

Document provided by Bulgaria

NEGOTIATING POSITION
ON CHAPTER 22
ENVIRONMENT

OVERALL POSITION

The Republic of Bulgaria accepts and is ready to implement the *acquis communautaire* in the field of environment.

As a working hypothesis, the Bulgarian Government considers that the Republic of Bulgaria will become a member of the European Union on 01.01.2007.

The Republic of Bulgaria requests transitional periods for implementation of some specific requirements of eight directives of the *acquis*.

The present position paper covers EU legislation in the field of environment, as in force by 31.12.1999.¹

ADOPTION AND IMPLEMENTATION OF THE ACQUIS

The legislation of the Republic of Bulgaria in the field of environment is to a great extent compatible with the *acquis*. The Republic of Bulgaria has already adopted the framework legislation and will gradually achieve full alignment by the end of 2002. The Republic of Bulgaria is prepared to implement all the *acquis communautaire* requirements with exception of those, for which transitional periods are requested.

Most of the relevant administrative infrastructures necessary for the implementation and enforcement of the Community *acquis* are in place and are operational. Their capacity has been subject to strengthening. Some new structures are being established.

The position of the Republic of Bulgaria is described according to the sectors of the EU legislation in Chapter 22 "Environment":

- Horizontal legislation
- Air Quality
- Waste Management
- Water Quality
- Nature Protection
- Industrial Pollution Control and Risk Management
- Chemicals

- Genetically modified organisms
- Noise from vehicles and machinery
- Nuclear Safety and Radiation Protection
- Civil Protection

HORIZONTAL LEGISLATION

Directive 85/337/EEC, amended by 97/11/EC on the assessment of the effects of certain public and private projects on the environment

Existing legislation

The following legislative acts partially transpose the requirements of the Directive:

- *Environmental Protection Act* (State Gazette No 86/1991; as amended in April 2000);
- *Regulation N4 on Environmental Impact Assessment* (State Gazette No 84/1998);
- *Decree No 87/23.03.1995 on Ratification of the Convention on Environmental Impact Assessment in Transboundary Context.*

Harmonization of legislation with the acquis

The Republic of Bulgaria will fill in the gaps and fully harmonize its legislation on environmental impact assessment by adopting in 2001 a *new Environmental Protection Act*. The new Environmental Protection Act will fully conform with the requirements of the Directive related to the scope of activities, subject to assessment, definitions of principles and procedures and transboundary impacts. The adoption of a *new Regulation on Environmental Impact Assessment* is foreseen within one year after the adoption of the new Environmental Protection act.

Institutional framework for implementation

The Ministry of Environment and Water is the competent authority for the organization and implementation of the environmental impact assessment procedures. **The High Environmental Expert Council** is the decision-making body on the EIA-Reports. The Council consists of experts-representatives of the Ministry of Environment and Water, Ministry of Regional Development and Public Works, Ministry of Health, Ministry of Agriculture and Forests, Ministry of Economy, as well as representatives of municipalities and NGOs.

Directive 90/313/EEC on the freedom of access to information on the environment

Existing legislation

The following legislative acts partially transpose the basic requirements of the Directive:

- *Environmental Protection Act* (State Gazette No 86/1991; as amended in April 2000);
- *Administrative Procedures Act* (State Gazette No 90/1979; as amended in November 1999).

Harmonization of legislation with the acquis

Full compliance with the Directive's requirements will be achieved with the adoption in 2001 of the *new Environmental Protection Act (Chapter II)* and a *Regulation on the way of collecting, processing and providing access to environmental information*. The adoption of the Regulation is foreseen within one year after the adoption of the new Environmental Protection Act.

Institutional framework for implementation

Several governmental institutions, as well as local administrations collect, process and provide information on the state of environment: Ministry of Environment and Water, Ministry of Health, Ministry of Agriculture and Forests, Ministry of Transport and Communications, National Statistics Institute, State Agency on Energy and Energy Resources, Institute of Meteorology and Hydrology within the Bulgarian Academy of Sciences, all municipal administrations.

Regulation EEC/1210/90 on the establishment of the European Environment Agency and the European environment information and observation network

Current status

On December 8, 2000 the National Assembly ratified *the Agreement on the participation of Bulgaria in the European Environment Agency*, signed in Brussels on October 9, 2000 (Law on Ratification, State Gazette No 105/19.12 2000).

Institutional framework for implementation

Bulgaria already participates in the EIONET network and has been actively cooperating with the European Environment Agency for the last 4 years. National coordinators, reference centers and primary contact points to cooperate with the five European Topic Centers (namely ETCs: Air and climate change, Water, Waste and material flows, Terrestrial environment, Nature protection and biodiversity) are designated as required by the European Environment Agency.

National Focal Point for the EEA is the Ministry of Environment and Water (European Integration Department). **National Reference Center** for the EEA is the Executive Environment Agency, which is an administration under the Minister of Environment and Water established to carry out and coordinate the information and monitoring services regarding the control and preservation of the environment in Bulgaria. The Agency is the governing body of the **National System for Environmental Monitoring (NSEM)**. The National System for Environmental Monitoring, administrated by the Executive Environment Agency, covers the territory of the whole country and supports the data base on both national and regional levels. The System provides timely and reliable information on environmental components and factors. On this basis analyses, assessments and prognoses for activities relating to preservation and conservation of the environment are prepared (*detailed information on the NSEM is given in Annex I*).

The Executive Environment Agency has created a **National Information System** on environmental components. It has a hierarchical structure and includes the creation of local databases in the regional inspectorates and a national database in the EEA. The system's aim is to create an overall information network for observation. Several projects have been started to implement the National Information System. For instance one such project involves the transmission and processing of data by automatic stations for ambient air quality control. This project is a part of Twinning-98 and is planned for completion in 2001. At that stage the system will include 20 automatic stations measuring air quality, covering the whole territory of Bulgaria.

EIONET

The Executive Environment Agency takes part in:

- supporting the Bulgarian link of EIONET - the telematics network of the European Environment Agency;

- developing the Catalogue of Data Sources for environmental information and its publication on Internet. This task is at its earliest state of implementation, namely gathering of the data needed;
- overseeing the State of Environment Reporting System including the preparation and publication of the Report on the state of Environment in Bulgaria in electronic format. Annual Reports of the Ministry of Environment and Water for 1997, 1998 and 1999 have been published so far.
- collecting, processing and representing (in summarized and final versions) the information on emissions of harmful substances in the air (so far in partnership with the PHARE Topic Link on Air Emissions);
- collecting, processing and representing (in summarized and final versions) the information on emissions of harmful substances in water and soil.

In 1997 Bulgaria was included in the EUROAIRNET Telematics network with 42 air monitoring sites. After actualization of the inland and groundwater monitoring sites, carried out in 1998, Bulgaria was also included in the European water-monitoring network EUROWATERNET, established in 1999.

EUROAIRNET

EUROAIRNET incorporated Bulgaria into the Monitoring and Information Environmental Network of the EU (concerning air pollution) in 1997. Forty-two measuring points from MOEW's National System of Environmental Monitoring are included in the European network. This information is collected, processed and reported by the national Executive Environment Agency in terms fixed by the European Environment Agency.

EUROWATERNET

The designation of measurement points for surface water in Bulgaria according to general rules of the EEA, gave the possibility for the country to be included in the European water monitoring network EUROWATERNET. According to the EEA criteria there are 11 background points (1 item) for the major water streams: Ogosta, Iskar, Vit, Yantra, Rusenski Lom, The Bulgarian part of EUROWATERNET includes 3 automatic stations situated on the rivers Struma, Mesta and Maritza.

The European Environmental Agency was provided with information about the location of surface water points from EUROWATERNET and also for geographical data, water area and water quantity of the rivers, etc.

There are 74 water bodies falling within this scope and information will be collected about their hydrogeology, including minimum, annual and maximum rainfalls and geological characteristics.

The data collection for other characteristics is still in process for the time being. An indispensable part of the groundwater information of EUROWATERNET are the processed cards showing the change in the amount of ammonia, nitrates and phosphates from 1989 to 1998 in 23 water bodies in Bulgaria. A hydrogeological map of the Republic of Bulgaria was developed in January 2000.

CORINE LAND COVER

The Corrine Land Cover (CLC) project for the EU-associated countries started in 1992 and was fully funded by the PHARE Programme. Bulgaria was included in the project in 1994 and CLC was completed for the country in 1996. The satellite images, which were bought for the project implementation, are from the period 1989-1990 and the database is in 1:100 000 scale. The

character, type and content of the database are geared for development, presentation and popularization of various activities, each of which are related to the policy and management of different governmental, public, and scientific sectors.

Bulgaria is committed to participate in the CLC database update (CLC 2000), which has already started for the EU Member-States and is financed at a level of 50% from the Commission with each individual country covering the rest.

Information on nature protection in Bulgaria

The preparation of a short summary on the work with the EEA has resulted in the year 2000 in the completion of two EIONET questionnaires on nature conservation data in the Phare countries and transmission of this data back to the Phare Topic Link (PTL) and the EEA European Topic Center (ETC) Nature Conservation. Both questionnaires were to contribute to the Catalogue of Data Sources as part of the European Information System on Nature (EUNIS).

A Twinning Project is now under implementation in cooperation with the Austrian Environmental Protection Agency. One of the outputs of this project will be the elaboration of a Cadaster of the protected territories in Bulgaria.

Implementation capacity

Bulgaria is the first East European country to ratify the Agreement on the participation in the European Environment Agency and is committed to continue this overall successful and fruitful cooperation already as a full member. The National Reference Center will participate in the whole process of information exchange and reporting laid down by Regulation EEC/1210/90. Giving this, Bulgaria does not foresee any considerable problems for the implementation of the Regulation.

Regulation EEC/1973/92 establishing a financial instrument for the environment (LIFE)

Current status

At present Bulgaria does not participate in LIFE actions. The main reason for that is the lack of funds as the participation costs for Bulgaria are calculated on the basis of GNP (1.2 millions Euro). Taking into consideration the importance of the financial instrument, Bulgaria will undertake all the necessary steps for participation in LIFE Instrument.

Directive 91/692/EEC standardizing and rationalizing reports on the implementation of certain directives related to the environment

Current status

The implementation of the Directive is considered mainly in the context of the other 27 directives (in the air, water and waste sectors), to which it refers. At present Bulgaria provides information to the European Environment Agency, Eurostat, UN Commission on Sustainable Development, OECD. The competent authorities also provide reports in accordance with the international conventions to which Bulgaria is a party.

Institutional Framework for Implementation

The institutional framework in the different sectors referred to in Directive 91/692/EEC is in place and functioning. Additional training is needed on handling the reporting questionnaires, as well as

computer facilities to be provided, but no considerable problems in implementing the Directive by the date of accession are foreseen.

Sector Air

The competent authorities for implementation of the reporting obligations under Directive 91/692/EEC are the **Regional Inspectorates for Environment and Water** for collecting the necessary information, the **Executive Environment Agency (Air Monitoring Department)** for processing this information and the **Ministry of Environment and Water (Air Quality Management Department)** for assessing the information collected and processed.

Sector Water

The process of reporting is laid down in Chapter VI of the Law on Water and in the respective regulations under this framework act. The necessary information concerning implementation of the directives in the sector referred to in Directive 91/692/EEC shall be collected and processed by the **River Basin Directorates** and the **Regional Inspectorates of the Ministry of Health**. It shall be transferred to and additionally processed by the **Executive Environment Agency (Water Monitoring Department)**. The **Ministry of Health** is the competent authority to assess and report the implementation of the Bathing and Drinking Water directives. The **Executive Environment Agency (Water Monitoring Department)** and the **Ministry of Environment and Water (Water Management Department)** are the competent authorities to assess and report the implementation of the other directives in the sector referred to in Directive 91/692/EEC.

Sector Waste

The **Ministry of Environment and Water** is the competent authority for the implementation of reporting obligations in this sector according to Directive 91/692/EEC. The Ministry is assisted by the **Regional Inspectorates for Environment and Water** and the **Executive Environment Agency (Waste Monitoring Department)**. After adequate training, these competent authorities shall fulfill the reporting obligations provided for in Directive 91/692/EEC.

Giving the institutional framework in place, Bulgaria does not foresee considerable problems for implementation of Directive 91/692/EEC standardizing and rationalizing reports on the implementation of certain directives related to the environment by the date of accession.

AIR QUALITY

Directives on ambient air (AAQ) quality assessment and management

Existing legislation

The requirements of The Framework Directive 96/62/EC on AAQ Assessment and Management, Directive 99/30/EC relating to limit values for sulfur dioxide, nitrogen dioxide and oxides, particulate matter and lead in ambient air and Directive 92/72/EC on air pollution by ozone are fully transposed in the Bulgarian legislation through the following legislative acts:

- *Clean Air Act* (State Gazette No 45/1996, as amended in March, 2000);
- *Regulation No 7 on AAQ assessment and management* (State Gazette No 45/1999);
- *Regulation No 8 on limit values for ozone in the ambient air* (State Gazette No 46/1999);
- *Regulation No 9 on limit values for sulfur dioxide, nitrogen dioxide and oxides, particulate matter and lead in the ambient air* (State Gazette No 46/1999).

