein, in respect of the provision of Item 9 of Article 11 (1) of the Environmental Protection Act, which shall enter into force as from the day of entry into force of the Treaty concerning the Accession of the Republic of Bulgaria to the European Union.

TRANSITIONAL AND FINAL PROVISIONS

to the Act amending and supplementing the Fisheries and Aquaculture Act

(SG No. 36/2008)

.....

§ 84. Everywhere in the Environmental Protection Act (promulgated, State Gazette No. 91/2002, corrected, SG No. 98/2002, amended, SG No. 86/2003, supplemented, SG No. 70/2004, SG No. 74/2005, amended and supplemented, SG No. 77/2005, amended, SG No. 88/2005, SG No. 95/2005, amended and supplemented, SG No. 105/2005, amended, SG No. 30/2006, amended and supplemented, SG No. 65/2006, amended, SG No. 82/2006, supplemented, SG No. 99/2006, amended, SG No. 102/2006, SG No. 105/2006, SG No. 31/2007, SG No. 41/2007, amended and supplemented, SG No. 89/2007) the words "minister of agriculture and forestry" shall be replaced by "minister of agriculture and food supply".

.....

SUPPLEMENTARY PROVISION

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 52/2008)



§ 37. In the Act the words:

1. "the Minister of Environment and Water or an official authorized thereby", "the Minister of Environment and Water or officials authorized thereby" and "the Minister of Environment and Water, the authorities covered under Paragraph (2) or officials authorized thereby" shall be replaced passim, respectively, by "the Minister of Environment and Water or a person empowered thereby", "the Minister of Environment and Water or persons empowered thereby" and "the Minister of Environment and Water, the authorities covered under Paragraph (2) or persons empowered thereby";

2. "the Ministry of State Policy for Disasters and Accidents", "the Minister of State Policy for Disasters and Accidents" and "the Minister of Agriculture and Food Supply" shall be replaced passim, respectively, by "the Ministry of Emergency Situations", "the Minister of Emergency Situations" and "the Minister of Agriculture and Food".

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 105/2008)

.....

§ 11. Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

ACT to Amend and Supplement

to the Ministry of Interior Act

(State Gazette No. 93/2009, effective 24.12.2009)

.....

Supplementary Provision

§ 59. (Effective 24.11.2009 - SG No. 93/2009) This Act introduces:

1. The Convention on the establishment of a European Police Office (Europol) adopted on 26 July 1995 (ratified by law, State Gazette No. 105 of 2006) ([Convention] not promulgated) and Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.

## Transitional and Final Provisions

§ 60. Upon entry into force of this Act, the existing civil service relationships of civil servants employed in the Ministry of Interior shall be retained according to Article 87a of the Civil Servants Act.

§ 61. Upon entry into force of this Act, the existing employment relationships of persons working in the Ministry of Interior under employment contracts shall not be terminated according to with Article 123 of the Labour Code.

§ 62. (Effective 24.11.2009 - SG No. 93/2009) Incumbent investigating police officers, who do not comply with the requirements of Article 217 (1) [of the Ministry of Interior Act], shall perform the investigation functions assigned thereto in the course of two years after the entry into force of this Act.

§ 63. (Effective 24.11.2009 - SG No. 93/2009) The Ministry of Interior shall be a successor to the assets, liabilities, rights and obligations of the Ministry of Emergency Situations, rendered defunct by the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), as well as of any documents which are not subject to archiving according to the procedure established by the National Archives Stock Act.

§ 64. (Effective 24.11.2009 - SG No. 93/2009) The following persons shall be appointed to the Ministry of Interior without a competition held to this effect and without meeting the specific requirements of Item 4 of Article 179 (1) and Article 179 (3) [of

the Ministry of Interior Act]: civil servants employed under civil service relationships and employees employed under employment relationships with the Minister of Emergency Situations, who perform functions related to disaster protection and ensuring citizens' access to the emergency response services via the National Emergency Call System Employing the Single European Number "112" at the date of entry into force of the National Assembly Resolution adopting the structure of the Council of Ministers of the Republic of Bulgaria (State Gazette No. 60 of 2009), which rendered the Ministry of Emergency Situations defunct.

§ 65. (Effective 24.11.2009 - SG No. 93/2009) Until 31 December 2009, the employees referred to in § 64 herein shall be paid the remunerations, supplements and clothing allowances as set according to the hitherto effective procedure.

§ 66. (Effective 24.11.2009 - SG No. 93/2009) Upon entry into force of this Act, the existing civil service relationships of civil servants and the employment relationships of the persons working in the Special Courier Service under employment contracts shall not be terminated but shall be transformed, accordingly, into civil service or employment relationships of employees of the Ministry of the Interior, whereby the persons concerned shall be appointed to the same positions which they held at the time of transformation of the legal relations.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 103/2009)

.....

§ 34. (1) Within three months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

(2) The statutory instruments of secondary legislation issued until the entry of this Act into force, which do not conflict with this Act, shall retain the effect thereof.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(SG No. 46/2010, effective 18.06.2010, amended, SG No. 42/2011)

.....

§ 38. (1) Within six months after the entry into force of this Act, the Council of Ministers shall adopt the requisite amendments to the ordinances referred to in Items 1, 2, 3 and 5 of Article 131k [of the Environmental Protection Act].

(2) (Repealed, SG No. 42/2011).

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§ 40. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, State Gazette No. 42/2011)

§ 26. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the ordinance referred to in Article 131t (2) [of the Environmental Protection Act].

§ 27. Within six months after the entry into force of this Act, the Minister of Environment and Water shall issue the methodology referred to in Article 131r (4) [of the Environmental Protection Act], acting in consultation with the Minister of Economy, Energy and Tourism and with the Minister of Agriculture and Food.

§ 28. (1) Until the 31st day of December 2012, allowances for new entrants in the greenhouse gas emission allowance trading scheme shall be issued on the basis of a decision on allocation of allowances for new entrants of the Inter-departmental Working Group coordinating the implementation of the National Allocation Plan for Greenhouse Gas Emission Allowance Trading for the 2008 - 2012 Period and an order issued by the Minister of Environment and Water on allocation of allowances to the new entrant concerned.

(2) The Inter-departmental Working Group referred to in Paragraph (1) shall act pursuant to the Methodological Directions endorsed by Order No. RD-396 of the Minister of Environment and Water of 23 April 2010.

§ 29. The reports referred to in Article 131i (8) [of the Environmental Protection Act] for the period from the 1st day of January 2005 to the 31st day of December 2010 shall be presented at the Executive Environment Agency on or before the 15th day of July 2011.

§ 30. The provision of Article 97 (2) [of the Environmental Protection Act] shall furthermore apply to any EIA procedures which are not completed until the entry into force of this Act.

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§ 32. The provision of Article 131r (3) [of the Environmental Protection Act] shall enter into force as from the 1st day of September 2011, and the provision of Article 131t [of the Environmental Protection Act] shall enter into force as from the 1st day of January 2012.

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(Promulgated, SG No. 32/2012, effective 24.04.2012)

§ 89. (1) Any procedures according to the procedure established by Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act, shall be completed under the terms and according to the procedure established by this Act with the exception of such procedures as are at a stage after consultations on the determination of the scope of an EIA or of an environmental assessment, as the case may be, which shall be completed according to the hitherto effective procedure.

(2) In respect of any procedures according to the procedure established by Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act, in which the competent authority has been changed, the entire documentation shall be delivered ex officio to the new competent authority within thirty days after the entry into force of this Act with the exception of the cases where:

1. the EIA procedure is at a stage after holding a public discussion meeting;
2. the procedure for evaluation of the need of conduct of EIA is at a stage after the submission of a request for evaluation.

(3) In the cases referred to in Items 1 and 2 of Paragraph (2), the procedures shall be completed by the competent authority which has commenced the procedure.

§ 90. Within six months after the entry into force of this Act, the Council of Ministers shall adopt the requisite revisions of the statutory instruments of secondary legislation on the application thereof.

§ 91. (Effective 1.01.2013 - SG No. 32/2012) (1) The procedures for the granting of a permit referred to in Article 104 (1) [of the Environmental Protection Act] for upper-tier establishments, which have been commenced prior to the 1st January 2013, shall be completed according to the hitherto effective procedure.

(2) The procedures for the granting of a permit referred to in Article 104 (1) [of the Environmental Protection Act] for lower-tier establishments, which have been commenced prior to the 1st January 2013, shall be terminated by a decision of the Minister of Environment and Water.

(3) In the cases referred to in Paragraph (2), the Minister of Environment and Water or an official empowered thereby shall send the documentation submitted by the operators to the Director of the competent RIEW within whose territory the establishment is located.

(4) Within six months after the 1st day of January 2013, the Minister of Environment and Water shall revoke the permits granted under Article 104 (1) [of the Environmental Protection Act] for lower-tier establishments.

