

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of Bulgaria [name of the Party or the Signatory] in accordance with decisions I/8, II/10 and IV/4.

Name of officer responsible for submitting the national report: Hristo Stoev

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Implementation report

Please provide the following details on the origin of this report

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

The report was developed by the Ministry of Environment and Water and has been agreed with the following institutions - the Ministry of Education and Science, Ministry of Justice, Ministry of Health, Ministry of Agriculture, ~~and Food~~ and Forestry, Ministry of Economy, Ministry of Energy, Ministry of Tourism, Ministry of Transport, Information Technologies and Communications, Ministry of Regional Development and Public Works and National Statistics Institute.

The report was published for public consultation on the website of the Ministry of Environment and Water for 35 days period: 02.12.2020 r. – 06.01.2021.

~~There were no comments from the members of the public for 30 days period: 03.11 – 04.12.2016.~~

~~There were no comments from the members of the public.~~

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that

officials and authorities assist and provide the required guidance;

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer:

Subpoint (a):

Chapter Two of the Environmental Protection Act (EPA) raises a number of requirements to public authorities and other competent persons with regards to promotion and facilitation of the public to reach environmental information.

The Access to Public Information Act (APIA) in detail regulates access to public information, including environmental information, guide the public on the procedure and forms for obtaining access to information, as well as the remedies in appealing the decisions and denials on access to public information.

Websites of the Ministry of Environment and Water (MoEW) and its

structures (departments) includes a section “Access to Information”, which give detailed instructions on the procedures for access to environmental information.

In order to be ensured transparency of the activities in the field of environment and maximum facilitation of the access to information, on the website of the Executive Environment Agency (EEA) is published and annually updated National Electronic Catalogue of Environmental Data Sources (<http://eea.government.bg>). It includes summaries of what environmental information is collected, stored and made publicly available by the institutions in Bulgaria.

An important role is performed by the Foundation “Access to Information”, which:

- Consults cases concerning the right to information.
- Conducts specialized training on freedom of information for state and municipal civil servants, journalists and NGOs.
- Prepare information materials and publications for the central and local press.

For more information:

<http://www.aip-bg.org/en/>

<http://eea.government.bg/bg/cds/index.html>

Subpoint (b):

In its variety, all possible topics and issues applying to sustainable development (incl. protection of the environment) are embedded in the school curricula and study content, for the different classes of the compulsory primary and secondary schooling. An integrated approach has been employed, without the need to establish a separate school subject under the title “sustainable development”; the topics are discussed given their particular specificity, once, and then within the context of the relevant taught school subject ~~or module and broader cultural-educational field~~.

This approach enables best opportunities for gaining a deeper understanding and reflecting upon the given topics both in the context of the specific scientific field and in reference to other spheres of knowledge and human activity via cross-curricular links.

The environment awareness and responsible behavior concerning the preservation of the environment are taught from an early pre-school age. In national context, an ever overarching priority of the Bulgarian government over the years has been an early pre-school education and upbringing. The pre-schooling is considered as an effective mean to laying a firm foundation for further successful learning and development. The early preparation of children two years before compulsory schooling is deemed as vital and therefore the state educational requirements prescribe in expected results from teaching, to introduce children to safety rules in case of natural disasters, to raise their understanding and awareness about the need to take care for animals and protect their right to live, to raise their willingness to take care and grow plants, etc.

As a confirmation of the importance that Bulgaria gives to education for environment and sustainable development, should be emphasized that, within educational policy, in addition to the major eight key competences, with the Pre-school and School Education Act (article 77) was introduced ninth competence - sustainable development and healthy lifestyle.

In the state educational ~~standards requirement for learning content~~ are included basic cores of educational content bound with education for environment and sustainable development and are formulated knowledge, skills, attitudes and competence, oriented to education for environment and sustainable development, which need to be absorbed by students at the time of completion of the relevant stage or degree.

In the curriculum for various subjects and classes these standards are decomposed in training targets on relevant topics. Main focus on education for sustainable development is placed in standards and curricula ~~for in cultural and educational fields "Social Sciences and Civic Education" (in the subjects "~~*mMan and sSociety*~~", "~~*hHistory and cCivilization*~~", "~~*gGeography and eEconomics*~~", "~~*sScience and eEcology*~~" (in articles "~~*mMan and nNature*~~", "~~*pBiology and hHealth*~~, "~~*eEducation*~~" and "~~*cChemistry and eEnvironmental pProtection*~~,")~~ in subject cycle "Philosophy", etc., although topics, questions and challenges of sustainable development are explicitly covered in the programs on other subjects, such as foreign language.

As a result of training, the student, among others:

- Determines the importance of natural resources for human life; indicate the connection between the characteristics of the environment and the employment; gives examples of the consequences of the interaction between man and the environment; gives examples of environmental changes in the lifestyle of people, occurred as a result of some technical innovations (~~"mMan and sSociety"~~);
- Is familiar with the principles of environmental monitoring and realizes the need of it; compares positive and negative aspects of life in urban areas; analyzes the main forms of international economic cooperation (~~"gGeography and eEconomics"~~);
- Identifies human activities leading to imbalance in nature (~~"mMan and nNature"~~);
- Evaluates the impact of man on nature and causes for disruption of the ecological balance; foresees the results of changing environmental factors and the human impact on the ecological balance (~~"pBiology and hHealth eEducation"~~);
- Arguing the need for rational use of natural resources; proves the need of secondary use of materials, waste-free and environmental safe production (~~"cChemistry and eEnvironmental pProtection"~~);
- Knows the basic rules of natural friendly way of behavior (~~technologies and entrepreneurship~~ "Home and Economy") and others.

State education standards, as a set of mandatory requirements for the results in the pre-school and school education system, cover also the environmental education. The ~~state educational standard for civic, health, environmental and intercultural education standard~~ was established by Ordinance of the Ministry of Education and Science (~~MES~~) ~~for Civil, Health, Environmental and Intercultural Education~~. According to the standard, the environmental

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education is addressed to formation of environmental culture, environmental awareness and environmental behavior in their mutual relationship with a view to knowledge on environmental laws, protection, improvement, management and rational use of natural resources, as well as protection of the environment and the ecological balance. Framework requirements for learning outcomes on environmental education in this standard include the areas of competence: "Energy and climate", "Society and Environment", "Biodiversity", "Water, Soil, Air", "Consumption and Waste".

In accordance with the provisions of the Vocational Education and Training Act, the compulsory vocational education and training for every single profession is designed in compliance with the state educational requirements for acquiring a professional qualification degree. On the basis of the state educational requirements, the study content is designed so as to encompass and promote also knowledge and skills concerning the preservation of the environment. It also provides certain possibilities for teachers to consider and reflect in class on topics and issues related, for example, to the harmful impact that the different stages of the technological process might have on air, water, soils, as well as on health and life as a whole, of people (vibrations, noise, radiation, etc.).

The system of vocational education and training also prepares pupils for the profession of the environmentalist and of the agro-environmentalist.

The compulsory vocational education and training in all professions leading to acquiring a third professional qualification degree in the school system has also introduced a school subject Entrepreneurship and a school subject Economics. In the curricula of the latter are considered themes and topics reflecting on crucial economic contemporary problems – the scarcity of resources versus the unlimited consumption in everyday life. The vocational education curricula regulate in various forms the possibility to encourage the entrepreneurial thinking and behavior by combining schooling with working practice at company. The interactive training supports again the concept of the education for sustainable development, stimulating entrepreneurial creative thinking and ideas for innovations, considering maintaining the ecological balance.

In the course of four up to five years vocational training, pupils acquire professional knowledge, skills and competences that are a guarantee for a successful professional realization in a number of fields of such professional competence. At workplace then, pupils are to apply the gained knowledge, skills and competences when conducting analyses of products, air, water, soils, and exercising control over the waste and production processes.

Furthermore, in the national examination curricula on acquiring a professional qualification are embedded evaluation criteria for the acquired professional competences, related to environment preservation.

According to the Higher Education Act, the educational process in higher schools is conducted according to the educational documentation for each specialty, which covers qualification characteristics by degrees, educational plan, curricula of the studied disciplines and annual schedule of the educational process. In Bulgaria, some universities provide training in specialties "Ecology and Environmental Protection", "Ecoeconomics", "Ecomanagement", "Ecochemistry", "Biodiversity, Ecology and

Conservation", "Ecological Biotechnology and Food Control", "Ecology and Protection of Ecosystems", "Ecology and Sustainable Development of Settlement Systems", "Techniques and Technologies for Environmental Protection", "Systems and Devices for Environmental Protection", "Environmental Restoration and environmental monitoring", "Environmental Education", etc. Most of the mentioned specialties are in professional fields 4.4 Earth Sciences, 4.3 Biological Sciences, which according to an act of the Council of Ministers are defined as with priority (CMD № 64/25.03.2016 on the terms and conditions for approval of the number of students admitted for training and doctoral students in public universities and for the adoption of a List of priority professional areas and a List of protected specialties).

According to the Higher Education Act, the Council of Ministers approves (with regulations) state requirements for acquiring higher education degrees and specialties. In Bulgaria the higher education institutions provide training in specialties: "Ecology and Environmental Protection", "Eco-economics", "Eco-management", "Eco-chemistry", "Biodiversity, Ecology and Conservation", "Environmental Biotechnology and Food Control", "Ecology and Protection of Ecosystems", "Ecology and Ecotoxicology", "Ecology and Sustainable Development", "Resource Efficient Technologies", "Equipment and Technologies for Environmental Protection", "Environmental Education" and others.

As far as non-formal education is concerned, a crucial role in promoting education for environment and sustainable development play the projects and programmes, and in particular those, developed jointly, in partnership, with non-governmental organizations and civil society representatives.

Education for sustainable development is delivered in the process of acquiring all types of school training – general, additional and extended not only within the compulsory schooling, but also in extracurricular and free elective classes, in different forms, such as, for example – clubs, national contests, etc.

At school level, education for sustainable development is carried out: in class, including through student self-government; in activities of interest within the all-day organization of the school day; in the framework of general personal development support activities.

At school level, Various initiatives applying to the education for sustainable development, such as debates, art exhibitions, eco trails, etc. take place. The most common practice employed by schools in their attempt to ingrain education for sustainable development into classes, is to develop curricula meant to be taught in the additional training free elective classes, including topics related to the education for sustainable development concept. Apart from that, a series of schools have established environmental education clubs, where education for sustainable development is entirely in focus.

Every year MoEW and its regional structures – Nature Park Directorates, River Basin Directorates and Regional Inspectorates on Environment and Water (RIEWs) in cooperation with MES and municipalities, conduct national campaigns to raise public awareness and culture on the occasion of dates of the international ecological calendar – World Wetlands Day -

February 2; Water Day - March 22; Forest Week - March 30 to April 5; Earth Day - April 22; Combat Climate Change Day - May 15; Biodiversity Day - May 22; European Week of Sustainable Development - May 30-June 5; Environment Day - June 5; Danube Day - June 29; [Day of Clean Air for Blue Skies – September 7](#); European Mobility Week - September 16 to 22; Protection of the Ozone Layer Day - September 16; Birds Day - October 1; Water Monitoring Day – October 18; Black Sea Day - October 31; Mountains Day - December 11 and others, as well as campaigns related to the conservation of certain species or groups of species - bats, dolphins, bears, etc. Within these campaigns, by MoEW and its structures/units and in some cases Forest Executive Agency and Nature Park Directorates to it, are held round tables, conferences for students, teachers, employees of municipal and state administration, open classes in nature, competitions, exhibitions, environmental camps, ecotrails, ekoperformances, exhibitions, cleaning and afforestation activities, quizzes, training seminars and various forums, involving hundreds of thousands of children and young people throughout the country and which are a good example of partnership with local authorities, institutions, businesses and NGOs at the regional level. [The regional divisions of MoEW report annually on average over 650 kindergartens and schools and over 35,000 children and students covered in information and educational initiatives.](#)

Traditionally is held every year by MoEW the contest “For a Cleaner Environment” with the moto “I love the nature – I also take part”, financed by the Enterprize for Management of Environmental Protection Activities (a national fund to MoEW), in which may participate with environmental projects municipalities, schools, kindergartens and children's centers. Supported projects provide cleaning and planting certain urban areas, creating zones for recreation and sports and general aesthetising and improving the living environment in the settlements. Also are funded activities of schools and kindergartens directly related to increased environmental awareness and the introduction of modern trends in the field of environmental education in the educational process, incl. equipping cabinets and learning tools, creating eco- playground etc. Introduction of contemporary trends in the field of environmental protection in the education and didactic process of young people is provided, through the possibility of financing the activities of physical character directly involved and necessary for the teaching and educational process in each of the establishments or organizations applicants with projects.

[The National Trust Ecofund has undertaken a number of initiatives in the field of climate change education:](#)

- [Project for climate protection through improved behavior of energy consumers in European schools \(50/50\) \(completed\) - implemented in partnership with the German Independent Environmental Institute UfU and the Romanian organization Environ, with the support of the Federal Ministry of Environment of Germany, and aimed to change the behavior of students and teachers to reduce energy consumption in school buildings, as well as to create a model to stimulate and motivate Bulgarian municipalities and schools to reduce energy consumption in schools.](#)
- [Project “Public Awareness of Climate Change” \(completed\) - to raise awareness on climate in the education sector. 20 teachers from 10](#)

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kindergartens and 28 teachers from 14 schools have been trained. Two competitions on the topic of climate for a project proposal and a video clip have been held.

- Project "Towards the introduction of climate action as an element of the educational programs of Bulgarian schools" (TICA) (implemented) - implemented under the Programme for projects funding of the Federal Ministry of Environment of Germany "European Climate Initiative" in partnership with Independent Environmental Institute of Berlin - UfU. Within the project, a permanent training program for teachers of all specialties throughout the country on the topic of climate change and energy efficiency is being developed and implemented. Currently, 50 schools and kindergartens in 12 municipalities are covered. More than 130 teachers and more than 2 000 children and students are directly involved in the project. The number of children and students receiving information exceeds 5 000.
- The project "Bridge between climate action at European and local level" (BEACON) (under implementation) - also under the "European Climate Initiative" programme, aims through joint training, communication and targeted consulting services, policy makers, municipal employees and teachers to acquire technical and other process-related skills to develop, refine and implement measures to limit greenhouse gas emissions. Within the framework of this project, a proposal was submitted to the MES ~~Ministry of Education and Science~~ for the introduction of a national initiative, accessible to all schools and kindergartens in the country.
- Annual competition with awards in the name of "Mimi Pramatarova", aimed at Bulgarian students. Every year the focus is on a specific problem related to the state of the environment in ~~the Republic of~~ Bulgaria.

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In order to promote the activities of the Operational Programme "Environment" 2014-2020, a financial instrument co-financed by EU funds (85%) and the national budget (15%) (OPE) are implemented a number of educational and information initiatives:

- In 2020, OPE initiated the educational and information campaign "Green Primer", aimed at forming environmental awareness among young people in the country. In the course of the campaign, a student manual "Green Primer" was printed in 1 700 copies, donated to the MES ~~Ministry of Education and Science~~ for free distribution in primary schools in Bulgaria.
- In 2016, 2017 and 2018, OPE initiated the educational and information campaign "Green Olympics". Every year, thousands of students competed in the environmental initiative nationwide. Participants from all over the country answered questions about nature conservation and won prizes provided by OPE. Over the years, famous performers and actors have joined the Green Olympics with their own performances and performances - "Save the Earth", "It's cool to be eco" and others.
- For three consecutive years, OPE has partnered with the Embassy of France in Bulgaria in organizing the Eco-Municipality competition under the auspices of the Presidency of the Republic of Bulgaria. Eco-Municipality is a platform that promotes the achievements of Bulgarian

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municipalities in the categories of "water and waste management", "sustainable mobility" and "energy efficiency of buildings" and distinguishes those who make special efforts for sustainable development and the fight against global global warming.

- In 2018 and 2019, OPE implemented a campaign with a 3D mapping project with the message "We do not have a plan (s)" B ", which shows the consequences of human impact on the environment and how with conscious action everyone can help protect nature. The visual performance is projected in front of the National Gallery "Square 500". The animations bring attention on the sustainable use of natural resources with a focus on the priority axes of the OPE.
- Under OPE, media campaigns have been implemented annually through the production of audio and video clips for broadcasting in national and regional electronic media.
- In 2019, OPE participates in the organization of an exhibition on the occasion of World Environment Day. Ensembles from the National Children's Palace and representatives of the National Student Eco-Parliament took part in the celebration. At the Innovation for Air Quality exhibition, various companies presented innovative solutions that help to improve air quality.

~~In 2016 has started the national educational awareness campaign "It is good to be eco", which aims to promote the activities of the Operational Programme "Environment 2014-2020" (financial instrument co-funded by the EU funds (85%) and the national budget (15%). Six homonymous performances on environmental issues (waste and air quality) were presented to more than 3200 children from schools across the country. The events helped children to reinforce their knowledge and to be more involved and responsible for nature conservation as a guarantee of stability of the measures undertaken by Operational Programme. During the the campaign took place "Green Olympiad", which was attended by 7 000 students competed on environmental topics.~~

~~In the past, other two initiatives have been were carried out with funding by OPE by the MoEW, funded by Operational Programme "Environment 2007-2013":~~

- ~~National Campaign "Green Bulgaria" for handing in thanksgiving awards for "greenest" business, most active municipality with projects financed by EU funds, greenest city. Such prizes are awarded also by the non-government sector, which performed voluntary monitoring of the environment, such as the award "Oak" and the antiaward "Polecat" established by the Coalition for Sustainable Development (NGO).~~
- ~~The "Green Idea" campaign, which is designed in a funny and enjoyable way to bring together fresh ideas for protection of the environment and to draw attention to unique places in the Bulgarian countryside.~~

OPE Operational Programme "Environment" provides financial support for projects, which envisage, among others, development of environmental education programmes (extracurricular activities) for students, elaboration of informational materials, guidelines for teachers, development of information centres, etc. An example is a project of the Directorate of National Park "Central Balkan", funded by the Operational Programme, named "Central Balkan - Park for All". Within the project is implemented

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the educational programme "The Park as a Classroom", which include development and distribution of educational materials and packages (e.g., "Oasis of wildlife" and "Walk in the Wild Mountain") for teachers and students.

The ~~Ministry of Education and Science~~ (MES) also conduct extracurricular activities for students, incl. national contests for students (for paintings, photos, essays, etc. on environmental topics), for example - "Water - Source of Life", "Keep Water – Keep Nature", "Nature - Our Home", "Green Planet" and others. Annually, the MES organizes and holds across the country a National Olympiad in civic education for all pupils from I-XII degree, as well as a National Contest in Key Competences in Natural Sciences for all pupils from V-IX degree, etc.

The Executive Forest Agency and its structures, as well as the territorial divisions of the state forest enterprises work actively with the adolescents of all age groups. Apart from the Forest Week, nearly 22 000 children from all over the country took part in events with an ecological focus on the methodology of Forest Pedagogy for the period 2016-2020. The Directorates of Nature Parks (DPP) annually participate in events of the educational establishments, and the training and interpretation centers in the parks periodically welcome students and children from the country. The park directorates work actively to support local initiatives and develop a volunteer network. DPP organize and host the "Festival of periwinkle", "Festival of chestnut", "Green suns", "Golden Autumn", etc., in order to develop non-formal education, environmental education and the connection between education and culture. As part of the "Forest Week", the DPP, together with the Regional Directorates of Forestry and state-owned enterprises, organize and hold a "Forest Holiday - Forester for a Day". The Executive Forest Agency and its structures are implementing a number of projects aimed at environmental education;

- P:roject "Youth Volunteers - for Eco Education" of the EcoCentric-NGO Foundation and DPP "Vrachanski Balkan" - attended by 300 young people from the region and developed Handbook "Youth Volunteers train young people for environmental protection" and the Code of the Youth Volunteer-Environmentalist,
- Project "Organizing and conducting an information campaign for Natura 2000 sites in the district with administrative center Vratsa" (2020-2022) of the DPP "Vrachanski Balkan" under the Operational Programme "Environment 2014-2020" aims to build and develop capacity, knowledge and skills of stakeholders from the municipalities to use the opportunities of Natura 2000 sites for planning and organizing economic activities, as well as raising awareness, maintaining interest and stimulating civic participation of the general public in initiatives related to the Natura 2000 network. One of the target groups are students from 5th to 7th grade and students from 8th to 12th grade,
- DPP "Vitoshka" is implementing project CB007.2.32.151 "Environmental education of young people - a bridge to the sustainable development of the cross-border region" (2019-2021) Interreg-IPA Bulgaria-Serbia 2014-2020, which aims to create

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capacity and opportunities for environmental education in the cross-border region, to promote environmental awareness and to change the perceptions of young people towards the environment. A "Guide to Environmental Education" has been issued as part of the project.

Project "Environmental management for sustainable living in schools" was implemented, which was funded by the Flemish (Belgian) Government, at the total amount € 35,000.

The main objectives of the project were the promotion and full implementation of environmental education and education for sustainable development in Bulgarian schools and improve the knowledge of teachers for working with modern teaching aids and support schools in the implementation of new approaches and methods of working with children and parents.

Within the project has been translated and printed in 1800 copies a teacher's guide "Environmental management for a better way of life in schools". The guide was presented during the seminars and practical training to 147 teachers and directors from primary and secondary schools in 50 settlements in Bulgaria, representatives of the Regional Inspectorates of Education, MoEW and municipalities.

Successfully is applied Green Pack – a training aid elaborated by the Regional Environmental Center for Central and Eastern Europe with support from Toyota. Green Pack includes several educational components for pupils from 5-8 classes, including a CD-ROM, handbook with lesson plans for teachers, a video cassette with environmental video clips and longer films, environmental games etc.

Other implemented project is the campaign "With Flupi for a Better Environment", which was performed in two stages: the first include more than 250 kindergartens in the capital and the country which were donated with 1,200 educational kits (including the books "Flupi and Water" and "Flupi and Air", handbook for teachers, Flupi dominoes, stickers and posters), prepared under the same project, from which children learn the proper respect for the environment: how to protect air and water clean, what to do in order to be not polluted streets, yards and homes, how to relate to the world around us. The second phase of the campaign was aimed at children aged between 8 and 13 years and included the development and distribution of two educational aids package designed respectively for students 2-4 and 5-6 grades.