Institutional framework for implementation

The national competent authorities for implementation and enforcement of the above mentioned directives are the **Ministry of Environment and Water** and the **municipalities**. The **Ministry of Environment and Water**, respectively the Executive Environmental Agency, in co-ordination with the **Ministry of Health – National Center for Hygiene, Medical Ecology and Nutrition**, is responsible for the required AAQ assessment on the country's territory. The municipalities, with the assistance of the **Regional Inspectorates of Environment and Water** and in co-ordination with the regional structures of the **Ministry of Health**, should develop and implement programs for AAQ management (improvement) in all non-attainment areas. In addition, the municipalities, on the basis of the information provided by the National AAQ Monitoring Network, are obliged to inform the population in case the established alert thresholds are exceeded. They are responsible also for the implementation of the relevant short-term action plans.

Taking into account the ongoing twinning activities under PHARE 99 and, namely, the pilot project with BMU/UBA on ambient air quality assessment and management it is assessed that the existing administrative capacity is enough, including its expertise, to ensure the effective implementation of above directives.

Directives on fuel quality

Existing legislation

Directive 98/70/EC on the quality of petrol and diesel fuels is fully transposed into the Bulgarian legislation through *Regulation No 17 on limit values for content of harmful substances in liquid fuels* (State Gazette No 97/1999).

Directive 99/32/EC is partially transposed through the above mentioned Regulation (in its part related to the limit values for sulphur content in gas oils).

Harmonization of legislation with the acquis

Directive 99/32/EC will be fully transposed into the Bulgarian legislation by the end of 2001 through *amendments to the provisions of Regulation No 17 related to the quality of heavy oils*.

A special inter-institutional Working Group is established by the Council of Ministers in order to ensure the establishment of an effective fuel quality control system. The Working Group has adopted the following action plan in short-term aspect (by the end of 2001):

- Amendment to the Ambient Clean Air Act in order to designate the State Standardization Agency as national competent authority for fuel quality control;
- Amendment to Regulation No 17 in order to establish the relevant procedures for fuel quality control;
- Preparation of preliminary financial studies for the possibility for implementation of the control system on fuel quality;
- Amendment to the Order of the Council of Ministers No269/1999 on the structure and functions of the State Standardization Agency in order to strengthen the administrative capacity for fuel quality control.

Institutional framework for implementation

The **Ministry of Environment and Water** and the **Ministry of Economy** are responsible authorities for the fuel quality directives' transposition and for the negotiations of the deadlines for introduction of the established limit values. The **State Standardization Agency** through its Fuel Quality Control Directorate (to be created by the end of 2001 with the amendment of Order

No269/1999) will be the national competent authority on implementation and enforcement of the relevant requirements.

Request for transitional periods

The required investments for reconstruction and modernization of the existing installations, as well as the time needed for their realisation, determine the necessity for requesting a transitional period of **three years, i.e. until 01.01.2010** for the implementation of the requirements of **Directive 99/32/EC** on maximum admissible sulphur content in gas oil.

Regarding the 1% limit value for sulphur content in heavy oils, the Republic of Bulgaria requests a transitional period of **eight years, i.e. until 01.01.2015**. This transitional period is determined by:

- the required time periods and investments for an overall study of the possibilities for implementation of the Directive;
- the required time periods and investments for a feasibility study, project design, construction, putting into operation and fixing the relevant abatement equipment and installations for minimizing the sulphur content in heavy oils;
- the required period and investments for achieving compliance with the established requirements on motor fuels quality [Directive 98/70/EC].

Directives on the reduction of VOC emissions from stationary sources

Existing legislation

Directive 94/63/EC is fully transposed into the Bulgarian legislation through *Regulation No16 on the reduction of VOC emissions from storage, loading or unloading and transport of petrol* (State Gazette No 75/1999).

The requirements of the above Regulation will apply to existing installations by the end of 2005, 2006 or 2009 depending on their throughput (the corresponding deadlines fixed in the Directive are 1999, 2001 and 2003 respectively).

Harmonization of legislation with the acquis

The transposition of Directive 99/13/EC into the Bulgarian legislation is scheduled for the end of 2002. A nation-wide survey of the expected costs and investments related to the implementation of the Directive's requirements on existing installations is expected to finish before that.

Institutional framework for implementation

The **Regional Inspectorates of Environment and Water** within the **Ministry of Environment and Water** is the national competent authority. The staff of the 15 RIEWs will be provided with adequate and sufficient training. The first training program is ongoing at present as part of a PHARE 98 Twinning project with ADEME.

Request for transitional periods

In order to fully implement **Directive 94/63/EC** the Republic of Bulgaria requests a transitional period of **three years, i.e. until 01.01.2010**, for achieving compliance with the established technical requirements for existing installations, as well as for new service stations with throughput less than 1000 cub.m./year and putted into operation between 31.12.1995 and 25.05.2000. This deadline is mainly determined by the significant number of existing installations (more than 20 terminals and 1200 service stations] which were not in compliance with the Directive's requirements by mid 2000

[the date of entering into force of Regulation No 16), as well as by the limited resources for their reconstruction (in terms of experienced staff/companies and time required).

The investments required for reconstruction, modernisation, optimisation etc., including the expected changes in raw materials used and the installation of new abatement equipment, as well as the time and financial resources needed for the realisation of this measures, determine the necessity for requesting a transitional period of **five years, i.e. until 01.01.2012**, for the full implementation of the requirements of **Directive 99/13/EC** to the existing installations and activities.

At present 317 plants in total (including 416 different activities) have been identified as potentially covered by the scope of the Directive. The number does not include the dry cleaning installations. A detailed assessment of the investments required will be presented by mid 2003. After that it will be possible a distinction between the different sectors [according Annex 1 to the Directive] to be done and to establish shorter transitional periods for some of them, as well as to develop adequate measures in order to prevent any disturbance of common market rules.

Directive 97/68/EC relating to measures against the emissions of gaseous and particulate pollutants from internal combustion engines to be installed in non-road machinery

Harmonization of legislation with the acquis

Directive 97/68/EC will be fully transposed into the Bulgarian legislation by the end of 2002.

Institutional framework for implementation

The implementation of this Directive does not represent a problem for the national AAQ protection policy in Bulgaria. In particular, this applies to the policy on reduction of CO, soot, NOx and VOC emissions due to the fact that non-road machinery's emissions represent less than 1% from the total national emissions of the relevant pollutants. Their contribution to the emissions from mobile sources is again negligible – between 4 and 7% for the different pollutants.

Taking into account the very limited production of diesel engines in Bulgaria (only one company), the present administrative capacity of the Ministry of Transport and the Ministry of Agriculture and Forests, including its expected development within the introduction of the vehicle type approval system, will provide for the effective implementation of the Directive requirements.

Other EU-normative acts, concerning the responsibilities of the Member States in the framework of the international conventions on transboundary air pollution, climate change and ozone layer protection

Current status

The Ministry of Environment and Water elaborated a Regulation on the control and management of ozone depleting substances in order to keep the engagements undertaken in the framework of the Vienna Convention and the Montreal Protocol and to ensure the implementation of **Regulation EEC/2937/00** regarding the ozone depleting substances (ODS). The *Regulation on the control and management of ozone depleting substances* was adopted by Decree No 254/1999 of the Council of Ministers on the control and management of ODS (in force since 01.01.2000).

The deadline to cease the use of controlled ODS is 31.12.2011 according to the Regulation. This deadline is longer than the deadline, determined by Regulation EEC/2937/00 for the Member States, but it is consistent with the real possibilities and the state of the Bulgarian industry. After the respective consultations with representatives from the industry sector we consider it necessary to re-examine this deadline in order to set it in conformity with the requirements of the Regulation and to amend eventually the Regulation on the control and management of ozone depleting substances in order to impose a deadline to cease the use of controlled ODS not later than 31.12.2006.

The Republic of Bulgaria signed on 11.09.1998 the **Kyoto Protocol to the UN Framework Convention on Climate Change**, which aims at further reduction of the common national emissions of greenhouse gases. The obligations undertaken are to reduce the national emissions with 8 % (for the period 2008-2012).

Institutional framework for implementation

The implementation of **Decision 93/389/EEC** regarding the uniform mechanism for the monitoring on carbon dioxide-emissions was ensured by the Ratification Law on the UN Framework Convention on Climate Change (in force since 12.05.1995). Year 1988 was accepted in it as a base year for our country concerning the anthropogenic emissions of greenhouse gases, which are not controlled from the Montreal Protocol. The national objective is that the emission level of greenhouse gases in year 2000 should not exceed that in the base year.

In order to fulfill the above requirements, including Decision 93/389/EEC, the Ministry of Environment and Water assigns, coordinates and partially finances the accomplishment of annual inventory of the greenhouse emissions, implementing the elaborated from IPCC methodology and the decisions of the Conferences of the Parties, i.e. according to the requirements of the Regulation.

In addition, *I and II National announcements* were prepared in the framework of the obligations undertaken according to the Framework Convention. Except prognoses for the emissions movement during the next years, they include also measures for their reduction (the common national emissions for the base year are calculated according to the commonly accepted methodology IPCC).

A *National Action Plan on Climate* was developed (in order to keep the obligations of the Republic of Bulgaria to the UN Framework Convention on Climate Change and the Kyoto Protocol. The Plan was adopted by the Council of Ministers and should be implemented during the period up to 2008.

In pursuance of Article 5 of the Protocol the implementation of a joint project will start with the Dutch government on joint development of a national system for anthropogenic emissions assessment (by sources, including assessment of their absorption). It is expected that the system will start operating in the beginning of 2005.

WASTE MANAGEMENT

The adopted *Law on Limitation of the Harmful Impact of Waste on the Environment*, together with the regulations foreseen in it, creates the legislative basis for transposition and implementation of the EU legislation in the waste management sector. In accordance with this framework Law, a number of regulations have been developed and adopted during the period 1998-2000. They ensure the harmonization of the national legislation with this of the EU regarding specific types of waste

and installations for waste disposal. The national legislative measures for the transposition of the European legislation are presented below.

Directive 75/442/EEC on waste

Existing legislation

The requirements of the Directive are partially transposed into the Bulgarian legislation through the following legislative acts:

- *Law on Reduction of the Harmful Impact of Waste upon the Environment* (State Gazette No 86 /1987, as amended – State Gazette No 28/2000);
- *Order RD-323/1998 of the Minister of Environment and Water and the Minister of Health on waste classification* (State Gazette No 120/1998);
- *Regulation No 10 on the filling out of the report and the waste management information documents* (State Gazette No 151/1998);
- *Regulation No 11 on the conditions and requirements for the construction and operation of municipal waste disposal facilities and installations* (State Gazette No 152/1998);
- *Regulation No 12 on the requirements which must be met by the waste treatment facility sites* (State Gazette No 152/1998);
- *Regulation on the requirements for treatment and transportation of industrial and hazardous waste* (adopted with Decree of the Council of Ministers No 53 from 1999; State Gazette No 29/1999).

The requirements of the Directive are in general introduced into the national legislation but some gaps still exist at present:

- the “waste” definition does not correspond to this given in the Directive;
- the scope of application of Law is limited and does not cover fully the scope of Directive;
- the waste management hierarchy is not clearly defined.

The European Waste Catalogue (Decision 94/904/EC) is adopted as a national waste classification.

A *National Waste Management Programme* for the period 1999-2002 is adopted. It formulates the measures regarding the transposition and the implementation of the directives, requirements and the decisions of the EU in the field of waste management, together with the duties and responsibilities of the competent authorities concerning the EU legislation implementation. The state of waste management has been analyzed, the problems have been identified and the objectives have been chosen. An Action Plan has been developed stating the required measures in short and medium-term perspectives, the responsible institutions, the needed financial means for program implementation.

Additionally an obligatory requirement for the municipalities and companies which carry out waste management activities is legally established. At present 250 municipal waste management programs (92%) are approved and presented to the Ministry of Environment and Water.

Harmonization of legislation with the acquis

The requirements of the Directive will be fully transposed into the Bulgarian legislation by amending the Law on Reduction of the Harmful Impact of Waste upon the Environment in the year 2002.

Institutional framework for implementation

The Ministry of Environment and Water is the competent authority, responsible for the development and implementation of the national waste management policy.

The Ministry of Environment and Water prepares and presents for approval to the Council of Ministers a National Waste Management Programme and carries out the overall responsibility for its implementation. The Ministry also prepares an Annual Report on waste management, which is included in the State of Environment Report. It participates in the financing of waste management projects by providing grants and credits from the National Environmental Protection Fund.

The **Executive Environment Agency** within the Ministry of Environment and Water, is responsible for the collection and processing of data on waste management generation and disposal. The Agency is also responsible for the development of waste characterization standards and the establishment of national laboratory system for waste.

The Regional Inspectorates of Environment and Water (RIEWs), are the Ministry's specialized bodies for environmental control. The RIEWs are responsible for the issuing of permits for waste management activities and for operation of waste disposal installations.

The **municipalities** organise and control the generation, collection, storage, transportation and disposal of municipal and construction waste, and the implementation of programs thereof; the landfilling of industrial and hazardous waste. The municipal councils adopt regulations setting forth the procedures and conditions for collection, loading, storage, recovery and disposal of municipal and construction waste on their territory. They also set the local fees and charges for waste collection, transportation and disposal. The municipal councils approve and present to RIEW the municipal waste management programs.