(5) The provisions of Article 103 [of the Environmental Protection Act] shall not apply to the establishments referred to in Paragraphs (1) and (2).

§ 92. Within six months after the entry into force of this Act, the operators of any installations which fall within the scope of activities listed in Annex 4 [to the Environmental Protection Act], Point 1.1 for activities with a total rated thermal input equal to 50 MW; Point 1.4 (b); Point 3.1 (a) concerning the activities for the production of cement clinker in kilns other than rotating kilns, with a production capacity exceeding 50 tonnes per day; Points 3.1 (c); Points 4.1 to 4.6 for activities concerning production by biological processing; Points 5.1 (a) to (e), (h) and (k); Point 5.2 (a); Point 5.3.1 (c) to (e), Point 5.3.2, 5.5 and 5.6, Point 6.1 (c), Point 6.4.2 (b) and (c) and Points 6.9, 6.10 and 6.11 shall be obligated to notify this in writing to the Ministry of Environment and Water.

§ 93. (1) The operators of any installations which were commissioned or which were granted a building permit prior to the entry into force of this Act and which fall within the scope of activities listed in Annex 4 [to the Environmental Protection Act], Point 1.1 for activities with a total rated thermal input equal to 50 MW; Point 1.4 (b); Points 4.1 to 4.6 for activities concerning production by biological processing; Points 5.1 (a) to (e), (h) and (k); Point 5.2 (a) with the exception of household waste; Point 5.3.1 (c) to (e), Point 5.3.2, 5.5 and 5.6, Point 6.1 (c), Point 6.4.2 (b) and (c) and Points 6.10 and 6.11 shall submit an application for the granting of an integrated permit according to Section II of Chapter Seven [of the Environmental Protection Act] not later than the 31st day of January 2013.

(2) The deadline for compliance with the conditions set in the integrated permits as granted for existing installations covered under Paragraph (1) shall be the 7th day of July 2015.

.....

(\*\*) § 98. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of the provisions of:

1. § 20 to 42, § 75 and § 91 herein, which shall enter into force as from the 1st day of January 2013;

2. § 43 to 58, § 87 and § 88, which shall enter into force as from the 7th day of January 2014 for the operators:

(a) of any installations which were commissioned and hold an integrated permit prior to the 7th day of January 2013 and which carry out activities under Annex 4 [to the Environmental Protection Act]:

(aa) Point 1.1: for activities with a rated thermal input exceeding 50 MW;

(bb) Points 1.2, 1.3, 1.4 (a), Points 2.1 to 2.6, 3.1 to 3.5;

(cc) Points 4.1 to 4.6: for activities concerning production by chemical processing;

(dd) Points 5.1 (f), (g), (i) and (j) and 5.2 (a): for household waste only;

(ee) Points 5.3.1 (a) and (b), 5.4, 6.1 (a) and (b), 6.2, 6.3, 6.4.1, 6.4.2 (a), 6.4.3 and 6.5 to 6.9;

(b) whose application for the granting of an integrated permit was approved not later than the 7th day of January 2013 and the facilities subject to the application will be commissioned not later than the 7th day of January 2014.

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(Promulgated, SG No. 38/2012, effective 1.07.2012)

.....

§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

## TRANSITIONAL AND FINAL PROVISIONS

to the Public Finance Act

(SG No. 15/2013, effective 1.01.2014)

.....

§ 10. (1) As of the date of entry into force of this Act budget account of art. 142B of the Act for the protection of the environment are considered to account for funds from the European Union under Art. 8, para. 4.

(2) By the account under par. 1 is carried out operations following the conclusion of the date of entry into force of this Law and other international treaties. After their completion bank accounts are closed and the money in them is transferred to the budget of the enterprise management activities on the environment of art. 60 of the Law on Environmental Protection.

(3) Revenues from sales of assigned amount units, except those referred to in para. 2 are received and available for spending through the budget of enterprise management activities to protect the environment of art. 60 of the Law on Environmental Protection.

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## TRANSITIONAL AND FINAL PROVISIONS

to the Act on Amendment and Supplement of Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

.....

§ 76. The Environmental Protection Act (promulgated, SG No. 91/2002, amended, SG No. 98/2002, SG No. 86/2003, SG No. 70/2004, SG No. 74, 77, 88, 95 and 105/2005, SG No. 30, 65, 82, 99, 102, 105/2006, SG No. 31, 41 and 89/2007, SG No. 36, 52 and 105/2008, SG No. 12, 19, 32, 35, 47, 82, 93 and 103/2009, SG No. 46 and 61/2010, SG No. 35 and 42/2011, SG No. 32, 38, 53 and 82/2012, SG No. 15 and 27/2013) everywhere the words "the Minister of Regional Development and Public Works" is replaced with "Minister of Regional Development."

.....

§ 117. This Act shall enter into force on the day of its publication in the "State Gazette".

## TRANSITIONAL AND FINAL PROVISIONS

to the Climate Change Mitigation Act

(SG No. 22/2014, effective 11.3.2014)

.....

§ 13. Normative acts issued pursuant to the provisions of the Environmental repealed by § 11 shall remain in force until the adoption of the ordinance under Article 5, to the extent not inconsistent with this Act.

.....

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

.....

§ 76. In the Environmental Protection Act (promulgated, SG No. 91/2002, corrected, SG No. 98/2002, amended, SG No. 86/2003, No. 70/2004, Nos. 74, 77, 88, 95 and 105/2005, Nos. 30, 65, 82, 99, 102 and 105/2006, Nos. 31, 41 and 89/2007, Nos. 36, 52 and 105/2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103/2009, Nos. 46 and 61/2010, Nos. 35 and 42/2011, Nos. 32, 38, 53 and 82/2012, Nos. 15 and 27/2013, No. 22/2014) everywhere in the text the words "Minister of Regional Development" shall be replaced by "Minister of Regional Development and Public Works".

.....

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(SG No. 62/2015, effective 14.08.2015, amended, SG No. 12/2017,

amended and supplemented, SG No. 42/2022, effective 7.06.2022)

§ 24. (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) The operators of existing or other establishments/facilities shall be bound to submit the notification referred to in Article 103 (2) [of the Environmental Protection Act] not later than the 1st day of June 2016.

§ 25. (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) The operators of existing or other establishments/facilities shall be bound to submit the report referred to in Item 5 of Article 105 (1) [of the Environmental Protection Act] not later than the 1st day of June 2016.

§ 26. (Amended and supplemented, SG No. 42/2022, effective 7.06.2022) The operators of existing upper-tier establishments/facilities shall be obliged to submit the documents referred to in Article 107, Paragraph 1 no later than 1 June 2016, and the operators of other upper-tier establishments/facilities shall be obliged to submit the documents referred to in Article 107, Paragraph 1 no later than 1 June 2017.

§ 27. (Amended, SG No. 42/2022, effective 7.06.2022) The provisions of § 24, 25 and 26 herein shall not apply where the operator of an existing or other establishment/facility has already sent the relevant documents to the competent authority in accordance with the requirements set by national legislation prior to 1 June 2015 and the information contained therein has remained unchanged and is in compliance with the requirements of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) [of the Environmental Protection Act].

§ 28. Within three months from the entry into force of this Act, the Minister of Environment and Water shall draw up a schedule for the submission of the documents referred to in § 24, 25 and 26 herein and shall publish the said schedule on the Internet site of the Ministry of Environment and Water. The Executive Director of the Executive Environment Agency shall be consulted on the schedule.

§ 29. (1) (Amended, SG No. 12/2017) Any permits granted under Article 104 (1) prior to the entry into force of this Act shall remain in effect in compliance with the grant conditions until the entry into force of the decision as per Article 116g, Paragraph (4) as regards the updated safety report of the establishment/facility.

(2) Any procedures for the granting and review of permits under Article 104 (1) [of the Environmental Protection Act], which have commenced until the entry into force of this Act, shall be completed according to the hitherto effective procedure.

§ 30. The time limit referred to in Article 88 (4) [of the Environmental Protection Act] shall furthermore apply to the opinions on environmental assessment or the decisions whereby it is evaluated that there is no need to conduct an environmental assessment, issued until the entry into force of this Act.

.....

§ 33. The Council of Ministers shall adopt the ordinance referred to in Article 103 (9) [of the Environmental Protection Act] within three months from the entry into force of this Act.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Environmental Protection Act

(SG No. 12/2017)

§ 18. (1) Every six years from 16 May 2017 the Ministry of Environment and Water shall inform the European Commission, where such data are available, of:

1. the number of development proposals referred to in Annexes 1 and 2 made subject to a procedure in accordance with Chapter Six;
2. the breakdown of assessments according to the development proposal categories set out in Annexes 1 and 2;
3. the number of development proposals referred to in Annex 2 made subject to EIA with an issued administrative act;
4. the average duration of the EIA procedure;

5. general estimates on the average direct costs of EIA, including the impact from the application of EIA to SMEs.