~~Ministry of Economy has implemented the project „Promoting quality and sustainable development of tourism enterprises” financed from EU funds. The project aims to explore, promote and create conditions for the implementation of tools for promoting quality and sustainable development of tourism enterprises. Within the project was conducted information campaign for explaining and promoting the benefits and the need of systems for certifying the quality of tourism products and services and quality labels in tourism industry.~~

The National Institute of Justice ([NIJ](#)) has included issues of environmental law in the ongoing attendance and remote training of magistrates. Since 2011 with the remote training of magistrates annually is conducted a course on "Environmental protection. Administrative proceedings under the Environmental Protection Act and Biodiversity Act, the environmental assessment in proceedings under the Spatial Planning Act". Lecturers of the training are judges and prosecutors from the Supreme Administrative Court and the Supreme Administrative Prosecution Office. By 2015 were conducted 5 training courses which involved 89 magistrates. Separately, in the period 2013-2016, was provided participation of Bulgarian magistrates in training initiatives of the European Institute of Public Administration, European Judicial Training Network, Academy of European Law and others. The topics of the seminars were related to the access to environmental information, EU environmental legislation and biodiversity conservation. [The NIJ conducted an e-learning on "The Challenges of the Aarhus Convention in Law Enforcement" in 2018.](#)
[Additional information on NIJ initiatives is presented in section XXXVII.](#)

Subpoint (c):

With the aim for actively cooperation with environmental non-government groups and organizations and other participants in the public process of forming positions and taking initiatives by MoEW for development and implementation of state policy on environmental protection in March 2013 was established the Public Council to the Minister of Environment and Water. Meetings of the Council are attended by representatives of NGOs, other professional organizations, academic/scientific community, government and others, depending on the theme of each meeting. The meetings are broadcasted online on the website of the Ministry, which provides maximum openness to the public. [A Council of Scientists was established in 2018 as an independent advisory body to the Minister of Environment and Water with the participation of 26 prominent representatives of academia and the scientific community from across the country.](#)

Participation of NGOs is provided in advisory boards to MoEW – Supreme Expert Environmental Council, National Biodiversity Council, [Supreme Water Advisory Council](#)~~Water Coordination Council~~, Advisory Committee on Genetically Modified Organisms (GMO), National Expert Council on Climate Change. In ~~Water Coordination Council~~, and the Advisory and Coordination Council for Protection of the Environment in Marine Waters of the Black Sea are included representatives of local authorities, academia and others. [In the Supreme Water Advisory Council participate representatives of the associations of the municipalities, the academia, water users, etc. At the regional level, Basin Councils have been established at each basin directorate, which are advisory in the performance of the functions of the director of the basin directorate and in which state administration bodies, local authorities, water users, academia and NGOs are represented.](#)

The Council for Development of Civil Society at the Council of Ministers is in the process of formation. It is envisaged that its functions will be: to give opinions on all draft regulations, strategies, programmes and plans related to the activities of civil society organizations; to coordinate and monitor the implementation of the Strategy for Support of the Development of Civil Society Organizations in the Republic of Bulgaria and the Action Plan under the Strategy; to propose to the Council of Ministers an action plan, including a financial one, for the implementation of the strategy for each following year and to review and evaluate its implementation; to collect information on the financing of civil society organizations with public funds in order to determine the effectiveness of the allocated funds; to make an annual review of the needs and problems of civil society organizations, as well as of their results and achievements; to support the process of interaction between state and local authorities and civil society organizations; to determine the priorities and adopt the rules and procedures, as well as to allocate the funds for promotion and financial support of projects of public importance to non-profit legal entities for realization of public benefit activity.

In the process of preparation of the strategic and programming documents of Bulgaria for management of the European Union funds for the programming period 2021-2027 an opportunity has been provided (through Decree № 142 of the Council of Ministers of June 7, 2019) for inclusion in the composition of the working groups developing the Partnership Agreement and the programmes for the period 2021-2027 of non-profit legal entities, including environmental organizations. The criteria, conditions and procedure for the election of such representatives are clearly regulated in the legislation.

Civil society, business and the media were put in the exchange of information on the Internet through the channels of MOEW on social networks Twitter, You Tube and Facebook.

Subpoint (d):

Draft framework positions of the State for the matters to be considered at meetings of the working bodies of the Council of the EU (including in relation to the total EU contribution to international initiatives, processes, agreements, etc.) are coordinated/agreed within Working Groups of the National Council for European Affairs, in whose member compositions are included representatives of associations of NGOs, syndicates, trade unions and others. By this way is ensured the participation of the public concerned with the coordination and preparation of national positions for the negotiations at the EU level procedures for the formation of a common EU position on issues related to international forums. Examples of such forums in which the country does not participate directly, but only through the mechanisms of coordination within the EU institutions are Stockholm Convention on Persistent Organic Pollutants, Convention on the Transboundary Effects of Industrial Accidents, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the

procedures for strengthening and upgrading United Nations Environment Programme (UNEP) and others.

It should be taken into account that public participation in the EU matters coordination scheme in Bulgaria is provided not only by the representation of NGOs in the Working Groups to the National Council for European Affairs. There is also Consultation centre to the Council – web portal where registered members of the public could submit comments on draft proposals for decisions and legal acts of EU: <http://www.euaffairs.government.bg/en/index.php>

All comments received are redirected to the Working Groups to the Council, responsible for the different “dossiers”, in accordance with the policy specialization of each Group.

In advisory councils to the MoEW, which address issues related to the country's participation in international forums, is also assured participation of non-governmental organizations, academia and others.

Aforementioned Public Council to the MoEW discusses proposals for legislative changes for harmonizing the national legislation with the EU acquis and international agreements on the environment (also “international forums” within the meaning of the Convention). ~~For example, at its third meeting held on 08.01.2013, the Council considered proposals of the Ministry for draft of Climate Change Mitigation Act, as well as drafts of amendments to the Clean Air Act and to the Act on Protection from Harmful Effects of Chemical Substances and Mixtures. These proposals are directly related to the implementation of international commitments associated with: Bulgaria's participation in international trade of greenhouse gas emissions and EU Emission Trading Scheme; transposing the requirements of Directive 2012/33/EU as regards the sulphur content of marine fuels; application of Regulation (EU) No 649/2012 of 4 July 2012 concerning the export and import of hazardous chemicals.~~

It was prepared and submitted to the structures/departments of MoEW and the relevant institutions information and instructions (including Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums) on promoting and encouraging the principles of the Aarhus Convention in international decision-making processes on issues related to the environment. Contact persons under international agreements and treaties are defined, which will coordinate future actions.

Almaty Guidelines for applying the principles of the Aarhus Convention in international forums has been submitted to the national coordinators of conventions related to the environment.

~~MoEW Ministry of Environment and Water is National Competent Authority under the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). As such it started organizing events to inform the stakeholders about the possibilities to participate in the work of the Platform. The first such event for representatives of the~~

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governmental institutions and academia was held in March 2020. Further events were planned for those and other stakeholders, incl. civil society, but were postponed due to the quarantine restrictions. They will be held after the end of the pandemics or by virtual means. National Focal Point of IPBES is responsible for dissemination materials and coordination of work on various products the Platform, such as the review of draft assessments, nomination of participants in various activities, etc.

Subpoint (e):

The right to protection of all citizens in Bulgaria, regardless of their field of activity, is guaranteed by the Constitution. All provisions of the Constitution are directly applicable (article 5, paragraph 2). The applicable normative rules and standards of procedural and material nature, according to the Constitution, include:

- Protection of the privacy of citizens - it is inviolable; everyone has the right to protection against unlawful interference with his private and family life and against encroachment on his honor, dignity and reputation (article 32, paragraph 1).
- Prohibition of persecution of citizens, as well as restriction of their rights due to their beliefs; citizens cannot be obliged or compelled to give information about their own or other people's beliefs (article 38).
- The right of citizens to express an opinion and to disseminate it by word - written or oral, by sound, image or otherwise (article 39, paragraph 1).
- The right of citizens to complaints, proposals and petitions to state bodies (article 45).
- The right of citizens to protection when their rights or legitimate interests are violated or threatened; in state institutions they may also appear with a defense counsel (article 56).
- The judiciary protects the rights and legitimate interests of citizens, legal entities and the state (article 117, paragraph 1).

All these rights of citizens are protected by more detailed rules and regulations in the Administrative Procedure Code, the Code of Civil Procedure and the Code of Criminal Procedure and in a number of special laws.

~~The Bulgarian legislation has no explicit text that literally reproduces the requirements of article 3, paragraph 8 of the Convention, but in accordance with article 45 of Constitution of the Republic of Bulgaria: "Citizens shall have the right to present complaints, suggestions, and petitions to the state authorities" and article 56 stipulates: "Every citizen, whose rights or legitimate interests are violated or jeopardized, shall have the right to remedy. Appearing before any institution of State, every citizen may be represented by legal counsel."~~

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IV. Obstacles encountered in the implementation of article 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

None.

V. Further information on the practical application of the general provisions of article 3

Provide further information on the **practical application of the general provisions of article 3**.

Answer:

324 information centers for the public in the MoEW and its territorial structures disseminate information on environment and sustainable development among pupils, students, NGOs, academia and business. Centers provide to individuals and organizations free informational materials and free access to literature in the field of environmental protection, research developments, sources of information obtained through international exchanges, videos and more. Possibilities for organized group visits to the centers are also available. Within their activities information and education campaigns are held to raise environmental awareness and culture of different groups of the public, information materials are issued and various initiatives in partnership with institutions, businesses and NGOs in different regions are conducted.

Special attention is paid to the use of electronic means to provide reliable and timely information – the websites of the ~~Ministry~~ MoEW and its structures/units are continually updated, public databases and registers of environmental information are created and developed. The public is fully informed about the parameters and the management of environment and the issued administrative and legal acts, electronic news columns are maintained, and announcements about events, dates of the nature conservation calendar and profiles on social networks are provided.

Significant amount of environmental information is placed on the websites of the MoEW and its structures. A “One-stop-shop” service has been introduced in the MoEW in the year 2000 for administrative services of citizens, including submission of applications for access to information. Through the "One-stop-shop " service other ministries and local authorities, having environmental information also provide information to the public.

Within a few projects under the Stability Pact for South Eastern Europe have been developed guidelines and organized seminars for introducing the various groups of the public with their rights arising from the implementation of the Convention in Bulgaria.

MoEW has established partnerships with NGOs, on the basis of equality and

transparency. Environmental NGOs participate in the process of decision - making as members of various advisory bodies and working groups. Through websites of MoEW and its structures/units at the earliest possible stage is provided the opportunity to the public and NGOs to express their views on draft regulations, strategies, plans and programmes, created by the Ministry in the field of environment. The above-mentioned practice is also applied by other ministries and local authorities having competences on issues related to the environment.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

<http://www.moew.government.bg/?&lang=bg>
<http://eea.government.bg/>
<http://www.mi.government.bg/bg>
<http://www.mzh.government.bg/mzh/bg/Home.aspx>
<http://www.mh.government.bg/>
<http://www.mon.bg/>
<https://www.nsi.bg/>

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary

action;

(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

There is no definition in the Bulgarian legislation which literally transposes the definition of the Convention for “Public authority”. According to article 21, paragraph 1 and 2 of the EPA, for the purposes of this Act “Public authority” are the competent authorities specified as follows:

- (1) central and territorial executive authorities, which collect and hold information related to the environment;
- (2) bodies and organizations which are part of the consolidated fiscal program and collect and dispose of environmental information, with the exception of the bodies of legislative and judicial power.

Article 21, paragraph 3 of the EPA states that every natural or legal person who provides public services related to the environment and carry out this activity under the control of authorities and organizations in accordance with paragraphs 1 and 2, are obliged to provide environmental information.

The definition “Environmental information” is fully transposed into article 18 and article 19 of the EPA. Within the meaning of the EPA "Information relating to the environment" shall mean any information in written, visual, aural, electronic or other physical form regarding:

1. the state of the components of the environment and the interaction therebetween;
2. the factors that pollute and damage the environment, 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 components of the environment;
3. the state of human health and safety, inasmuch as they are or may be affected by the state of the components of the environment or, through the said components, by the factors, activities or measures referred to in point 2;
4. cultural and historical heritage sites, buildings and installations, inasmuch as they are or may be affected by the state of the components of the environment or, through the said components, by the factors, activities or measures referred to in point 2;
5. costs-benefit analysis and other economic analyses and assumptions used within the framework of the measures and activities referred to in point 2;
6. emissions, discharges and other harmful impacts on the environment.

Subpoint (a):

According to article 17 of the EPA, everyone has right of access to available

information related to the environment without necessity to prove concrete interest.

In accordance with article 26 of APIA access to public information is provided in the following forms:

1. Verification of the information in the original form or in a copy, or via a register accessible to the general public.
2. Oral response to an enquiry.
3. Copies on a physical data medium.
4. Copies supplied by electronic means or an internet address where such data are stored or being published.

According to article 27 of APIA, bodies comply with the preferred form of access to public information, except in cases where:

1. it is technically impossible;
2. is associated with unreasonably increase the cost of provision;
3. leads to the possibility of unlawful processing of this information or for infringement of copyright.

Subpoint (b):

According to article 20, paragraph 2 of the EPA, information relating to the environment shall be provided within 14 days from the date on which the applicant was notified about the decision of the competent authority to provide access to the information requested.

According to article 28, paragraph 1 of APIA, each request for access to public information shall be considered within the shortest possible time, but not later than 14 days as of the date of registration.

Subpoint (c):

According to article 33 of APIA, if the body does not have requested information and there is no data for its location, the body inform the applicant within 14 days.

According to article 29, paragraph 1 of APIA, where it is not clear what exact information is requested or if it is very broadly formulated, the applicant is notified about that and the body gives an opportunity to specify scope of the requested information.

Article 20, paragraph 1 of the EPA fully transposes the requirements of article 4, paragraph 4 of the Convention. 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. information constituting personal data, where the natural person concerned has not consented to the disclosure of the said information, and according to the requirements provided for in the Personal Data

Protection Act;

5. information which 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. information that will adversely affect the environmental media.

According to article 20, paragraph 6 of the EPA, 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.

According to article 20, paragraph 4 of the EPA, in deciding to refuse the provision of information under article 20, paragraph 1 of the EPA, the competent authority must take into account the public interest served by disclosure of such information.

According to article 14, paragraph 2, point 3 of APIA, public authorities are obliged to announce information that is collected or they are aware of in the course of their activities, when such information is or may be of public interest.

Article 37, paragraph 1 of APIA states that access to public information may be refused on any of the following grounds:

1. the information requested is classified information or another protected secret in the cases provided for by law, as well as in the cases covered under article 13, paragraph 2 herein;
2. such access affects the interests of a third party, and said party has explicitly denied consent to disclosure of the public information requested, except in the cases of an overriding public interest;
3. the public information requested has been disclosed to the applicant during the last preceding six months.

The first point refers to article 13, paragraph 2 of APIA, in accordance with, access to administrative information may be restricted where the said information:

1. is related to the internal preparation of the acts of the public authorities and has no relevance of its own (opinions and recommendations developed by or for the public authority, observations and advice);
2. contains opinions and positions adopted in connection with present or future negotiations conducted by the public authority or on behalf thereof, as well as data pertaining to such opinions and positions, and has been prepared by the administrations of the relevant public authorities.

The provision of article 13, paragraph 4 of APIA envisages that access to administrative public information may not be restricted if there is an overriding public interest. Within the meaning of APIA, "Overriding public interest" shall be in place where disclosure of corruption and of abuse of power, enhancement of the transparency and accountability of the entities is sought through the information requested. It must be clarified that any facts, information, decisions and data related to economic activity, whose non-

disclosure is in the interest of the holders but there is an overriding public interest in the disclosure thereof, may not constitute an "industrial or trade secret". Until proven otherwise, there shall be an overriding public interest in disclosure of the information where any such information:

- (a) enables citizens to form an opinion and to participate in current discussions;
- (b) facilitates the transparency and accountability of the entities regarding the decisions made thereby;
- (c) guarantees the legally conforming and expedient fulfilment of the legal obligations of the entities;
- (d) discloses corruption and abuse of power, mismanagement of state or municipal property or other legally non-conforming or inexpedient acts or omissions by administrative authorities and officials in the respective administration, whereby state or public interests, rights or legitimate interests of other persons are affected;
- (e) disproves disseminated untrue information affecting significant public interests;
- (f) is related to the parties, the subcontractors, the subject matter, the price, the rights and obligations, the terms and conditions, the time limits and the sanctions specified in any contracts whereto an entity is one of the parties.

Under article 11 of APIA "Administrative information" shall be any information which is collected, created and stored in connection with any official information, as well as in connection with the operation of the public authorities and of the administrations thereof. Also, according to article 10 of APIA "Official information" shall be any information which is contained in the acts of the state bodies and of the bodies of local self-government [issued] in the course of exercise of the powers thereof.

The following additional clarifications should be made: According to article 4, paragraph 1 of the APIA, every citizen of Bulgaria has the right to access to public information under the conditions and by the order specified in this law, unless another law provides for a special order for searching, receiving and disseminating such information. The provision of article 11, paragraph 2 of the Law on Normative Acts (LNA) stipulates: "When a general regulation of a certain matter is given, a special law may provide for deviations from it only if this is required by the nature of the public relations regulated by it". Since the APIA and the EPA are normative acts with equal legal force, relating as general to special, in connection with their legal interaction, the texts of article 11, paragraph 2 of the LNA and article 4, paragraph 1 of the APIA are applied.

The APIA is defined as a general normative act with regard to the EPA, which in view of the specifics and nature of the public relations regulated in it, refers to the APIA as special with regard to issues concerning access to public information related to the environment. As a basic law regulating public relations related to environmental protection, the EPA is undoubtedly a special normative act, the legal norms of which are applied with priority over the provisions of the APIA. There is an applicable special law governing these public relations and in particular the norms of article 17 and

article 20, paragraph 1 of the EPA. According to article 17 of the EPA, everyone has the right to access to available environmental information (article 18 and article 19 of the EPA), without the need to establish a specific interest. According to an argument from article 26, paragraph 1 of the EPA, in these cases the procedure under Chapter Three of the APIA is applicable, but the substantive grounds for denial of access to information are regulated in a special law and in particular in article 20, paragraph 1 of the EPA.

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Subpoint (d):

According to article 32, paragraph 1 of APIA, when the body does not have the requested information, but knows where its location is, within 14 days of receipt of the request for access to information, the body shall forward the application to the competent authority and notify the applicant. The notification must contain the name and the address of the respective body or legal entity to which information refers.

Subpoint (e):

According to article 20, paragraph 5 of the EPA, in case of limited access, the available environmental information is provided only in the part, which is possible to be separated from the main information for which there are restrictions for submission.

According to article 37, paragraph 2 of APIA, partial access may be allowed to such part of the information to which access is not limited.

Subpoint (f):

According to article 38 of APIA, in case of decision taken to refuse access to public information should be specified the legal and factual grounds for refusal under this Act, the date of the decision and order of its appeal.

According to article 28, paragraph 2 of APIA, the competent authorities or persons explicitly authorized by them, decide whether to grant or deny access to public information and notify in writing the applicant for the decision.

Subpoint (g):

According to article 20, paragraph 1 of APIA access to public information is free. Costs incurred in providing access to public information shall be paid according to norms set by the Minister of Finance, which does not exceed the actual cost. Information on determination of costs is available to applicants upon request.

According to article 22 of APIA, no additional costs shall be paid for corrections and / or additional information on already provided public information in cases when it is incorrect or incomplete and it is requested by the applicant.

According to article 29 of the EPA, the fee provided for provision of specially processed information should be defined for each concrete case.

VIII. Obstacles encountered in the implementation of article 4

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

None.

IX. Further information on the practical application of the provisions of article 4

Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Answer:

Access to environmental information in MoEW and its structures is very well organized. Through the "One-stop-shop" service all requests for access to information are submitted in one place, after that entered in the register and allocated to reply. Service "One stop" is also carried out by other competent ministries and local authorities.

According to article 15, paragraph 2 of APIA, each head of an administrative structure in the system of the executive government branch shall prepare an annual report on the applications for access to public information and on any instances of re-use of information from the public sector as received, including particulars of the refusals of any such applications and on the reasons for the said refusals.

The structures of MoEW register requests for access to information pursuant to article 25, paragraph 3 of the APIA and maintain internet registers of the number of applications received, decisions to provide information and denials.

The information about the exercise of the right of access to public information, the terms and procedure for re-use of information, the fees and the formats in which such information is maintained and the annual reports, the existing internal rules regarding access to public information, the expenditure rates for provision of access to information and for re-use of public sector information, procedure for access to the public registers kept by the administrative structures within the system of the executive branch of government shall be announced in a designated Access to Information Section on the websites of the administrative structures.

In enforcement of Article 15c of APIA envisage that the Administration of the Council of Ministers shall create d within 01.06.2017 and maintains a platform for access to public information. Said platform shall enable the

submission of applications for access to information. Every authority shall publish on the platform any applications submitted via said platform, the decisions adopted in respect thereof, and the public information supplied subject to the requirements of protection of the applicant's personal data in accordance with the Personal Data Protection Act.

In practical terms, the order and the conditions for the receiving, registration, distribution and processing of written applications and oral requests for access to public information, the preparation of decisions to grant or to refuse the provision of information in the MoEW, the modes of providing, the costs and the manners of payment, the rules for maintaining web section "Access to information" and re-use of information, are laid down in the Internal Rules on Terms and Conditions for Access to Public Information in the MoEW, published on the website of the authority.

It has to be noted, that the refusal of access to environmental information is not a frequent practice in Bulgaria – it happens in exceptional cases. Only limited number of refusals is contested. Evidence for this is the statistics for the decisions to grant access to public information and the refusals, issued by the MoEW and its structures, and the appeals. In 2019⁵, for example, the total number of filed applications for access to environmental information are ~~972~~ ~~4138~~, the decisions for granting (full/partial access) ~~690~~ ~~937~~, the statements (in cases where the information is not available or other authority is responsible) ~~267~~ ~~488~~, and the decisions for refusal ~~15~~, issued on the grounds that the requested information has an operational character and has no self-significance or refers to a third party and has his explicit disagreement with the provision of it.⁴³.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

https://www.moew.government.bg/static/media/ups/tiny/EO_OVOS/EO_OVOS-2019/ENVIRONMENTAL%20PROTECTION%20ACT_57.pdf

http://www.moew.government.bg/files/file/Industry/Legislation/Zakoni/English_versions/Environmental_Protection_Act.pdf

http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/

<https://pitay.government.bg/PDoiExt/indexExt.jsf>

http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/

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XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;

- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

Subpoint (a):

According to article 24 of the EPA, each head of an administrative structure in the system of the executive branch of government publishes data on processed environmental information annually.

According to article 25, paragraphs 1 and 2 of the EPA, the Minister of Environment and Water shall determine by order the description of information resources, and this information should be updated periodically. The description of the information arrays is published on the website of MoEW.

According to article 23, paragraph 1 of the EPA, in emergency or other pollutions which are in violation of the rates of discharge of pollutants into the environment established in statutory or administrative acts, the polluters, as well as the persons responsible for observance of the limit values, are obliged to immediately notify the competent regional governors, mayors of the municipalities concerned, the relevant Regional Inspectorates of Environment and Water, the basin directorates, and the authorities of the State Agency for Civil Protection and, in case of change of the radiation level, the Nuclear Regulatory Agency as well.

In accordance with article 23, paragraph 2 of the EPA competent authorities within the scope of paragraph 1, are required to immediately notify the Ministry of Health and the affected population for the ensuing excessive pollution and propose measures to protect human health and property.