The Ministry of Environment and Water is assisted in the implementation of the national waste management policy by the following institutions:

The **Ministry of Health** participates in the implementation of requirements for the disposal of infectious hospital waste, expired medicines and drug substances. Through the National Center on Hygiene, Medical Ecology and Nutrition, the Ministry of Health participates in the development of the national laboratory system for waste.

The **Ministry of Agriculture and Forests** participates in the implementation of requirements for the disposal of waste from food processing industry, meat processing, plant growing and farming. It also participates in the establishment the requirements for soil protection and the control in cases of utilization of waste in agriculture.

The **Ministry of Regional Development and Public Works** participates in the development of national standards for the construction of waste disposal facilities and coordinates the regional planning of waste disposal facilities.

State Agency on Standardization and Metrology organizes and coordinates the elaboration of national standards in the waste management sector.

National Statistics Institute collects process information on municipal, construction and industrial waste generated in the country, and processes this information according to waste type, quantity, regions etc.

The Republic of Bulgaria will take the necessary measures in order to strengthen the administrative and technical capacity of the Ministry of the Environment and Water and other involved

institutions. Additional technical equipment and training programs will be provided at the Regional Inspectorates of Environment and Water in order to improve their control capacity.

Directive 91/689/EEC on the hazardous waste

Existing legislation

The requirements of the Directive are fully transposed into the Bulgarian legislation by:

- *Law on Reduction of the Harmful Impact of Waste upon the Environment* (State Gazette No 86 /1987, as amended – State Gazette No 28/2000);
- *Regulation on the requirements for treatment and transportation of industrial and hazardous waste* (adopted with Decree of the Council of Ministers No 53/1999; State Gazette No 29 /1999);
- *Order RD-323/1998 of the Minister of Environment and Water and the Minister of Health on waste classification* (State Gazette No 120/1998);
- *Regulation No 10 on the filling out of the report and the waste management information documents* (State Gazette No 151/1998);

Additional stricter requirements are introduced on hazardous waste management including for the issuing of permits for all activities concerning hazardous waste and for facilities and installations for their disposal.

The European list of hazardous waste (Decision 94/904/EC) has been adopted as national classification of hazardous waste.

An obligation for registering and reporting, and demanding documentation for accepting, submitting and transportation of hazardous waste has been introduced.

The National Waste Management Programme envisages the establishment of a national hazardous waste disposal centre and a system of regional landfills for hazardous waste. External financing is required for the projects implementation.

Institutional framework for implementation

The **Ministry of Environment and Water**, respectively the Executive Environmental Agency and the Regional Inspectorates of Environment and Water (RIEWs), is the national competent authority, responsible for the implementation and enforcement of hazardous waste management legislation. The Regional Inspectorates of Environment and Water (RIEW), are responsible for the issuing of permits for hazardous waste management activities. They are also responsible for checking the documentation and reporting requirements and for the conducting of periodic inspections of waste disposal installations.

The Ministry of Environment and Water is assisted by the following institutions:

The **Ministry of Health** participates in the implementation of requirements for the disposal of infectious hospital waste, expired medicines and drug substances. Through the National Center on Hygiene, Medical Ecology and Nutrition, the Ministry of Health participates in the development of the national laboratory system for waste.

The **Ministry of Transport and Communications** participates in the establishment and the implementation of the requirements for the transportation, including packaging and labelling of hazardous waste.

The Civil Defense Authority participates in the development and implementation of the legislation, related to accidents and disasters.

The Republic of Bulgaria will take the necessary measures in order to strengthen the administrative and technical capacity of the Ministry of the Environment and Water and other involved institutions in order to ensure the implementation of the Directive's requirements.

Regulation EEC/259/93 on the supervision and control of shipments of waste within, into and out of the European Community

Current status

The requirements on transboundary shipments of waste are regulated in the Bulgarian legislation by:

- *Law on Limitation of the Harmful Impact of Waste on the Environment* (State Gazette No 86 /1987, as amended in 2000);
- *Regulation for the cases when a permit is required for the import, export and transportation of waste and the conditions and order of the issuing the permit* (State Gazette No 6/2000). The regulation defines also the cases when a bank guarantee or insurance is required.
- *Law on Ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal*

Institutional framework for implementation

The Republic of Bulgaria has in place the institutions necessary for the implementation of the Regulation's requirements. The Ministry of Environment and Water is designated as a national competent authority on the permitting and supervision on shipments of waste. The State Customs Agency through the applied border control assists the Ministry in the implementation and the enforcement of the requirements on transboundary shipments of waste. An adequate and sufficient training will be provided for the officials involved in the implementation of Regulation's requirements in the period until accession.

Directive 94/67/EC on the hazardous waste incineration

Existing legislation

The requirements of the directive are fully transposed in the Bulgarian legislation by *Regulation on the requirements for treatment and transportation of industrial and hazardous waste* (adopted with Decree of the Council of Ministers No 53/1999; State Gazette No 29 /1999);

Institutional framework for implementation

The Ministry of Environment and Water, respectively the Executive Environmental Agency is the national competent authority responsible for the implementation and enforcement of Directive, including permitting of installations with a capacity over *750 kg per hour*. The Regional Inspectorates of the Environment and Water are the competent authorities for issuing of permits to hazardous waste incineration installations with a capacity up to *750 kg per hour*. In order to implement the legislation on hazardous waste incineration, the Republic of Bulgaria will administratively and technically strengthen these institutions.

Directive 89/429/EEC on reduction of air pollution from existing municipal waste incineration plants and Directive 89/369/EEC on reduction of air pollution from new municipal waste incineration plants

Existing legislation

The requirements of the Directive for new installations are fully introduced in the Bulgarian legislation by *Regulation No 11 on the conditions and requirements for the construction and operation of municipal waste disposal facilities and installations* (State Gazette No 152/1998).

So far there are no installations in the country in the scope of these Directives.

Institutional framework for implementation

The **Ministry of Environment and Water**, respectively the Executive Environmental Agency is the national competent authority responsible for the implementation and enforcement of Directive. The **Regional Inspectorates of the Environment and Water** are the competent authorities for issuing of permits and inspection of municipal waste incineration installations.

Directive 99/31/EC on landfill of waste

Existing legislation

The requirements of the Directive are partially transposed into the Bulgarian legislation by *Regulation No 12 on the requirements which must be met by the waste treatment facility sites* (State Gazette No 152/1998) and *Regulation No 13 on the conditions and requirements for the construction and operation of waste landfills* (State Gazette No 152/1998).

The national legislation introduces in practical terms all the technical requirements concerning location, water control and leachate management, protection of soil and water, gas control and stability. Permitting, monitoring requirements and waste acceptance procedures are also established.

The requirements of the Directive are applied for all newly built landfills. The landfill operators are obliged to prepare and implement compliance plans for all existing landfills.

The Republic of Bulgaria has in place a procedure for examination of risk for the environment and human health from landfills. The procedure falls within the scope of approved Guidelines on the scope and the content of the reports for the assessment of past environmental damages. According to the Guidelines out of operation landfills in privatized companies are usually considered as past environmental damages and in compliance with the Privatization Act the cost for their closure are covered by the State.

Requirements for the establishment of a national cadastre of waste landfills and past environmental damages are introduced. The data about the 57 largest existing municipal waste landfills will be available by the end of 2001.

The national waste management policy envisages the establishment of a system of regional landfills, which will gradually replace the existing more than 2500 municipal waste landfills. The National Waste Management Programme (NWMP) envisages the construction of 37 regional landfills which will serve about 33% of the population. The updating of NWMP in 2002 should specify the rest of regional landfill sites envisaged for construction in the period till the accession in order to ensure the covering of whole population (territory) of the country.

The Republic of Bulgaria considers the requirements for surface sealing set by point 3.3. Annex I of the Directive as a recommendation. The mentioned requirements shall be reduced significantly on competent authorities' opinion for landfills closed by the date of accession. The requirements of Article 4 of Directive 75/442/EEC on waste shall apply in such case.

The Republic of Bulgaria considers that the definition for “liquid waste” according to Article 2, point *q* of the Directive does not cover the mixtures of solid waste with water intended for deposition in tailing ponds, ash ponds, slug ponds and similar facilities.

The Republic of Bulgaria declares that the implementation of the provision of Article 5, item 2a,b,c will be postponed with 4 years and the requirement of Article 5, item 2c will be implemented as from 16 July 2020. As there are no available standardized EUROSTAT data for 1995 the Republic of Bulgaria will develop and submit to Commission not later than 31.12.2003 an assessment on the quantities of landfilled municipal biodegradable waste. The assessment will be used for the determination of targets set by Article 5, item 2 of the Directive.

Harmonization of legislation with the acquis

The requirements of the Directive will be fully transposed into the Bulgarian legislation by amending the Law on Reduction of the Harmful Impact of Waste on the Environment (State Gazette No 86 /1987, as amended in 2000) and Regulation No13 on the conditions and requirements for the construction and operation of waste landfills by the end of 2002.

Institutional framework for implementation

The national competent authorities for implementation and enforcement of the Directive are the **Ministry of Environment and Water**, respectively the Executive Environmental Agency and Regional Inspectorates of Environment and Water, and the **municipalities**.

The staff of the 15 RIEWs will be increased gradually before the end of 2003 and adequate and sufficient training will be provided in order to ensure the effective control of the implementation of the landfill directive.

Request for a transitional periods

The Republic of Bulgaria requests a **transitional period of 2 years** for the implementation of the targets set by Article 5, items 2a and 2b, as follows:

- The reduction of biodegradable municipal waste to 75 % of the determined quantities to be applied at latest by **1.01.2012**;
- The reduction of municipal biodegradable waste to 50 % of the determined quantities to be applied at latest by **1.01.2015**.

The national strategy for the implementation of the reduction of the biodegradable waste going to landfills will be approved by the end of 2003 at latest. After the strategy’s approval the Republic of Bulgaria will reassess the necessity for the above-mentioned transitional period.

In case that the consideration made in the Existing legislation part on the definition of “liquid waste” is not confirmed by the Commission an additional **transitional period of eight years – till 1.01.2015** will be required as follows:

- The ban on the liquid waste landfilling not to be applied for the specified period to all existing sites such as tailing ponds, slug ponds, ash ponds and similar facilities. A list of facilities and types of waste landfilled will be submitted to the Commission.

The need of such transitional period is determined by the significant investments required for changing the applied technologies at present in mining, energy, metallurgy and other industrial sectors. The quantities of waste disposed in such manner exceed 10 million tons annually.

The Republic of Bulgaria reserves the right to request additional transitional periods for specific landfill sites after examination of the criteria for inert waste classification and the criteria which have to be fulfilled for certain hazardous waste to be accepted in landfills for non-hazardous waste.

Directive 75/439/EEC on waste oils

Existing legislation

The requirements of the Directive are transposed in the national legislation by *Regulation on the requirements for the treatment and the transportation of waste oils and oil products* (adopted with DCM No131/2000, State Gazette No 59/2000).

The Republic of Bulgaria will assess the implementation on the Directives requirements by the 31.12.2004 at latest. Based on the received experience the additional measures on the implementation of waste management hierarchy by means of increase the quantities of waste oils regenerated will be put in place.

Institutional framework for implementation

The **Ministry of Environment and Water**, respectively the Executive Environmental Agency and Regional Inspectorates of Environment and Water, is the national competent authority for implementation and enforcement of the Directive. In order to ensure the implementation of legislation on waste oils and appropriate administrative strengthening will be provided for these institutions.

Directive 86/278/EEC on protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

Existing legislation

The requirements of the Directive are transposed in the national legislation by *Regulation on the requirements of the soil protection when sewage sludge is used in agriculture* (adopted by Decree No 262/2000 of the Council of Ministers, State Gazette No 101/2000).

Institutional framework for implementation

The Ministry of Environment and Water and Ministry of Agriculture and Forests are the national competent authorities on the implementation and enforcement the Directive's requirements.

Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances

Existing legislation

The requirements of the Directive are transposed in the national legislation by *Regulation on the requirements on production and presenting to the market batteries and accumulators and on treatment and transportation of spent batteries and accumulators* (adopted with DCM No 134/2000, State Gazette No 61/2000).

Institutional framework for implementation

The Ministry of Environment and Water, respectively the Executive Environmental Agency and regional Inspectorates of Environment and Water is the national competent authority on the implementation and enforcement the Directive's requirements. The State Customs Agency assists the Ministry in the control on the compliance of batteries and accumulators entering the country with marking requirements. The municipalities are responsible for the organization of spent batteries separate collection on their territories. The Republic of Bulgaria will provide appropriate training for the officials involved in the implementation of the Directive.

Directive 94/62/EC on packaging and packaging waste

Harmonization of legislation with the acquis

The requirements of the Directive will be introduced in the national legislation by the end of 2002 at latest by *Regulation on limitation the quantity of packaging waste in the waste flow*.

Institutional framework for implementation

The **Ministry of Environment and Water**, respectively the Executive Environmental Agency and Regional Inspectorates of Environment and Water, and **municipalities**. Some specific responsibilities will be attained to the State Customs Agency, the National Statistics Institute and the State Agency of Standardization and Metrology. The Republic of Bulgaria will assess the required administrative infrastructure and will take the adequate measure to provide the specified institutions with the sufficient administrative and technical capacity.

The required administrative infrastructure on implementation the information system on packaging and the packaging waste in compliance with the Commission Decision 97/138/ES will be at place by 31 December 2002 at latest.