(2) Every two years from 16 May 2017 the Ministry of Environment and Water shall inform the European Commission of any exemption as referred to in Article 81, Paragraph (7).

§ 19. Ongoing procedures for assessing the need to carry out EIA for which an application was filed pursuant to Article 93, Paragraph (5) prior to the entry into force of this act, shall be completed pursuant to the currently applicable procedure.

§ 20. Ongoing procedures for environmental impact assessment in which consultations have been held with the competent authorities for a decision on the terms of reference of the EIA scope and content and which began prior to the entry into force of this act, shall be completed pursuant to the currently applicable procedure.

§ 21. (1) Within six months from the entry into force of this Act, the Council of Ministers shall adopt the requisite amendments and supplements to the statutory instruments of secondary legislation on the application thereof.

(2) The statutory instruments of secondary legislation issued until the entry into force of this Act shall remain in force as far as they do not come into conflict with this Act.

.....

FINAL PROVISIONS

to the Act on Amending the Bulgarian Food Safety Agency Act

(SG No. 58/2017, effective 18.07.2017)

.....

§ 48. In the Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002; amended in No. 86 of 2003, No. 70 of 2004, Nos. 74, 77, 88, 95 and 105 of 2005, Nos. 30, 65, 82, 99, 102 and 105 of 2006, Nos. 31, 41 and 89 of 2007, Nos. 36, 52 and 105 of 2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103 of 2009, Nos. 46 and 61 of 2010, Nos. 35 and 42 of 2011, Nos. 32, 38, 53 and 82 of 2012, Nos. 15, 27 and 66 of 2013, No. 22 and 98 of 2014. Nos. 62, 95, 96 and 101 of 2015, No. 81/2016 and No. 12/2017), the words "the Minister of Agriculture and Food" shall be replaced passim by "the Minister of Agriculture, Food and Forestry".

.....

TRANSITIONAL AND FINAL PROVISIONS

of Act to Amend and Supplement the Environmental Protection Act

(SG No. 76/2017)

.....

§ 7. Administrative cases initiated under Articles 27, 88, 93 and 99 of the Environmental Protection Act and under Article 31 of the Biological Diversity Act prior to the entry of this Act into force shall be concluded in accordance with the hetherto effective procedure.

TRANSITIONAL AND FINAL PROVISIONS

of the Act to Amend and Supplement the Environmental Protection Act

(SG No. 98/2018, effective 27.11.2018,

amended and supplemented, SG No. 102/2020, effective 27.11.2020,

amended, SG No. 96/2022, effective 27.11.2022)

§ 35. Any procedures according to the procedure established by Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act, shall be completed according to the hitherto effective procedure.



§ 36. Any procedures according to the procedure established by Article 126 (1) [of the Environmental Protection Act], which have commenced until the entry into force of this Act, shall be completed according to the hitherto effective procedure.

.....

§ 41. (1) (Amended, SG No. 102/2020, effective 27.11.2020, SG No. 96/2022, effective 27.11.2022) The owners of water intake facilities for groundwater, constructed until 28 January 2000, and of water intake facilities, constructed until 23 December 2016, for which no building permits have been issued and which have not been entered in a register under Article 118d, Paragraph 3 of the Water Act, shall submit an application to the respective Basin Directorate for registration of the facilities by 28 November 2025.

(2) To the application referred to in Paragraph 1 shall be attached the following:

1. the documentation under Article 118d, Paragraph 5, Item 3 of the Water Act;
2. information on the equipment of the operation facility;
3. declaration for the year of construction of the facility;
4. declaration of the owner's intentions for use or preservation of the facility;
5. a copy of a documentary proof of a fee paid according to the tariff under Article 72 of the Environmental Protection Act.

(3) The registration shall be made if the water intake facility:

1. exposes only one water body;
2. has a structure that does not allow mixing of water from several water bodies or penetration of water from the surface into the water body through the annulus of the facility, and
3. it is serviceable.

(4) Within two months from the submission of the application the director of a Basin Directorate shall check the documents under Paragraph 2 and if the requirements of Paragraph 3 are met, shall enter the facility in the respective register under Article 118d, Paragraph 3 of the Water Act.

(5) In case the requirements of Paragraph 3 are not met, the director of a Basin Directorate shall refuse entry in the respective register under Article 118d, Paragraph 3 of the Water Act and shall prescribe liquidation of the facility.

(6) The permitting of water intake from registered facilities under Paragraph 1 shall be carried out under the terms and according to the procedure of the Water Act.

(7) (Amended, SG No. 102/2020, effective 27.11.2020, SG No. 96/2022, effective 27.11.2022) The owners of wells that are designated for satisfying personal needs of the citizens, which are located within the lines of the settlements and the nucleated settlements, for which there are no applications for entry in the register under Article 118d, Paragraph 3, Item 5 of the Water Act, shall submit an application by 28 November 2025 in the respective Basin Directorate for entry of the facilities in the register. The application shall contain the information for registration of a constructed well, defined in the ordinance under Article 135, Paragraph 1, Item 2 of the Water Act.

(8) (New, SG No. 102/2020, effective 27.11.2020) The application under Paragraph 7 may also be submitted through the respective mayor of a municipality, mayor of a region, mayor of a mayoralty or the deputy mayor at the location of the well. The mayors and deputy mayors shall provide an incoming number for each application received and every 14 days shall submit to the respective Basin Directorate the applications received during this period.

.....

§ 49. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of:

1. Items 1 and 3 of § 3 herein concerning Item 9 of Article 94 (1) and Article 94 (4), Item 2 of § 4, § 5, 6, Item 2 of § 7, § 8, 10 to 12, Item 2 of § 15, § 16, 17, 21 to 26, 30 and 31 herein, which shall enter into force nine months after the promulgation of the said Act;

2. Item 24 of § 40 herein, which shall enter into force as from the 11th day of August 2006.

## TRANSITIONAL AND FINAL PROVISIONS

to the Social Services Act

(SG No. 24/2019, effective 1.07.2020 - amended, SG No. 101/2019)

.....

§ 45. (Amended, SG No. 101/2019) This Act shall enter into force on 1 July 2020 with the exception of:

1. Paragraph 6, subparagraph 5(a), Paragraph 7, subparagraph 2(a) and (b), subparagraph 3, subparagraph 6(a), subparagraph 9 and subparagraph 10, Paragraph 18(2) in the part concerning the "homes for medical and social care for children in accordance with the Medical Treatment Facilities Act" and Paragraph 20, subparagraph 2 in the part concerning the deleting of the test "and the homes for medical and social care for children" and subparagraph 5(c), which shall enter into force on 1 January 2021;

2. Paragraph 3(4)(f), (g) and (h) and Paragraph 28, subparagraph 1(a) and subparagraphs 2 and 5, which shall enter into force on 1 January 2019;

3. Article 22(4), Article 40, Article 109(1), Article 124, Article 161(2), Paragraphs 3(6), 30, 36, 37 and 43, which shall enter into force as from the day of promulgation of this Act in the State Gazette.

## TRANSITIONAL PROVISION

to the Act to Amend and Supplement

the Environmental Protection Act

(SG No. 54/2020)

§ 3. Any procedures according to the procedure established by Section III of Chapter Six [of the Environmental Protection Act], which have commenced until the entry into force of this Act and have not been completed, shall be completed according to the new procedure.

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement

the Environmental Protection Act

(SG No. 42/2022, effective 7.06.2022)

§ 62. Procedures launched prior to the entry into force of this Act pursuant to Chapter Six, Section III, on which consultations have been held with the competent authorities on making an EIA decision on the terms of reference and content of the EIA, shall be completed according to the hitherto effective procedure.

§ 63. Proceedings launched prior to the entry into force of this Act pursuant to Article 106(2) to confirm the completeness and the consistency of the major-accident prevention policy document shall be completed according to the hitherto effective procedure.

§ 64. Proceedings launched prior to the entry into force of this Act pursuant to Article 116(1), item 1 or Article 116g(4) for review and update of the safety report shall be completed according to the hitherto effective procedure.

§ 65. Within 9 months of the entry into force of this Act, operators of establishments/facilities which from 1 June 2015 until the entry into force of this Act fall within the scope of item 31f of the Supplementary Provisions, shall become compliant with the requirements of Chapter Seven, Section I and of the ordinance referred to in Article 103(9).