Subpoint (b):

According to article 15, paragraph 1 of the APIA for the purpose of ensuring transparency of the operation of the administration and of best facilitating access to public information, each head of an administrative structure within the system of the executive branch of government shall periodically publish up-to-date information containing:

- a description of the powers of the said head and particulars of the organization, functions and responsibilities of the administration headed thereby;
- a list of the acts issued in the exercise of the powers of the said head and the texts of the statutory and general administrative acts issued by the

- relevant structure;
- a description of the data files and resources used by the relevant administration;
- designation, address, electronic mail address, telephone number and opening hours of the unit in the relevant administration which is in charge of accepting applications for granting access to information;
- rules of organisation and internal regulations pertinent to the provision of administrative services to the public;
- strategies, plans, programmes and activities reports;
- information regarding the budget and financial statements of the administration;
- information about any public procurement procedures identified as publishable in the buyer's account in accordance with the Public Procurement Act;
- drafts for statutory acts together with the rationale therefor or, resp., the report and results of the public hearings of the draft;
- notifications of the start of proceedings for the issuance of a general administrative act, including the principal considerations in support of the issuance of such act and the forms and time limits for participation of any interested parties in such proceedings;
- information about the exercise of the right of access to public information, the terms and procedure for re-use of information, the fees and the formats in which such information is maintained;
- any public information in accordance with the Protection of Classified Information Act and the bylaws regarding its implementation;
- information that: may avert a danger to the life, health and safety of members of the public or of the property thereof; denies any untrue information which has been disseminated and which affects significant public interest; the disclosure thereof is or could be in the public interest;
- any information that has been made available more than three times in accordance with Chapter Three of this Act, which regulates the access to public information procedure, and other information determined by law.

Furthermore, each head of an administrative structure shall make public on an annual basis a list of the categories of information publishable on the Internet regarding the areas of operation of the relevant administration as well as the formats in which such information is accessible.

The information, described above, shall be published, resp. updated, within three to five working days from the date of adoption of the relevant act or the generation of the relevant piece of information, and where an act is subject to promulgation, within three working days from the date of its promulgation, unless otherwise prescribed in a law.

Articles 15b and 15d of the APIA states that every public sector body shall plan, on an annual basis, the staged publication on the Internet, in open machine-readable format, of the free access information resources maintained by itself. Public sector bodies shall publish this information in the already created and maintained Open Data Portal of the Council of Ministers, with free access.

According to article 41a of the APIA which regulates the conditions for provision of public sector information for re-use, public sector information shall be provided in the format and in the language in which it was collected, resp. created, as the case may be, or in another format at the discretion of the public sector body, as well as in an open, machine-readable format, together with the relevant metadata. The format of metadata in such cases shall conform to the official open standards.

Public sector bodies shall not be obligated to provide information for re-use where this requires the creation or adaptation of such information or where this involves the provision of extracts from documents or other materials where this would involve a disproportionately large effort that goes beyond the limits of a routine operation.

Public sector bodies shall not be obligated to continue the creation or collection of a certain type of information for the needs of the re-use of such information.

Upon request by the applicant and where possible, the information requested shall be made available through electronic means at the supplied electronic address or in other appropriate manners for provision of the information in electronic form.

Information constituting a piece of intellectual property which libraries, including ones of schools of higher learning, museums and archives, are authorised to use, shall be provided for re-use solely subject to an authorisation by the owner of the intellectual rights thereupon.

According to article 41b of APIA, the following public sector information shall not be provided for re-use:

1. whereof the content is related to activities falling outside the scope of the powers and functions of public sector bodies as determined by a law, rules of organisation or statutes and/or an act whereby a public procurement contract is awarded;
2. whereto a third party holds an intellectual property right;
3. which has been collected or created by public-service radio and television broadcasters or regional centres thereof;
4. which is the property of schools, higher learning establishments (except the libraries thereof), scientific research bodies, including ones created for the dissemination of the products of scientific research, and of cultural organisations, with the exception of libraries, museums or archives;
5. constituting classified information;
6. containing a statistical secret collected or stored by the National Statistical Institute or another statistical body;
7. containing an industrial or trade secret or a professional secret within the meaning of a law;
8. for the obtaining of which the applicant must prove their legal interest in accordance with a law;
9. constituting parts of documents that only contain emblems, coats of arms or insignia;

10. containing personal data, whose re-use represents an inadmissible access or inadmissible processing of personal data in accordance with the requirements for its protection~~containing personal data the re-use of which would constitute inadmissible access to, or inadmissible processing of, personal data under the Protection of Personal Data Act.~~

In these cases only that part of the information access to which is not restricted shall be provided for re-use. In case of an overriding public interest, the public sector body shall provide for re-use information containing industrial or trade secrets. The public sector body may forbid the re-use of such information for commercial purposes or in a manner as would lead to unfair competition or otherwise restrict competition.

Common standards (regulation and instructions) for re-use of public sector information and for the publication of public sector information in open format for commercial or non-commercial use, in accordance with the APIA and Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information were elaborated (the transposition of the new Directive (EU) 2019/1024 on open data and the re-use of public sector information is forthcoming).

In order interoperability of the various datasets to be ensured, Bulgarian National Interoperability Framework for Information Systems of Executive Authorities was elaborated (draft):

<https://e-gov.bg/wps/portal/agency-en/strategy-policy/interoperability>

https://www.mtite.government.bg/upload/docs/2016-01/BNIF_EN.pdf

In addition to the standards for the interoperability, described in the Interoperability Framework, has to be noted the ~~art-article~~ 18 of Spatial Data Access Act ~~(Promulgated, State Gazette (SG) No. 19/9.03.2010, last amended and supplemented, SG No. 50/01.07.2016)~~ states that spatial data services provided by the competent authorities shall be rendered ensuring interoperability in conformity with the Electronic Management Act and Regulation (EU) No 1312/2014 of 10 December 2014 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data services.

In accordance with the Electronic Government Act (~~article article~~ 43) the provision of internal electronic administrative services and the electronic documents interchange among the administrative bodies shall be done under conditions of operational compatibility. The administrative authorities shall be obliged to use the uniform standards and rules determined on the basis of this act and establishing technological and functional parameters that shall be maintained by their information services in order to achieve operational compatibility. Semantic operational compatibility of the electronic interchange of documents among the administrative authorities shall be ensured through:

1. standardisation of the names of data that are subject to storage in databases or in registers;
2. formalisation of the data and of the administrative services in order to ensure technological possibility for automated interchange among the administrative authorities and for data processing.

~~State e-Government Agency The Ministry of Transport, Information~~

Technology and Communications keep a register of standards as a uniform centralised electronic database managed by an information system containing the technical standards and their applicability. The technical standards that shall be applied by the administrative authorities for providing electronic administrative services and for ensuring operational compatibility, information security and automated information and document interchange among the administrative authorities are entered in the register of standards:

<https://e-gov.bg/wps/portal/agency-en/strategy-policy/interoperability>

<http://interoperability.egov.bg/web/guest/40>

Information for the secondary legislation to Electronic Management Act, incl. concerning interoperability standards is available here:

<https://e-gov.bg/wps/portal/agency/about-us/ordinances-laws>

<https://www.mtite.government.bg/page.php?category=487&id=3635>

The adopted in 2019 Architecture of e-government in Bulgaria provides a general framework aimed at the implementation of:

- Digital transformation of the administration;
- Technological solutions for the provided administrative services on the basis of complex administrative services, "episodes of life" and "business events";
- Mandatory use by the administrative bodies of the horizontal systems and the shared resources of the e-government;
- Mechanisms for coordination and control of the implementation of the architecture;
- Application of uniform standards and interoperability in the design, construction, upgrading and implementation of information solutions;
- Sustainable high overall level of network and information security;
- Transforming data into information and knowledge;
- Gaining trust from citizens and businesses.

Another important document in this area is the Updated Strategy for Development of e-Government in the Republic of Bulgaria 2019 - 2023, which includes a Roadmap and a Concept for register reform. The main priorities set out in the strategy are:

1. Transformation of the administration and public institutions into digital:
 - a. Ensuring interoperability of information resources by default;
 - b. Ensuring reliability and network and information security of e-government information resources;
 - c. Providing digital solutions, information systems and shared e-government resources;

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d. Optimization of the work processes in the administration and change of the data model for providing electronic services by default (Digital by default).

2. User-oriented electronic administrative service:

a. Facilitating the interaction and building trust between the consumer and the administrations, public institutions, persons performing public functions and organizations providing public services;

b. Cross-border electronic administrative services.

For more information:

<https://e-gov.bg/wps/portal/agency-en/strategy-policy/startegical-documents>

Summarized, legal requirements exist for providing different types of environmental information by the executive power authorities, as follows:

1. Reports on the state of the environment – EPA.
2. Texts of legislation, regulations, rules and other legally binding instruments on or relating to the environment – EPA, Access to Public Information Act (APIA).
3. Texts of policies, plans and programmes on or relating to the environment, and environmental agreements – EPA, APIA.
4. Documentation on Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) under EPA and related assessments ~~EPA~~, Appropriate Assessment (AA) (assessment for compliance of plans, programmes and investment proposals with the protected zones of Natura 2000) under Biodiversity Act ~~(assessment for compliance of plans, programmes and investment proposals with the protected zones of Natura 2000)~~. According to article 102 of the EPA, MoEW and RIEW keep a public register of the data for carrying out the EIA and SEA procedures. The register is accessible by the websites.
5. Public notice about all environmental decision-making procedures subject to EIA and SEA under EPA and AA under Biodiversity Act. Public disclosure of decreed administrative acts on EIA, and SEA and AA.
6. Data on environmentally significant releases and transfers of pollutants, within the scope of the Protocol on Pollutant Release and Transfer Registers (PRTRs) to the Aarhus Convention – EPA.
7. Applications for licenses or permits/decisions – EPA, Water Act, Waste Management Act, Biodiversity Act, Genetically Modified Organisms Act.
8. Final licenses or permits/decisions and their attached conditions - EPA, Water Act, Waste Management Act, Biodiversity Act, Genetically Modified Organisms Act, Clean Ambient Air Act.
9. Environmental monitoring data held by or on behalf of public authorities – EPA. Water Act - water monitoring programmes; water status bulletin for a basin management area; data on deviations in water quality based on the results of the conducted monitoring; bulletins for the condition of the complex and significant dams and monthly and annual schedule for their use.
10. Product information that enables consumers to make informed

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environmental choices – EPA (concerning the ecolabel of EU), Waste Management Act (instructions for recycling of waste), Protection Against the Harmful Impact of Chemical Substances and Mixtures Act.

11. Meta-information (including catalogues of data sources and details of the scope of information held by public authorities and mechanisms for the provision of access to environmental information) – EPA, APIA.

12. Documentation Information on procedures of lower and upper tier enterprises and/or facilities. According to article 111, paragraph 1, point 6 of the EPA, MoEW keep a public register of the data for carrying out the Seveso procedures. The register is accessible by the MoEW website.

The Rules of Organization and Procedure of the National Assembly and Judiciary System Act oblige the National Assembly and the Courts to provide information through the Internet, respectively, for drafts of laws and final laws, and texts of Courts decisions.

Subpoint (c):

In accordance with article 25a of the EPA the competent authorities and persons shall create a website and support through it a free and publicly available database with environmental information. The database shall contain at least the following information:

1. texts of international treaties, conventions or agreements and legislation related to the environment;
2. strategies, plans and programmes related to the environment;
3. progress reports or reports on the application of acts and documents under items 1 and 2 if they are prepared or maintained in electronic form;
4. national and regional environmental status reports and other reports on the state of the environment provided by law or regulation;
5. data or summaries of data derived from monitoring activities that affect or may affect the environment;
6. public records (data bases) under this Act or other special laws relating to the environment.

Subpoint (d):

In accordance with article 22, paragraph 1 of the EPA, the Minister of Environment and Water annually submits a report on the state of the environment to the Council of Ministers. After its approval, it is published as a National Report on the state and protection of the environment on the website of ~~MoEW Ministry~~ and the Executive Environment Agency (EEA).

Subpoint (e):

According to article 25a, paragraph 2 of the EPA, the competent authorities and persons shall support in their websites databases for international treaties, conventions and agreements, legislation, strategies, plans and programmes, progress reports on their implementation, the data from the monitoring of activities which have or may impact on the environment.

Subpoint (f):

With articles 137 - 141 of the EPA, the legislative requirements for the application of the EU Ecolabel Scheme are established in accordance with Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel. The EU Ecolabel is a voluntary commitment of the business and focuses on production and consumption of products and services with reduced negative impact on the environment throughout their life cycle. The logo of the EU Ecolabel ensures consumers that products and services have the highest environmental performance achieved on the Community market. Information is accurate, not misleading and scientifically sound, and facilitates consumer choice. Actual information for the Scheme, the organizations on the territory of Bulgaria and the products obtained the right to use the logo of the EU Ecolabel is kept on the website of MoEW and regularly updated.

Article 132-141 of EPA establish legislative requirements for the application of the Community eco-management and audit scheme (EMAS) according 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. The objective of EMAS is to promote continuous improvement of the environmental performance of organizations through: creation and implementation by the organizations a system for environmental management; systematic, objective and periodic evaluation of the performance of such systems; provision of information on environmental performance; open dialogue with the public and other stakeholders, as well as active involvement of employees in organizations and appropriate training. Actual information for the Scheme and the organizations on the territory of Bulgaria which are registered under Regulation (EC) No 1221/2009 is kept on the website of MoEW and regularly updated.

The European Commission has published criteria for the products and services subject of environmental friendly/"green" public procurement (also voluntary instrument of EU as the EU Ecolabel). Criteria for "green" public procurement cover 20+ product and service groups identified as most appropriate, given the high consumption, high market share, significant environmental impacts. These criteria are published on the websites of the Commission and the MoEW.

Subpoint (g):

In accordance with article 22, paragraph 1 of the EPA, the Minister of Environment and Water annually submits a report on the state of the environment to the Council of Ministers. After its approval, it is published as a National Report on the state and protection of the environment on the website of Ministry and the Executive Environment Agency (EEA). Regional Inspectorates of Environment and Water shall prepare a regional report on the state of the environment in their respective territories for the

previous year.

Subpoint (h):

As a member of the EU, Bulgaria uses some other instruments, except EU Ecolabel, that provide information about the environmental characteristics of products and services, including eco-design, energy labeling etc.

Subpoint (i):

According to article 129, paragraph 4 of the EPA, the Executive Environment Agency (EEA) shall keep a public register of the results of emissions monitoring as provided for in the integrated permits. Additionally, according to article 22b of the EPA, the EEA shall maintain a public register of the release and transfer of pollutants at the national level and provide access to it through its website.

According to article 22a, paragraph 1 of the EPA the operators carrying out activities listed in Annex I to Regulation (EC) No 166/2006 concerning the establishment of European Pollutant Release and Transfer Register, shall report data on pollutants release and transfer in a register, published on the Internet site of the Executive Environment Agency. The data 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.

According to article 22b , paragraph 2 of the EPA, Executive Environment Agency (EEA) keeps a public register of releases and transfers of pollutants at the national level and provides access to it through its website. To the register shall be reported data on releases and transfers of pollutants by the operators carrying out activities listed in Annex I of Regulation (EC) № 166/2006 on the establishment of European Pollutant Release and Transfer Register (E-PRTR). Reporting is in electronic format.

By National Information System for Reporting to E-PRTR, Bulgaria fulfills the obligations of the Protocol on Pollutant Release and Transfer Registers to create and maintain a comprehensive and publicly accessible national register of releases and transfers of pollutants.

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

None.

XIII. Further information on the practical application of the provisions of article 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g., are there any statistics available on the information published?

Answer:

Transparency and effective access to environmental information in Bulgaria is provided mainly through the websites of government institutions, and through their information centers, published reports, newsletters and other specialized publications. This is part of a broader trend for the provision of environmental information through electronic means, and is one of the priorities of the MoEW.

The EEA, together with the MoEW, and with technical assistance from the Austrian Environment Agency, has developed a Catalogue of Environmental Data Sources in Bulgaria, which is updated annually.

Reports and newsletters, maintained by the EEA, are available through the Internet at: <http://eea.government.bg/bg/dokladi>
<http://eea.government.bg/bg/output/index.html>

All acts adopted by the National Assembly shall be published in the State Gazette. Electronic versions of the texts of all acts can be found in legal databases such as APIS, Ciela and others. The full texts of laws and regulations related to the environment (incl. international) can be found in the "Legislation" section on the website of the MoEW and in the special sections on the components of the environment. The main strategies, action plans and programmes in the field of environment are published in a dedicated section "Strategic Documents" and specialized sectoral sections, of the website of the Ministry and the portal for public consultation of the Council of Ministers.

There is a special section entitled "Public Consultations" on the Ministry's website, where all important new draft laws, strategies, plans, and programmes are published for public comment.

There is full accountability and transparency of the activities of the Ministry – in a special section "Priorities" are published yearly objectives and reports on the work of the authority.

On the internet site of the EEA is published ~~also other~~ nationally representative information for the components and factors of the environment: annual environment reports of the operators with issued integrated permits; verified annual reports on greenhouse gas emissions from stationary installations; verified annual greenhouse gas emissions reports and verified tonne-kilometer reports of aircraft operators; information generated by the National Register of Greenhouse Gas Emissions Trading for installation operators and aircraft operators who have not complied with the requirement to return to the Register number of allowances equal to verified emissions released during the previous year;

information for all registered Bulgarian and foreign companies holding accounts for operators of stationary installations participating in the European Union ~~(EU)~~ Greenhouse Gas Emission Trading Scheme; personal accounts and aircraft operators accounts for which allowances are allocated for the period 2012-2020; information for approved "Joint Implementation" projects and transferred on them reduced emission units in that year; National Inventory Report on Greenhouse Gas of Bulgaria; reports and inquiries for the widespread wastes; special daily bulletins on the state of air and radiation; quarterly bulletins, etc.

Public access to online services provided by information systems for monitoring of the environmental components is ensured. The maintained and developed information systems in the EEA provide the necessary data for analysis and assessment of components and environmental factors. Based on this is prepared the information needed to implement policies in this area both nationally and internationally. Information systems serve also to provide public access to information about the state of the environment. Main supported systems with online access of the EEA are:

- National Control System for Air Quality in Real Time:
 - Daily and annual bulletin for air quality;
 - Recent cases of exceeding the alert threshold for NO₂, SO₂ and O₃;
 - Forecast levels of ground-level (tropospheric) ozone over Bulgaria;
 - System for informing the population about the air quality.
- Information System for the Installations - Sources of Emissions of Volatile Organic Compounds, incl. register of installations, sources of emissions of volatile organic compounds.
- Information system for emissions of sulfur dioxide, nitrogen oxides, dust and carbon monoxide released into the air from medium combustion plants, incl. register for medium combustion plants.
- Geoinformation system for water management and reporting.
- Information System for Permits and Monitoring in Water Management – ~~GIS application and~~ registers.
- Information system to the National System for Biodiversity Monitoring – maps and data, incl.:
 - Register of protected areas in Bulgaria under Protected Areas Act - GIS application and list;
 - Register of ~~and protected zones (within~~ Natura 2000 ~~sites)~~ in Bulgaria - GIS application and list.
 - Register of old trees in Bulgaria – list.
- National Database of Land Cover of Bulgaria developed under Pan-European project "Corine Land Cover".
- Register of Warehouses and Stored in them Obsolete Pesticides – GIS application.
- Information System for Results of Tests on Industrial Sources Emitting Noise in the Environment.
- National Automated System for Permanent Control of Gamma Radiation Background - a daily bulletin on radiation situation.
- National Information System for Waste – ~~registers with GIS applications (to the registers for landfills and installations for waste~~

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~~treatment). Space oriented model to exploring and forecasting of potential pollution from landfills was created.~~

- National Register for Greenhouse Gas Emissions Trading.
- National Pollutant Release and Transfer Register (part of the European Pollutant Release and Transfer Register).

The National System for Biodiversity Monitoring is part of a global mechanism for exchanging information established by the Convention on Biodiversity (Clearing House Mechanism - CHM). Its task is to provide directly or to indicate where to find the necessary information on biodiversity.

Detailed information and public access to data on protected sites of Natura 2000, as well as information for procedures of assessing the compatibility (AC) of plans and investment proposals with the subject and purpose of the conservation of Natura 2000 protected sites and related documents are available on the website of the Information System on Protected Sites of Natura 2000 Network.

Public modul of the System provides access to information on protected sites by selecting from a dynamic card or through a specialized search engine. The latter allows to searching for sites by name, code, type, location, and species and habitats covered by conservation areas.

Access of users is provided to a rich set of data and documents for each of the protected sites, including:

- issued order declaring the protected site and its attachements;
- standard Natura 2000 form;
- subject and conservation objectives of the protected site;
- timeline of the procedure of proposing and approving the site and related documents;
- digital boundaries of the protected site in different formats and coordinate systems;
- other data related to the protected site;
- visualization of the boundaries of the protected site on web GIS map.

Public module provides access to information for AC procedures, through searching criteria: authority, type of procedure and location.

The users are provided with information on the characteristics and location of investment proposals, plans, programs and projects in AC procedure, and the decisions of the competent authority on the procedure.

Bulgaria actively participates in European Union ~~(EU)~~ initiatives – Shared Environmental Information System (SEIS), Infrastructure for Spatial Information (INSPIRE) and EU Earth Observation Programme “Copernicus”. Information systems for all subsystems of the National System for Environmental Monitoring were embedded. Databases, software applications and GIS products are updated according to the requirements of the SEIS and INSPIRE. Information about the services developed by Copernicus is provided.

In the Open Data Portal of Bulgaria MoEW and its structures ~~EEA~~ already haves published 33514 data sets in open, machine-readable format, appropriate for re-use:

- Emissions of pollutants into the atmosphere;

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- Daily bulletin on air quality;
- Data from the Water Monitoring Information System;
- Water bodies and water use;
- Soil monitoring;
- Noise levels from industrial sources;
- Forest ecosystems;
- Waste Management;
- Permits/licenses;
- Inspections;
- Signals;
- Requests for access to information,
- Soil Monitoring;
- Acidification and Salinisation of Soils;
- Nitrogen Dioxide;
- Fine Particulate Matter;
- Benzene;
- Carbon Monoxide;
- Ozone;
- Sulfur Dioxide;
- Daily Bulletin for Air Quality;
- Air Quality in Sofia 2011-2015;
- Data from the Information System for Water Monitoring;
- Data on Noise Levels of Industrial Sources;
- Forest Ecosystems;
- Waste.