Request for a transitional period

A transitional period of **five years – till 1.01.2012** is needed **for attainment the minimum recovery target set by Article 6, item 1a**. The main reasons for this request are:

- assumptions for the significantly lower packaging consumption in the country;
- the limited market of the recycled materials and insufficient recycling capacities which to compensate the attainment of general recovery target;
- the lack of installations for incineration with energy recovery, as well the strong public rejection on the establishment of such installations;
- the considerable investments needed for construction of such facilities and for developing separate collection and separation system.
- the overlapping with the investments required in other waste management areas such as closure of existing landfills, hazardous waste disposal, etc.

The Republic of Bulgaria will conduct the study on packaging consumption and packaging waste generation and management by the end of 2001 at latest and Directive's implementation plan will be developed by the end of 2002.

Based on the assessment of implementation costs the necessity of transitional period will be reconsidered in order to be repealed or significantly reduced.

Additional information on the present status of waste recycling is provided in Annex II to the position.

Directive 96/59/EC on disposal of PCBs and PCTs

Harmonization of legislation with the acquis

The requirements of the Directive will be introduced in the national legislation till the end of 2002 by *Regulation on the requirements for the disposal of polychlorinated biphenyls and polychlorinated terphenyls*.

The Republic of Bulgaria started the inventory of PCBs contaminated equipment.

Institutional framework for implementation

The Ministry of Environment and Water, respectively the Executive Environmental Agency and Regional Inspectorates of Environment and Water will be the national authority responsible for the

implementation and the enforcement of the Directive's requirements. Appropriate training will be provided for the specified authorities.

Directives on waste from the titanium dioxide industry

Harmonization of legislation with the acquis

It is envisaged that the requirements of the Directive for *new installations* will be introduced in the national legislation during the period 2002-2003.

At present there is no titanium dioxide industry in Bulgaria.

WATER QUALITY

The basic principles of the Community water policy are transposed into the Bulgarian legislation through the *Law on Water* (State Gazette No 67/1999, in force since 28.01.2000; as amended in 2000 r.)

The Law identifies four river catchment basins on the country's territory and introduces the principles of water management based on river basins carried out by specialized bodies through river basin management plans. Inland waters are classified according to their ecological state. A precise monitoring system is identified and competent authorities responsible for water management are designated. The Law provides for establishment of Basin Councils as consultation bodies with public participation.

Water Quality Objective oriented legislation

Directive 76/160/EEC on the quality of bathing water

Existing legislation

The provisions of the Directive are partially transposed into the Bulgarian legislation by the following legislative acts:

- *Regulation No14 on the resort resources, resort sites and resorts* (State Gazette No 79/1987 as amended in 2000);
- *Regulation No8 on the quality of coastal marine waters* (State Gazette No 10/2001);
- *Regulation No7 on the quality of inland running waters* (State Gazette No 96/1986).

Harmonization of legislation with the acquis

Full harmonization of the national legislation on the quality of bathing waters will be achieved after adoption of the following legislative acts:

- *Regulation on the requirements for the quality of bathing waters;*
- *Regulation on the categorization of water in water bodies.*

The regulations will be adopted by the middle of 2001. They will harmonize the definitions for "bathing season" and "traditional bathing sites." Pollution sources will be identified in accordance with the method of analysis provided by the Directive.

Institutional framework for implementation

The national competent authorities for implementation and enforcement of the above mentioned directive are the **Ministry of Health, the Ministry of Environment and Water** and its **Basin Directorates**, and the **Ministry of Regional Development and Public Works**.

The **Ministry of Health** and its **Regional Inspectorates of Hygiene and Epidemiology** are responsible for the monitoring and assessment of coastal marine waters; control of the quality of water, designated for bathing purposes; control of the quality of water, designated for drinking-communal needs. The **Ministry of Environment and Water** and the **Basin Directorates** are responsible for organization and management the National Water Monitoring system, categorization of waters planning and assistance for investment activities on a national level in the area of water. The **Ministry of Regional Development and Public Works** and the **municipalities** control the construction, maintenance and the proper operation of the sewerage networks and installations for treatment of urban waste waters;

Directive 98/83/EEC on the quality of waters intended for human consumption

Existing legislation

Some of the standards laid down in the existing Bulgarian legislation are stricter than these provided by the Directive. The requirements for monitoring frequency are similar to these laid down in the Directive. A system for sampling and testing “at the tap” is established and functioning.

Harmonization of legislation with the acquis

Full harmonization of the national legislation on the quality of waters intended for human consumption will be achieved after adoption of the following legislative act:

- *Regulation on the quality of water intended for drinking and domestic purposes.*

The Regulation will be adopted by the middle of 2001.

Institutional framework for implementation

Several governmental institutions are involved in the implementation of the directive. The leading institution is the **Ministry of Health** and its **Regional Inspectorates of Hygiene and Epidemiology**. They are responsible for the quality of drinking water in the whole country and for the epidemiological safety of the population. For this purpose the Ministry maintains the monitoring and sampling “at the tap” of the drinking water.

The Ministry of Environment and Water and the Basin Directorates:

- elaborate the state policy on water protection and use;
- elaborate and approve the river basin management plans;
- develop national programs related to water protection and sustainable water use;
- prepare the water and water economic balances of the country;
- establish the boundaries of the waters and the water sites which are public state property;
- organize the preparation of management plans for the respective river basin.

The **Ministry of Regional Development and Public Works** implements the state policy on activities related to exploitation, construction, re-construction and modernization of water supply and sewerage systems and facilities in urban areas. The **municipalities** control the construction, maintenance and the proper operation of the sewerage networks and of the installations for treatment of drinking water and urban waste waters.

Directive 75/440/EEC on the quality of surface water intended for the abstraction of drinking water and related Directive 79/869/EEC on sampling and analysis of surface water as amended by 91/692/EEC

Existing legislation

Identical requirements are set up in *Regulation No7 on the quality of running surface water* (State Gazette No 96/1986).

Harmonization of legislation with the acquis

Full harmonization of the requirements for the quality of surface water intended for abstraction of drinking water will be achieved with adoption of the *Regulation on the quality required of surface water intended for drinking and domestic purposes water supply* by the middle of the year 2001.

Institutional framework for implementation

Several institutions are responsible for implementation and enforcement of the above mentioned directive. The **Ministry of Environment and Water** and **Basin Directorates**:

- approve the National Water Economic Plan;
- grant concessions for waters which are exclusive state property;
- establish the boundaries of the waters and the water sites which are public state property;
- organize the preparation of management plans for the respective basin.

The **Ministry of Health** controls the quality of the water, designated for drinking-communal needs. The **Ministry of Regional Development and Public Works** implements the state policy on activities related to exploitation, construction, re-construction and modernization of water supply and sewerage systems and facilities in human settlements. The **Municipalities** implement the policy on activities for exploitation, construction, reconstruction and modernisation of water economic systems and facilities which are municipal property.

Directive 78/659/EEC on the quality of fresh water needing protection or improvement in order to support fish life and **Directive 79/923/EEC on the quality required for shellfish water**

Existing legislation

Full compliance of Bulgarian legislation with the requirements of the Directives is achieved through the adoption of *Regulation No 4 on the quality of water intended for fish and shellfish life* (State Gazette No 88/2000).

Institutional framework for implementation

The **Ministry of Environment and Water**, **Basin Directorates** and the **municipalities** control the quality of waters suitable for spawning of fish and shellfish. The **Ministry of Agriculture and Forests** has responsibilities concerning spawning of fish and shellfish.

Emission-Control oriented legislation

Directive 91/271/EEC on urban waste-water treatment

Existing legislation

Most of the requirements are transposed into the national legislation through the adoption of the following pieces of legislation:

- *Regulation No 5 on operation of the water monitoring system* (State Gazette No 95/2000);
- *Regulation No 6 on the emission limit values of dangerous substances in waste water discharged in water bodies* (State Gazette No 97/2000);
- *Regulation No 7 on waste water discharge in the sewage systems* (State Gazette No 98/2000).

Harmonization of legislation with the acquis

The requirements of the Directive will be fully transposed through the adoption by the middle of the year 2001 of following legislative acts:

- *Regulation on issuing permits for waste water discharge and setting up individual emission limit values for industrial installations;*
- *Regulation on the categorization of water in water bodies;*
- *Regulation on the quality of coastal marine water;*
- *Regulation on treatment of the sludge from waste water treatment plants.*

Institutional framework for implementation

The **Ministry of Environment and Water** and the **Basin Directorates** are responsible for the operation of the National Water Monitoring System at a basin level, control the pollution of the water recipients and the underground waters due to emergency situations and discharges, control the proper operation of the waste water treatment plants.

The **Ministry of Regional Development and Public Works** implements the state policy on activities related to exploitation, construction, re-construction and modernization of water supply and sewerage systems and facilities in human settlements. **Municipalities** have the main responsibility to control the construction, maintenance and the proper operation of the sewerage networks and of the installations for treatment of household waste waters. The **industry** is responsible for carrying out the self-monitoring activities at the big industrial plants. The **Ministry of Health** controls the treatment of sludge from waste water treatment plants and the use of sludge from waste water treatment plants for fertilization.

For implementation of the requirements of the national and EU legislation a *National Programme on priority building of waste water treatment plants for settlements with more than 100 000 population equivalent* was adopted in 1999. The programme sets up a plan for priority building or reconstruction of waste water treatment plants for municipalities *with more than 100 000 population equivalent* as follows:

- Building of 81 new waste water treatment plants;
- Reconstruction of 23 existing waste water treatment plants.

36 of the planned waste water treatment plants (out of 104 priority waste water treatment plants in total) will be constructed by the end of the year 2006, 10 of those are already under construction.

A *National Programme on priority building of sewage systems in municipalities with more than 100 000 population equivalent* is also under implementation, supporting the implementation of the *National Programme on priority building of waste water treatment plants for settlements with more than 100 000 population equivalent*.

Request for transitional periods

Due to the extremely high investment costs and the technological time necessary to put in place the facilities needed, Republic of Bulgaria requests transitional periods as follows:

- **four years – until 01.01. 2011** for meeting the requirements for settlements with over 10 000 population equivalent,
- **nine years – until 01.01.2015** for meeting the requirements for settlements with 2 000 to 10 000 population for meeting the requirements.

Directive 91/676/EEC on the protection of water against pollution caused by nitrates from agricultural sources

Existing legislation

The requirements of the Directive are fully transposed through the adoption of *Regulation No 2 on protection of water against pollution caused by nitrates from agricultural sources* (State Gazette No 87/2000).

Institutional framework for implementation

The main institution responsible for the implementation and enforcement of the above mentioned directive is the **Ministry of Agriculture and forests**. It maintains activities related to training and education of farmers in best available agricultural practices and use of fertilizers in agriculture. The **Ministry of Environment and Water** and **Basin Directorates** are responsible for monitoring and protection of surface and ground water. The **Ministry of Regional Development and Public Works** and the **municipalities** implement the state policy on activities related to exploitation, construction, reconstruction and modernization of water supply and sewerage systems and facilities, designation of the safety sanitary zones. The **Ministry of Health** is responsible for the monitoring of ground water, designed for drinking needs.

Directive 80/68/EEC on the protection of ground water against pollution caused by certain dangerous substances

Existing legislation

The requirements of the Directive are transposed through the adoption of following legislative acts:

- *Regulation No 1 on the study, use and protection of the ground water* (State Gazette No 57/14.07.2000);
- *Regulation No 2 on protection of water against pollution caused by nitrates from agricultural sources* (State Gazette No 87/2000);
- *Regulation No 3 on the sanitary protection zones* (State Gazette No 88/2000);
- *Regulation on operation of the water monitoring system* (State Gazette No 95/2000).

Harmonization of legislation with the acquis

The requirements of the Directive will be fully transposed through the adoption by the middle of the year 2001 of following legislative acts:

- *Regulation on issuing permits for waste water discharge and setting up individual emission limit values for industrial instalations.*

Institutional framework for implementation

The **Ministry of Environment and Water** and **Basin Directorates** are responsible for the monitoring and use of ground water. The **Ministry of Health** is responsible for the monitoring of ground waters, designed for drinking purposes.

Directive 76/464/EEC on pollution caused by certain dangerous substances discharged in the aquatic environment

Existing legislation

The requirements of the Directive and its seven daughter directives are transposed through the adoption of following legislative act:

- *Regulation No 6 on emission limits for the admissible concentration of harmful and hazardous compounds in water discharged in water bodies* (State Gazette No 97/2000).

Institutional framework for implementation

The **industry** is responsible for construction of water treatment installations and self monitoring systems of water. The **Ministry of Environment and Water** and **Basin Directorates** control the proper operation of waste water treatment installations, sewerage systems and the self monitoring systems. The **municipalities** implement the policy on activities for exploitation, construction, reconstruction and modernization of water economic systems and facilities, which are municipal property.

Request for a transitional period

The measures to eliminate water pollution with substances included in List I of the Directive involve technological aspects which require a certain period of time to be implemented, as well as investment of substantial financial resources. That is why Republic of Bulgaria requests a transitional period of **four years – until 01.01.2011**, for the implementation of the requirements of article 5 of the Daughter directive 86/280/EC.

Legislation envisaged for establishing common monitoring and data reporting rules

Decision 77/795/EEC on the exchange of data on the quality of surface fresh water in the EU

Bulgaria is a member of the EEA and submits data from specific surface fresh water monitoring stations as part of the common European network for surface water monitoring.