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement

the Agricultural Producers Support Act  
(SG No. 102/2022, effective 1.01.2023)

§ 79. In the Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002; amended in No. 86 of 2003, No. 70 of 2004, Nos. 74, 77, 88, 95 and 105 of 2005, Nos. 30, 65, 82, 99, 102 and 105 of 2006, Nos. 31, 41 and 89 of 2007, Nos. 36, 52 and 105 of 2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103 of 2009, Nos. 46 and 61 of 2010, Nos. 35 and 42 of 2011, Nos. 32, 38, 53 and 82 of 2012, Nos. 15, 27 and 66 of 2013, No. 22 and 98 of 2014. Nos. 62, 95, 96 and 101 of 2015, No. 81/2016, No. 12, 58, 76 and 96 of 2017, No. 53, 77 and 98 of 2018, No. 1, 17 and 24 of 2019; Decision No. 5 of the Constitutional Court of the Republic of Bulgaria of 19.04.2019 - SG No. 36/2019; amended, SG No. 79, 81 and 101 of 2019, No. 21, 54 and 102 of 2020, No. 21/2021 and 42 and 96 of 2022), the words "the Minister of Agriculture, Food and Forestry" shall be replaced passim by "the Minister of Agriculture".

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Plant Protection Act

(SG No. 102/2023)

§ 93. In the Environmental Protection Act (promulgated in the State Gazette No. 91 of 2002; corrected in No. 98 of 2002; amended in No. 86 of 2003, No. 70 of 2004, Nos. 74, 77, 88, 95 and 105 of 2005, Nos. 30, 65, 82, 99, 102 and 105 of 2006, Nos. 31, 41 and 89 of 2007, Nos. 36, 52 and 105 of 2008, Nos. 12, 19, 32, 35, 47, 82, 93 and 103 of 2009, Nos. 46 and 61 of 2010, Nos. 35 and 42 of 2011, Nos. 32, 38, 53 and 82 of 2012, Nos. 15, 27 and 66 of 2013, No. 22 and 98 of 2014. Nos. 62, 95, 96 and 101 of 2015, No. 81/2016, Nos. 12, 58, 76 and 96 of 2017, Nos. 53, 77 and 98 of 2018, Nos. 1, 17 and 24 of 2019, Ruling No 5 of the Constitutional Court of 2019 – SG No. 36/2019, amended, Nos 79, 81 and 101 of 2019, Nos. 21, 54 and 102 of 2020, No. 21 of 2021 and Nos. 42, 96 and 102 of 2022, SG No. 84/2023), the words "The Minister of Agriculture" shall be replaced passim by "The Minister of Agriculture and Food".

**Annex 1**

to Item 1 of Article 92

(Amended, SG No. 77/2005,

SG No. 52/2008,

SG No. 32/2012,

effective 24.04.2012,

SG No. 12/2017,

SG No. 98/2018,

effective 27.11.2018,

amended and supplemented,

SG No. 54/2020)

Development proposals

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.1. Thermal power stations and other combustion installations with a heat output of 50 megawatts or more.

2.2. Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load.

3.1. Installations for the reprocessing of irradiated nuclear fuel.

3.2. Installations designed:

(a) for the production or enrichment of nuclear fuel;

(b) for the processing of irradiated nuclear fuel or high-level radioactive waste;

(c) for the final disposal of irradiated nuclear fuel;

(d) solely for the final disposal of radioactive waste;

(e) solely for the storage (planned for more than 10 years of irradiated nuclear fuels or radioactive waste in a different site than the production site).

4.1. Integrated works for the production of pig iron or steel (primary or secondary fusion) including continuous casting.

4.2. Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction and for the processing of asbestos and products containing asbestos:

(a) for asbestos-cement products – with an annual production of more than 20,000 tonnes of finished products;

(b) for friction material – with an annual production of more than 50 tonnes of finished products;

(c) for other uses of asbestos, utilising more than 200 tonnes per year.

6. Integrated chemical installations for the manufacture on an industrial scale of chemical substances, using chemical conversion processes, in which several units are functionally linked to one another and which are intended:

(a) for the production of basic organic chemicals;

(b) for the production of basic inorganic chemicals;

(c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);

(d) for the production of basic plant health products and of biocides;

(e) for the production of basic pharmaceutical products using a chemical or biological process;

(f) for the production of explosives.

7.1. Construction of railway trunk lines and Category I railway lines (lines for long-distance railway traffic) and of airports with a basic runway length of 2,100 metres or more.

7.2. Construction of motorways and 1st Class roads.

7.3. Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

8.1. Inland waterways and public transport ports which permit the passage of vessels of over 1,350 gross tonnes.

8.2. Trading ports, terminals for loading and unloading connected to land and public-transport ports (excluding ferry terminals) which can take vessels of over 1,350 gross tonnes.

9. (Supplemented, SG No. 54/2020) Installations for the disposal or recovery of hazardous waste through incineration, chemical treatment or the deposit into or onto land within the meaning given by the Waste Management Act.

10.1. (New, SG No. 54/2020) Installations for the disposal or recovery of non-hazardous waste through incineration or co-incineration within the meaning given by the Waste Management Act.

10.2. (Renumbered from item 10, amended, SG No. 54/2020) Installations with a capacity exceeding 100 tonnes per 24 hours for the disposal of non-hazardous waste through chemical treatment within the meaning given by the Waste Management Act.

10.3. (New, SG No. 54/2020) Installations for disposal or recovery of hazardous or non-hazardous waste through incineration or co-incineration, designed exclusively or principally for the development and testing of new methods or products and that will not operate for more than two years.

11. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equal to or exceeds 10 million cubic metres.

12.1. Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.

12.2. In all other cases – works for the transfer of water resources between river basins where the average annual (multi-annual average) flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of that flow.

In the cases referred to in Points 12.1 and 12.2, transfers of piped drinking water are excluded.

13. Wastewater treatment plants with a capacity exceeding 150,000 population equivalent.

14.1. Extraction of petroleum or natural gas for commercial purposes where the amount

- extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of natural gas.
- 14.2. Drilling for exploration and production of unconventional hydrocarbons, including shale gas.
15. Dams and other facilities designed for the permanent holding back or storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
16. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres, intended:
- (a) for the transport of gas, oil, chemical substances and mixtures;
  - (b) for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including associated compressor stations.
17. (Amended, SG No. 98/2018, effective 27.11.2018) Farms for the intensive rearing of poultry or pigs with more than:
- (a) 85,000 places for the rearing of broilers, 60,000 places for layer hens;
  - (b) 3,000 places for the rearing of production pigs (over 30 kg), or
  - (c) 900 places for sows.
18. Industrial plants for the production of:
- (a) pulp from timber or similar fibrous materials;
  - (b) (amended, SG No. 98/2018, effective 27.11.2018) paper and card board with a production capacity exceeding 200 tonnes per day.
19. Quarries and open-cast mining – where the surface of the site exceeds 25 hectares, or peat extraction – where the surface of the site exceeds 150 hectares.
20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
21. Installations for the storage of 200,000 tonnes or more petroleum, petrochemical, or chemical products.
22. Installations for geological storage of CO<sub>2</sub>.
23. Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage from installations covered by this Annex, or where the total yearly capture of CO<sub>2</sub> is 1.5 megatonnes or more.
24. Tourism and leisure:
- (a) holiday villages, hotel complexes outside urban areas on a total surface area exceeding 1 hectare and associated facilities;
  - (b) ski-runs, ski-lifts, cable-cars of a total length exceeding 1,000 metres and associated facilities;
  - (c) sports, recreation or amusement complexes outside urban areas on a total surface area exceeding 2 hectares.
25. Any change to or extension of a development proposal included in this Annex, where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

## **Annex 2**

to Items 1 and 2 of Article 93 (1)  
(Amended, SG No. 77/2005,  
amended and supplemented,  
SG No. 32/2012, effective 24.04.2012,  
amended, SG No. 62/2015, effective 14.08.2015,  
amended and supplemented, SG No. 12/2017,  
supplemented, SG No. 98/2018,  
effective 27.11.2018,  
amended, SG No. 21/2021,  
SG No. 42/2022, effective 7.06.2022)

### **Development proposals**

#### **1. Agriculture, silviculture and aquaculture:**

- (a) restructuring of rural land holdings;
- (b) use of uncultivated land or semi-natural areas for intensive agricultural purposes;
- (c) water management projects for agriculture, including irrigation and land drainage projects;
- (d) initial afforestation and deforestation for the purposes of conversion to another type of land use;
- (e) intensive livestock installations (development proposals not included in Annex 1);
- (f) intensive fish farming;
- (g) reclamation of land from the sea;

(h) (repealed, SG No. 32/2012, effective 24.04.2012).

## 2. Extractive industry:

(a) quarries, open-cast mining and peat extraction (not included in Annex 1);

(b) (amended, SG No. 32/2012, effective 24.04.2012) underground mining;

(c) (amended, SG No. 32/2012, effective 24.04.2012) extraction of inert materials by fluvial, lacustrine or marine dredging;

(d) (amended, SG No. 32/2012, effective 24.04.2012) deep drillings, in particular:

— geothermal

— for the storage of nuclear waste material

— for water supplies,

with the exception of drillings for investigating the stability of the geological foundation;

(e) (amended, SG No. 12/2017) extraction or industrial installations for coal, petroleum, natural gas, ores, and bituminous shale;

(f) (new, SG No. 32/2012, effective 24.04.2012) all exploratory drillings for oil and natural gas.