Currently are maintained by MoEW and its structures over 530390 public registers and databases, incl.: registers with data for procedures on strategic environmental assessment of plans and programs and data for the procedures on environmental impact assessment of investment proposals; registry data-base for the enterprises and/or the facilities with high risk potential for major accidents with hazardous chemicals ~~—(until the introduction of a register)~~; register of the results of the issuance, denial, revocation, revision, amendment and updating of integrated permits; electronic services portal under the Act On Liability For Preventing And Remedying Ecological Damages (ALPRED), incl. register under ALPRED; register of EMAS registered organizations in Bulgaria; registers of permits for water abstraction and use of water bodies, waste water discharge, zones for water protection, mineral water and others.

In control activities of the regional structures of the Ministry – RIEWs, National Parks and River Basin Directorates is introduced an integrated approach to the inspections of operators, which ensure more transparent to the public implementation of environmental legislation by the operators, as well as carried controls activity. Thus is involved the public (citizens, businesses and NGOs) more active in policies for a cleaner environment through a continuous and open dialogue.

Uniform database of control activity was created – all queries, reports

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(monthly, quarterly, yearly) are unified. Monthly are published on the Ministry's website reports for control activities of the 156 RIEWs, 3 National Park Directorates and the 4 River Basin Directorates

Through so called "Green phone" and e-mail Ministry and its structures day-and-night receive signals from individuals and organizations for environmental pollution.

By the "Green phone" could be submitted signals for: pollution of water and air from various sources, improper waste disposal, illegal extraction of inert materials (sand and rubble), possession and trading of endangered animal and plant species, etc.

There is full accountability to the public concerning the actions taken with respect to the signals and this information is published on the websites of the Ministry and its structures.

According to Statistics Act, the National Statistical Institute (NSI) publishes and disseminates statistical information for the public through the mass media, its website, own publications and others. There is public access through the Internet to a wide range of statistical data of the NSI for the environment in the following categories:

- Sources of Emissions;
- Waste from Activities;
- Household ~~and Construction~~ Waste;
- Work Done on Control to Prevent Marine and Danube River Pollution (data until 2016 incl.);
- Registered Noise Levels;
- Number and area of the protected areas declared under the Protected Areas Act ~~and Sites~~;
- Number and area of the Natura 2000 sites;
- Number of protected plant and animal species;
- Number of protected old trees;
- Expenditure on Protection and Restoration of the Environment;
- Tangible Fixed Assets with Environmental Purpose;
- Statistics on Water;
- Total Revenue from Taxes and Fees and Costs for Municipal Waste;
- Production of Packaged Goods and Packaging;
- Environmental Taxes;
- Underground reserves;
- -Environmental goods and services

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

www.moew.government.bg/,

<http://eea.government.bg/en> ,
<http://www.strategy.bg/>
<http://chm.moew.government.bg/>
<http://natura2000.moew.government.bg>
https://www.moew.government.bg/static/media/ups/tiny/EO_OVOS/EO_OVOS-2019/ENVIRONMENTAL%20PROTECTION%20ACT_57.pdf
http://www.moew.government.bg/files/file/Industry/Legislation/Zakoni/English_versions/Environmental_Protection_Act.pdf
http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/
http://www.vss.justice.bg/en/root/f/upload/5/judiciary_system_act.pdf
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XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Subpoint (a):

According to article 92, paragraph 1 of EPA Environmental Impact Assessment (EIA) shall mandatory be conducted of any development (investment) proposals for execution of construction, activities and technologies listed in Annex 1 hereto (compliance with Annex I of the Convention).

Article 93, paragraph 1 of the EPA envisages 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. investment proposals according to Appendix No 1, developed exclusively or primarily for development and testing of new methods or products and not which are not going to be operative for more than two years, with the exception of installations for disposal of hazardous and non-hazardous waste by incineration or co-incineration within the meaning of the Waste Management Act;
 5. investment proposals under point 10.1 of Annex № 1 (installations for the disposal or recovery of non-hazardous waste by incineration or co-incineration within the meaning of the Waste Management Act) falling within the scope of Regulation (EC) No 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.
- ~~any development proposals according to Annex 1 hereto, which are developed exclusively or mainly for development and testing of new methods or products and whose period of operation will not exceed two years.~~

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

- affecting any reserves, national parks and managed reserves constituting

protected areas according to the procedure established by the Protected Areas Act;

- affecting an area covered by two or more Regional Inspectorates on Environment and Water (RIEWs);
- ~~on~~ 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;
- which have been designated works of national importance by an act of the Council of Ministers;
- for drilling for exploration and production of unconventional hydrocarbons, including shale gas;
- in the cases where the Director of RIEW or the Director of the National Park Directorate is the Contracting Authority;
- falling within the Black Sea or Danube waters;
 - which fall under Annex 1 and are subject to a common EIA procedure and at least one of the procedures: issuance of permit for approval of the safety report with regard the construction and operation of a new and the operation of an existing enterprise and/or facility with high risk potential for major accidents with dangerous substances or parts thereof and for planned changes/expansions in existing enterprises and / or facilities with high risk potential; the issuance of an integrated pollution prevention and control permit – IPPC permit;

The Director of RIEW is the competent authority in all other cases.

Pursuant to the requirements of article 122a, paragraph 5 of EPA and article 7, paragraph ~~42~~ of the ~~Regulation-Ordinance~~ on the ~~terms and c~~Conditions ~~and Terms~~ for issuing integrated permits (integrated pollution prevention and control permit – IPPC permit), EEA and the municipality in which is situated the installation for which an application for an IPPC permit is submitted, announce and provide for one month equal access of stakeholders to the application. The EEA and the municipality / municipalities provide access to the application through their websites. In accordance with article 7, paragraph ~~43~~ of the ~~Ordinance on the terms and conditions for issuing integrated permits, Regulation~~ the announcement for the procedure ~~of IPPC permit issuance~~ and the conditions for access to the application for IPPC permit are published on the websites of the EEA and of the municipality (municipalities) at the location of the installation in a national daily newspaper, one local newspaper and on the website of the EEA. The announcement shall contain the following information: 1.the fact that the decision is subject to consultation with other EU Member States, where applicable; 2. the operator of the installation; 3.the type of the possible decision – for construction and/or operation of the installation ~~or for amendment of a permit~~; 4. activities carried out ~~or~~ will be carried out in the installation; 5. competent authority for decision making 6. authorities which obtain information and the time and place where it could be received;

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7 authorities to which may be submitted comments, clarifications and objections by interested parties and the deadline and place for submission;
8. indication of the time and place, or means by which the information will be provided.

In accordance with article 123b, paragraph 1, point 2 of the EPA in the technical assessment to the IPPC permit shall be included the results of consultations with stakeholders conducted before the decision making, and explanations of how they have been taken into account.

In accordance with article 17, paragraph 2 of the Ordinance on the terms and conditions for issuing integrated permits, in connection with article 124, paragraph 8 of the EPA, in cases of article 126, paragraph 1, p. 5 of the EPA, where article 124, paragraph 8 of the EPA apply, within 5 days from the receipt of the statements under article 16, paragraph 9 and/or from the end of the meeting under art. 16, paragraph 10, the executive director of the EEA shall prepare a draft decision for updating of an integrated permit and with the municipality at the location of the installation provide access of stakeholders to the draft decision by the order of article 122a, paragraph 5 of the EPA and art. 7, para. 3 and 4 of the ordinance,

According to the requirements of article 115, paragraphs 1 и 2 and article 116b, paragraph 2 of the EPA and article 1, paragraph 2, point 4 of the Ordinance for prevention of major-accidents with dangerous substances and limitation of the consequences of them~~Ordinance to prevent major accidents involving dangerous substances and limit their consequences~~, EEA and the municipality in which the upper tier (with high risk potential for major accidents involving dangerous substances) enterprise/facility for which an application for issuance of decision for approving the safety report under article 116, paragraph 1 of the EPA/updated safety report under article 116g, paragraph 4 of the EPA disclose and provide for one month at a level playing field public access for interested parties to the application and the documents under article 112, paragraph 3, points 1 – 3 of the EPA. In appendix № 6 to article 16, paragraph 2 and article 17, paragraph 2 of the Ordinance for prevention of major-accidents with dangerous substances and limitation of the consequences of them~~Ordinance to prevent major accidents involving dangerous substances and limit their consequences~~ is determined the content of the notice for open public access (Form № 1 for EEA and Form № 2 for the municipality). Within one month public access under article 115, paragraphs 1 and 2 of the EPA representatives of the public concerned may submit written opinions, comments and suggestions on the dossier. The mayor of the municipality shall send in official way to the Executive Director of the EEA the results of the public access, including information on how it was provided. When preparing the decision under article 116 of the EPA, the Executive Director of the EEA shall into account the opinions on documentation obtained from the public access in accordance with article 115, paragraph 7 of the EPA. In accordance with article 116b, paragraph 2 of the EPA, the Executive Director of the EEA disclose any decision under article 116, paragraph 1 of the EPA within 14 days of its issuance by the central mass media, the website of the Agency and/or other appropriate means.

In accordance with article 116e, paragraph 1 of the EPA, the operators of

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lower and upper tier enterprises and/or facilities and the mayors of the affected municipalities shall regularly provide the public concerned with clear and understandable information on emergency planning for these enterprises/facilities and the necessary measures and behavior in case of a major accident. The scope, content and manner to provide information under article 116e, paragraph 1 and 2 of the EPA are defined in articles 20 and 21 of the Ordinance for prevention of major-accidents with dangerous substances and limitation of the consequences of them~~Ordinance to prevent major accidents involving dangerous substances and limit their consequences.~~

According to article 111, paragraph 1, point 6 of the EPA, the Minister of Environment and Water or an authorized officer shall keep a public electronic register of lower and upper tier enterprises and facilities. The form and content of the register are laid down in article 15 of the Ordinance to prevent major accidents involving dangerous substances and limit their consequences. The registry operates from 2017~~The registry is already in place. According to § 4 of the transitional and final provisions of the Ordinance, to the creation and introduction of the registry, the information in it is maintained as a database on the websites of MoEW and RIEW. (Note: the registry is currently in preparation and it is expected to be released by mid 2017).~~

Subpoints (b) – (g):

Article 6, paragraph 2 - 7 of the Convention was implemented through the provisions of:

1. Articles 95, 97 and 98 of the EPA.

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 interrelation 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. the terms of reference for the scope and content of the EIA incl. in cases when a combined procedure is applied – EIA and at least one of the procedures – issuance of decision for approving the safety report issuing a permit for the construction and operation of a new and operation of an existing enterprise and/or facility with high risk potential or parts of it/planned changes/extensions in existing enterprises and/or facilities of enterprise with high risk potential and/or issuance of IPPC permit;

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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.

The initiator shall organize, jointly with the municipalities, mayoralties and boroughs concerned as specified by the competent authority (MoEW/RIEW) or an official empowered thereby, public discussions on the EIA statement.

To organize the public discussions, the initiator shall submit a written request to the authorities specified by the competent authority (MoEW/RIEW), 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 shall be attached to the written proposal. The authorities 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 to pronounce within the seven-day time limit, the proposal of the initiator shall be presumed to have been accepted.

All natural and legal persons concerned may participate in the discussions, including representatives of the authority competent to make an EIA decision, the local executive administration, public organizations and citizens.

The initiator of the proposal shall give the persons 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.

The initiator of the proposal and the competent authorities shall ensure public access to the EIA documentation for a period of thirty calendar days prior to commencement of the discussions. The competent authorities (MoEW/RIEW) shall provide public access to the EIA documentation at least 30 calendar days before the public discussion through their websites and at designated place. Members of the public shall submit their written comments prior to, during the meeting for public discussion or three days after the discussion at the latest by sending them to the initiator with a copy to the competent authority for deciding on the EIA.

~~Representatives of the public shall submit their opinions in writing at the public discussion meeting or shall send the said opinions to the authority competent to make an EIA decision not later than seven calendar days after the discussion.~~

2. Articles 4, 6, 9, 10, 16 and 17 of the Regulation on the Terms and Conditions for Carrying out Environmental Impact Assessments (EIA).

The initiator is obliged to inform in writing the competent authorities - MoEW/RIEW, at the earliest stage of their investment proposal by submitting notice, according to a template. The initiator shall announce its proposal on its website, if any, and through the media and / or in any other appropriate manner. The competent authority announces the proposal on its website and notifies in writing the mayor of the respective municipality, region and mayor's office within 3 days of receiving the notification. The mayor of the respective municipality, region and mayoralty shall announce the investment proposal on its website, if any, or in a publicly accessible place within 3 days of receiving the notification, for which it shall provide information to the competent authority. Simultaneously, the initiator shall inform the affected population through the media and/or other appropriate means. The information about the proposal obligatory shall include:

1. Contact information of the initiator
2. Resume of the proposal - description of the main processes and the capacity; area used; shall be notified: a new investment proposal and/or extension, or change in production process; auxiliary or supporting activities, etc.
3. Relation to other existing and approved with a development or other plan activities within the scope of the impact of the object of the investment proposal; needs of other permissions/authorization, competent authorities thereof.
4. Location of the site.
5. Natural resources intended for use during construction and operation, intended water abstraction for drinking, industrial and other needs - through public water supply (water supply or other network) and/or water abstraction or use of surface water and/or groundwater necessary quantities, existing facilities or the need to build new facilities.
6. Expected substances that will be emitted by the activity, incl. priority and/or dangerous, for which contact with water takes place or is possible.
7. Expected total emissions of harmful substances into the air by pollutants.
8. Waste expected to be generated and plans for treatment.
9. Expected quantity and type of the generated wastewater by streams (domestic, industrial, etc.), seasonality, envisaged ways for treatment (treatment plant/facility, etc.), discharge into the sewerage system/surface water body/watertight rake pit, etc.
- 4+10. Expected quantities, type and classification of the dangerous substances (if applicable).

- ~~2. Natural resources intended for use during construction and operation.~~
- ~~3. Air polluting emissions.~~
- ~~4. Waste generated and ways of treatment.~~
- ~~5. Waste water and ways of treatment.~~

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~~6.— Chemicals (if relevant):~~

In order to be considered the need of EIA for investment proposal a written request shall be submitted by the initiator with attached information ~~for assessing the need for EIA, incl.~~ about the public interest to the investment proposal. ~~In order to clarify the public interest, the competent authority shall: provide public access to the information by posting a notice on its website and otherwise for at least 14 days for access to the information and for the expression of opinions by interested parties; provides a copy of the request and the information on electronic media to the respective municipality/region/mayoralities. Within 3 days after receiving the information, the respective municipality/region/mayorality: provides public access to the information for at least 14 days by placing a notice on its website (if any) and in a publicly accessible place for access to the information and for expression of opinions by interested parties; within 3 days after the expiration of the term sends to the respective competent authority the results of the public access, incl. in the manner of its provision according to a template.~~For the clarification of the public interest, the initiator and the relevant municipality/district/mayorality shall provide public access to information about the proposal for at least 14 days, by publishing a message on its website (if such is available) and on publicly accessible location for access to information and expression of opinions from stakeholders. Within three days after the deadline, the results of the public access, including in the way of providing it (mandatory template is used) shall be sent to the relevant competent authority (MoEW/RIEW). The information should include:

1. Contact information of the initiator.
2. Characteristics of the investment proposal: summary; proof of the need for investment proposal; conjunction with other activities and cumulation with other proposals; considered alternatives; description of the main processes; supporting infrastructure; programme and methods of construction; natural resources intended for use during construction and operation; waste expected to be generated; measures to reduce the negative environmental impacts; need of other permits; pollution and discomfort of the environment; risk of accidents and incidents.
3. Location of the project.
4. Characteristics of the potential impact: environmental components affected and factors of influence; type and scope of impact; probability of occurrence, duration, frequency and reversibility; measures that need to be included in the investment proposal relating to the prevention, reduction or offset the significant negative impacts on the environment and human health; cross-border impacts.

According to the characteristics of the investment proposal the initiator shall determine which specialized authorities and members of the public affected to consult. Consultations can be arranged at any of the following ways:

- announcement in the media;
- sending messages to local authorities;

- preparation and distribution of a prospectus or brochure with brief information about the investment proposal;
- distribution of letters and questionnaires to interested organizations or individuals, living in close proximity, with a request for information and comments about the investment proposal;
- placing information boards and posters;
- organizing expert or public groups on the scope of the assessment;
- arranging meetings with the affected population.

Within consultations the initiator shall provide sufficient information to clarify its intentions and enough time for the specialized authorities and the affected public to comment.

The initiator must consult on the developed Terms of Reference of the EIA report with the competent environmental authority. The competent authority may recommend to the initiator to consult with other interested persons or bodies.

The initiator shall prepare a reference of the consultations carried out and the reasons for accepted and unaccepted comments and recommendations.

The competent authority or a person authorized by him shall determine and affected regions and/or municipalities with which the initiator shall organize public discussion of the EIA report and its annexes.

The competent authority or a person empowered by him shall provide public access to the EIA documentation for a period of 30 calendar days before the public discussion. When is presented a report assessing the degree of impact as an annex to the EIA report, which is evaluated positively, shall be provided also access to the report on the degree of impact through the website of the competent authority.

Public discussion of the EIA report shall be carried out in the following order:

1. The initiator shall provide a copy of the EIA report with all annexes to the designated authorities.
2. Affected regions and/or municipalities confirmed in writing the place, date and time for a meeting/meetings for public discussion, time and place of public access to the EIA report and the notes thereto, and the place for providing written opinions; the initiator shall announce them by the mass media and/or by other appropriate means at least 30 days before the meeting/meetings for public discussion; the notice is done following a template.
3. Affected regions/municipalities shall adequately inform the public about the upcoming public hearing, including by posting notice in public accessible place in the building of the region/municipality/city hall, for which shall be kept a record, copy of which shall be provided to the competent authority
4. The initiator shall notify the competent authority of the place, date

and time for meeting/ meetings for public discussion, for disclosure by the competent authority through its website at a designated place and shall provide evidence for the implementation of the obligations under p. 2 within at least 30 days before the meeting/meetings for public discussion.

5. At its discretion, the initiator may give written notice to other specialized persons, bodies and organizations for meeting/meetings for public discussion.
6. Meeting/meetings for public discussion is guided by the initiator or by a person authorized by him which have to briefly acquaint attendees with the investment proposal.
7. The initiators shall ensure the presence of the head and members of the team of independent experts on the meeting/meetings, which have to introduce briefly attendees with the results of the EIA, by using maps, charts and other visual materials.
8. A record/minutes is kept for the public discussion by an official appointed by the mayor (district, mayoralty) on whose territory the meeting takes place. The record shall be signed by the initiator and the recorder and shall be attached to it the written statements submitted in advance or during the discussion.
9. Within 10 days after the meeting/the last meeting for the public discussion the initiator shall submit to the competent authority and the municipalities/districts/mayoralties written statement on the proposals, recommendations, opinions and objections resulting from the public discussion.
10. Respective municipalities/districts/mayoralties shall provide for a period of 7 days on its website and/or other appropriate means public access to the statement for the interested persons or organizations and the proposers of the recommendations, opinions and objections as a result of the public consultation, for which shall inform the competent authority.

Subpoint (h):

Article 6, paragraph 8 of the Convention has been transposed through the provisions of:

1. Article 99 of the EPA.

The competent authority shall make an EIA decision within 45 days after conduct of the public discussion, taking into account the results thereof.

2. Article 18 of the Regulation on the Terms and Conditions for Carrying out Environmental Impact Assessments of Investment Proposals for Construction, Activities and Technologies, in accordance with Annexes № 1 and 2 of EPA.

Subpoint (i):

Article 6, paragraph 9 of the Convention has been transposed through the provisions of article 99, paragraph 64, point 2 of the EPA, which states that within seven days after delivery of the EIA decision, the competent authority shall make it public through the national mass communication media, the Internet site thereof and/or another appropriate manner.

In accordance with the provisions of article 127, paragraph 1 of the EPA decision for granting, refusal, amendment, update or cancellation of IPPC permit shall be announced through the media within 14 days from the date of issuance.

Subpoint (j):

Article 6, paragraph 10 of the Convention has been transposed through the provisions of article 93 of the EPA. The rules and procedures for public participation, concerning EIA described above are applicable in cases of extension or modification of investment proposals within the procedure for evaluation of the need of EIA.

Under EU legislation, public participation procedures for EIA are regulated by Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Provisions of this Directive regarding public participation are completely, properly and correctly transposed into EPA and relevant regulations to it. Evidence of this is that until now the European Commission did not put any questions to Bulgaria in this respect.

Subpoint (k):

Public participation in decisions concerning the deliberate release of genetically modified organisms (GMOs) is stipulated regulated in detail the Act on Genetically Modified Organisms (GMO Act), and in particular in article 50 of that Act.-

A GMO or a combination of GMOs shall be released into the environment after obtaining an authorization granted by the Minister of Environment and Water.

An authorization shall be granted for each particular case, acting on an application in writing from a person.

The Advisory Commission on GMOs to the Minister of Environment and Water within 60 days after submission of an application shall prepare an opinion and shall submit the said opinion to the Minister of Environment and Water.

After preparation of the opinion, the ~~MoEW Ministry of Environment and Water~~ shall organize a public consultation, which is to be carried out within 45 days after preparation of the opinion.

The summary of the technical dossier, the summary of the risk assessment and the opinion of the Commission shall be presented in the public consultation. No information designated as confidential according to the procedure established by GMO Act may be subject to consultation.

Not later than 30 days prior to the day of the consultation, the subject of public consultation and the place where the necessary information is available to stakeholders shall be announced in one national daily newspaper, through the local mass communication media, through posting notices in the relevant mayoralities in the area of the release of GMOs into

the environment, as well as on the Internet site of the Biosafety Clearing-House information system for implementation of obligations under the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and for exchange of scientific, technical, environmental and legal information regarding GMOs.. Any such notice shall furthermore announce the date and venue of the public consultation.

Any person may provide an opinion on the subject of the consultation, whether in writing or in an electronic form. The applicant or representatives thereof and the members of the Commission shall likewise be invited to participate in the public consultation.

Minutes shall be taken at the public consultation and shall be attached to the ~~documents on grant of the~~ authorization dossier.

Acting on the basis of the opinion given by the Commission, the economic analysis, the results of the public consultation, the comments from the rest of the Member States of the European Union, and after consultation with the Minister of Agriculture, ~~and~~ Food and Forestry, the Minister of Environment and Water shall prepare a draft of an authorization for the release of a GMO or a combination of GMOs into the environment within 14 days after the date of holding of the public consultation and shall present the said draft for approval by the Council of Ministers. Council of the Ministers adopts decision within 14 days.

The Minister of Environment and Water may issue permit for release of GMO or combination of GMOs into the environment if the decision of the Council of the Ministers is positive and taking into consideration all other documents, incl. the results of the public consultation.

~~The MoEW Ministry of Environment and Water. The following public registers are established and maintained~~ ed in an electronic form:

~~at the Ministry of Environment and Water: a~~

- public register of the authorizations for deliberate release of GMOs into the environment ~~as granted; a~~

- public register of the location and size of the areas wherein the release of GMOs is authorized.

XVI. Obstacles encountered in the implementation of article 6

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

None.

XVII. Further information on the practical application of the provisions of article 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

There is no statistical information on public participation (such as number of representatives) in making decisions on specific activities.