NATURE CONSERVATION

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

Directive 79/409/EEC on the conservation of wild birds

Existing legislation

The following legislative acts partially transpose the requirements of the Directives:

- *Protected Areas Act* (State Gazette No 133/1998);
- *Nature Conservation Act* (State Gazette No 47/1967, as amended in 2000);
- *Law on Hunting and Game Protection* (State Gazette No 78/2000);
- *Fishing Act* (State Gazette No 91/1982 as amended in 1998);
- *Medicinal Plants Act* (State Gazette No 29/2000);
- *Regulation on Developing Protected Areas Management Plans* (State Gazette No 13/2000);

Harmonization of legislation with the acquis

The Directives' requirements will be fully transposed with the adoption of *Biological Diversity Law* and *Law on Fishing and Aquacultures* by the middle of 2001.

Institutional framework for implementation

According to the existing and planned future legislation the **Ministry of Environment and Water** thought its **National Nature Protection Service Directorate, 15 Regional Inspectorates on Environment and Water** and **3 Directorates of National Parks** with total staff 250 persons:

- pursues the governmental policy and control in the field of protection and maintenance of the biodiversity;

- prepares with the participation of the sectoral authorities and submits National Strategy for Biodiversity Conservation and National Strategy on medical plants to the Council of ministries;
- prepares with the participation of the sectoral authorities and submits National plan for Biodiversity Conservation to the Council of ministries;
- sets up the National ecology network that includes the system of protected areas, protected and buffer zones;
- confides elaboration of and approves protected territories management plans and action plans for species protection;
- finances the activities related to the maintenance and conservation of the protected territories and protected species in the national parks and reservations and other protected territories;
- coordinates and controls the activities of other ministries, authorities, municipalities, NGOs, scientific and academic institutes concerning biodiversity conservation;
- organizes the supervision over the activities of the owners and users of the land, forests and water areas included in the national ecology network;
- carries out and maintains state register, cadastre and data base for protected territories;
- supports the conservation, supporting and rehabilitation activities of the owners or users, NGOs, associations and others in the field of biodiversity;
- sets up the biodiversity condition monitoring system;
- prepares annual reports on the biodiversity condition and on the conservation activities;
- carries out control on the genetically fund protection;
- issues permits for visiting the reservations according to particular requirements;
- issues permits for the species introduction and re-introduction;
- announces and controls protected animals and plants conservation;
- regulates protected animals and plants usage.
- directly manages and guards reservations and national parks.

The Ministry of Agriculture and Forests also plays a significant role in the field of nature conservation. In the frame of its competence this Ministry:

- integrates the principles of biodiversity conservation and sustainable management of the biological recourses in all sectoral plans, projects, programmes, politics and strategies with regard to the priorities of the National Biodiversity Conservation Startegy and National Biodiversity Conservation plan;
- finances priority scientific researches and activities in the protected territories with the exception of national parks and reservations;
- conducts monitoring on the impact of the air pollution in forest systems;
- manages and controls the organisation of the hunting husbandry; game and fish recourses conservation, resettlement, reproduction and usage; game and game products trade; gain and exercise hunt rights; implementation of the projects and usage plans;
- uses the results of biological researches for future plans, activities, projects, programmes and policy-making in the sector.
- organizes branch system for monitoring the status of the forests, hunting and fishing species and submits this information to the MoEW;
- carries out guarding of the forests included in the protected territories except those in the national parks and reservations;
- finances activities in natural parks and other protected territories part of the Forest fund except national parks and reservations;
- confides the implementation of supporting, guiding, regulating or restorative activities within the natural parks;

- organizes, coordinates and controls the reproduction, use and protection, design and construction in the forests and lands from the state forest fund, including in the protected areas, except the national parks, reserves and maintained reserves.

The above mentioned functions the **Ministry of Agriculture and Forests** fulfills through **National Forestry Board** that is in the charge of the Regional Forestry Boards, the State Forestries and 8 Directorates of Natural Parks, and the **National Agency of Fisheries and Agriculture** and its 6 Regional Inspectorates.

The Ministry of Regional Development and Public Works uses the results from biodiversity research when planning its future activities, plans, projects, programs and policies in the sector or among the sectors.

The municipalities that own forests, lands and aquatic areas in the national environmental network execute their maintenance and guarding. They can establish specialized units for supporting, guiding, regulating, restorative and other nature protection activities in accordance with the management plans.

Bulgaria has made the following proposals to adaptation of the Annexes of Directives 92/43/EEC and 79/409/EEC:

ADDITION TO ANNEX I TO DIRECTIVE 79/409/EEC
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1. *Falco cherrug*
2. *Falco vespertinus*
3. *Lanius nubicus*

ADDITION TO ANNEX II/2 TO DIRECTIVE 79/409/EEC

1. *Anser albifrons albifrons*
2. *Anas acuta*
3. *Alectoris chukar*
4. *Anas clypeata*
5. *Anas crecca crecca*
6. *Aythya fuligula*
7. *Alectoris graeca graeca*
8. *Anas penelope*
9. *Anas querquedula*
10. *Corvus corone cornix*
11. *Coturnix coturnix*
12. *Corvus frugilegus*
13. *Corvus monedula*
14. *Fulica atra atra*
15. *Gallinago gallinago*
16. *Phalacrocorax carbo*
17. *Streptopelia decaocto*
18. *Scolopax rusticola*
19. *Streptopelia turtur*
20. *Sturnus vulgaris*
21. *Tetrao urogalus*

ADDITION TO ANNEX III/2 TO DIRECTIVE 79/409/EEC
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1. *Anser albifrons albifrons*
2. *Alectoris chukar*
3. *Anas crecca crecca*
4. *Aythya fuligula*
5. *Fulica atra atra*
6. *Scolopax rusticola*
7. *Streptopelia turtur*
8. *Sturnus vulgaris*

ADDITION TO ANNEX I TO DIRECTIVE 92/43/EEC

1. **41.1E122 Strandja Rhododendron** (*Rhododendron ponticum*).
2. **41.46221 Balkan Range Horse** (*Aesculus Hippocastanum*).
3. **31.636 Rhodope Potentilla Fruticosa** (*Potentilla fruticosa*).
4. **34.921 Western Pontic Paeonian Steppes**.

ADDITION TO ANNEX II TO DIRECTIVE 92/43/EEC
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1. *Viola delphinantha*
2. *Leontopodium alpinum*

ADDITION TO ANNEX II AND ANNEX IV TO DIRECTIVE 92/43/EEC

1. *Dactylorhiza kalapissii*
2. *Centaurea immanuelis*

ADDITION TO ANNEX V TO DIRECTIVE 92/43/EEC

1. *Canis lupus*
2. *Felis silvestris*
3. *Rupicapra rupicapra balcanica*

Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived therefrom

Harmonization of legislation with the acquis

The Directive's requirements will be transposed into Bulgarian legislation by the end of 2002. There are no records of importation in Bulgaria of skins of certain seal pups and products derived therefrom.

Institutional framework for implementation

The institutions responsible for the implementation of the Directive will be designated by the end of 2002. There are no records of importation in Bulgaria of skins of certain seal pups and products derived therefrom.

Directive 1999/22/EC relating to the keeping of wild animals in zoos

Harmonization of legislation with the acquis

The Directives' requirements will be fully transposed with the adoption of *Biological Diversity Law* by the middle of 2001.

Institutional framework for implementation

According to the Draft Law the Ministry of Environment and Water shall be responsible for issuing licenses for zoo-gardens functioning.

Regulation EC/338/97 on the protection of species of wild fauna and flora by regulating trade therein

Current status

The institutions responsible for the implementation of the Regulation are designated with the following legislative acts:

- *Nature Protection Act* (State Gazette No 47/1967, as amended in 2000);
- *Customs Act* (State Gazette No 15/1998, as amended in 2000);
- *Regulation No 3 of the Ministry of Environment and Water on the terms and order of coordination of the export and import certificates.*

Full implementation of the requirements of the Regulation will be achieved with the adoption of *Biological Diversity Law* by the middle of 2001.

Institutional framework for implementation

The Ministry of Environment and Water publishes lists and its amendments concerning species included in the CITES annexes and records their movement in the country; issues import and export permits; controls the implementation of the legal requirements.

The Customs Agency at the Ministry of Finance manages the customs control over the import, export and transit of specimen of the species included in the Annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Regulation EEC/3254/91 on the use of leghold traps

Current status and institutional framework for implementation

The institutions responsible for the implementation of the Regulation are designated with *Hunting and Game Protection Act* (State Gazette No 78/2000). These are the **Ministry of Agriculture and Forests** and the **Ministry of Environment and Water**.

Regulation 348/81/EEC on common rules for import of whales or other cetacean products

Current status and institutional framework for implementation

The institutions responsible for the implementation of the Regulation will be designated by the end of 2002. There are not records in Bulgaria of importation of whales or other cetacean products in practice.

International Agreements and Conventions

The Republic of Bulgaria has signed and ratified the following international agreements and conventions in the area of nature protection:

- **Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention)** - ratified on 25.01.1999, in force for Bulgaria since 01.05.1991 (State Gazette № 23/1995);
- **Convention on Biological Diversity** - ratified on 29.02.1996, in force for the Republic of Bulgaria since 16.07.1996 (State Gazette No 19/1999);

- **Convention on Wetlands of International Importance Especially as Waterfowl Habitat (The Ramsar Convention)** - ratified, in force for the Republic of Bulgaria since 24.01.1976 (State Gazette No 56/1992);
- The Republic of Bulgaria is a party to and successfully implements **the Convention on International Trade in Endangered Species of Wild Fauna and Flora (The Washington Convention, CITES)** - ratified in 1990, in force for the Republic of Bulgaria since 16.04.1991 (State Gazette No 6/1992);
- **Convention for the Protection of the World Cultural and Natural Heritage** - signed, ratified and in force for the Republic of Bulgaria since 1976
- **Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention)** - ratified on 03.08.1999, in force for the Republic of Bulgaria since 01.11.1999 (State Gazette No 16/2000)

The Republic of Bulgaria took part in the adoption and signing of the following agreements on the protection of migratory species:

- **Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area** - ratified and promulgated in the State Gazette No 87/1999;
- **Agreement on the Conservation of African-Eurasian Migratory Waterbirds** - ratified by law - State Gazette No 87/1999; promulgated in the State Gazette No 16/2000, in force since 01.02.2000;
- **Agreement on the Conservation of Bats in Europe** - ratified by law - State Gazette No 69/1999; Promulgated in the State Gazette No 16/2000, in force since 09.12.2000

The Republic of Bulgaria has adopted a **National Strategy for Biodiversity Conservation**, approved by the Council of Ministers in 1998. The National Strategy for Biodiversity Conservation is a long-term programme elaborated in accordance with the requirement for national planning of the nature protection activities under the Convention on Biological Diversity. The National Strategy for Biodiversity Conservation is the first strategic programme at the national level for biodiversity conservation elaborated in a country from Central and Eastern Europe.

The National Plan for Biodiversity Conservation is one of the obligations following from the Convention on Biological Diversity and a direct result of the National Strategy for Biodiversity Conservation. It was adopted by the Council of Ministers in August 1999 and combines measures and activities to be implemented during the period 1999 – 2003. The National Plan envisages priority measures for biodiversity conservation and maintenance; the concrete activities to be undertaken; the financial resources needed for the implementation of the Plan's activities; the mechanism for coordination of the participants' work for the fulfillment of the tasks envisaged in the Plan.

INDUSTRIAL POLLUTION AND RISK MANAGEMENT

Directive 96/61/EC on integrated pollution prevention and control (IPPC)

Harmonization of legislation with the acquis

The legal basis will be laid down with *the new Environmental Protection Act* submitted to the National Assembly for adoption. The provisions regarding the integrated permits' issuing are entirely in accordance with the texts of Directive 96/61/EC. The Act will enter into force immediately after its adoption by the National Assembly, which is foreseen for the middle of 2001.

A *Regulation of the Council of Ministers on the order and terms of integrated permits' issuing* shall be adopted within one year after the Act's entering into force.

Institutional framework for implementation

The Ministry of Environment and Water is the competent body responsible for the integrated permits' issuing. Acting in accordance with its powers to issue permits and to control the compliance with permit conditions, the Ministry of Environment and Water shall:

- ensure that the conditions of, and procedure for issuing permits are fully coordinated when more than one competent authority is involved;
- follow development of best available techniques and maintain an informational systems;
- issue guidelines on the development and implementation of best available techniques;
- consult operators on the possibilities for implementing the Directive's requirements for each case;
- consult on problems on transboundary pollution and its effect on the conditions of the issued permit;
- review, and if necessary, update permit conditions;
- establish a system for public access to the content of applications for permits and of issued permits;
- maintain register for the results of emission monitoring by the operator - applicant for permit;
- realize regular or casual control on observance of permit conditions.

The provisions of the draft Environmental Protection Act regarding the integrated permits' issuing for exploitation of installations and equipment will enter into force as follows:

- For new installations and equipment – from **01.01.2003**
- For existing installations and equipment – from **01.01.2003** with a deadline for the issuing of all permits - **01.01.2012**

The integrated permits' issuing procedure can start immediately in the envisaged period for new installations and equipment.