## 3. Energy industry:

(a) industrial installations for the production of electricity, steam and hot water (not included in Annex 1);

(b) industrial installations for carrying gas, steam and hot water, transmission of electrical energy by overhead cables (not included in Annex 1);

(c) installations for surface storage of natural gas;

(d) installations for underground storage of combustible gases;

(e) installations for surface storage of fuels;

(f) industrial briquetting of coal;

(g) installations for the processing and storage of radioactive waste (not included in Annex 1);

(h) installations for hydroelectric energy production;

(i) installations for the harnessing of wind power for energy production (wind farms);

(j) (new, SG No. 32/2012, effective 24.04.2012) installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage from installations not covered by Annex 1.

## 4. Production and processing of metals

(a) installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting (not included in Annex 1);

(b) (amended, SG No. 12/2017) installations for the processing of ferrous metals:

- hot-rolling mills;

- smitheries with hammers;

- application of protective fused metal coats;

(c) ferrous metal foundries (not included in Annex 1);

(d) (amended, SG No. 12/2017) installations for the smelting, including the alloyage, of non-ferrous metals (excluding precious metals), drawing, moulding and rolling of ferrous-metal and alloy products;

(e) (amended, SG No. 12/2017) installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;

(f) manufacture and assembly of motor vehicles and manufacture of motor vehicle engines;

(g) shipyards;

(h) construction and repair of aircraft;

- (i) manufacture of railway equipment;
- (j) swaging by explosives;
- (k) installations for the roasting and sintering of metallic ores.

5. Mineral industry:

- (a) coke ovens (dry coal distillation);
- (b) (amended, SG No. 12/2017) installations for the manufacture of cement;
- (c) (amended, SG No. 12/2017, supplemented, SG No. 98/2018, effective 27.11.2018) installations for the production of asbestos and the manufacture of asbestos-based products (not included in Annex 1 hereto);
- (d) (amended, SG No. 12/2017) installations for the manufacture of glass, including glass fibre;
- (e) (amended, SG No. 12/2017) installations for smelting mineral substances, including the production of mineral fibres;
- (f) (amended, SG No. 12/2017) installations for manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

6. Chemical industry installations (not included in Annex 1):

- (a) (amended, SG No. 32/2012, effective 24.04.2012) processing of intermediate products and production of chemical substances and mixtures;
- (b) installations for the production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;
- (c) storage facilities for petroleum, petrochemical and chemical products.

7. (Amended, SG No. 12/2017) Food industry establishments:

- (a) manufacture of vegetable and animal oils and fats;
- (b) (amended, SG No. 12/2017) packing and canning of animal and vegetable products;
- (c) manufacture of dairy products;
- (d) brewing and malting;
- (e) confectionery and syrup manufacture;
- (f) installations for the slaughter of animals;
- (g) industrial starch manufacturing;
- (h) fish-meal and fish-oil factories;
- (i) sugar factories.

8. Textile, leather, wood and paper industries:

- (a) industrial plants for the production of paper and board (not included in Annex 1);
- (b) (amended, SG No. 32/2012, effective 24.04.2012, SG No. 12/2017) plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles;
- (c) (amended, SG No. 12/2017) tanning of hides and skins;
- (d) cellulose-processing and production installations.

9. Rubber industry. Manufacture and treatment of elastomer-based products.

10. Infrastructure development proposals:

- (a) (amended, SG No. 21/2021) for the construction of industrial parks;
- (b) (amended, SG No. 62/2015, effective 14.08.2015) for urban development projects, including the construction of shopping centres and car parks;
- (c) construction of railways and intermodal transshipment facilities, and of intermodal terminals (not included in Annex 1);
- (d) construction of airfields (not included in Annex 1);

- (e) construction of roads (not included in Annex 1);
- (f) (amended, SG No. 32/2012, effective 24.04.2012) construction of harbours, port installations, including fishing harbours (not included in Annex 1);
- (g) (supplemented, SG No. 98/2018, effective 27.11.2018) inland-waterway construction, canalization and flood-relief works (not included in Annex 1 hereto);
- (h) (amended, SG No. 12/2017) dams and other facilities designed to hold water or store it on a long-term basis (not included in Annex 1);
- (i) tramways, underground and elevated railways, suspended lines used exclusively or mainly for passenger transport;
- (j) (amended, SG No. 32/2012, effective 24.04.2012) oil and gas pipelines and associated installations, as well as pipelines for the transport of CO<sub>2</sub> streams for the purposes of geological storage (not included in Annex 1);
- (k) long-distance aqueducts;
- (l) (amended, SG No. 12/2017) coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;
- (m) (amended, SG No. 32/2012, effective 24.04.2012, SG No. 12/2017) groundwater abstraction and artificial groundwater recharge schemes (not included in Annex 1);
- (n) works for the transfer of water resources between river basins (not included in Annex 1).

#### 11. Other development proposals:

- (a) permanent racing and test tracks for motor vehicles;
- (b) (supplemented, SG No. 12/2017, amended, SG No. 42/2022, effective 7.06.2022) landfills and installations for the disposal and/or recovery of waste (not included in Annex 1 hereto) and/or sites for recovery operations numbered R13 for wastes numbered 19 12 04, 19 12 10 and 19 12 12;
- (c) waste-water treatment plants (not included in Annex 1);
- (d) sludge-deposition sites;
- (e) storage of scrap iron, including scrap vehicles;
- (f) test benches for engines, turbines or reactors;
- (g) (amended, SG No. 12/2017) manufacture of artificial mineral fibres;
- (h) (amended, SG No. 12/2017) establishments/facilities for the manufacture, storage, disposal and/or destruction of explosive substances and products thereof;
- (i) (amended, SG No. 12/2017) installations for the disposal or recovery of animal carcasses and animal waste;
- (j) (repealed, SG No. 12/2017);
- (k) (repealed, SG No. 12/2017);

#### 12. Tourism and leisure:

- (a) (amended, SG No. 32/2012, effective 24.04.2012) ski-runs, ski-lifts and cable-cars and associated developments;
- (b) marinas;
- (c) holiday villages, hotel complexes outside urban areas and associated developments (not included in Annex 1);
- (d) permanent camp sites and caravan sites;
- (e) theme parks;
- (f) (new, SG No. 32/2012, effective 24.04.2012) sports, recreation or amusement complexes outside urban areas.



**Annex 3**  
to Article 103 (1)  
(Amended, SG No. 77/2005,  
SG No. 32/2012, effective 24.04.2012,  
SG No. 62/2015, effective 14.08.2015,  
SG No. 101/2015, effective 22.12.2015,  
SG No. 42/2022, effective 7.06.2022)

## DANGEROUS SUBSTANCES

Dangerous substances classified under the hazard categories listed in Column 1 of Part 1 of this Annex are subject to the qualifying quantities set out in Columns 2 and 3 of Part 1.

Where a dangerous substance or group of substances, listed in Part 2, also falls under the classification of Part 1, the qualifying quantities set out in Columns 2 and 3 of Part 2 must apply.

### Part 1

#### Categories of dangerous substances

Part 1 covers all dangerous substances falling under the hazard categories listed in Column 1:

Column 1	Column 2	Column 3
Hazard categories in accordance with Regulation (EC) No 1272/2008	Qualifying quantities (tonnes)	
	Lower tier	Upper tier
Section “H” - Health hazards		
H1 Acute toxic, Category 1, all exposure routes	5	20
H2 Acute Toxic Category 2, all exposure routes Category 3, inhalation exposure route (see note 7)	50	200
H3 Specific target organ toxicity (STOT) - single exposure (SE) STOT SE, Category 1	50	200
Section P - Physical hazards		
P1a Explosives (see note 8) - Unstable explosives, or - Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or	10	50

- Substances or mixes having explosive properties according to method A.14 of Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 of 31 May 2008, p. 1) (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures		
P1b Explosives (see note 8) Explosives, Division 1.4 (see note 10)	50	200
P2 Flammable gases Flammable gases, Category 1 or 2	10	50
P3a Flammable aerosols (see note 11.1) “Flammable” aerosols, Category 1 or 2, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150 (net)	500 (net)
P3b Flammable aerosols (see note 11.1) "Flammable" aerosols, Category 1 or 2, not containing flammable gases Category 1 or 2 nor flammable liquids Category 1 (see note 11.2)	5,000 (net)	50,000 (net)
P4 Oxidising gases Oxidising gases, Category 1	50	200
P5a Flammable liquids - Flammable liquids, Category 1, or - Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or - Other liquids with a flash point $\geq 60$ °C, maintained at a temperature above their boiling point (see note 12)	10	50
P5b Flammable liquids - Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards, or - Other liquids with a flash point $\geq 60$ °C where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards (see note 12)	50	200
P5c Flammable liquids Flammable liquids, Categories 2 or 3 not covered by P5a and P5b	5,000	50,000
P6a Self-reactive substances and mixtures and organic peroxides Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B	10	50
P6b Self-reactive substances and mixtures and organic peroxides	50	200

Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F		
P7 Pyrophoric liquids and solids Pyrophoric liquids, Category 1 1Pyrophoric solids, Category 1	50	200
P8 Oxidising liquids and solids Oxidising Liquids, Category 1, 2 or 3, or Oxidising Solids, Category 1, 2 or 3	50	200
Section E - Environmental hazards		
E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100	200
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200	500
Section O - Other hazards		
O1 Substances or mixtures with hazard statement EUH014	100	500
O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100	500
O3 Substances or mixtures with hazard statement EUH029	50	200

Part 2

Named dangerous substances

Column 1		Column 2	Column 3
Dangerous substances	Qualifying quantities (tonnes)		
	Lower tier	Upper tier	
1. Ammonium nitrate (see note 13)	—	5,000	10 000
2. Ammonium nitrate (see note 14)	—	1 250	5,000
3. Ammonium nitrate (see note 15)	—	350	2 500
4. Ammonium nitrate (see note 16)	—	10	50

5. Potassium nitrate (see note 17)	—	5,000	10 000
6. Potassium nitrate (see note 18)	—	1 250	5,000
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1	2
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3		0.1
9. Bromine	7726-95-6	20	100
10. Chlorine	7782-50-5	10	25
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	—		1
12. Ethyleneimine	151-56-4	10	20
13. Fluorine	7782-41-4	10	20
14. Formaldehyde (concentration ? 90 %)	50-00-0	5	50
15. Hydrogen	1333-74-0	5	50
16. Hydrogen chloride (liquefied gas)	7647-01-0	25	250
17. Lead alkyls	—	5	50
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (see note 19)	—	50	200
19. Acetylene	74-86-2	5	50
20. Ethylene oxide	75-21-8	5	50

21. Propylene oxide	75-56-9	5	50
22. Methanol	67-56-1	500	5,000
23. 4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4		0.01
24. Methylisocyanate	624-83-9		0.15
25. Oxygen	7782-44-7	200	2,000
26. 2,4 -Toluene diisocyanate 2,6-Toluene diisocyanate	584-84-9 91-08-7	10	100
27. Carbonyl dichloride (phosgene)	75-44-5	0.3	0.75
28. Arsenic hydride (arsine)	7784-42-1	0.2	1
29. Phosphine (phosphorus trihydride)	7803-51-2	0.2	1
30. Sulphur dichloride	10545-99-0		1
31. Sulphur trioxide	7446-11-9	15	75
32. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 20)	—		0.001
33. The following carcinogens or the mixtures containing the following carcinogens at concentrations above 5 % by weight:  (a) 4-Aminobiphenyl and/or its salts;  (b) Benzotrichloride;  (c) Benzdine and/or salts;  (d) Bis (chloromethyl) ether;  (e) Chloromethyl methyl ether;  (f) 1,2-Dibromoethane;	—	0.5	2

(g) Diethyl sulphate; (h) Dimethyl sulphate; (i) Dimethylcarbamoyl chloride; (j) 1,2-Dibromo-3-chloropropane; (k) 1,2-Dimethylhydrazine; (l) Dimethylnitrosamine; (m) Hexamethylphosphoric triamide; (n) Hydrazine; (o) 2- Naphthylamine and/or salts; (p) 4-Nitrodiphenyl, and (q) 1,3 Propanesultone			
34. Petroleum products and alternative fuels: (a) gasolines and naphthas; (b) kerosenes (including jet fuels); (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams); (d) heavy fuel oils; (e) alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in Points (a) to (d)	—	2,500	25,000
35. Anhydrous Ammonia	7664-41-7	50	200
36. Boron trifluoride	7637-07-2	5	20
37. Hydrogen sulphide	7783-06-4	5	20
38. Piperidine	110-89-4	50	200
39. Bis(2-dimethylaminoethyl) (methyl)amin	3030-47-5	50	200
40. 3-(2-Ethylhexyloxy)propylamin	5397-31-9	50	200

41. Mixtures of sodium hypochlorite classified as Aquatic Acute Category 1 H400 (provided that the mixture in the absence of sodium hypochlorite would not be classified as Aquatic Acute Category 1 [H400]), containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of this Annex		200	500
42. Propylamine (see note 21)	107-10-8	500	2,000
43. Tert-butyl acrylate (see note 21)	1663-39-4	200	500
44. 2-Methyl-3-butenenitrile (see note 21)	16529-56-9	500	2,000
45. Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 21)	533-74-4	100	200
46. Methyl acrylate (see note 21)	96-33-3	500	2,000
47. 3-Methylpyridine (see note 21)	108-99-6	500	2,000
48. 1-Bromo-3-chloropropane (see note 21)	109-70-6	500	2,000

*Notes:*

1. Substances and mixtures are classified in accordance with Regulation (EC) No 1272/2008.
2. Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under Regulation (EC) No 1272/2008, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.
3. (Amended, SG No. 42/2022, effective 7.06.2022) The qualifying quantities set out above relate to each establishment/facility referred to in Article 103 (2) herein.  
The quantities to be considered for the application of Section I of Chapter Seven herein are the maximum quantities which are present or are likely to be present at any one time at the establishment/facility. Dangerous substances present at an establishment/facility only in quantities equal to or less than 2 % of the relevant qualifying quantity shall be ignored for the purposes of calculating the total quantity present if their location within an establishment is such that it cannot act as an initiator of a major accident elsewhere at that establishment.
4. The following rules governing the addition of dangerous substances, or categories of dangerous substances, shall apply where appropriate:

In the case of an establishment/facility where no individual dangerous substance is present in a quantity above or equal to the relevant qualifying quantities, the following rule shall be applied to determine whether the establishment/facility is covered by the relevant requirements of Section I of Chapter Seven and the ordinance referred to in Article 103 (9) herein.

The provisions of Section I of Chapter Seven and the ordinance referred to in Article 103 (9) herein shall apply to upper-tier establishments if the sum:

$q1/QU1 + q2/QU2 + q3/QU3 + q4/QU4 + q5/QU5 + \dots$  is greater than or equal to 1,

where  $q_x$  = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2,

and  $QUX$  = the relevant qualifying quantity for dangerous substance or category x from Column 3 of Part 1 or from Column 3 of Part 2.

The provisions of Section I of Chapter Seven and the ordinance referred to in Article 103 (9) herein shall apply to lower-tier establishments if the sum:

$q1/QL1 + q2/QL2 + q3/QL3 + q4/QL4 + q5/QL5 + \dots$  is greater than or equal to 1,

where  $q_x$  = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2,

and  $QLX$  = the relevant qualifying quantity for dangerous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2.

The respective rule shall be used to assess the health hazards, physical hazards and environmental hazards and must be applied three times:

(a) for the addition of dangerous substances listed in Part 2 that fall within acute toxicity category 1, 2 or 3 (inhalation route) or specific target organ toxicity - single exposure Category 1, together with dangerous substances falling within Section H, entries H1 to H3 of Part 1;

(b) for the addition of dangerous substances listed in Part 2 that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids, together with dangerous substances falling within Section P, entries P1 to P8 of Part 1;

(c) for the addition of dangerous substances listed in Part 2 that fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2, together with dangerous substances falling within Section E, entries E1 and E2 of Part 1.

The provisions of Section I of Chapter Seven and the ordinance referred to in Article 103 (9) herein apply where any of the sums obtained by Litterae (a), (b) or (c) is greater than or equal to 1.

5. In the case of dangerous substances which are not covered by Regulation (EC) No 1272/2008, including waste, but which nevertheless are present, or are likely to be present, in an establishment/facility and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major-accident potential, these shall be provisionally assigned to the most analogous category or named dangerous substance falling within the scope of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein.

6. In the case of dangerous substances with properties giving rise to more than one classification, for the purposes of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein the lowest qualifying quantities shall apply. For the application of the rule in Note 4, the lowest qualifying quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned shall be used.

7. Dangerous substances that fall within Acute Toxic Category 3 via the oral route (toxic when ingested - H 301) shall fall under entry H2 Acute Toxic in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.



8. The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to Regulation (EC) No 1272/2008). If the quantity of the explosive substance or mixture contained in the article is known, that quantity shall be considered for the purposes of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein, the whole article shall be treated as explosive.

9. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria) identifies the substance or mixture as potentially having explosive properties. More guidance on waiving of the test can be found in the A.14 method description, see Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 of 31 May 2008, p. 1).