So far no deliberate releases into the environment of genetically modified organisms has been authorized in Bulgarian and there is no practical experience in applying the requirements of article 6, paragraph 11 of the Convention.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

<https://www.moew.government.bg/en/prevention/>
<https://www.moew.government.bg/en/environmental-protection-act-7628/>
<https://www.moew.government.bg/en/ordinance-for-the-conditions-and-the-order-for-implementing-environmental-impact-assessment/>

[www.moew.government.bg/
http://www.moew.government.bg/files/file/Industry/Legislation/Zakoni/English_versions/Environmental_Protection_Act.pdf](http://www.moew.government.bg/files/file/Industry/Legislation/Zakoni/English_versions/Environmental_Protection_Act.pdf)
http://www.moew.government.bg/files/file/Industry/Legislation/Naredbi/NAREDBA_za_usloviqta_i_reda_za_izvarshvane_na_ocenka_na_vazdejstviqto_varhu_okolnata_sreda_Zagl_izm_DV_br_3_ot_2017.pdf

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XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Definitions

The definition of "The public" has been transposed in item 24 of the Supplementary Provisions of the EPA. "The public" means one or more natural or legal persons and their associations, organizations or groups created in accordance with national legislation.

The definition of "The public concerned" is fully transposed in item 25 of the Supplementary Provisions of the EPA. "Concerned public" is the public referred to in paragraph 24, which is affected or likely to be affected or has an interest in the procedures for approval of plans, programmes and investment proposals and decisions on the issuance or updating of permits under this act, or permit conditions, including environmental NGOs established in accordance with national legislation.

The definition of "Environmental information" is given in article 19 of the EPA and fully complies with the definition in the Convention., "Environmental information" means any information in written, visual, aural, electronic or other physical form regarding:

1. The state of environmental components as follows: air, atmosphere, water, soil, earth, landscape, landmarks, minerals, biodiversity and their sub-components and their interaction;
2. Factors, in accordance with article 5 of the EPA, and the activities and / or measures, including administrative measures, international agreements, policies, legislation and reports on implementation of legislation, plans and programmes which have or are able to affect components of the environment;
3. The state of human health and safety of people as they are or may be affected by the state of environmental components or those components of the factors, activities or measures referred to in paragraph 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 paragraph 2;
5. Cost-benefit and other economic analysis and assumptions used within the measures and activities referred to in paragraph 2;
6. Emissions, discharges and other harmful environmental impacts.

The Bulgarian legislation does not provide a legal definition of "State authority".

According to article 4, paragraph 1 of the APIA, every citizen of the Republic of Bulgaria is entitled to access to public information on the terms and conditions set out in this Act, unless another law provides for a special procedure to seek, receive and disseminate such information. Foreign nationals and stateless persons in Bulgaria shall enjoy rights under

paragraph 1. All legal entities enjoy the rights under paragraph 1

According to article 17 of the EPA everyone has access to the available information related to the environment without having to demonstrate a specific interest.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

According to article 87, paragraph 1, point 2 and paragraph 2 of the EPA, within the procedure of environmental impact assessment of plans and programmes (EAPP), the developer of the plan or programme organizes public consultations with the concerned public and stakeholders affected by the plan or programme; the results of public consultation are reflected in the environmental report and taken into account in the decision of the ~~Ministry of Environment and Water (MoEW)~~ or the specific Regional Inspectorate for Environment and Water (RIEW). Who is the competent authority (MoEW/RIEW) to take the decision depends on who is the public body responsible for the approval of the plan or programme – central or regional/local administration.

The procedure is regulated with articles 19, 19a, 20, 21 and 22 of the Regulation on the Conditions and Terms for Carrying Out Environmental Assessments of Plans and Programmes, as follows:

The developer shall organize consultations/discussions with the public, interested authorities and third parties who are likely to be affected by the plan or program in various stages of preparation of the plan or program, respectively the Environmental Assessment of Plans and Programmes (EAPP). Consultations shall take place under a scheme developed by the developer, which includes information on how to combine the planning and milestones of EAPP, including the interaction of the teams developing the draft plan/program, the report of the assessment of the degree of impact, when this is required by the competent authority and the EAPP report. Scheme shall be consulted with the competent authority (MoEW/RIEW).

The experts who were asked to prepare a report on the EAPP, elaborate Terms of Reference for determining the scope of assessment, for which consultation with the public shall be carried out according to the scheme.

Consultations on the EAPP report include publishing a notice for convening the consultations and provision of:

- access and sufficient technical capability for becoming acquainted with

the materials of the EAPP report, the draft plan/programme and visual aids for each of the alternatives;

- expert or a person with appropriate qualifications from the planning team responsible to provide additional oral explanations on the spot;
- adoption of the opinions expressed before the deadline.

The notice shall provide detailed information concerning the plan/programme, incl. the investment proposals with presumed significant impact on environment, with regard to which the proposed plan/programme determines criteria, norms and other guiding conditions of importance for their future resolving or approval with respect to location, character, scale and operation conditions; importance of the plan/programme for integrating environmental considerations, especially in view to promoting sustainable development; environmental issues, relevant to the plan/programme; characteristics of the affected territory and the expected impacts on the environment and human health, etc.

The notice shall include also:

- place with public access and time for acquainting with the draft plan/programme, the report on EAPP and the materials with all the Annexes to it;
- term for expression of an opinion, which may not be shorter than 30 days; after publication of the communication and provision of access;
- way of expressing of statement, which cannot be only by Internet or other electronic means.

The consultations with the public and the interested bodies and third persons may be implemented in one or in several of the following ways:

- sending of messages to the central and the territorial bodies of the executive power and to the municipal councils;
- working out and dissemination of leaflet or brochure with brief information about the plan/programme;
- organising of expert or public groups for the range of the assessment;
- sending by post or by Internet of opinions, statements and recommendations to the team for the report on EAPP and to the assignor;
- public discussions.

According to article 21, paragraph 1 of the Regulation on the Conditions and Terms for Carrying Out Environmental Assessments of Plans and Programmes public discussion on the EAPP report is mandatory in cases where:

- it is required for the draft plan or programme under a special law;
- more than two negative opinions or suggestions for alternatives, reflected in the EAPP report or within the consultations are received.

There are minimum requirements for organizing and conducting of the public discussion:

- The developer shall notify the competent authority and the authorities, participated in the consultations, about the existence of the circumstances

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under article 21, paragraph 1 (see above), defining the location, date and time for holding the meeting for public discussion and place for public access and the time for getting acquainted with the draft plan/programme, the EAPP report with all applications and materials to it.

- The developer shall notify in writing the persons which have been submitted opinion/statement and may notify other persons, organizations and bodies for the meeting for public discussion..
- Public discussion meeting is held after the completion of consultations on the EAPP report for and is managed by the developer or by an authorized official.
- The developer shall ensure the presence on the meeting of representatives of the design team, the manager and the independent experts as they shall briefly introduce to the attendees the plan or program and the results of the environmental assessment.
- For the public discussion shall be kept a record by the person designated by the developer, the record shall be signed by the representative of the developer and the record keeper, and to the record shall be attached written opinions submitted in advance or during the discussion.
- The designated person shall provide the materials with the results of the public discussion to the developer within three days from the date of the meeting.

In accordance with articles 26 and 27 of the Regulation on the Conditions and Terms for Carrying Out Environmental Impact Assessments of Plans and Programmes the competent authority (MoEW/RIEW):

- endorses the plan or programme if, among others, as a result of the consultations have not been received reasoned objections on lawfulness;
- provide to the developer the decision on EAPP with the obligation to announce it within 3 days of receipt on the website of the developer or by other appropriate means;
- shall make the decision on EAPP public on its website and in the office.

XXI.Obstacles encountered in the implementation of article 7

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

None.

XXII.Further information on the practical application of the provisions of article 7

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 7.***

Answer:

Under article 7, paragraph 3 of the EPA in the process of development and public discussion of the National Environmental Strategy shall be included representatives of academia, environmental NGOs and industry organizations.

According to article 51, paragraph 2 of the Waste Management Act in drawing up the National Plan for Waste Management the Minister of Environment and Water shall organize consultations with the relevant interested parties, the public administration, the local authorities and the general public.

According to article 146p and article 168b of the Water Act shall be published and announced to the public, including to the water users, and for consultations and written comments for each basin management district:

- a draft of a flood risk management plan, including the measures planned to be undertaken and the results expected of the implementation of the said measures, as well as the results achieved and the proposals to modify and update the measures and the plan;
- draft of a river basin management plan.

The information shall be published on the website of the competent Basin Directorate and on the website of the ~~MoEW Ministry of Environment and Water~~.

Under articles ~~8 and 9~~ of the Climate Change Mitigation ~~Act the National Action Plan on Climate Change and~~ the National Climate Change Adaptation Strategy shall be drawn up following consultation with the National Expert Council on Climate Change, which includes representatives of environmental NGOs.

According to article 59, paragraphs 1 and 2 of the Protected Areas Act, in the process of working out the management plans for national and natural parks and maintained reserves the executors shall organise public discussions with the participation of representatives of the interested central and local authorities, of the owners or their associations, of scientific, academic and non-governmental organisations and other; the management plan shall take account of the statements, recommendations and notes.

The Ordinance on the terms and conditions for the development and approval of management plans for protected sites provides for the management plans for Natura 2000 protected sites to be subject to public discussion (article 12, paragraph 1), as detailed rules for implementation are set out in Section II.

Public participation in the development of action plans for plant and animal species is stipulated in the Ordinance № 5 on the conditions and procedures for development of action plans for plant and animal species from 2003. The development of drafts of such plans can assigned to NGOs among others. Once the draft of a plan has been prepared it is subjected to public

consultation (articles 11-13 of the Ordinance). At least 20 days before the consultation the date, time, place and topic, as well as the place where the draft is available to the interested parties, are announced in the mass media. Relevant state institutions and scientific and academic institutes are notified about the consultation in writing.

At the consultation the draft of the action plan is presented and minutes are prepared that contain the expressed opinions, remarks and recommendations. After the consultation the appropriate opinions, remarks and recommendations should be reflected in the draft and specific explanation should be provided for those that are not included. The minutes from the public consultation and the written explanation mentioned above included in the dossier of the draft. In the process of developing an action plan additional public hearings or other consultations can be organized with the public and other stakeholders. Results of that hearings and consultations are documented in minutes.

When developing the municipal programmes for reducing the levels of pollutants and for reaching the approved norms under article 27 of the Clean Air Act, an Instruction for development of programmes for reduction of emissions and achievement of the established norms for harmful substances is applied in the regions for assessment and management of the air quality, where there is an excess of the established norms. The mayors of municipalities establish programme councils for assessment and management of the air quality (according to article 6 (1) of the Instruction). Article 6 (2) designates the representatives of the bodies, structures and organizations participating in the programme council. According to item 3, "the interested natural and legal persons and environmental organizations or associations participate in the councils".

Within the updated National Strategy for Sustainable Development of Tourism in the Republic of Bulgaria 2014-2030 and its Action Plan for the period 2017-2020, the Ministry of Tourism adopted the EU and national commitments regarding sustainable development and presented a plan for their achievement in the field of tourism. The policy framework promotes the optimal use of natural resources, which are a key element in tourism development, the maintenance of basic environmental processes and the protection of natural heritage and biodiversity. In the process of discussion and adoption of the Strategy, stakeholders were consulted and public hearing and workshops were held to inform the public about the measures to achieve the goals set out.

It has become common practice the drafts of strategies, action plans and programmes concerning the environment to be published on the website of the MoEW and the Public Consultations Portal of the Council of Ministers for comments and proposals of the members of the public. It is even obligatory for the strategic documents, adopted with a normative act of the Council of Ministers in accordance with the Statutory Instruments (Normative Acts) Act – for further details, please see Chapter XXIV.

Public consultations in the form of conferences, round tables, workshops, etc. are carried out.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

www.moew.government.bg.

<http://www.strategy.bg/>

http://www.moew.government.bg/files/file/Waste/Legislation/Zakoni/English_versions/Waste_Management_Act.pdf

http://www.moew.government.bg/files/file/Water/Legislation/Zakoni/Water_Act.pdf

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

According to Statutory Instruments (Normative Acts) Act (article 26) in the process of developing a draft statutory instrument (legally binding normative instrument/regulation/act), public consultations shall be held with citizens and legal entities. Before the introduction of a draft statutory instrument for issuing or adoption by the competent authority, the author of the draft shall post it on the website of the relevant institution together with the rationale, or report respectively, and ex-ante impact assessment. When the author of the draft is a body that belongs to the executive branch, the draft shall be posted on the Public Consultations Portal and when the author is a local government, the draft shall be posted on the website of the relevant municipality and/or municipal council.

The period for submission of proposals and opinions on the drafts posted for public consultations pursuant to paragraph 3 above shall be no less than 30 days. In extraordinary situations and with an explicit description of the reasons in the rationale, or the report respectively, the author of the draft may set a different period but no less than 14 days.

Upon completion of the public consultations and before the adoption or respectively the issuance of the statutory instrument, the author of the draft shall post information about submitted proposals together with reasons for the rejected ones on the website of the relevant institution. When the author

of the draft is a body belonging to the executive branch, the information shall also be posted simultaneously on the Public Consultations Portal.

According to the Regulation on the Structure and Functions of Council of Ministers and its Administration each minister- importer of draft normative act, shall prepare a report summarizing the results of carried out public consultation and this report is an integral part of the package of documents for the Council of Ministers and the National Assembly.

According to the Administrative Procedure Code (APC) the general administrative acts, i.e. such with one-time legal action, by which shall be created rights or obligations or shall be directly affected rights, freedoms or legitimate interests to indefinite number of persons, shall be also subject to public consultations. Article 66 states that the opening of the proceedings on issue of the general administrative act shall be announced in public by the mass media, by sending the draft to organisations of the interested persons or in another suitable way. The notification shall include and the main reasons for the issue of the act, as well as the forms of participation of the interested persons in the proceedings. As far as by a special law has not been established otherwise, the interested persons and their organisations shall have the right of access to the whole information, content in the file on the issue of the general administrative act at any time of the proceedings, including after its completion (article 68). The administrative body shall determine and announce in public one or more of the following forms of participation of the interested persons in the proceedings on the issue of the act: written proposals and objections; participation in consultative bodies, supporting the body who is issuing the act; participation in meeting of the body, issuing the act, when is collective; social discussion (article 69, paragraph 1); the administrative body shall ensure to the interested persons an opportunity to implement their right of participation in a reasonable term, determined by the administrative body, which may not be shorter than one month from the day of the notification (article 69, paragraph 2).

The APC by the procedure regulated in Chapter eight, explicitly envisages the possibility for reporting signals for unlawful or inexpedient actions or inactions of administrative bodies. Pursuant to article 107, paragraph 4 of APC signals may be filed for abuse of power and corruption, bad management of state or municipal property or other unlawful or inexpedient actions or inactions of administrative bodies and officials in the respective administrations, by which are affected state or public interests, rights or legitimate interests of other persons. The procedure is open for all members of the public - every citizen or organisation, as well as the ombudsman, may file a proposal or a signal (article 109). The proclaimed principle of objectivity and impartiality is of essential importance – the signals may not be decided by the bodies or the officials, against which actions they have been filed, unless when they accept that they are grounded and consider them favourably (article 113). Further, it is placed as an explicit requirement regarding the execution: the body, who has pronounced the decision, shall undertake measures on its execution, determining the way and the term for the execution (article 115). The filed signal does not stop the execution of

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the disputed act or the execution of particular activity, unless the body, competent to pronounce, directs the execution to stop until pronouncement of the decision (article 120). However, short terms for review, pronouncement of decision and undertaking actions on the signal, regulatorily established by the Code, are present - the decision upon the signal shall be taken not later than within two months period after its receipt; when particularly important reasons impose that, the term may be prolonged by the higher body, but not by more than a month, for which the sender shall be notified." (article 121). When considering favourably the signal, the body shall undertake immediately measures on eliminating the admitted violation or inexpedience, for which shall notify the sender and the other interested persons (article 122, paragraph 1). The decision upon the signal shall be executed within one month period after its pronouncement. By way of an exception, when it is imposed from particularly important reasons, the term may be prolonged by the body, who has pronounced it, but not by more than two months, for which the sender shall be notified (article 125, paragraph 1).

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The Code foresees the decision on a given signal to pronounce legal action in direction of elimination of harmful consequences, as a result of unlawful actions and even restoration in case of caused damages - at the execution of the decision upon the signal, shall be eliminated the harmful consequences, caused by the unlawful or the inexpedient actions; when that is impossible, the affected persons shall be satisfied by another legal way or shall be explained to them the way they should act (article 125, paragraph 2).

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There is a possibility in the APC for submission of proposals (also in Chapter Eight "Proposals and Signals" of the APC) by every citizen and organization, as one of the main inalienable rights of citizens (article 45 and article 57, paragraph 2 of the Constitution of the Republic of Bulgaria), which is no less significant than the signal as an opportunity for effective functioning of the administration and the opportunities for public participation in the process of preparation of regulations and rules that can have a significant impact on the environment. In article 107, paragraph 3 of the APC, the legislator determines the following purposes for which proposals may be made - to improve the organization and activities of administrative bodies and bodies that perform public law functions or to resolve other issues within its competence of these bodies. The right to propose (opinion, desire, idea, opportunity for action) as a manifestation of the right of referral to state bodies allows to every citizen to file a request for protection of the public interest. It gives every citizen the right to refer to the administrative body or the body that performs public law functions, informing it of his understanding of the public interest, the achievement (regulation) of which is within the competence of the body.

The provision of article 115 of the APC explicitly determines the obligation of the body not only to issue a decision, but also to ensure its implementation. The provision should be considered as a guarantee for the implementation of the adopted decision or signal, i.e. for the effectiveness of the constitutional right of the citizens (article 45 and article 57, paragraph 2 of the Constitution of the Republic of Bulgaria). The body's compliance with this obligation may be monitored administratively. The provision gives the body the right to determine the manner and term of implementation.

assessing the nature of the measures necessary for implementation. When in pursuance of this decision an individual administrative act should be issued, the proceedings shall be conducted under the terms and conditions of Chapter Five "Issuance of Administrative Acts".

The procedure for examining signals and proposals provided for in Chapter Eight shall apply whenever a special law does not provide otherwise. For example, article 154a of the EPA provides for a one-month period for verification of a received signal. The time provided by the legislator for checking the signal (by one month less) corresponds to the principle of timeliness, applicable to any administrative procedure.

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XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

None.

XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

Answer:

MoEW publishes on its website drafts of normative instruments to enable the public to express their recommendations, comments and suggestions.

The participation of NGO representatives in working groups set up by the MoEW in the drafting of regulations can be given as an example of a good practice.

In recent years, a number of methodological guidelines in the field of public consultation have been developed and introduced, applicable to all sectors of government, not only with regard to the environment:

- Standards for conducting public consultations – present the main stages of the preparation, conduct and evaluation of public consultations, as well as the standards for their practical application by the public administration, including the consideration of the contribution of the participants in the public consultations. The standards are designed to assist administrations in implementing the defined principles for conducting public consultations as part of the overall process of planning, developing and implementing public policies.

<http://www.strategy.bg/Publications/View.aspx?lang=bg->

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- [Handbook for civic participation - its main purpose is to guide and assist citizens and their organizations in their dialogue with public authorities. It is intended for national and local civil society organizations, but can also be useful for public institutions. The handbook contributes to creating an enabling environment for civic participation in the decision-making process by presenting principles, guidelines, tools and mechanisms for participation. The aim is to encourage involvement in the process of making public decisions by summarizing and providing in a convenient, practical form the available knowledge and practice in the field, and presenting new and experimental forms of participation.](#)

<http://www.strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=294&y=&m=&d=>

- [Handbook for crowdsourcing and civic hacking - it includes references to specific examples of the application of both tools, as well as information on resource sources.](#)

<http://www.strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=287&y=&m=&d=>

- [Rules, procedures and criteria for appointing representatives of civil society organizations in consultative bodies. The document aims to lay a solid foundation and a unified approach in the practices of the administration to attract civic expertise in the advisory bodies of the administration. The rules contain sample procedures and criteria for attracting experts from the public.](#)

<http://www.strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=284&y=&m=&d=>

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XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

<https://www.moew.government.bg/en/>

<http://www.strategy.bg/>

<http://www.lex.bg/laws/ldoc/2127837184>

[www.moew.government.bg-](http://www.moew.government.bg/)

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

Subpoint (a):

According to articles 40 and 41 of APIA, decisions to grant access to information or rejection shall be subject to judicial appeal, respectively, in front of the Supreme Administrative Court and Administrative Courts, depending on the authority which issued the act. For providing environmental information should apply procedure laid down in Chapter Three of the APIA. Bulgarian law complies with the Convention and allows any person who considers that his request for access to information is not examined in accordance with Article 4 of the Convention, to have access to re-evaluation procedure. The Courts effectively apply those provisions of Bulgarian legislation and they have established case law.

According to Bulgarian legislation, appeal of decisions for granting / rejection of access to information are only in the Courts under the

Administrative Code. (article 40, paragraph 1 and 2 of APIA). The appeal should be submitted through the authority that had issued the contested act. Payment of fees for filing an administrative case is in accordance with the tariff set for all courts and is firmly fixed in its amount (Tariff № 1 to the State Fees Act for fees collected by the courts, prosecutors, investigative authorities and the Ministry of Justice). These fees are very low (for further details, please see subpoint (d)).

Since the appeal of the decision is in court, the court's decisions are binding for all state bodies, natural and legal persons. When there is a court decision in force repealing refusal to provide information, it is mandatory for the authority that has decreed the refusal and which holds the requested information.

According to article 28, paragraph 2 of the APIA bodies or explicitly defined by them representatives take decision to grant or refuse access to required public information and notify the applicant in writing of its decision.

With an amendment to APIA (in force from 2019) is envisaged the decision of the administrative court to be not subject to a cassation appeal (article 40, paragraph 3). By this way have been created conditions for clearer, mobilizing all actors in the process, more systematic, guaranteeing rights and obligations and faster administrative procedure. Fast proceedings before administrative authorities are of particular importance in the provision of access to environmental information, since in many cases this information is required by the applicant in short terms. This is the case in Bulgaria – as it has been noted above, the APIA obliges public authorities to consider any request for access to public information as soon as possible but no later than 14 days from the date of registration of the application for access to information. But the accelerated administrative procedure, in practice, renders unreasonable in slow administrative justice as a result of the multiple referrals to judicial authorities several times on the same issue.

Subpoint (b):

As a general rule, the members of the interested public, when there is a reasoned legal interest, have the right to challenge any decision taken by the administrative authorities, unless a special law provides otherwise. Administrative Procedure Code shall apply to administrative proceedings and representatives of the public may appeal decisions of administrative bodies.