Preparatory activities are underway for integrated permits' issuing for existing installations and equipment. These activities are as follows:

1. Designation of sites falling within the scope of Annex I to the Directive. The preliminary list includes around 400 enterprises. Installations falling into the scope of Annex I to the Directive (presented by their number in the different sectors – 310 in total) are as follows:
 - Combustion installations with nominal heat power more than 50 MW and refineries for mineral oils and gases – 35
 - Production and processing of metals – 52
 - Extraction and processing of non-metalliferous mineral resources – 57
 - Chemical industry – 44
 - Waste management – 47
 - Other activities – 75
2. A draft application form for permit issuing and a form for integrated permit for operation of installations are elaborated. These forms will be used for issuing pilot integrated permits during the period 2000 – 2001.
3. Determination of best available technics (BATs) for relevant sectors or individual installations if this is necessary.

4. Elaboration of a register for the development of BATs according to the EC reports, prepared as a result of the information exchange between the member states is in its first phase.

The adaptation of BATs for the cement industry are carried out and a similar adaptation will be done for the copper-mining and pharmaceutical industries.

Request for a transitional period

According to the new Environmental Protection Act the deadline for issuing integrated permits for *existing installations* is **1 January 2012**. For full implementation of Directive 96/61/EC Republic of Bulgaria requests a transitional period of **5 years**.

Preliminary conclusions of the analysis of the current situation are that the main problems in connection with the implementation of the Directive are as follows:

- high costs of the harmonization with the BATs;
- usage of out-of-date technologies that lead to increased consumption of raw materials and energy;
- inefficient waste treatment installations (end-of-pipe);
- lack of appropriate monitoring equipment;
- shortage of financial resources for reconstruction and modernisation;
- new and unestablished organizational structure in the enterprises after the privatisation;
- insufficient information on environmental problems in the management of certain enterprises (mainly middle-size enterprises);
- insufficient experience of the authorities (MoEW, RIEWs) on introducing the new mechanisms for integrated pollution prevention and control.

Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants

Existing legislation

The requirements of the Directive are transposed in the national legislation by:

- *Clean Air Act* (State Gazette No 45/1996, as amended in March, 2000);
- *Regulation No15 on emission limit values for SO₂, NO_x and dust emissions from new large combustion plants* (State Gazette No 73/1999);
- *Regulation No 6 on the requirements for emission control measurement* (State Gazette No 31/1999);
- *Methodology for the estimation of emissions of harmful substances in the air, approved by the Minister of environment and water in 2000* (elaborated on the basis of CORINAIR methodology of the EEA).

Institutional framework for implementation

For the implementation of the Directive's requirements to the existing large combustion plants, **the State Agency for Energy and Energy Resources** has elaborated (in co-ordination with **the Ministry of Environment and Water**) *a National Plan for the fulfillment of the country's obligations under LRTAP Convention and the Second Sulfur Protocol*. The Plan is based on the *National Strategy for the development of the energy and energy efficiency for the period until 2010* approved by the National Assembly of Bulgaria. It includes specific measures concerning the large combustion plants in the system of the National Energy Company and the district heating companies for reaching the relevant national ceilings for the total annual emissions of SO₂.

In order to provide full compliance, in particular with the requirements regarding the scope of the programs for reducing the emissions from existing large combustion plants *a National Programme*

for limitation of SO₂ and NO_x emissions from the existing large combustion plants will be elaborated and adopted by the Council of Ministers by the end of 2001.

The set of emission limit values and the related provisions regarding new large combustion plants have been implemented in accordance with the national legislation since 29.07.1999.

The planned investments for development of the power generation sector (TPPs of the National Electricity Company and District Heating Plants of the State Agency for Energy and Energy Resources [SAEER]), which will ensure the implementation of the above-mentioned plan and of the Programme for limitation of SO₂ and NO_x emissions, are presented as a summary in the table below. The expenditures for the fulfillment of the relevant measures of the National Strategy for the development of the energy and energy efficiency for the period until 2010 are also presented in the table. The realization of all these measures is obligatory with a view to the successful implementation of the National Plan of the State Agency for Energy and Energy Resources.

Period	till 2001	2002-2005	2006-2010
Immediate measures			
Rehabilitation of thermal power plants	434	262	30
Alternative units in TPP Maritsa E1	285	1064	-
Gas-turbine supplements to combine electric power plants	145	150	-
New TPPs on natural gas and on imported coal	-	-	1090
<i>Total (immediate measures)</i>	<i>864</i>	<i>1476</i>	<i>1120</i>
Linked measures			
Modernization of Nuclear Plant Kozloduy	216	184	270
New nuclear power	-	700	1220
Pumped storage hydroelectric plants and new HEPs	147	270	18
Transport and distribution	231	350	215
<i>Total (linked measures)</i>	<i>494</i>	<i>1504</i>	<i>1723</i>
Total (immediate and linked measures)	1458	2980	2843

The expenditures for the fulfillment of the immediate measures for emissions limitation in the energy system for the period until 2010 amount to 3,5 billion US Dollars approximately. If the expenditures for other measures for ensuring the electricity production in the country without which the implementation of the Directive's requirements can not be provided, are added to the above-mentioned amount the total amount should figure out at 7,5 billion US Dollars approximately (1,76 billion leva per year).

The expenditures for achieving compliance of the existing LCPs in industry which according to a preliminary expert assessment exceed the amount of 1 billion US Dollars (the greatest part of which should be spent by TPP Lukoil Neftochim), are not included in the above-mentioned amount.

As a conclusion it should be mentioned that the assessment made does not include the relevant rehabilitation and exploitation expenditures as well as the additional ones for servicing bank credits. If these are taken into account the total annual expenditures for the transposition of the Directive should increase up to 2 billion leva or 1 billion US Dollars per year.

Republic of Bulgaria would not request transitional periods for the implementation of the requirements of Directive 88/609/EEC if, during the negotiations for accession the national ceilings for reduction of the total annual emissions from existing large combustion plants are set up according to it's international obligations under LRTAP Convention and the Second Sulfur Protocol

(the emission levels for LCP are preliminary/indicative; they are still subject to negotiations with SAEER and ME, and will be fixed together with the adoption of the National Emission Abatement Programme by the end of 2001), namely:

No	Years	1990 levels	2010
1.	National limit for Sox including the emissions from the existing LCP	2008 1228	1127 595

The two LCPs which were extended between 1990 and 1999 (the corresponding dates for entering into force of the Directive and the transposing national legislation – Regulation No 15 under CAA) will comply with the relevant requirements for new plants by the end of 2006.

The national competent authority - Ministry of Environment and Water, has the necessary capacity for effective implementation of the Directive's requirements.

Directive 96/82/EC Seveso II on the control of major-accident hazards involving dangerous substances

Existing legislation

The requirements of the Directive are partially transposed with:

- *Law on health and safe work conditions* (State Gazette No 124/1997);
- *Ordinance on the activities concerning prevention and elimination of the effects of emergencies, accidents and disasters* (State Gazette No 13/1998);
- *Regulation No 3 on fire prevention of operating installations* (State Gazette No 60/1997);
- *Regulation N4 on environmental impact assessment* (State Gazette No 84/1998);
- *Regulation No5 on risk assessment* (State Gazette No 47/1999);
- *Regulation No 2 on prevention of accidents from activities involving dangerous chemical substances* (State Gazette No 100/1990);
- *Regulation No 41 on health and safe work conditions* (State Gazette No 88/1999);
- *National Programme for prevention activities and limitation of the effects of natural disasters and industrial accidents for the period 1997 – 2002.*

Harmonization of legislation with the acquis

A regulation on the control of major-accident hazards involving dangerous substances transposing the Directive's requirement will be adopted by the end of 2002. Identification of the enterprises, which fall within the scope of the Directive, is carried. According to a preliminary estimation these enterprises are around 150 on the territory of the country.

Institutional framework for implementation

The Ministry of Environment and Water (RIEWs), Ministry of Defense (Civil Defense Authority), Ministry of Labour and Social Policy (General Labour Inspectorate and Regional Labour Inspectorates), Ministry of Health (Regional Hygiene and Epidemiological Inspectorates), Ministry of Interior (National Service for Fire and Emergency Safety and Regional Services for Fire and Emergency Safety), State Agency for Metrology and Standardization (General Directorate State and Technical Control Inspections) and the District Authorities are the competent authorities for the implementation of the legislative provisions according to the Environmental Protection Act. In the case of a major accident in a big plant the above mentioned institutions undertake different steps for coping with the situation and response to the accident. During the initial emergency response the emphasis falls upon the

prevention of secondary environmental pollution and the prevention of secondary dangers for human health.

Regulation EEC/1836/93 on eco-management and audit scheme (EMAS)

Regulation EC/1980/2000 on a EU eco-label award scheme

Current status

The voluntary schemes for eco-management and audit and eco-label award are introduced in the new *Environmental Protection Law*. The detailed requirements for the organization and implementation of the voluntary schemes will be introduced with the *Regulations* under the new Environmental Protection Law within 1 year of its entry into force.

Institutional framework for implementation

The competent authorities which will be responsible for the implementation of the Regulation EEC/1836/93 and Regulation EC/1980/2000 will be defined in the future *Regulations* under the new Environmental Protection Law.

A similar scheme to the EU eco-label award one is being developed in the last 3 years. This scheme is named Green Apple and is developed by the Federation of consumers in Bulgaria. Greater part of the products under that scheme are within the scope of Regulation EC/1980/2000. If the State Accreditation Agency proves its competence as a body for product certification, this existing institutional structure can be used for the implementation of the Regulation.

CHEMICALS

Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos

Existing legislation

The Directive's requirements are partially transposed with the following legislative acts:

- *Regulation No 12 on the sanitary rules for import, manufacture and use of asbestos and asbestos-containing materials and products with the purpose of protection the workers and population from the harmful impact of the asbestos dust* (State Gazette No 98/1993);
- *Order of the Ministry of Health No RD-09-618 of 1995*, with which the import and manufacture of asbestos cardboard, asbestos rolls impregnated with graphite, thermo-isolative flex, containing asbestos is prohibited from 01.06.1996;
- *Regulation No 2 on the emissions limit values (concentrations in waste gases) of harmful substances, emitted in the atmospheric air from stationary sources* - art 21(1) introduces value of allowed concentrations on mass in unit volume of air, analogic to that, proposed in the Directive (State Gazette No 51/1998);
- *Regulation No 13 about the allowed concentrations of harmful substances in the air of working environment* (State Gazette 81/1992);
- *Environmental Protection Act* - Annex to art. 20, paragraph 1, p. 1 - p. 2.6 and p. 12.6 - projects for production of asbestos and manufacture of asbestos and cement containing products are subject to EIA;
- *Law on Limitation of the Harmful Impact of Waste on the Environment*;
- *Clean Air Act*;
- *Regulation No 7 on the hygiene requirements of the residential areas* (State Gazette No 46/1992)- p.189 and p. 202 of Annex 1;

- *Regulation No 13 on the constructing and use of waste landfills* (State Gazette No 152/1998).

Harmonization of legislation with the acquis

A draft regulation on the limitation and reduction of asbestos pollution of the environment will repeal Regulation No 12 on the sanitary rules for import, manufacture and use of asbestos and asbestos-containing materials and products and will transpose the requirements of Directive 87/217/EEC.

Institutional framework for implementation

The Ministry of Health (Regional Hygiene and Epidemiological Inspectorates), the Ministry of Environment and Water (RIEWs) are the competent authorities for the implementation of the Directive's requirements.

Directive 98/8/EC on the placing of biocides on the market

Existing legislation

The Directive's requirements are partially transposed with:

- *Regulation No 8 on the requirements for disinsection and deratization* (State Gazette No 49/1992);
- *Regulation No 27 on the import of goods for the health of the population* (State Gazette No 75/1995);
- *Regulation No 17 for the management of stations for disinsection and deratization* (State Gazette No 87/1992);
- *Ordinance No 194 of 3.10.1991 on the organization of measures against insects and rodents-pests.*

Harmonization of legislation with the acquis

The requirements of the Directive will be fully transposed and implemented by the end of 2002 with the adoption of a *Regulation on the permitting of biocides products*. The adoption of a new Regulation amending Regulation No 8 is envisaged by the middle of 2001.

Institutional framework for implementation

The competent authority for the implementation of the Directive's requirements is **the Ministry of Health**. The Ministry organises, manages, coordinates and controls overall activities concerning the import of biocides products and their production within the country. Its regional bodies – **28 Regional Inspectorates for Hygiene and Epidemiology** – control the marketing of biocides.

Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes

Existing legislation

The Directive's requirements are partially transposed with:

- *Law on veterinary medicine* (State Gazette No 42/1999).

Harmonization of legislation with the acquis

According to the NPAA a *Regulation on the protection of animals used for experimental and other scientific purposes* will be elaborated and adopted by the beginning of 2002 and will fully transpose the Directive's requirements.

Regulation EEC/2455/92 on the import and export of certain dangerous chemicals

Current status and institutional framework for implementation

The Ministry of Environment and Water and the Customs Agency are the competent authorities for the implementation of Regulation EEC/2455/92 according to the Law on the Protection from the Harmful Impact of Chemical Substances, Preparations and Products. Republic of Bulgaria has ratified the Convention on the procedure on prior informed consent for international trade of dangerous chemical substances with a Law on Ratification (State Gazette No 55/2000). An *Ordinance on the requirements for the import and export of certain dangerous chemicals* is being elaborated. The administrative framework for the future implementation of the Regulation will be created with this Ordinance and the specific rights and duties of the competent authorities and the importers/exporters of certain dangerous chemicals will be determined.