10. If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry P1a, unless the hazard is shown to still correspond to Division 1.4, in accordance with Regulation (EC) No 1272/2008.

11.1. Flammable aerosols are classified in accordance with the Ordinance on Labelling of Aerosol Dispensers and the Requirements Thereto (promulgated in the State Gazette No. 43 of 2006; amended and supplemented in No. 76 of 2006, Nos. 93 and 97 of 2009 and No. 30 of 2014). “Extremely flammable” and “Flammable” aerosols under the Ordinance on Labelling of Aerosol Dispensers and the Requirements Thereto correspond to Flammable Aerosols Category 1 or 2 respectively of Regulation (EC) No 1272/2008.

11.2. In order to use the entry under Point 11.1, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.

12. According to paragraph 2.6.4.5 in Annex I to Regulation (EC) No 1272/2008, liquids with a flash point of more than 35 °C need not be classified in Category 3 if negative results have been obtained in the sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This circumstance is not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in the entry P5a and P5b.

13. Ammonium nitrate (5000/10 000): fertilisers capable of self-sustaining decomposition

The entry under Point 1 of Part 2 of Annex 3 hereto applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is:

13.1. between 15.75 % (15.75 % nitrogen content by weight as a result of ammonium nitrate corresponds to 45 % ammonium nitrate) and 24.5 % (24.5 % nitrogen content by weight as a result of ammonium nitrate corresponds to 70 % ammonium nitrate) by weight, and either with not more than 0.4 % total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304 of 21 November 2003);

13.2. (Amended, SG No. 42/2022, effective 7.06.2022) 15.75 % by weight or less and unrestricted combustible materials.

14. Ammonium nitrate (1250 / 5000): fertiliser grade

The entry under Point 2 of Part 2 of Annex 3 hereto applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is:

14.1. more than 24.5 % by weight, except for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %;

14.2. more than 15.75% by weight for mixtures of ammonium nitrate and ammonium sulphate;

14.3. more than 28 % (28 % nitrogen content by weight as a result of ammonium nitrate corresponds to 80 % ammonium nitrate) by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90 %.

15. Ammonium nitrate (350/2500): technical grade:

The entry under Point 3 of Part 2 of Annex 3 hereto applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is:

15.1. between 24.5 % and 28 % by weight, and which contain not more than 0.4 % combustible substances;

15.2. more than 28 % by weight, and which contain not more than 0.2 % combustible substances;

15.3. aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

16. Ammonium nitrate (10 / 50): “off-specs” material and fertilisers not fulfilling the detonation test:

The entry under Point 4 of Part 2 of Annex 3 hereto applies to:

16.1. material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Notes 14 and 15, that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Notes 14 and 15;

16.2. fertilisers referred to in first indent of Note 13, and Note 14 to this Annex which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003.

17. Potassium nitrate (5000/10 000):

The entry under Point 5 of Part 2 of Annex 3 hereto applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.

18. Potassium nitrate (1250/5000):

The entry under Point 6 of Part 2 of Annex 3 hereto applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

19. Upgraded biogas:

For the purpose of the implementation of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein, upgraded biogas may be classified according to the entry under Point 18 of Part 2 of Annex 3 where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1 % Oxygen.

20. Polychlorodibenzofurans and polychlorodibenzodioxins:

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins shall be calculated using the following factors:

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Toxic equivalency factor (TEF), WHO 2005			
2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeDD	1	2,3,4,7,8-PeCDF	0.3
		1,2,3,7,8-PeCDF	0.03
1,2,3,4,7,8-HxCDD	0.1		
1,2,3,6,7,8-HxCDD	0.1	1,2,3,4,7,8-HxCDF	0.1
1,2,3,6,7,8-HxCDD	0.1	1,2,3,6,7,8-HxCDF	0.1
		1,2,3,6,7,8-HxCDF	0.1
		2,3,4,6,7,8-HxCDF	0.1
OCDD	0.0003	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,7,8,9-HpCDF	0.01
		OCDF	0.0003

(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)

Reference — *Van den Berg et al*: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds

21. In cases where this dangerous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of Section I of Chapter Seven and of the ordinance referred to in Article 103 (9) herein the lowest qualifying quantities shall apply.

**Annex 4**  
to Article 117 (1)  
(Amended, SG No. 77/2005,  
SG No. 52/2008,  
SG No. 32/2012,  
effective 7.01.2014(\*\*),  
supplemented, SG No. 98/2018,

## Categories of industrial activities

The threshold values given below generally refer to production capacities or outputs.

Where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of such activities are added together.

For waste management activities, this calculation shall apply at the level of activities for Points 5.1, 5.3.1 and 5.3.2.

### 1. Energy industries

#### 1.1. (\*\*) (Effective 7.01.2014, SG No. 32/2012)

Combustion installations with a total rated thermal input of 50 MW or more.

#### 1.2. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Crude-oil and gas refineries.

#### 1.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Coke ovens.

#### 1.4. Works for gasification or liquefaction of:

##### (a) (\*\*) (Effective 7.01.2014, SG No. 32/2012) coal

##### (b) other fuels in installations with a total rated thermal input of 20 MW or more.

### 2. Production and processing of metals

#### 2.1. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for:

Metal ore (including sulphide ore) roasting or sintering installations.

#### 2.2. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for:

Installations for the production of pig iron or steel (primary or secondary fusion), including continuous casting, with a capacity exceeding 2.5 tonnes per hour.

#### 2.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the processing of ferrous metals:

##### (a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

##### (b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW;

##### (c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.

#### 2.4. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Ferrous metal foundries with a production capacity exceeding 20 tonnes per day.

#### 2.5. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for:

##### (a) the production of crude metals other than those listed in Points 2.2, 2.3 and 2.4 from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;

##### (b) (Supplemented, SG No. 98/2018, effective 27.11.2018) melting, including the alloyage, of metals other than those listed in Points 2.2, 2.3 and 2.4, including recovered products and operation of foundries, with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.

#### 2.6. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the volume of the treatment vats exceeds 30 cubic metres.

### 3. Mineral industry

#### 3.1. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of cement, lime and magnesium oxide as follows:

##### (a) for cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day;

##### (b) for lime in kilns with a production capacity exceeding 50 tonnes per day;

##### (c) for the production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day.

#### 3.2. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of asbestos and the manufacture of asbestos-based products.

#### 3.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the manufacture of glass, including glass fibre, with a melting capacity exceeding 20 tonnes per day.

#### 3.4. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for melting mineral substances, including

the production of mineral fibres, with a melting capacity exceeding 20 tonnes per day.

3.5. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity exceeding 75 tonnes per day and/or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms/cubic metre.

#### 4. Chemical industry

Production within the meaning of the categories of activities contained in this point means the production on an industrial scale by chemical or biological processing of substances or groups of substances listed in Points 4.1 to 4.6.

4.1. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of organic chemicals, such as:

- (a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
- (b) oxygen-containing hydrocarbons such as: alcohols, aldehydes, ketones, carboxylic acids, esters and mixtures of esters, acetates, ethers, peroxides and epoxy resins;
- (c) sulphurous hydrocarbons;
- (d) nitrogenous hydrocarbons such as: amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
- (e) phosphorus-containing hydrocarbons;
- (f) halogenic hydrocarbons;
- (g) organometallic compounds;
- (h) plastic materials (polymers, synthetic fibres and cellulose-based fibres);
- (i) synthetic rubbers;
- (j) dyes and pigments;
- (k) surface-active agents and surfactants.

4.2. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of organic chemicals, such as:

- (a) gases: ammonia, chlorine, hydrogen chloride, fluorine, hydrogen fluoride, carbon oxides, sulphur compounds, including sulphur dioxide, nitrogen oxides, hydrogen, carbonyl chloride;
  - (b) acids: chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
  - (c) bases: ammonium hydroxide, potassium hydroxide, sodium hydroxide;
  - (d) salts: ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborates, silver nitrate;
- non-metals, metal oxides or other inorganic compounds such as:  
calcium carbide, silicon, silicon carbide.

4.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).

4.4. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of biocides or plant health products.

4.5. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of pharmaceutical products, including intermediates.

4.6. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the production of explosives.

#### 5. Waste Management

5.1. Installations for the disposal or recovery of hazardous waste within the meaning given by the Waste Management Act with a capacity exceeding 10 tonnes per day, involving one or more of the following activities:

- (a) biological treatment;
- (b) physico-chemical treatment;
- (c) blending or mixing prior to submission to any of the other activities listed in Points 5.1 and 5.2;
- (d) repackaging prior to submission to any of the other activities listed in Points 5.1 and 5.2;
- (e) reclamation/regeneration of solvents;
- (f) (\*\*) (Effective 7.01.2014, SG No. 32/2012) recycling/reclamation of inorganic materials other than metals or metal compounds;

- (g) (\*\*) (Effective 7.01.2014, SG No. 32/2012) regeneration of acids or bases;
- (h) recovery of components used for pollution abatement;
- (i) (\*\*) (Effective 7.01.2014, SG No. 32/2012) recovery of components from catalysts;
- (j) (\*\*) (Effective 7.01.2014, SG No. 32/2012) oil re-refining or other reuses of oils;
- (k) surface impoundment.