In article 55 of the Constitution of the Republic of Bulgaria is stated that everybody has right of favorable environment. This gives legal ground to every citizen or organization to participate in the process of challenging any decision, act or omission in the court. The case law shows that legal entities, including NGOs that meet the criteria of national legislation, namely, are duly registered, have the opportunity to participate in the trial.

Citizens are guaranteed access to court for appealing administrative acts

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(article 120 of the Constitution), unless the opposite is provided for by a law. No such legal exception exists in environmental law. Legal interest is required for challenging administrative acts before court of justice.

The direct implementation of all constitutional provisions is possible because international agreements which are ratified by the Parliament and are in force for Bulgaria become part of the internal legal order after their publication in the State Gazette. Such agreements are given priority over national laws in case of contradiction between them.

National legislation in the field of the environment provides the possibility for members of the public (within the meaning of the Convention) to challenge in courts the opinions/decisions on the EAPP/ EIA, issued in accordance with the EPA:

- According to article 88, paragraph 3 of the EPA, the concerned persons may appeal against the decision or opinion on the EA using the procedure of the APC within 14 days of its disclosure.
- According to article 93, paragraph 10 of the EPA, the decisions for assessing the necessity to carry out an EIA are subject to an appeal under the APC.
- According to article 99, paragraph 8 of the EPA, the concerned persons may appeal the decision on the EIA using the procedure of the APC within 14 days of its disclosure.

With amendments to the EPA, entered into force in –2019 (article 99, paragraphs 9 and 10), the decisions of the first instance court on appeals against EIA decisions of the Minister of Environment and Water on investment proposals, their extensions or amendments, which are defined as sites of national significance by an act of the Council of Ministers and which are sites of strategic importance, shall be final as well as against EIA decisions of the Minister of Environment and Water in cases when a combined procedure is applied – EIA and at least one of the procedures: 1) – issuing a decision for approving the safety report of enterprise with high risk potential issuing a permit for the construction and operation of a new and operation of an existing enterprise and/or facility with high risk potential or parts of it/planned changes/extensions in existing enterprises and/or facilities with high risk potential; 2) issuing an IPPC permit. The court shall consider the complaints and shall rule by a decision, whereby the proceedings shall be concluded within 6 months from submission of complaints. The court shall announce its decision within one month of the session, in which the case was closed. The same rules became applicable regarding the EAPP statement/decisions which concern the realization of sites designated as sites of national significance by an act of the Council of Ministers and are also sites of strategic importance.

These amendments are appropriate in view of the requirement of article 9, paragraph 4 of the Aarhus Convention on the timeliness of court procedures. Such cases concern large-scale projects and potential significant environmental impacts and the timely judicial review, which is guaranteed by a mandatory for the court time frame for the proceedings, is essential to

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prevent potential environmental damage in the event of unlawful actions or lack of actions by administrative authorities in breach of environmental law.

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Furthermore, the single instance of the judicial administrative process for these cases is justified by another important objective – narrowing the range of judicial acts that can be appealed in cassation should relieve the Supreme Administrative Court of excessive workload and allow it to fully perform its functions regarding the supreme judicial oversight for the accurate and uniform application of the laws. At the same time, single-instance court proceedings in certain cases do not affect the essence of the right of citizens for protection, as the access to court is guaranteed.

~~The national legislation in the field of environment provides the full right to the public concerned (including non-governmental organizations NGOs) to appeal decisions on Strategic Environmental Assessment (SEA) (which is the same with Environmental Assessment of Plans and Programmes (EAPP) – the Bulgarian definition) and Environmental Impact Assessment (EIA) which are obligatory conditions for approval of spatial plans and issuance of construction permits, which allow the realization of investment projects affecting the environment. According to article 99, paragraph 6 of the Environmental Protection Act (EPA), public concerned may appeal against the EIA according to the procedure established by the Administrative Procedures Code (APC) within fourteen days after its announcement.~~

~~With the amendment of the EPA (SG, 62 from 2015) in article 88, paragraph 3 is stipulated the right of the public concerned to appeal the SEA or the decision not to carry out SEA, according to the procedure under the APC within fourteen days after its announcement.~~

According to article 145, paragraph 1 of the APC, the administrative acts are subject to challenge before the first instance court with regard to their legality. In this stage of the administrative process the principle Ex Officio is most pronounced (article 9 in connection with article 168 of APC). The court of first instance may annul the challenged administrative act due to violation of any of the grounds under article 146 of the APC, even if it is not requested by the appellant, as well as to declare the nullity of the act. Therefore, even when the proceedings before the administrative courts are the only court proceedings, without the possibility of the court decision being challenged before the Supreme Administrative Court, even in case of inaction or ignorance by the appellants, their interests will be protected by a court.

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~~In this regard, Ff~~for the constitution of legal standing (locus standi) to stakeholders is used the definition of “public concerned”, according to the Convention, which is fully transposed in EPA. According to paragraph 1, point 25 of the Supplementary Provisions of the Act, “Public concerned” shall be the public, 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. "Public" shall be one or more natural or juristic persons and the associations, organizations or groups thereof, established in accordance with national legislation.

In accordance with article 82, paragraph 5 of EPA a final decision on the necessity of EIA or EIA issued is *conditio sine qua non* for approval/authorization of the considered investment proposal in accordance with a special law. The authorities responsible for approval and application of the plan or programme take into account the conditions, measures and limitations and the decision is enclosed and is inseparable part of the administrative act of approval/permission, necessary for the implementation of the investment proposal.

In article 82, paragraph 4 of EPA is stipulated that an opinion or a decision that has entered into force for SEA is *conditio sine qua non* for subsequent plan or programme. The authorities responsible for approval and application of the plan or programme take into account the conditions, measures and limitations defined in the opinion or the decision.

Opinions/decisions on the EAPP and the EIA are individual administrative acts within the meaning of the APC and the Code provides the following:

- Possibility to be challenged by administrative order before the immediately higher administrative authority (article 81, paragraph 1). Opinions/decisions on the EAPP and the EIA of the RIEW are issued by the Director of the respective Regional Inspectorate, which are below standing to the Minister of Environment and Water, and these individual administrative acts may be challenged by administrative order before the Minister of Environment and Water. The administrative challenging can be on legal grounds and in regard to their appropriateness.
- Opportunity to challenge in court the lawfulness of the administrative act at first instance (article 145, paragraph 1). The right to challenge the administrative act belongs to citizens and organizations whose rights, freedoms or legitimate interests have been violated or threatened by it or for whom it creates obligations (article 147, paragraph 1). The administrative act may be challenged in court without exhausting the possibility to challenge it by administrative order unless this code or a special law provides otherwise (article 148). In respect of the subject of judicial review – the court is not limited to a discussion of the grounds specified by the contesting party, but is required, on the basis of the evidence submitted by the parties, to check the lawfulness of the contested administrative act on all listed grounds - lack of jurisdiction; failure to comply with the established form; material breach of the administrative proceedings; contradiction with substantive provisions; inconsistency with the spirit of the law. The court declares the act void even if there is no request in this regard. In all cases, there is a material breach of administrative proceedings where as a result of a violation of the obligation to notify a citizen or organization they were deprived of the opportunity to participate as a

party in the proceedings on the issuing of the individual administrative act. Where a court finds that there has been a material breach of administrative proceedings, it revokes the act and forwards the file to the relevant competent administrative authority without verifying the following grounds: contradiction with substantive provisions; inconsistency with the spirit of the law (article 168, paragraphs 1, 2, 4, 5). The court may declare void the contested administrative act, to revoke it in whole or in part, to amend it or reject the dispute (article 172, paragraph 2). The decision is binding on the parties to the case. If the contested act is revoked or amended, the decision is in effect for everyone. Acts and actions of the administrative body committed in contradiction with a court ruling in force are null and void. Any interested person may invoke the nullity or ask the court to declare it (article 177, paragraphs 1 and 2).

According to article 109, paragraph 1 of the EPA the construction and operation of new and operation of existing upper tier enterprise and/or facility (with high risk potential for major accident involving dangerous substances) or parts of it, are performed after the issuance of a decision by the Executive Director of the EEA for approval of the safety report, under the terms and conditions of Chapter seven, section I of the EPA (this provision is also applied to planned changes/extensions of existing upper tier enterprises and /or facilities). The decision for approval of the safety report is mandatory for the issuing a permit for the construction of the enterprise and/or facility under the Spatial Planning Act, an exception is allowed for enterprises/facilities, as well as planned changes/extensions in them, for which has been completed the respective EIA procedure under Chapter VI, Section III of the EPA with a decision for approved location and confirmed safety distances in accordance with article 99b, paragraph 5 of the EPA. The provisions of article Art. 109, paragraph 1 and 2 of the EPA shall not be applied in the cases under article Art. 94, paragraph 1, item 9 of the EPA, which are by the order of Chapter Six, Section III of the EPA.

According to article 116c of the EPA, decisions for approval/not approval of the safety report under article 116, paragraph 1 of the EPA may be appealed under the APC Administrative Procedure Code within 14 days from their announcement under article 116b of the EPA.

According to article 127, paragraph 2 of the EPA the interested persons can appeal the IPPC decision by the order of the APC in 14 days term after its announcement.

In conclusion, access of members of the public to judicial review procedures is provided in respect of the main acts allowing the implementation of activities having a significant impact on the environment – EIA, EAPP, IPPC, ~~control of major-accident hazards involving dangerous substances of enterprizes/facilities with high risk potential.~~ oversight on the enterprizes/facilities with high risk potential for accidents with dangerous

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substances.

Subpoint (c):

The BG law distinguishes between civil, administrative and penal cases. The environmental cases are mainly administrative and are heard by the administrative courts. Civil and criminal cases dealing with environmental issues are not common in practice. Only the prosecution raises and maintains accusations for crimes of a general nature under the Criminal Procedure Code (CPC). According to article 205 "Obligation of citizens and officials for notification" of the Criminal Procedure Code, when they learn of a crime of a general nature, citizens are publicly obliged to immediately notify a body of pre-trial proceedings or another state body (paragraph 1), and in these cases the body of the pre-trial proceedings shall immediately exercise their powers to institute criminal proceedings (paragraph 3). According to paragraph 2 of the same article, when they learn about a crime of a general nature, the officials must immediately notify the body of the pre-trial proceedings and take the necessary measures to preserve the situation and the data for the crime, as the body of the pre-trial proceedings is again authorized to initiate criminal proceedings. For example, the members of the management body, as well as the persons representing a non-profit legal entity - such as non-governmental organizations (including environmental ones), are obliged in their capacity as "officials" if they have data on an alleged crime to notify the prosecutor's office immediately. According to article 93, item 1, b) of the Penal Code: "An official" is one who is assigned to perform with salary or free of charge, temporarily or permanently; managerial work or work related to the custody or management of another's property in a state enterprise, cooperative, public organization, another legal entity or a sole trader, as well as a notary and assistant notary, private bailiff and assistant private bailiff. "Civil and penal environmental cases are rare. Only a prosecutor is entitled to bring criminal action against an offender by the meaning of the Criminal Procedure Code. NGOs (environmental NGOs included) are not allowed to start criminal proceedings.

With the provision of article 169 of the Environmental Protection Act, an opportunity is provided for representatives of the public and non-governmental environmental organizations, appointed by the Minister of Environment and Water, to draw up acts for establishing administrative violations within the meaning of the law, as the penal decrees under paragraph 1 shall be issued by the Minister of Environment and Water or by persons authorized by him. The latter is in accordance with article 37, paragraph 2 of the Act on Administrative Violations and Penalties and is a specific manifestation of the exercise of administrative procedural functions for detecting violations and proving them, one of the forms of activating the public in the fight to strengthen the rule of law.

The opportunity of public members to have access to administrative and judicial procedures to challenge acts and omissions of individuals and public authorities which contradict to the provisions of national legislation relating

to the environment is guaranteed by the Constitution, which provides that everyone is entitled to a healthy environment. This gives the constitutional grounds for appeal for all acts and omissions of natural persons and government bodies, relating to the environment.

Chapter eleven of the EPA also provides civil liability for anyone who has caused another damage from pollution or environmental damage. Article 171 of the EPA expressly provides injured person can bring an action against the violator for an injunction to remove the effects of pollution.

The procedure before court is applicable to all kind of administrative decisions and is regulated in the Administrative Procedure Code (APC). The APC distinguishes three types of administrative decisions – individual, general and normative.

The APC provides for an appeal before the superior administrative body. As some authorities (Council of Ministers, ministers) do not have superior administrative authority, their decisions only could be appealed before court. The superior administrative authority controls both the way the administrative discretion was applied (expediency of the act) and the legality of the act, whereas the court is only supposed to check the legality of the act. First instance decisions can be taken directly by the court. Administrative remedies do not have to be exhausted before bringing the case before court. Apart from the administrative courts there are no specialized administrative bodies or tribunals acting as institutions of appeal.

Courts can review the lawfulness of administrative decisions. Both procedural legality and substantive legality are subject to the court's control.

Civil court procedures can be started against individuals or legal entities in case their unlawful activities have caused damages to any person – private or public.

As a whole, however, the use of civil actions (lawsuits) for protection against an activity with a negative impact on somebody's interest is not common. EPA and the Water Act (WA) provide that affected persons can ask from the court to order a stop to an illegal polluting activity – i.e. activity which is either not permitted or in breach of the issued permit. Both laws explicitly grant standing to environmental NGOs to start such lawsuits. Affected persons have right to compensation for damages.

In particular, in accordance with article 170, paragraph 1 of the EPA, any person, who shall culpably inflict environmental pollution or damage on another, will be obliged to indemnify the aggrieved party. In cases where assets constituting state property has been damaged, the party empowered to bring a claim 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.

In cases where assets constituting municipal property have been damaged, the municipality mayor shall be empowered to bring the action. The aggrieved parties may bring claim against the offender for cessation of the violation and for elimination of the consequences of pollution occurred.

According to article 202, paragraph 1 of the Water Act, any person shall be obliged to cure any detriment culpably inflicted thereby on any other persons in violation of effective provisions regarding water use and protection and of the conditions provided for in the permits as issue. In the case of damage to the flora and fauna in water sites constituting public state property, the following shall be competent to bring claim for cure of the detriment:

1. The Minister of Environment and Water, should the damage have occurred within the territory of multiple administrative regions.
2. The [competent] Regional Governor, should the damage have occurred within the territory of multiple municipalities.
3. The [competent] Municipality Mayor, should the damage have occurred within the territory of a single municipality.

Claim may furthermore be brought by any non-profit organization whereof the objects are environmental protection.

The lawsuit can be started either by the person who suffered the damages or by the state authority that is responsible for (manages) the damaged property.

Claims against state bodies in environmental matters could be divided into three groups:

- Claims against unlawful activities of authorities.
- Claims against unlawful omissions to act, committed by the authorities.
- Lawsuits by affected persons against executive power bodies for damages caused by unlawful acts/omissions.

While all three groups of claims should be brought before the administrative court, the latter group of claims are in reality civil lawsuits. The first and the second group of claims are based on a wide range of prerogatives, given to the competent authorities to stop ongoing unlawful activities, committed by private persons or to prevent imminent danger of pollution – such prerogatives are provided for by several environmental laws. They are called “coercive administrative measures” (CAM). The CAM could be either preventive, or aiming a stop or recovery from a pollution.

There is no *actio popularis* in Bulgaria. The legal system follows an interest-based model of standing. The standing rules are generally applicable throughout all areas of administrative law and there are no specific standing rules for environmental law cases. The environmental law as such does not have different standing rules as opposed to the general rules, provided in the APC. ~~Participation in the administrative~~

~~stage of a procedure is not a prerequisite for access to justice.~~ Standing rules are also applicable throughout the whole procedure. In accordance with article 147, paragraph 1 and article 186, paragraph 1 of APC:

- The right to contest an administrative act shall vest in the individuals and organizations whereof the rights, freedoms or legitimate interests are violated or jeopardized by the said act or in respect of whom the said act gives rise to obligations.
- The right to contest a statutory instrument of secondary legislation shall vest in the individuals, the organizations and the authorities whereof the rights, freedoms or legitimate interests are affected or may be affected by the said instrument or in respect of whom the said instrument gives rise to obligations.

According to article 15 of the APC parties in the administrative proceeding may be the administrative body, the prosecutor and any citizen or organization whose rights, freedoms or legitimate interests are or would be affected by the administrative act or for which the court decision would rises rights or obligations. No personal or direct legal interest is required to submit a proposal or signal.

The legal interest is based on the direct and immediate impact of the appealed administrative act on the legal sphere of the respective subject. The existence of a legal interest is derived from the operative part of the act, which determines the rights and obligations under the administrative legal relationship. For example, the criterion for defining the concept of "legal interest" in challenging the SEA decision or the SEA opinion is derived from the legal definitions in § 1, item 24 and item 25 of the supplementary provisions of the EPA for "public" and for the "public concerned" referred to by the court.

- "Public" means one or more natural or legal persons and their associations, organizations or groups set up in accordance with national law. "Affected public" is the public under § 1, item 24 of the supplementary provisions of the EPA, which is affected or likely to be affected, or which has an interest in the procedures for approval of plans, programmes, investment proposals and in decision-making for the issuance or the updating of permits under this Act or the conditions of the permit, including environmental non-governmental organizations. It is identical the definition of "public concerned" in article 2, paragraph 5, in conjunction with paragraph 4 of the Aarhus Convention.

Subpoint (d):

Bulgarian legislation foresees many opportunities for participation of the concerned public in the trial. It allows opportunity to initiate administrative and civil cases, on matters related to the environment. Judgments concerning the environment are obligatory for all administrative bodies and to all natural and legal persons.

Injunctive relief for halting the enforcement of administrative acts (individual and general) concerning the environment, is regulated by the Administrative Procedure Code (APC). According to article 90 and article

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166 of APC, administrative acts shall not be performed, before the expiration of the terms of their challenge, and if complaint or protest is submitted – before the settling the dispute by the appropriate authority. So, the challenge stops the execution of administrative acts.

Despite this, however, article 60, paragraph 1 of APC allows “the administrative act to include an order/direction/disposition for preliminary enforcement, when necessary, with the purpose of ensuring the life and health of citizens, protecting state or public interests of vital importance, in danger that it can be prevented or seriously hampered the performance of the act, or if by the delay of execution may follow significant or difficult to repair damage, or at the request of either of the parties – for protecting its particularly important interest. In the latter case the administrative authority requires a guarantee”.

Other remedies, provided by APC consist of:

- Compensation for detriment inflicted on individuals or legal persons by legally non-conforming acts, actions or omissions of administrative authorities and officials (articles 203-207).
- Remedies against unwarranted actions and omissions by the administration. Any person who has standing may motion for the cessation of actions performed by an administrative authority or an official which are not warranted by an administrative act or by the law (article 250, paragraph 1). The non-performance of actual actions, which the administrative authority is obligated to perform by virtue of the law, shall be contestable within fourteen days after the submission of a request to the authority for the performance of the said action. The inaction of an administrative authority on an obligation arising directly from a statutory instrument shall be appealable indefinitely, applying, mutatis mutandis, the provisions on contestation of individual administrative acts. By the judgment thereof, the court may order the administrative authority to perform the action, establishing a time limit for this, or may reject the motion (articles 256-257).

Court fees in administrative litigation are low. Under Tariff № 1 to the State Fees Act for fees collected by the courts, prosecutors, investigative authorities and the Ministry of Justice on appeals against administrative acts at first instance proceedings shall be collected the following fees:

- By non- profit organizations and individuals who are not traders - 10 leva (~~about~~ ~5 euro).

- By legal persons - trading companies and individuals – traders within the meaning of the Commercial Act - 50 leva (~ ~~about~~ 25 euro).

With an amendment to the APC (in force since 2019) differentiated fees have been introduced in the cassation proceedings which also remain low and do not contradict the principle of Article 9, paragraph 4 of the Aarhus Convention for appealing procedures in court to not be "prohibitively expensive":

- Where there is no material interest in the case:
 - 70 leva (~ 35 euro) for citizens, sole traders, state and municipal authorities, and other public officials, and public service

organizations. A fee on the proceedings is not paid by citizens who are recognized by the court as not having enough money to pay it. When examining an application for exemption from a state fee, the court takes into account: the income of the person and their family; their property status certified by a written declaration; their marital status; health status; employment; age; other relevant circumstances. The relatively low fee for public authorities (compared to the one for the organizations) would actually have a positive effect on environmental protection - this assists the MoEW to fulfil its mandated by the EPA (article 161, paragraph 1) obligation to “*appeal acts of administrative authorities that contradict to the normative acts in the field of environmental protection*”. In addition, the payment of a state fee for the cassation proceedings by state and municipal authorities is being regulated for the first time in the history of Bulgarian legislation. Until now, administrative authorities have not paid a state fee for cassation appeal.

– 370 leva (~ 185 euro) for organizations – an amount much lower than the minimum guaranteed by the law monthly remuneration, even of a single employee in Bulgaria.

• Where there is material interest in the case:

– 0.8 % of the material interest, but not more than 1700 leva (~ 850 euro) for citizens, sole traders, organizations, state and municipal authorities, and other public officials, and public service organizations. This means that in the case of a material interest of 212 500 - 10 000 000 leva (~ 106 250 – 5 000 000 euro) the fee is always 1700 leva (~ 850 euro). For material interest of 10 000 000 leva (~ 5 000 000 euro), this is less than 0.02 %.

– 4 500 leva (~ 2 250 euro) when the material interest exceeds 10 000 000 leva (~ 5 000 000 euro) - i.e. if it is 100 000 000 leva (~ 50 000 000 euro), this is approx. 0.005 % and if it is 1 000 000 000 leva (~ 500 000 000 euro) - approx. 0.0005 %.

Proportional fees on identifiable material interest are not applied in the cassation proceedings on appeal of decisions on EIA (Decision № 5-/19.04.2019 on case file № 12 of 2018).

The introduced new state fees in justified and consistent with the economic conditions in the country amount provide for more effective and fast administration of justice and implementation of the constitutional role of the supreme courts for uniformity of jurisprudence, and are prerequisites for better implementation of article 9, paragraph 4 of the Aarhus Convention and, in particular - the requirements for judicial procedures to provide adequate and effective remedies and to be of timely nature. The low, it can even be said – symbolic amount of fees in first-instance proceedings is being retained, which ensures access to court as means of protection against unlawful acts or lack of acts of the administration.

Also in order to improve the efficiency of court proceedings, an amendment to the APC (article 212, paragraph 2, effective from 2019) provides that the cassation appeal, except for the cases under the Administrative Violations and Penalties Act and cases for pension, health and social insurance and

support, and those in which the appellant is exempt from state fee or a person deprived of his liberty with enacted sentence, shall be countersigned by a lawyer or a legal counsel, unless the appellant, or his representative, has legal capacity. This does not significantly increase the cost of the appeal procedure and applies only to the second instance proceedings.

In civil cases, court fees are charged according to the Tariff of state fees collected by the courts under the Civil Procedure Code (CPC) and depend on the type of case.