Regulation EEC/793/93 on the evaluation and control of the risks of existing substances and Regulations EEC/1488/94, EC/1179/94, EC/2268/95, EC/142/97 and EC/143/97

Current status and institutional framework for implementation

The competent authorities for the implementation of Regulation EEC/793/93 are those, designated for the implementation of the requirements for the risk evaluation of new chemical substances. These authorities will be designated with the adoption of an *Ordinance on the evaluation of the risks to the man and environment of new chemical substances* under the Law on the Protection from the Harmful Impact of Chemical Substances, Preparations and Products by 31.01.2002.

GENETICALLY MODIFIED ORGANISMS

Directive 90/219/EEC on contained use of genetically modified microorganisms (GMMs)

Harmonization of legislation with the acquis

The Directive's requirements will be transposed with the adoption of a *Law on GMOs*. The adoption of the Law is foreseen for the end of 2001.

Institutional framework for implementation

According to the draft Law on GMOs the **State Committee on GMOs** shall be the competent authority in the field of contained use of GMMs. The draft law envisages issuing a license for carrying out the contained use of GMMs.

Directive 90/220/EEC on deliberate release into environment of genetically modified organisms

Existing legislation

The Directive's requirements are partially transposed with the following legislative acts:

- *Ordinance on the deliberate release of genetically modified higher plants, created by recombinant DNA technology* (State Gazette No70/1996);
- *Regulation on labelling and food presenting requirements* (State Gazette No 62/2000).

Harmonization of legislation with the acquis

Initiated legislative measures for full transposition of the Directive's requirements:

- *Act on GMOs* , to be adopted by the end of 2001.

Institutional framework for implementation

Competent authority in the field of GMO is the **Council for safe use of genetically modified higher plants** within the Ministry of Agriculture and Forests. The Council consists of chairman, secretary and five members. There are one representative from the Ministry of Environment and Water and one from the Ministry of Health.

In the frame of its entrusted powers the Council:

- issues the permits for release in the environment of genetically modified higher plants;
- estimates the quality of the environmental risk assessment of the release of the genetically modified higher plants and the effect of the recommended measures for its decrease;
- controls the conditions under which the deliberate release is allowed;
- issues to the persons who release genetically modified higher plants legally binding prescriptions for undertaking supplementary measures, including destroying of the plant species in case of diversion from the accepted risk assessment, ect.

With the adoption from the Council of Ministers and coming into force of the Regulation on labelling and food presenting requirements the way to labelling food or its components produced from genetically modified soya or maize is settled. The authority that controls the implementation of the Regulation conditions over food presented on the market is the **Commission on trade and consumers protection** under the Minister of economy.

With a view to full implementation of the EU requirements in the field of GMOs it is necessary to undertake overall re-consideration of the roles of the involved institutions and existing procedures in order to guarantee a strict control over the activities concerning genetically modified organisms. According to the Implementation Program for adoption and implementation of the *acquis* in the field of the environment the competent authorities are MEW, Ministry of Health, Ministry of Economy and Ministry of Agriculture and Forests.

The Republic of Bulgaria is prepared to fully harmonize and implement its national legislation in the field of GMOs in accordance with the EU requirements on 01.01.2007.

International Conventions and Agreements

Bulgaria has signed and ratified **Cartagena Protocol on Biosafety to the Convention on Biological Diversity**, adopted in Montreal on 29.01.2000 – (State Gazette No 65/02000).

NOISE FROM VEHICLES AND MACHINERY

The future legislation in this sector will be based on the Framework Directive 2000/14/EC on noise emissions control. As this is a “new approach” Directive, the by-law, which will transpose its requirements into the Bulgarian legislation, will be issued under the Law on Technical Requirements to the Products. 13 standards under the Directive will be introduced as national ones.

With the adoption of a regulation under the Law on Technical Requirements to the Products and the introduction of relevant standards, Republic of Bulgaria will achieve full harmonization with the EU legislation in sector Noise.

CIVIL PROTECTION

At present the activities related to the elimination of pollution caused by the petrol products and other harmful substances, are given in the River and Sea Transport Act, Environmental Protection Act and Water Act as well as in the signed and ratified Conventions:

- *Convention on the Protection of the Black Sea Against Pollution* (State Gazette 49/1994);
- *Convention on the Conservation of European Wildlife and Natural Habitats* (The Bern Convention - State Gazette 23/1995);
- *Convention on the Protection and Use of Transboundary Watercourses and International Lakes* (1992).

On the ground of the *Ordinance on organisation and activity for prevention and elimination of consequences from disasters, accidents and catastrophes* and of the existing legislation, pursuant to requirements laid down in Decisions of EU, the following plans have been developed:

- Accident plan on elimination of oil spillages in the Danube;
- Accident plan on elimination of oil spillages in the Bulgarian part of Black sea aquatory;

Institutional framework for implementation

The plans and measures will be implemented by the local authorities jointly the Civil Defense Authority, Ministry of Environment and Water (RIEWs), Marine Administration Executive Agency within the Ministry of Transport and Communications, Navy forces, harbour authorities and companies operating with vessels and coastal facilities.

Planning

The plans for inland rivers and water basins will be developed after the adoption of the Accident Management Act and on its basis disaster plans in regions and municipalities will be developed. An organisation has been established and there exist readiness for struggle against pollution by using the existing capacity and equipment of the Civil Defense Authority and other organisations concerned.

Marking

Special attention is taken for the non-admission of pollution in natural reservations (Srebarna reservation) as well as the pollution of coastal marine band in the vicinity of river outflow, coastal lakes and natural habitats of rare animal species.

Monitoring and reporting

The following institutions have competence in the monitoring:

- border police units;
- Navigation staff;
- Marine Administration Executive Agency ;
- Executive Agency on support and research of the Danube river;
- Ministry of Environment and Water (RIEWs);
- Civil and Military aviation;

According to the relevant established rules the information is passed to the decision-making bodies and the executors.

Verification

Periodic verifications on the readiness of authorities and forces, which take part in the limitation and liquidation initiatives, are being undertaken. Regional and large-scale trainings on the adoption and correction of plans are held.

Financing

The activities related to the implementation of the plans are financed by the Constant Commission for protection of the population from disasters, accidents and catastrophes.

Full harmonisation with the requirements of EU legislation in the sector will be achieved in 2002 with:

- the adoption of Accident Management Act in 2001;
- the development and the adoption of a Regulation on limitation and liquidation of oil spillages and other harmful substances in the sea and inland water;
- the development of a procedure for notification under Danube Convention.

The Republic of Bulgaria does not envisage any transitional periods in the field of implementation of the EU legislation in the Civil Protection sector.

NUCLEAR SAFETY

Treaty on creation of EURATOM

- *Articles 30, 31 and 32*

In the Bulgarian legislation, radiation protection provisions are set up in *Decree № 252/1992* of Council of Ministers, which adopts *Basic safety standards on radiation protection (BSRP)* - 92 (State Gazette No 103/1992), developed on the basis of International Agency on Atomic Energy (IAAE) recommendations. At the beginning of 2001, *new Basic safety standards on radiation protection (BSRP)* are planned to come into force - 2000, which will fully introduce the provisions, set up in EU Directive 96/29/ EURATOM. The BSRP are adopted by the CM on 21 December 2000.

- *Article 33*

Due to the fact that radiation protection safety standards were already adopted in 1965, Republic of Bulgaria has administrative structures, legislation and controlling bodies for their implementation. As a result of this, no serious difficulties are expected - administrative and other obstacles in the introduction of the new provisions and the implementation of the requirements of article 33 of EURATOM. Following the adoption of 2000 BSRP, the respective legislative and administrative measures, including measures on additional training and qualification, will be undertaken. The requirements and criteria on training, qualification and legal capacity of the staff working in the field of atomic energy use are established by Ordinance № 6 of Committee on the Use of Atomic Energy for Peaceful Purposes with the aim of acquiring, maintaining and raising the professional qualification and ensuring the necessary legal capacity in order to guarantee the safe use of atomic energy. This act will be further updated in year 2001.

- *Article 35*

In the Republic of Bulgaria, the following monitoring and controlling organisation of environment parameters, is created:

A/ AUTOMATED RADIATION CONTROL SYSTEMS

- For the purposes of the monitoring and early warning in the Republic of Bulgaria a National Automated System is set up (to the Ministry of Environment and Water) for permanent control over the radiation gamma rays background (RaMo), consisting of 26 stationary monitoring stations and one mobile monitoring station. The System was put into operation in 1998. The rules and procedures of the establishment, maintenance, operation and development of the automated system is regulated by an Ordinance (Decree of the Council of Ministers No 434/19.11.1997, State Gazette No 112/1997).

The analysis and visualization of the information required the establishment of: an emergency reaction center within the National Center for crises management situations at the Permanent Commission on Public Protection in Case of Calamities, Accidents and Catastrophes to the Council of Ministers, located at the "Public Protection" Service; an emergency station at the Committee on the Use of Atomic Energy for Peaceful Purposes' Emergency Center; a central monitoring station to the Implementation Environment Agency of the Ministry of Environment and Water.

By the end of 2000 the enlargement of the system will be completed by inclusion of the "BERTHOLD" institutional system for the external radiation control of the "Kozloduy" NPP Single-member joint stock company.

- Institutional "BERTHOLD" Automated Information External Radiation Control System of "Kozloduy" NPP Single-member joint stock company, consisting of ten monitoring stations for control over the iodine dose concentration in the air within the 2km observation zone of the "Kozloduy" NPP. At three of the stations meteorological stations are also installed.

B/ OTHER SYSTEMS FOR RADIATION CONTROL

1. There are on 335 posts (units) for the measurement of the radiation gamma rays background (the dose power) by means of portable equipments at the Civil Protection Service of the Republic of Bulgaria within the Ministry of Defence. The posts are set up on the basis of the point duty at the regional and municipal councils and on the automated information system "Preslav" at the General Staff of the Bulgarian Army.
2. Institutional systems for control over radiation at the Ministry of Health, Ministry of Environment and Water, at the National Institute on Meteorology and Hydrology within the Bulgarian Academy of Sciences, containing laboratories for quantity and quality gamma-spectrometric analysis.
3. Information- and- metrical boards for registration of the dose power, the date, hour and the temperature of the air have been installed at public places (in large cities at the building of the Committee on the Use of Atomic Energy for Peaceful Purposes, of the Ministry on Environment and Waters, "Kozloduy" NPP Single-member joint stock company, at town-halls, posts services and other places). Currently the data of these Information-metrical boards are not being processed. A project, whose fulfillment in practice is envisaged in 2001, has been worked out to join together all the boards in one unified automated measurement system and to include them into the national automated system (RaMo).

C) EQUIPMENT FOR RADIATION CONTROL

The following equipment for the radiation control of the air, water and soil is utilised basically in the Republic of Bulgaria:

- 42 gamma-spectrometric systems;
- 486 portable radiometers (x-metres and dose-metres)
- 80 devices for *alpha* and *beta* surface contamination
- 1 high sensitive *alpha* and *beta* liquid scintillating spectrometer;
- 3 multy-channel low background counters;
- 15 stationary and 20 portable sampling devices for aerosol samples;
- mobile station to the National automatic system for constant control over radiation *gamma* background equipped with *in situ gamma* spectrometer;
- National system for control over the individual external radiation of the persons working with sources of ionizing radiation;

- TLD system for *gamma* background monitoring with 1000 detectors;
- 11 departmental systems for individual dose-metric control.

D) METROLOGICAL SUPPORT

The main aim of the Metrological support is to provide for the correctness and sustainability of the measurements and the application of methods and ways of measurement in conformity with the international norms and requirements as well as to increase the confidence in the measurement results, in the efficiency of the radioactive control and in the measures for radioactive control and radiation protection.

The third in sequence national calibration of the *gamma* spectrometric laboratories in the country (42 gamma-spectrometric systems) took place in the first semester of 2000.

- *Article 36*

The data from the radioactive control of the air, water and soil is collected by the Civil Protection Service, Ministry of Health, Ministry of Environment and Water and the National Institute for Meteorology and Hydrology to Bulgarian Academy of Sciences and is submitted annually to CUAEPP, which process, analyse and include it to its annual report. Apart from this the data is processed, analysed and published periodically in the reports of the different institutions (for example, the monthly reports of the National Institute for Meteorology and Hydrology, Civil Protection Service's "VIC" magazine, etc.)

The Republic of Bulgaria is in position to fulfill the requirements of this article and to present the data upon request to the EC and to member-states before its formal admission to the EU.

- *Article 37*

The Republic of Bulgaria has signed (22.09.1998) and ratified (23.05.2000) the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. According to art. 32 of the Joint Convention the Republic of Bulgaria will be presenting National Report with information on the measures undertaken for the performance of duties under the Convention.

The Republic of Bulgaria has ratified the Convention on early notification in case of radiation accident in 1987. The Convention is in force since 22.10.1986 and according to its art.9 Bulgaria has signed relevant bilateral agreements with Turkey, Romania and Greece.

In accordance with these agreements Bulgaria has presented information to the quoted countries on the nuclear installations, the National monitoring system and on the radioactive waste disposal – Novi Han.