5.2. Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants:

- (a) (\*\*) (Effective 7.01.2014, SG No. 32/2012) coal for non-hazardous waste with a capacity exceeding 3 tonnes per hour;
- (b) for hazardous waste with a capacity exceeding 10 tonnes per day.

5.3.1. Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities of urban waste-water treatment:

- (a) (\*\*) (Effective 7.01.2014, SG No. 32/2012) biological treatment;
- (b) (\*\*) (Effective 7.01.2014, SG No. 32/2012) physico-chemical treatment;
- (c) pre-treatment of waste for incineration or co-incineration;
- (d) treatment of slags and ashes;
- (d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

5.3.2. Installations for recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities of urban waste-water treatment:

- (a) biological treatment;
- (b) pre-treatment of waste for incineration or co-incineration;
- (c) treatment of slags and ashes;
- (d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

5.4. (\*\*) (Effective 7.01.2014, SG No. 32/2012, supplemented, SG No. 98/2018, effective 27.11.2018)

Landfills within the meaning given by the ordinance under Article 43 (1) of the Waste Management Act regarding the construction and operation of landfills and other facilities and installations for the recovery and disposal of waste, receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste.

5.5. Temporary storage of hazardous waste not covered under Point 5.4 pending any of the activities listed in Points 5.1, 5.2, 5.4 and 5.6 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.

5.6. Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.

## 6. Other activities

6.1. Industrial plants for the production of:

- (a) (\*\*) (Effective 7.01.2014, SG No. 32/2012) pulp from timber or other fibrous materials;
- (b) (\*\*) (Effective 7.01.2014, SG No. 32/2012) paper and board with a production capacity exceeding 20 tonnes per day.
- (c) wood-based panels such as: oriented strand board (OSB), particleboard or fibreboard with a production capacity exceeding 600 cubic metres per day.

6.2. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles, where the treatment capacity exceeds 10 tonnes per day.

6.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Plants for the tanning of hides and skins, where the treatment capacity exceeds 12 tonnes of finished products per day.

6.4.1. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Slaughterhouses with a carcass production

capacity greater than 50 tonnes per day.

6.4.2. Installations for treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:

- (a) (\*\*) (Effective 7.01.2014, SG No. 32/2012) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;
- (b) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day, where the installation operates for a period of no more than 90 consecutive days in any year;
- (c) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:
  - (aa) 75 if A is equal to 10 or more, or,
  - (bb)  $[300 - (22.5 \times A)]$  in any other case, where "A" is the portion of animal material (in percent of weight) of the finished product production capacity.

Packaging shall not be included in the final weight of the product.

This subpoint shall not apply where the raw material is milk only.

6.4.3. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

6.5. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the disposal or recycling of animal carcasses or animal waste with a capacity exceeding 10 tonnes per day.

6.6. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Intensive rearing of poultry or pigs:

- (a) with more than 40,000 places for poultry;
- (b) with more than 2,000 places for production pigs (over 30 kg), or
- (c) with more than 750 places for sows.

6.7. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

6.8. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization.

6.9. (\*\*) (Effective 7.01.2014, SG No. 32/2012) Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage, where these streams are released from installations within the scope of this Annex, waste incineration and/or co-incineration plants (irrespective of their capacity), installations using solvents, or installations for the production of titanium dioxide.

6.10. Preservation of wood and wood products with chemicals with a production capacity exceeding 75 cubic metres per day other than exclusively treating against sapstain.

6.11. Plants for the independently operated treatment of wastewater generated by installations within the scope of this Annex and other than treatment plants for the treatment of urban wastewater.

## **Annex 5**

to Item 3 of Article 111 (1)  
(New, SG No. 77/2005,  
amended, SG No. 62/2015,  
effective 14.08.2015,  
SG No. 42/2022,  
effective 7.06.2022)

Criteria for reporting a major accident

I. Any major accident covered by Point 1 or having at least one of the consequences described in Points 2 to 5 shall be reported to the Commission.

An accident is a major accident where:

1. it involves dangerous substances in quantities of not less than 5 per cent of the qualifying quantities laid down in Column 3 of Part 1 or in Column 3 of Part 2 of Annex 3 hereto and causes a fire, explosion or discharge of a dangerous substance;

2. (amended, SG No. 42/2022, effective 7.06.2022) it gives rise to at least one of the following adverse consequences for human life and health and for the infrastructure in the area of the establishment/facility:

(a) a death;

(b) (amended, SG No. 42/2022, effective 7.06.2022) six persons injured within the establishment/facility (hospitalized for at least 24 hours);

(c) (amended, SG No. 42/2022, effective 7.06.2022) one persons injured outside the establishment/facility (hospitalized for at least 24 hours);

(d) (amended, SG No. 42/2022, effective 7.06.2022) residential buildings outside the establishment/facility damaged and unusable as a result of the accident;

(e) the removal of the affected population (evacuation) from the accident zone for not less than two hours (the number of evacuees multiplied by the number of hours must equal at least 500);

(f) the confinement of the affected population in protective facilities within the accident zone for not less than two hours (the number of evacuees multiplied by the number of hours must equal at least 500);

(g) the interruption of drinking water, electricity, gas or telephone services within the accident zone or within the impact zone for more than two hours (the number of persons multiplied by the number of hours must equal at least 1,000);

3. causes immediate damage to the environment or pollution in excess of the maximum permissible levels for environmental media with the following characteristics:

3.1. permanent or long-term damage to terrestrial habitats:

(a) 0.5 hectares or more of a habitat of nature conservation importance or of a habitat that is otherwise environmentally relevant, protected by virtue of a statutory instrument or administrative act;

(b) 10 hectares or more of more widespread habitat, including agricultural land;

3.2. significant or long-term damage to freshwater and marine habitats:

(a) 10 km or more of river or canal;

(b) 1 hectare or more of a lake or pond;

(c) 2 hectares or more of delta;

(d) 2 hectares or more of a coastline or open sea;

3.3. significant damage to an aquifer or underground water: 1 hectare or more;

4. causes one of the following damage to property:

(a) damage to property in the establishment: at least BGN 4 million;

(b) damage to property outside the establishment: at least BGN 1 million;

5. Cross-border damage: any major accident directly involving a dangerous substance giving rise to effects outside the national territory.

II. Any accidents or "near misses", which do not meet the quantitative criteria described in Point 1 but are of particular technical interest for preventing major accidents and limiting their consequences shall be reported to the Commission at the discretion of the authority referred to in Article 111 (1) herein.

#### **Annex 6**

to Article 131a (4)  
(New, SG No. 46/2010,  
effective 18.06.2010,  
amended, SG No. 42/2011,  
repealed, SG No. 22/2014,  
effective 11.03.2014)

#### **Annex 7**

to Article 131i (5)



(New, SG No. 46/2010,  
effective 18.06.2010,  
repealed, SG No. 22/2014,  
effective 11.03.2014)

### **Annex 8**

to Item 1 of Article 123 (1)

(New, SG No. 32/2012,  
effective 7.01.2014,  
supplemented, SG No. 42/2022,  
effective 7.06.2022)

List of basic groups of polluting substances which must be taken into consideration when setting permissible emission values and/or individual emission restrictions

#### I. Emissions to ambient air:

1. Sulphur dioxide and other sulphur compounds.
2. Oxides of nitrogen and other nitrogen compounds.
3. Carbon monoxide.
4. Volatile organic compounds.
5. Metals and their compounds.
6. Dust including fine particulate matter.
7. Asbestos (suspended particulates, fibres).
8. Chlorine and its compounds.
9. Fluorine and its compounds.
10. Arsenic and its compounds.
11. Cyanides.
12. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air.
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

#### II. Emissions to water:

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment.
2. Organophosphorus compounds.
3. Organotin compounds.

4. Substances and mixtures which have been proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment.
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances.
6. Cyanides.
7. Metals and their compounds.
8. Arsenic and its compounds.
9. Biocides and plant protection products.
10. Materials in suspension.
11. Substances which contribute to eutrophication (in particular, nitrates and phosphates).
12. Substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as biological oxygen demand (BOD), chemical oxygen demand (COD), etc.).
13. (Supplemented, SG No. 42/2022, effective 7.06.2022) Other substances or groups of substances for which individual emission limits are set in the permits under Item 2 of Article 118 (4) herein.