If an intake is evaluable, e.g. lawsuit for compensation for damages, the court fee would be 4 per cent of the value of the claim (material interest). If the claim can not be assessed – e.g. a lawsuit for stopping a polluting activity, the fee is set in each individual case – up to 80 leva (~ ~~about~~ 40 euro) but not less than 30 leva (~ ~~about~~ 15 euro). In civil litigation there is no differentiation of fees between NGOs/citizens and trade companies. Fees for appealing decisions – both in administrative and civil litigation amount to the half of the first instance court fees.

The “loser pays principle” is strictly implemented by the courts. In administrative proceedings if the applicant loses the case he should pay all expenses incurred in the case, including the minimum wage for an attorney if the other party has used such. Responsibility for costs is regulated in article 143 of the APC:

(1) Where the court revokes the appealed administrative act or refusal to issue an administrative act, the stamp duties, the court costs and the fee for one lawyer, if the appellant had retained a lawyer, shall be reimbursed from the budget of the authority which issued the revoked act or refusal.

(2) The appellant shall furthermore be entitled to be awarded costs under (1) upon dismissal of the case by reason of a withdrawal of the administrative act contested thereby.

(3) Where the court rejects the contestation or the appellant withdraws the appeal, the party where to the administrative act is favourable shall be entitled to be awarded costs.

(4) Where the court rejects the contestation or the appellant withdraws the appeal, the appellant shall pay all costs incurred in litigation, including the minimum fee for one lawyer fixed according to the ordinance referred to in article 36, paragraph 2 of the Attorneys Act, if the other party has retained a lawyer.

Regarding paragraph 4 shall be clarified that according to the Ordinance on the minimum amounts of attorneys' remuneration (article 8, paragraph 3) for the administrative court cases the minimal attorneys' remuneration for procedural representation, protection and assistance in administrative cases without a certain material interest fee is 5400 leva (~ ~~about~~ 255450 euro).

The promoter (initiator of investment) has the characteristic of “an interested party” in the proceedings. The party, for which the case is with unfavorable outcome, may be supposed to pay the full amount of the expenses of the case, including remuneration for one attorney. In this connection, in the cases under paragraph 1 is applied article 78, paragraph 8 of the CPC which states that an attorney remuneration in amount determined by the court shall also be awarded in favour of legal persons or sole traders.

~~if they have been defended by an employee – legal advisor. The amount of awarded remuneration cannot exceed maximum amount for corresponding type of lawsuit, determined in article 37 of the Legal Aid Act with Ordinance on the remuneration for legal aid.~~ With regard to the legal fees in administrative cases, the remuneration is due according to article 78, paragraph 8 of the Civil Procedure Code, applicable on the grounds of article 144 of the APC. The amount of the remuneration shall be determined according to article 78, paragraph 8 of the Civil Procedure Code up to the maximum amount for the respective type of case, determined by the order of article 37 of the Legal Aid Act (LAA). According to paragraph 1 of the specified article 37 of the LAA, the remuneration of the legal aid is in accordance with the type and quantity of the performed activity and is determined in an ordinance of the Council of Ministers on a proposal of the National Legal Aid Bureau. By virtue of the delegation thus established, an Ordinance on the remuneration of legal aid has been issued. In article 24 of the Ordinance is stipulated that for procedural representation in administrative cases remuneration in the amount of 100 leva (~ 50 euro) to 200 leva (~ 100 euro) shall be determined for one instance. For its part, the provision of article 25, paragraph 1 of the Ordinance for remuneration of legal aid stipulates that for protection in cases with a certain material interest, the remuneration is from 100 leva (~ 50 euro) to 300 leva (~ 150 euro), but by virtue of article 25, paragraph 2 of the cited ordinance, when the case has lasted more than three hearings or the material interest exceeds 10 000 leva (5 000 euro), it may be increased by up to 50 per cent.

Determining the amount of remuneration for the legal aid provided in each specific case is a power of the court hearing the case, and when awarding legal fees under article 78, paragraph 8 of the Civil Procedure Code, the court is bound by the restriction that the remuneration does not exceed the maximum amount of 300 leva (~ 150 euro) established in the cited ordinance.

In the absence of procedural representation in the hearing on the case, legal fees are due in accordance with the regulations established in article 78, paragraph 8 of the Civil Procedure Code, in connection with article 37 of the LAA, in connection with article 13, item 2 of the Ordinance on the remuneration of legal aid “for preparation of documents for filing a case”, in the amount of 15 leva (~ 7 euro) to 50 leva (~ 25 euro).

Pursuant to § 1, item 6 of the supplementary provisions of the APC, the costs should be awarded in favor of the legal entity, in the structure of which is the administrative body.

Timeliness and effectiveness (entitled “swiftness and procedural economy”) are proclaimed as a principle in the APC (article 11). ~~No additional requirement for timeliness and effectiveness is provided for environmental procedures.~~ The APC and the different environmental procedures provide for numerous deadlines for carrying out the respective activities – these deadlines could be considered as safeguards.

The duration of an environmental court procedure can vary significant. Usually a first instance court procedure with two or three hearings can’t last more than 6-7 months. If there are more than three hearings the procedure can take 8-12 months. An appeal before the second instance might prolong

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the procedure by additional 6-8 months. In principle, according to article 157, paragraph 1, sentence 2 of the APC, the reporting judge set the case within a period not exceeding two months from the receipt of the complaint in court, but the workload of some courts may be an additional factor in the delay of the scheduling of the hearing. A medium duration of an environmental administrative court procedure with none of the abovementioned complications would be between 12-18 months.

Subpoint (e):

With regard to the transparency of judicial decisions as a basic principle of judicial procedures is publicity and everyone may attend in the courtroom. Judicial decisions and arguments are available to the public. Supreme Administrative Court put good practice to publish its decisions and minutes of meetings on its website. Some other courts, for example as appellate courts and some of regional and local courts, follow this practice.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

Challenges:

1. Necessity to increase the capacity of legal professionals on issues related to environmental law.
2. Need of serious research and publications on environmental law.
3. Still insufficient case law - relatively few judicial decisions and rulings on issues related to the environment.

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

The Legal Aid Law (LAL) provides for a help to a litigant by covering his/her expenses for attorney. Legal aid under this Act shall be exercised by lawyers and funded by the state. The litigant should be in a poor financial condition. The decision for granting legal aid is taken either by the court or

by an administrative body called National Bureau for Legal Aid (NLAB). NLAB maintains a National Register of the attorneys, nominated to provide legal services in accordance with the court regions of the respective district courts. The court decision or the NLAB President's act of providing legal aid is sent immediately to the respective attorney council for nomination of an attorney from the Register.

Types of legal aid:

- consultation in view of achieving an agreement before initiation of court proceedings or filing a case;
- preparation of documents for filing a case;
- litigation;
- litigation in event of detainment under the Law of the Ministry of Interior.

Legal aid is provided for all types of penal, civil and administrative cases, except for trade and tax cases.

Sole traders, legal entities, companies, cooperatives and others, are not entitled to legal aid.

A special legal aid mechanism apart from the abovementioned ones does not exist in environmental matters.

In Bulgaria was introduced the mediation as an alternative method of resolution of legal and non-legal disputes (with Mediation Act). Mediation is a voluntary and confidential procedure for out-of-court resolution of disputes, whereby a third party mediator assists the disputants in reaching a settlement. Subject of mediation may be civil, commercial, labour, family and administrative disputes related to consumer rights, and other disputes between natural and/or legal persons, including when they are cross-border disputes.

Separately, alternative dispute resolution is possible within both the administrative and civil proceedings:

- According to article 178 of APC a judicial settlement may be reached during any stage of the proceeding under the conditions whereunder a settlement may be reached in the proceeding before the administrative authority, even if the said authority has refused to confirm the said settlement. All parties to the case shall mandatorily participate in the settlement. A refusal of the court to confirm a settlement shall be contestable by an interlocutory appeal lodged jointly by the parties to the said settlement. By the ruling conforming the settlement, the court shall invalidate the administrative act and shall dismiss the case. The ruling may be appealed solely by a party which did not participate in the settlement. Should any such settlement be revoked, examination of the case shall proceed. A confirmed settlement shall have the significance of an effective judgment of court.
- With article 234 of Civil Procedure Code is regulated the contracting of a court settlement – a memorandum shall be drawn up on any settlement which does not conflict with the law and with good morals, and the said memorandum shall be approved by the court and shall be signed thereby and by the parties. Where the prosecutor participates as a party to the case, the court shall approve the settlement after consulting the prosecutor as well. The court settlement shall have the relevance of an

effective judgment and shall not be appealable before a superior court. Where the settlement refers to only part of the dispute, the court shall proceed with examination of the case in respect of the unsettled part.
~~part~~article

Projects with funding from the EU funds (Operational Programme "Good Governance" 2014-2020) are in process of implementation/implemented, which are aimed at improving access to justice in Bulgaria, incl. on environmental issues:

- "Effective Access to Justice" (ongoing; beneficiary: Ministry of Justice) developing methodologies for public opinion polling on satisfaction from the judicial system and on its independence; elaboration of pilot studies on the developed methodologies; analyzing possibilities for access to justice in different criteria and establishing a model of access to justice in one district court area, which will serve as a standard for application in the others, so that all citizens in the country to be ensured equal access to justice; preparation of methodology for assessing the effect of the application of Administrative Procedure Code, Civil Procedure Code and Penal Procedure Code, so that a reasoned decision about their amendments to be formed.
- "Strengthening the Model of the Judicial Expertises" (ongoing; beneficiary: Ministry of Justice): support the reform of expertises – with guarantees for recruitment and adequate selection of expert witnesses for each trial and possibility for choice of expert witnesses from different judicial districts, anti-corruption measures etc.; study of the legislation and practices of EU Member States, in order to identify those applicable for Bulgaria; set up new Single Register, by upgrading the existing one, without fragmentation in the selection of expert witnesses and exercising control over their activity.
- "Further Development and Centralization of the Portals in Justice Sector for Access of Citizens to information, E-services and E-justice" (completed; beneficiary: Ministry of Justice): further developing the Integrated e-Justice Portal (developed under a previous project) with the purpose of unifying and centralizing the information from the websites of the courts in Bulgaria through uniform templates.
- "Promotion of the Mediation as an Alternative Method for a Dispute Resolution" (ongoing; beneficiary: Ministry of Justice): preparation of framework for the use of mediation as an alternative dispute resolution; developing and implementing a centralized electronic portal mediation, which will provide: access to information about the mediation; communication with authorities and persons; conducting a mediation process, including online or in cross-border disputes, etc.
- "Creation of Means for Videoconferencing and their Usage in the Phases of Pre-trial and Trial Proceedings, including Cross-border Cooperation in the Judicial Area" (completed; beneficiary: Ministry of Justice): the envisaged equipment for videoconferencing will allow remote interrogation of witnesses, experts and employees in real time.
- "Assessment of the effectiveness of judicial control over acts of the administration. Measures to overcome the violated right to a fair trial "

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(ongoing; beneficiary: Supreme Judicial Council): identification of cases in which the court has limited itself to the scope of judicial review of the administration's actions, analysis of the reasons for this and the possible measures to overcome such practice, as well as the establishment of a mechanism for monitoring and evaluation of the case law of the administrative courts regarding the effective judicial control and the right of access to court; identification of the cases of non-execution of final judicial acts in the last five years, preceding the year of starting the project, and analysis of the degree of enforcement of the court decisions by the respective bodies of the local self-government and the local administration, resp. the degree of enforceability of the administrative acts confirmed by the court with executive force, as well as the reasons for non-compliance, when such cases exist.

- “Development of a Model for Optimization of the Judicial Map of Bulgarian Courts and Prosecutor’s Offices and of a Unified Information System for Courts” (ongoing; beneficiary: Supreme Judicial Council): creating a model for reorganization of the judicial map of the district courts and prosecutors' offices and providing a road map for rationalization in general of courts and prosecutors' offices at all levels; development of a Unified Information System for Courts tailored to the new judicial map, enabling quality management of cases by electronic means and significantly optimizing the performance of the courts; development of an information system for monitoring and analyses which to allow real-time tracking of workload levels of the judiciary and the respective factors for its development and to ensure the sustainability of the newly optimized judiciary map allowing ongoing analysis of the judicial structures in a complex environment.
- “Further Development and Centralization of Portals of Executive Authorities in the Justice Sector aiming at Improved Access to Information, E-services and E-justice for the Citizens and Businesses” (ongoing; beneficiary: Supreme Judicial Council): creation of a Single Portal of the executive power in the "Justice" sector, which will represent a single entry point for citizens to access the services provided by the structures of executive power in sector, as for the electronic services the application, payment and real time provision of the service will be ensured for the cases where actions of the officials from the respective authorities are not needed.
- “Strategic Reforms in the National Legal Aid Bureau” (completed; beneficiary: National Legal Aid Bureau): bringing the legal aid system to the actual needs of its users, including vulnerable social groups; improving the quality assessment tool for legal aid (judicial phase); development of training programs for lawyer and training; establishment of a uniform national system for electronic legal aid - introduction of a software product for legal aid at the National Legal Aid Bureau and the Lawyer's Councils with a view to electronic reporting of legal aid; development of the mechanism for the most accurate planning of the legal aids and control over their use.
- “Effective Mediation in the Field of Environmental Disputes, an Appropriate Method for Civil Control and Judicial System Reform Support” (completed; beneficiary: Association of the municipal

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environmental experts in Bulgaria): organizing and conducting an analysis of the current situation and existing good practices in the field of mediation; preparation of an information portal for mediation, focusing on disputes of environmental issues; organizing and conducting of training for mediators, in the field of environment and environmental protection; proposal for regulatory amendments; publicity and awareness.

- “Elaboration of a Standard for Publicity and Transparency in the Activities of the Courts and Advocacy for its Introduction – a Guarantee for Public Trust and Civic Oversight over the System of Justice” (completed; beneficiary: Association “Trasparency international”): a study of the leading standards of the Council of Europe; elaborating a Standard for Publicity; elaboration of a mechanism for civic oversight over the implementation of the Standard for Publicity and training of civil society stakeholders to utilize the mechanism.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

www.moew.government.bg
<http://www.justice.government.bg/>
<http://www.sac.government.bg/home.nsf/vPagesLookup/home>
<http://www.justice.bg/index2.htm>
<http://www.nbpp.government.bg/en/>
<https://www.moew.government.bg/en/environmental-protection-act-7628/>
http://www.moew.government.bg/files/file/Industry/Legislation/Zakoni/English_versions/Environmental_Protection_Act.pdf
http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/
http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/
http://www.vks.bg/english/vksen_p04_02.htm
<http://2020.eufunds.bg/en/1/0/Project/Search?Prior=vGQrB3cQBmk%3D&ShowRes=True&IsProgrammeSelected=False&IsRegionSelected=False>

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Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention’s objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

Ratification of the Convention and transposition of its provisions in EU and national legislation, have contributed for undertaking legislative and institutional measures by public authorities in Bulgaria to ensure greater transparency in decision-making, open governance and dialogue with stakeholders in sector “Environment” as well as full account of

environmental considerations in development and implementation of sectoral policies, strategies, action plans, programs and projects.

Important practical results from the implementation of the Convention are:

- respect for human rights and democracy;
- informed choices in support of environmental friendly behaviour and sustainable consumption and production;
- better decision making on the basis of specific expertise of the members of the public;
- protection of the environment and human health as a result from the prevention of illegal acts and omissions due to access of the members of the public to review procedures.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of

comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

(viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

Subpoint (a) (i):

The regulatory framework for effective information and public participation in decision - making process about deliberate release in the environment and placing on the market genetically modified organisms (GMOs) is secured by provisions of the Genetically Modified Organisms Act (GMO Act).

Procedures for informing and public participation regarding the deliberate release of GMOs into the environment, as well as placing on the market GMOs are similar, ~~but as~~ for the the first procedure ~~is competent the~~ Minister of Environment and Water is competent authority, and for the second ~~– the~~ Minister of Agriculture, ~~and~~ Food and Forestry.

Subpoint (a) (ii):

The Bulgarian legislation does not provide exemptions from the procedure for public participation set out in Annex I bis, paragraph 2.

Subpoint (a) (iii):

~~After preparation of the position of the Advisory Committee on GMOs on an application, requesting the deliberate release into the environment, MoEW launched a public consultation, which should be held not later than 45 days from the preparation of the opinion. During the public discussion a summary of the technical dossier, the summary of risk assessment and the Committee's position should be presented.~~

~~When considering the placing on the market of GMOs, after preparation of a positive report on the application, to the public are given the report and a summary of the technical dossier. Public consultation is held for 30 days.~~

Public participation in decisions on the placing on the market of GMO is stipulate in detail the Act on Genetically Modified Organisms (GMO Act), and in particular in Article 66a of that Act.

A GMO or a combination of GMOs shall be placed on the market after obtaining an authorization granted by the Minister of Agriculture, Food and Forestry.

An authorization shall be granted for each particular case, acting on an application in writing from a person.

The Minister of Agriculture, Food and Forestry publishes as soon as they become available the summary of the application; the evaluation report on the application (see below); and information regarding the possibility for public participation in the public discussion, which is conducted at the level of the European Union.

The Advisory Commission on GMOs to the Minister of Environment and Water within 60 days of receiving the application shall prepare an opinion and shall submit the said opinion to the Minister of Agriculture, Food and Forestry.

Based on the opinion of the Commission and in coordination with the Minister of Environment and Water, the Minister of Agriculture, Food and Forestry within 90 days of receiving the application shall prepare and send to the applicant evaluation report on the application. When the report proposes that the GMO can be placed on the market, it, along with any information taken into account in its preparation, is send to European Commission.

Public consultation for 30 days is then conducted based on the published summary of the application and evaluation report. The Minister of Agriculture, Food and Forestry summarizes the comments and proposals made and sends them to the European Commission.

The Minister of Agriculture, Food and Forestry shall issue authorization for placing on the market when:

1. no reasoned objections or open issues have been raised by the European Commission or the EU Member States within 60 days of the submission of the report;

2. reasoned objections or open issues raised have been resolved within 105 days of the submission of the report;

3. the European Commission has issued decision in favour of placing on the market of the GMO.

The Ministry of Agriculture, Food and Forestry maintains in an electronic form:

- public register of the permits for placing GMOs on the market;

- information on genetic modification(s) to facilitate control and monitoring of GMOs as products or ingredient of products after placing on the market;

- public register of the areas planted with genetically modified plants that have been authorized for placing on the market in European Union for cultivation.

Subpoint (a) (iv):

~~In~~ Chapter 6 of the GMO Act ~~regulates is defined~~ the confidentiality of information related to GMOs. In case of ~~deliberate~~ release of GMOs ~~into~~ the environment and in case of placing GMOs on the market, the following information can not be considered as confidential: the general characteristics of the GMOs, name and address of ~~notifier~~~~applicant~~; purpose and location of release; methods and plans for monitoring the GMO and emergency plans; place of storage; ways of transportation, use of GMOs; risk assessment. ~~The rules regulating the confidentiality of information will be changed after Regulation (EU) 2019/1381 on the transparency and sustainability of the EU risk assessment in the food chain enters into force from 27 March 2021.~~

Subpoint (a) (v):

The procedural aspects of authorization of deliberate release into the environment and placing on the market of GMOs are stipulated by the provisions of the Bulgarian GMO act and Ordinance on the deliberate release and placing on the market of GMOs. That includes the nature of possible decisions; the public authorities responsible for making the decision; the arrangements for public participation in the decision making process. Those documents are public as they are part of the national legislation. In addition the profile of Bulgaria in the Biosafety Clearing House contains copies of all national legal acts with relevance to GMOs (in Bulgarian and in most cases unofficial translation in English) <https://bch.cbd.int/about/countryprofile.shtml?country=bg>

~~Not later than 30 days before the date of the discussion in a national daily newspaper, through the local mass media, by publishing advertisements in the respective municipalities in the area of release of GMOs into the environment, as well as on the website of the MoEW, should be announced 1) subject of public consultation and 2) place where to find all necessary information, available to interested persons. The notice shall announce the date and the place where the public discussion will be held.~~

Subpoint (a) (vi):

Any person may provide an opinion ~~or any other information that they consider relevant to the authorization procedures, both on the subject of discussion~~ in writing or in electronic form. ~~Record of all information received from the public or other stakeholders is kept in the authorization dossier. This information is public and can be received upon request subject to protection of personal data. For more details see answers to Question XV (k) and Question XXXIII (a) (iii). The applicant or his representatives are invited to participate in public discussion together with committee members. A public consultation record is kept which is attached to the authorization.~~

Subpoint (a) (vii):

As described above (see answer to Question XV (k) and Question XXXIII (a) (iii)) results of public consultation are part of the authorization dossiers for the deliberate release into the environment and placing on the market of GMOs and as such they have to be taken into consideration when the final decision by the Competent Authorities is reached. ~~Based on the committee's position, economic analysis, public consultation, the comments made by other countries — members of the European Union, and after consultation with the Minister of Agriculture and Food, the Minister of Environment and Water, prepares a draft permit release of a GMO or combination of GMOs into the environment within 14 days of conducting public consultation and submits it for approval by the Council of Ministers. Minister of Environment and Water authorizes the placing on the market after the positive decision of the Council of Ministers.~~

Subpoint (a) (viii):

~~The MoEW Ministry of Environment and Water maintains in an electronic~~

form:

- public register of the authorizations for deliberate release of GMOs into the environment;

- public register of the location and size of the areas wherein the release of GMOs is authorized. The website of the Ministry hosts and maintains public registers of:

- Issued permits for release of GMOs into the environment;

- Location and size of the areas authorized for the release of GMOs.

The Ministry of Agriculture, Food and Forestry maintains in an electronic form:

- public register of the permits for placing GMOs on the market;

- information on genetic modification(s) to facilitate control and monitoring of GMOs as products or ingredient of products after placing on the market;

- public register of the areas planted with genetically modified plants that have been authorized for placing on the market in European Union for cultivation.

The actual decisions authorizing deliberate release into the environment and placing on the market of GMO will be publically available, but at present no such decisions have been taken in Bulgaria.

In addition the information Joint Research Center (JRC) to the European Commission maintaince public website containing information on notifications submitted from the applicants to the Member States Competent Authorities about deliberate release into the environment and placing on the market of genetically modified organisms <https://gmoinfo.jrc.ec.europa.eu/> At present it contains no data from Bulgaria as no notifications have been submitted, but it will be uploaded if such notifications are received.

Ministry of Agriculture and Food establishes and maintains electronic registers of:

-permits for placing GMOs on the market;

-information on the genetic information necessary for control and monitoring after placing on the market;

-areas seeded with genetically modified plants that have been authorized for placing on the market in European Union for cultivation.

Subpoint (b):

Requirements of the Cartagena Protocol on Biosafety and of Annex I bis are stipulated in the Bulgarian GMO Act or in the EU legislation that is directly applicable in Bulgaria. They are implemented in an integrated and mutually supportive manner. For more details see the answers above and the Fourth Bulgarian National Report under the Cartagena Protocol on Biosafety.

The Ministry of Environment and Water will create and maintain an information system "Biosafety Clearing House" to meet obligations under the Cartagena Protocol on Biosafety to the Convention on biological diversity and the scientific, technical, environmental and legal information on GMOs. The data in the system is public.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

None.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

[So far no deliberate releases into the environment and placing on the market of genetically modified organisms has been authorized in Bulgarian and](#)
[There is no practical experience practice in applying the requirements of article 6 bis and Annex I bis of the Convention. Public electronic registers were created in compliance with the legislation.](#)

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

<http://www.moew.government.bg/>
<https://bch.cbd.int/about/countryprofile.shtml?country=bg> [Profile of Bulgaria in the Biosafety Clearing House](#)
<https://beta.bch.cbd.int/database/records/248082> [Fouth Bulgarian National Report under the Cartagena Protocol on Biosafety](#)
<https://gmoinfo.jrc.ec.europa.eu/>

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XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

Decision VI/8d of the Meeting of the Parties, adopted at its sixth session in 2017 encompassess recommendations to Bulgaria which addresses two communications:

- Communication ACCC/C/2011/58 related to the access to review procedures in spatial planning;
- Communication ACCC/C/2012/76 concerning injunctive relief in connection with challenges to environmental permits.

The recommendations, set out in paragraphs 3 and 8 of Decision VI/8d respectively, include:

Regarding Communication ACCC/C/2011/58: Bulgaria, as a matter of urgency, to take the necessary legislative, regulatory and administrative measures to ensure that:

(a) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans and Detailed Spatial Plans;

(b) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention.

Regarding Communication ACCC/C/2012/76: Bulgaria to review the approach of its courts to appeals under article 60, paragraph 4, of the Administrative Procedure Code of orders for preliminary enforcement challenged on the ground of potential environmental damage, and undertake practical and/or legislative measures to ensure that:

(a) Instead of relying on the conclusions of the contested EIA/SEA decision, the courts in such appeals make their own assessment of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;

(b) The courts in their decisions on such appeals set out their reasoning to clearly show how they have balanced the interests, including the assessment they have undertaken of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment

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and the need for precaution with respect to preventing environmental harm;

(c) Training and guidance is provided for judges and public officials in relation to how to carry out the above-mentioned balancing of interests in environmental cases, including on how to properly reflect that balancing in their reasoning,

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~~Measures under Decision V/9d of the Meeting of the Parties, concerning compliance by Bulgaria with its obligations under the Aarhus Convention, adopted by the Meeting of the Parties at its fifth session (29 June—2 July 2014, Maastricht, The Netherlands), with regard to Communication to the Aarhus Convention Compliance Committee related to restricted access to review procedures in spatial planning in Bulgaria (Ref. ACCC/C/2011/58):~~

~~“The Meeting of the Parties, [...]~~

~~1. Endorses the following findings of the Committee with regard to communication ACCC/C/2011/58:~~

~~(a) By barring all members of the public, including environmental organizations,~~

~~from access to justice with respect to General Spatial Plans, the Party concerned fails to~~

~~comply with article 9, paragraph 3, of the Convention;~~

~~(b) By barring almost all members of the public, including all environmental organizations, from access to justice with respect to Detailed Spatial Plans, the Party~~

~~concerned fails to comply with article 9, paragraph 3, of the Convention;~~

~~(c) By not ensuring that all members of the public concerned having sufficient~~

~~interest, in particular environmental organizations, have access to review procedures to~~

~~challenge the final decisions permitting activities listed in annex I to the Convention, the~~

~~Party concerned fails to comply with article 9, paragraph 2, in conjunction with article 9,~~

~~paragraph 4, of the Convention;~~

~~2. Welcomes the recommendations made by the Committee during the intersessional period in accordance with paragraph 36 (b) of the annex to decision I/7, and~~

~~the willingness of the Party concerned to accept them, namely that the Party concerned~~

~~undertake the necessary legislative, regulatory and administrative measures to ensure that:~~

~~(a) Members of the public, including environmental organizations, have access~~

~~to justice with respect to General Spatial Plans, Detailed Spatial Plans and (either in the~~

~~scope of review of the spatial plans or separately) also with respect to the relevant strategic~~

~~environmental assessment statements;~~

~~(b) Members of the public concerned, including environmental~~

organizations;
have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention;
~~3. Also welcomes the efforts made so far by the Party concerned to the extent they meet the recommendations of the Committee;~~
~~4. Expresses its concern that neither the legislative amendments adopted so far nor any other measures taken by the Party concerned specifically address the aspects of the Bulgarian legal system which the Committee has found to be in non-compliance with the requirements of the Convention, namely, the possibilities for members of the public concerned to challenge the legality of spatial plans and construction and exploitation permits;~~
~~5. Also expresses its concern that the Party concerned seems to maintain the position that implementing the recommendations of the Committee is not required for its full compliance with article 9, paragraphs 2 and 3, of the Convention;~~
~~6. Invites the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on further progress in implementing the recommendation set out above;~~
~~7. Undertakes to review the situation at its sixth session."~~

Actions undertaken by Bulgaria to implement Decision VI/8d and the preceeding Decision V/9d, adopted at the fifth session of the Meeting of the Parties in 2014 (concerns only Communication ACCC/C/2011/58):

In pursuance of paragraph 2, point (b) of Decision V/9d of the Meeting of the Parties and taking into account the conclusions of the Committee in paragraph 59 of its finding and recommendations concerning Communication ACCC/C/2011/58,

Legislative amendments were taken that ensure the right of members of the public to appeal/challenge the statements/decisions on environmental assessment of plans and programmes (SEAEAPP), as an independent and separate administrative act falling within the scope of the provision of ~~art.~~ article 9, paragraph 3 of the Aarhus Convention. In this way was overcome the legal uncertainty about whether the statement/decision on EAPP, in cases where it is an element of the factual composition of the general spatial plan (GSP) or detailed spatial plan (DSP), is subject to a separate appeal or such is not allowed on the grounds that the statement/decision on SEA EAPP is an interim, mediating act which is "absorbed" into the final one - namely, the act of approval of the GSP/DSP. In particular, with the adopted Act for Amendment of the Environmental Protection Act (EPA) (promulgated State Gazette No. 62 of 14.08.2015, effective from 14.08.2015) a new paragraph 3 to article 88 was introduced,

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which states: "The persons concerned may appeal against the statement or decision on paragraph 1 [statement/decision on SEA] according to the procedure established by the Administrative Procedure Code ([APC](#)) within fourteen days after its announcement."

With these amendments the national legislation in the field of environment fully provides the opportunity for the members of the public to appeal before a court SEA/EIA (environmental impact assessment of investment proposals) statements/decisions, the existence of which is an absolute prerequisite for the approval of spatial development plans and construction permits which allow the implementation of investment proposals with an impact on the environment. The SEA/EIA statement/decision is subject to appeal under the APC, as § 1, item 25 of the Additional Provisions of the EPA defines the interested parties ("the affected public"), who have the right to appeal, which is in accordance with the provisions of article 9 (2) and (3) of the Aarhus Convention.

With adopted in October 2012 amendments to the Spatial Planning Act (SPA) (~~promulgated State Gazette (SG) № 82 of 26.10.2012, in force from 26.11.2012~~) has been improved the administrative control for spatial planning and construction, in order to be ensured the legality of administrative acts in this area in the following aspects:

- Improved coordination/clearance/agreeing regime for approving GSP, which allows a wider range of control authorities and relevant institutions to carry out administrative control at various stages, providing members of the public, including environmental organizations, the opportunity, through the submission of objections and signals to the appropriate authorities, to help for prevention of omissions and violations within the procedure. Also, the Directorate for National Construction Supervision may, within the functions assigned to it under the Spatial Planning Act, revoke with a motivated order the construction permit and the approved investment projects, when their issuance and approval do not comply with the requirements of environmental legislation. Similarly, thanks to formalizing and expanding the powers of the Directorate for National Construction Supervision, it is possible also, upon a signal from members of the public for legal violations, this authority to revoke by a reasoned order the construction permit and the approved investment projects.

- It was established the opportunity of members of the public, when they find any offenses, violations, uncarried or ignored procedures for coordination/clearance/agreeing and approval of the draft GSP, including procedures under environmental legislation, to referral/seize the Regional Governor, who can challenge for legality on judicial or administrative order the Municipal Council's acts for approval of GSP. The precisising and formalization (eg. keeping a written record) of the rules of public debate of the draft of the SP, in turn, allows members of the public to referral/seize the Regional Governor if their views and opinions expressed and submitted during the public hearing are not taken into account.

- Greater transparency and public awareness as regards the approved GSP and DSP, which already shall be available on the internet is another opportunity to prevent omissions and violations of administrative authorities

in spatial planning procedures.

~~Legislative amendments are envisaged (draft of Act for amendment and supplement of the SPA is prepared) with respect to optimizing the procedures in spatial planning and authorization of construction that contribute to the implementation of the recommendations of the Compliance Committee set out in Decision V/9d, in the following aspects:~~

- ~~• Improved approval regimes, which allow a wider range of supervisory authorities, competent institutions and NGO representatives to carry out administrative control at various stages, provide the public, including environmental organizations, with the opportunity, by submitting objections and signals, to cooperate for prevention of omissions and violations.~~
- ~~• Additional opportunities for prevention of corrupt practices and illegal actions of administrative bodies in procedures on spatial planning, incl. on the initiative of citizens and NGOs are provided by:~~
 - ~~— increased transparency and timely public awareness;~~
 - ~~— strict regulation of the terms for public consultations and the other procedural steps in the elaboration of spatial plans;~~
 - ~~— introduction of additional criteria concerning the legal effect of the spatial plans and construction permits, and the content of the spatial plans in accordance with the requirements of the environmental legislation.~~

Improving the investment policy in Bulgaria through better regulation of the investment process is a priority of importance for the government. The large number of procedures on issuing of construction permits and the significant time, necessary for their execution were identified as one of the problematic areas. In this context, providing access to the public (including environmental organizations), to appeal procedures concerning spatial plans and construction permits is a challenge, that would lead to delays and would impede the investment process in the country, due to the inclusion of more stakeholders in addition to those having a direct and immediate legal interest in administrative and judicial proceedings under article 131 of SPA. The latter could lead to duplication of procedures for examination of environmental issues, which have already been addressed in separate independent administrative and judicial procedures for issuing of decisions on ~~SEAEAPP~~ and ~~EIA~~ ~~environmental impact assessment of investment proposals (EEA)~~. The presence of these acts (procedures) is *conditio sine qua non* for approval of the spatial plans and construction permits. It means that the acts for approval of spatial plans and construction permits are issued under the SPA only when there are statements and decisions on ~~SEAEAPP/EIA/EEA~~ that have entered into force (subject to appeal), and thereby the provisions of the SPA are applied linked and in most close interaction with the provisions of the EPA. This refers to every stage of the investment process – planning, investment project design and construction.

National legislation complies with the provisions of the Convention, but with taken into account specifics on various competences and powers of the administrative authorities on environmental issues – Minister of

Environment and Water or the Director of the RIEW, and on spatial planning – Minister of Regional Development and Public Works, the respective governor, mayor of the municipality or the chief architect of the municipality.

In order to ensure balance in public relationships in the field of planning, investment design and construction, SPA grants a right to challenge the administrative acts in this domain only to those who have direct and immediate legal interest in it. Administrative proceedings under SPA are developed with a specific order with explicit legally determined parties. According to the legislative approach taken by the SPA, the right of appeal is bound, in each case without exception, with direct and immediate affecting the right of ownership or other limited property rights.

Public interests and relationships should be decisive in the enforcement of the relevant procedural rules in order to bring administrative or judicial proceedings in accordance with article 9, paragraph 2 and 3 of the Convention (in order to provide the members of the public with the opportunity to challenge before a court administrative decision). The main determinant element in this direction should be the type of the contested administrative act and is it with crucial importance in the field of environmental protection. In spatial planning and construction permits proceedings, the acts which are crucial for the environment are the SEA/EIA statements/decisions – subject to judicial review within separate judicial-administrative proceedings as administrative decisions relevant to the environmental issues, with applicability of article 9, paragraph 2 and 3 of the Aarhus Convention, concerning the range of appellants.

The access to justice in respect of spatial planning and construction permitting on environmental issues is exercised by challenging the SEA/EIA statement/decision. Therefore, to allow the challenging of spatial plans and construction and exploitation permits on issues related to the environment by members of the public concerned, incl. environmental non-governmental organizations, would mean that the court would reconsider, again, issues on which it had already ruled on, with the entered into force ruling on a contested SEA/EIA statement/decision.

In support of the above, has to be noted that:

- In Article 125, paragraph 7 of the SPA is stated that the SEA is part of the spatial plan. The SEA statement/decision contains mandatory conditions, measures and restrictions in respect of spatial planning, and they constitute the environmental component of the spatial plan. Entered into force statement or decision is a prerequisite for the subsequent approval of the plan and the authorities responsible for approving and implementing the plan shall comply with the statement or decision and the conditions, measures and restriction laid down therein (article 82, paragraph 4 of the EPA).

- In Article 148, paragraph 8 of the SPA is stated that the entered into force EIA decision is an annex, an integral part of the construction permit. Identical is the norm of Article 82, paragraph 5 of the EPA, which

determines also that the authority for approval shall approve the investment proposal in accordance with the nature of the decision and shall take into account the conditions, measures and restrictions laid down therein.

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It is necessary to distinguish between the functions of the courts and those of the public authorities, given the principle of the separation of powers, enshrined in article 8 of the Constitution of the Republic of Bulgaria, and the independence of the judiciary, proclaimed in article 117, paragraph 2 of the Constitution. Courts carry out litigation, which is expressed in an independent and self-resolving disputes in conditions of competition, after due referral. The bodies of the executive power issue individual administrative acts, by which they implement and enforce the law, within the limits of their powers and on the grounds established by the law.

In accordance with the principle of separation of powers, the court should review the legality of administrative acts of the authorities of the executive power, in the context of an independent procedure, and is not correct the court to be entrusted with duplicate functions inherent in such bodies, such as carrying out an assessment of the significance of the environmental impacts and the risk of environmental damage, which is the responsibility of the authorities with competence in the implementation of the environmental legislation.

According to article 170, paragraph 1 of the APC, the administrative body must prove the existence of the factual grounds, specified in the administrative act and the fulfilment of the legal requirements, when issuing this act. The administrative body competes equally with the appellant, who has equal procedural capacity (article 8, paragraph 1 of the APC) and may challenge the assessment of the administrative body and, also, may request the appointment of expertise (article 171, paragraph 2 of the APC).

In accordance with article 168, paragraph 1 of the APC, the court is not limited to discussing the grounds stated by the appellant, but is obliged, on the basis of the evidence presented by the parties, to verify the legality of the administrative act on all grounds, under Article 146 of the APC (lack of competence; non-compliance with the established form; significant violation of administrative procedure rules; contradiction with substantive provisions; inconsistency with the purpose of the law). The Court assesses all the evidence in the case and the arguments of the parties by own conviction (article 12 of the Civil Procedure Code).

It should be noted that the legislator has envisaged the increased importance of the principle of Ex Officio in the administrative procedure. According to article 171, paragraph 2, sentence 2 of the APC, the court may also order an expertise on its own initiative – it may appoint experts Ex Officio, and this is part of the process of the elaboration of the own conviction and discretion of the court. This principle is reflected in the provisions of article 9, paragraph 3 and Article 171, paragraph 4 of the APC, which oblige the court to indicate to the parties that, in some circumstances relevant to the resolving of the case, they do not adduce evidence, and to assist them in

removing formal omissions. The court is obliged to indicate to the parties the distribution of the burden of proof (article 170, paragraph 3 of the APC).

The above legal analysis clearly and firmly shows that the Bulgarian legislation creates all prerequisites for the independence of the court in establishing the relevant facts.

In the administrative judiciary, the court does not seek a balance of interests, but is strictly governed by the legal norm, bringing under the hypothesis of the norm the facts established in due process in the course of the court proceedings.

According to article 172a, paragraph 2 of the APC, to its decision, the court sets out reasons in which are stated the opinions of the parties, the facts of the case, respectively the evidence to support them, and the court's legal conclusions.

Balancing is a matter of expediency, which is appraised by the body of the executive power, acting under conditions of operational autonomy.

At the same time, according to article 166, paragraph 1 of the APC, the contestation suspends the execution of the administrative act. The same cannot be executed until the resolution of the dispute by the respective body (article 90, paragraph 1 of the APC). This rule does not apply when all interested parties request a written preliminary execution of the act, as well as when by law or by order under article 60 of the APC, preliminary execution of the act is allowed. Preliminary execution is an opportunity provided in the APC, not an obligation for the administrative bodies. A general criterion for the prerequisites under article 60, paragraph 1 of the APC is the possibility of significant and difficult to repair damages from the delay of execution, which can not be countered by such or more significant damages than its admission. As the administrative acts on the environment are precautionary, in case of admission of preliminary execution, the possible damages on the nature from the preliminary execution of an invalid EIA decision from those from the lack of immediate execution are assessed. In all cases, a comparison is made between the damages from the execution and the non-execution of the administrative act, in order to assess whether the preliminary execution is justified. At the same time, this does not eliminate the need for the requirement of the respective guarantee by the investor, provided in the last hypothesis of article 60, paragraph 1 of the APC. If the body has not established a predominance of legally protected state and public interests that do not require a guarantee, such a guarantee should be requested as a condition for allowing preliminary execution. According to article 166, paragraph 2 of the APC, in any phase of the case at the request of the appellant the court may suspend the preliminary execution, allowed by an effective order, if the latter could cause the appellant significant or difficult to repair damage. The order for admission of preliminary execution is subject to independent appeal (article 60, paragraph 5 of the APC), different from the appeal of the administrative act.

There are two different court proceedings – on contesting the individual administrative act (SEA/EIA statement/decision) – in accordance with article 145 and the following of the APC, and on challenging the order for admission of the preliminary execution of the act – in accordance with the

procedure of article 60, paragraph 5 of the APC. The distinction between the two proceedings is important, because different sets of facts must be established and proved in each of them.

The facts to be established and proved in the proceedings for challenging the order for admission of preliminary execution are listed exhaustively in the provision of article 60, paragraph 1 of the APC (the need to ensure the life or health of citizens, the need to protect particularly important state or public interests, the danger of obstruction or serious difficulty in the implementation of the act, etc.). Only in the presence of these facts is admissible the exception to the prohibition under article 90, paragraph 1 and article 166, paragraph 1 of the APC for the execution of the act, in case the same has been contested.

The significance of the impacts on the environment, respectively the risk of damaging it, is subject to establishing and proving in the course of the court proceedings of the contestation of the SEA/EIA statement/decision by itself.

in accordance with the principle of separation of powers, regulated in article 8 of the Constitution, the principle of independence of the judiciary has been proclaimed as well.

According to article 117, paragraph 2 of the Constitution and on the arguments of article 1a, paragraph 2, articles 3, 4 and 155 of the Judiciary Act, the judges are independent in issuing their acts, and in their actions and in decreeing their acts, they are based on the law and the evidence gathered in the case, assessed according to their conscience and free internal conviction. This guarantees the possibility for the courts to exercise their powers in the conditions of independence, in order to form their internal conviction freely, with the aim to ensure the disclosure of the objective truth and to guarantee the exercise of the rights of the citizens.

In accordance with the constitutional principles, Chapter Two of the APC proclaims the basic principles of work of administrative bodies and courts, which are analogous – lawfulness, application of the normative act of higher rank, commensurability, truthfulness, equality, **Ex Officio** principle, independence and objectivity, promptness and procedural economy.

In view of the above principles, it is clear that the court in challenging SEA/EIA statements/decisions is obliged to assess all the evidence in the case and the arguments of the parties, given the fact that the SEA/EIA procedure is complex, public and involves broad public participation, and there is no obstacle the court to appoint, on its discretion and internal conviction, an independent expertize through the experts appointed by the court, to clarify the objective truth.

Pursuant to the provisions of article 60, paragraph 1, in connection with article 166, paragraph 2 of the APC, the reasons of the request for suspension of the allowed preliminary enforcement under the law is assessed by the court by comparing a particularly important interest for the complainant, with the interest in whose protection the preliminary enforcement is allowed.

However, it could not be imposed on the court as an obligation (much less by law) to ignore the conclusions of the contested decision or to appoint its

own assessment of the risk of environmental damage, as this would mean to be ignored and violated the basic fundamentals of the justice and the functioning of the judiciary in Bulgaria.

Within the obligatory current qualification of the administrative judges, training modules on the topics “Environmental Protection Act” and “Waste Management Act” have been developed and are regularly conducted by the National Institute of Justice (NIJ). The issues related to the assessment of the risk of damage to the environment, the motivation of the court decisions and the balance of interests when considering the complaints by the order of Article 60, paragraph 5 of the APC, as a key requirement of the Aarhus Convention, are covered in the practical classes and discussion modules in the trainings.

As part of the ongoing training of magistrates, in the period 5-19.11.2019, the NIJ conducted e-distance training on "Challenges of the Aarhus Convention in law enforcement." The need for own assessment of the risk of environmental damage, taking into account the particularly important public interest in the protection of the environment and the corresponding motivation of judicial acts are the main highlights in the curriculum of the training.

In parallel with the trainings, the development of self-training resources - manuals, guidelines, handbooks, easily accessible in electronic and paper format, is a priority that the NIJ successfully imposes in all areas of judicial training. These resources provide conditions for the formation and upgrading of the knowledge and skills of magistrates and judicial officers outside the formal training environment. In 2019, the NIJ developed and published a handbook on "Administrative Courts and EU Law", including a systematic review of the European legal framework – EU acts in the field of environment, the relevant case law of the EU Court of Justice and the Bulgarian courts. The authors of the handbook are leading judicial trainers in the NIJ - judges and experts in EU law. A special section of the handbook includes the Aarhus Convention and practical issues of its application by the administrative courts. The manual is published in electronic format and is available on the NIJ e-learning portal (www.nij.bg). The users of the e-learning portal as of 18.09.2020 are 4130. 500 book editions of the developed resource have been distributed among the judicial authorities in the country. In addition to being a self-learning resource, the handbook is used as a training material in the learning process as part of the ongoing training of administrative court judges.

Bulgarian magistrates have been provided with access to the recommendations in paragraph 8 of Decision VI/8d in the internal electronic network of the NIJ (virtual reading room).

For more information:

<https://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/implementation-of-decisions-of-the-meeting-of-the-parties-on-compliance-by-individual-parties/sixth->

[meeting-of-the-parties-2017/decision-vi8d-concerning-bulgaria.html](http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppee/envppeimplementation/fifth-meeting-of-the-parties-2014/bulgaria-decision-v9d.html)
<http://www.unece.org/environmental-policy/treaties/public-participation/aarhus-convention/envpptfwg/envppee/envppeimplementation/fifth-meeting-of-the-parties-2014/bulgaria-decision-v9d.html>