An agreement between the CUAEPP and the Federal ministry of environment, nature protection and nuclear safety of the Federal Republic of Germany is in force concerning the nuclear-technological safety and radiation protection.

Bulgaria has the preparedness to present to the EC information on the activities concerning the reconstruction and modernisation of the Permanent radioactive waste disposal – Novi Han, as well as on the measures concerning the determination of the site for national radioactive waste disposal prior to its formal admission to the EU.

Basic Safety Standards for Radiation Protection

The new Basic Standards for Radiation Protection (BSRP)–2000 are elaborated in conformity with the Directive 96/29/ EURATOM – 13.05.1996. The principles laid down in this directive are the basis of BSRP-2000 the principle of standardization, the principle of argumentation and the principle of optimisation (ALARA).

In the process of elaboration of BSRP-2000 the recommendations of the International Nuclear Energy Agency, included in the Basic Safety Standards (BSS - 115) 1996 are taken into consideration as well as the country's experience in nuclear energy activities.

According to the NPAA the adoption of BSRP-2000 is envisaged for the end of year 2000. This time limit is observed. The BSRP-2000 will enter into force after its promulgation in the State Gazette.

It is expected, the requirements, which are not subject of BSRP-2000, to be included in the draft Nuclear Energy Safety Law, as well as in the update of the actual secondary legislation and the elaboration of new acts in the area of the nuclear energy use. BSRP-2000 determines the limits of the permissible dose tension of the persons, subject of occupational ray effect in environment with sources of ionizing radiation as well as the whole population in normal conditions and in case of accidental or chronic irradiation. For the purposes of the radiation protection are determined the basic limits of the doses, the secondary control levels and reference data.

Medical ray treatment

The protection of medical ray treatment of patients is regulated by:

- *Basic safety standards on radiation protection – BSRP-92* (State Gazette No 103/1992);
- *Ordinance 0-35 of the Ministry of Health (MH) and the Ministry of Interior on use of radioactive elements and other sources of ionizing radiation* (State Gazette No 60/1974);
- *Ordinance 108 of the MH on use of radioactive elements in the MH units* (State Gazette No 92/1974);
- *Rules of Procedure 0-33 of the MH and the Ministry of Regional Architecture and Public Works on designing and organization of medical X-ray rooms and the operation of medical X-ray devices with maximum tension up to 300 keV* (State Gazette No 81/1981);
- *Rules of procedure 0-34 of the MH on ray protection when applying X-ray treatment with tension up to 300 keV for medical purposes* (State Gazette No 102/1971);
- *Ordinance 5 of the Committee on the Use of the Nuclear Energy for Peaceful Purposes (CUNEPP) on issuing permits for the use of nuclear energy* (State Gazette No 13/1989; amended and supplemented State Gazette No 37/1993);
- *Ordinance 6 of the CUNEPP on the criteria and requirements for training, qualification and certification of personnel engaged in nuclear energy activity* (State Gazette No 103/1992; as amended State Gazette No 43/1991).

For the purpose of eliminating of any existing discrepancies it is envisaged that the national legislation will be updated in conformity with Directive 97/43/EUROATOM and an ordinance on the radiation protection of the population when medical ray treatment is performed will be elaborated (in 2002).

Directive 90/641/EUROATOM on the protection of personnel of “third party” exercising activity in an environment with sources of ionizing radiation

The existing Bulgarian legislation requires central and individual dose-metric control as well as a reporting information system. The companies rendering services to operators as well as the operators themselves need to give a proof to the regulating body (the CUNEPP) that they comply with the requirements for radiation protection. When issuing permits for the appropriate activity, the

supervising body may require additional document and information related to compliance with the legislation, regulating the conditions and requirements for exercising activity in an environment with sources of ionizing radiation.

The harmonization of the Bulgarian legislation with the requirements of Directive 90/641/EUROATOM till the end 2002 will provide for clear division of obligations and responsibilities of the contractor, the supplier (the executor) and any "third party", exercising activity in an environment with sources of ionizing radiation and will provide for full compliance with the *Acquis Communautaire*.

Alerting the population in case of radiation accident and early notification in case of radiation accident

In the national legislation of the Republic of Bulgaria the measures and procedures are stipulated:

- *Law on the Use of Atomic Energy for Peaceful Purposes*;
- *Regulation No2 on the cases and the order to notify the CUAEP* (State Gazette No 28/1988);
- *Regulation on the planning and action preparedness in case of radiation accident* (State Gazette No 33/1999);
- *Regulation on the organisation and activities for the prevention and liquidation of the consequences of calamities, accidents and catastrophes* (State Gazette No 13/1998);
- *National Emergency Plan*.

In addition the Republic of Bulgaria has ratified the Convention on early notification in case of nuclear accident (State Gazette No 12/1998) and the Convention on assistance in case of nuclear accident or radiation emergency situation (State Gazette No 13/1988). On this basis the Republic of Bulgaria has signed bilateral agreements with Greece, Romania and Turkey for exchange of information in case of accident in nuclear facilities as well as for information on the national system for monitoring. In accordance with these agreements, the Republic of Bulgaria has supplied the necessary information, including data on the facilities for temporary and long-term storage of radioactive waste.

Actualisation of the Regulation on Emergency Planning and Preparedness for Action in Case of a Radiation Accident is envisaged which will include accidents, resulting from ionised radiation and in which the requirements of Directive 618/89/EUROATOM will be taken into account. The update is envisaged by the end of September 2001.

Maximum permissible standards of radioactive content in foodstuffs and feeding stuff

Regulations 3954/87 and Regulations 2218/89 on Supplement of Regulations 3954/87 on the procedure for determination of the maximum permissible standards of radioactive content of foodstuffs and feeding stuff that may be offered at the market after nuclear or radioactive accident, Regulations 944/89 on the procedure for determination of the maximum permissible standards in condiments, Regulations 770/90 on the maximum permissible radioactivity standards in feeding stuff after nuclear or radioactive accident.

The Bulgarian legislation regulates these by:

- *Ordinance on Planning and Preparedness in case of radioactive accident* (adopted by Decree of the Council of Ministers No 58/1999, State Gazette No 33/1999);
- *Regulations of the Council of Ministers on the Organization and the Activity on Prevention and Liquidation of the Consequences in case of calamities, accidents and catastrophes* (State Gazette No 13/1998);
- *National Emergency Plan*.

The acceptable limits adopted for the different foodstuffs, water and forage and determined after the Chernobyl accident have been regularly updated until 1987. In 1987, Temporary Standards on the permissible content of technogenic radionuclides in air, water, soil, feeding staff and the dosage load of the population have been adopted. These regulations were updated in 1989 and it was assigned to the Committee on the Use of Atomic Energy for Peaceful Purposes to maintain preparedness for their further updating. The Temporary Norms are part of the National Plan for Disaster Relief.

Regulation EEC/2219/89 on export ban on foodstuffs and feeding staff, where radioactive pollution content exceeds the standards established by Regulations EEC/3954/87

There is no such requirement in the Bulgarian legislation. The documents required for export of goods, including foodstuffs and feeding staff are determined in Order No 171 from 1995 on the State Control of the Export and Import Goods (State Gazette No 74/95). The state bodies engaged in the control are the State Veterinary - Sanitary Control at the Ministry of Agriculture and Forestry (MAF) and the Hygienic - Epidemiological inspections (HEI) at the Ministry of Health. These authorities issue export certificates in case the country - destination of the export, requires such certificates and only for the indicators required. In case such a certificate is not required the export merchant is obliged to declare this fact.

It is indispensable to adopt Bulgarian legislation in this field in compliance with that of the EU. It is foreseen that this should be in effect by the end of 2002.

Regulation EEC/737/90 and related to it Regulation EEC/727/97 concerning the import of agricultural products after the collapse in Chernobyl NPP

NPAA envisages the MAF and MH to work out by the end of year 2001 a Draft Ordinance on terms and conditions for carrying out radiation control on import of agricultural products after the radiation accident.

Directive 92/3/EURATOM, Regulation 1493/93 and Decision 93/552 concerning the transport of radioactive substances and radioactive waste

Bulgarian legislative acts in the field of transportation of radioactive waste and radioactive substances are as follows:

- *Law on the Use of Atomic Energy for Peaceful Purposes;*
- *Regulation No 4 of the CUAEPP on registration, storage and transportation of nuclear materials* (State Gazette No 66/1988, as amended State Gazette No 83/1993);
- *Regulation No 5 of the CUAEPP on licensing the use of atomic energy* (State Gazette No 13/1989, as amended State Gazette No 37/1993);
- *Regulation No 46 of the MH and CUAEPP on transportation of radioactive substances* (State Gazette No 53/1976);
- *Regulation No 7 of the CUAEPP on collection, storage, treatment, transport and disposal and decommissioning of radioactive waste on the territory of the Republic of Bulgaria* (State Gazette No 8/1992);
- *Regulation No 8 of the CUAEPP and MI on physical protection of nuclear materials* (State Gazette No 83/1993);
- *Regulation No 40 of the MH on dose-metric control over the external individual radiation of people working with sources of ionizing radiation* (State Gazette No 99/1995, as amended State Gazette No 34/1996);
- *Basic safety standards for radiation protection – BSRP – 92* (State Gazette No 103/1992).

The requirements for safety transport of radioactive materials (including RAW and SNF) will be harmonized with the European legislation and the recommendations of IAEA through the amending of the existing legislation and preparing new specific acts by the CUAEPP by the end of 2002, as follows:

- *Regulation on safe management of RAW regarding the requirements of transport safety of RAW on the territories of the installations generating or managing RAW;*
- *Regulation on transportation of radioactive materials, which will stipulates the requirements for transportation on radioactive materials (including RAW) on the territory of the Republic of Bulgaria.*

The Nuclear Safety and Radiation Protection Regulatory body of Bulgaria represents a system of bodies with distinct competences according to the special laws and related to the different types of practical activities and safety aspects. The Regulatory body's system is composed by the **Committee on the Use of Atomic Energy for Peaceful Purposes** (CUAEPP), the minister of health and the other competent authorities according to the Public health Bill (the National center of radiobiology and radiation protection (NCRRP), state sanitary and medical control), the Minister of environment and water, the service Civil protection service of the RB at the MoD, the minister of interior and the other competent bodies according to the Law for the MI and president of the state agency on standardisation and metrology.

The CUAEPP is a legal entity with its own budget. The State Control on the safe use of atomic energy is carried out by the Committee on the Use of Atomic Energy for Peaceful Purposes, through the **Inspectorate on the Safe Use of Atomic Energy** (ISUAE). ISUAE consists of three departments: Nuclear Safety Control Department, Nuclear Safety Assessment Department and Radiation Protection Department. ISUAE inspectors from the above mentioned departments have licensing and control functions, and issue obligatory prescriptions and ascertainment acts in cases of identified violations of the Act on the Use of Atomic Energy for Peaceful Purposes and the regulations for its enforcement.

In this context one of the most important measures is the strengthening the regulatory body through increasing the personnel. In December 2000 there are 91 employees, 52 of them are inspectors compared to December 1999 when the figures were 81 and 44 respectively.

The Phare instruments have reached their goal for strengthening the regulatory body. It is provided through the expertise for licencing concrete projects on nuclear safety of Kozloduy power plant and sharing the experience with other regulatory bodies from the MS. 15 projects have been executed during the last 10 years.

The envisaged normative acts are aiming at clear distinction of responsibilities and obligations of the regulatory body and the institutions in the field of nuclear safety and radiation protection.

In terms of envisaged transposition of the EU acquis the following normative acts in the field of nuclear safety and radiation protection are planned for drafting by the year 2002:

- *Draft of the Law on the Safety Use of Nuclear Energy*, which will be elaborated by CUAEPP by the end of January 2001. 6 months after its entry into force are envisaged for adoption the draft ordinances, presented below p.7,9,10.
- *Draft of the Law on Crisis Management*, being currently in the Parliament, pending approval and foreseen for entry into force at the beginning of the year 2001.
- *Draft of Basic Safety Standards for Radiation Protection-2000*, elaborated by CUAEPP and consulted with the competent ministries and bodies, adopted by the Council of Ministers on 21 December 2000.

- *Draft regulation concerning the Accounting, Storage and Transportation of Nuclear Material*, foreseen for entry into force at the beginning of the year 2001.
- *Draft of Regulation on safety of management of radioactive waste*, elaborated by CUAEPP foreseen for entry into force at the beginning of the year 2001.
- *Draft of Regulation on safety of the facilities for storage of spent nuclear fuel and radioactive waste*, consulted with the competent ministries and bodies and envisaged to enter into force during the year 2000.
- *Draft regulation on licensing for the use of atomic energy*, will be elaborated on the basis of the new Law on the Safety Use of Nuclear Energy.
- *Draft of Instruction for the implementation of the Regulation on the standards for the radiation protection and safety in liquidation the consequences of the uranium mining and processing in the Republic of Bulgaria*, in process of interdepartmental discussion and foreseen for entry into force during the year 2001.
- *Draft regulation for emergency planning and preparedness in case of a radiation accident*, will be elaborated by CUAEPP on the basis of the new Law on the Safety Use of Nuclear Energy.
- *Draft regulation on the criteria and requirements for training, qualification and capacity of the personnel in nuclear energy sector*. The draft will be elaborated by CUAEPP on the basis of the new Law on the Safety Use of Nuclear Energy.

In medium-term perspective – by the year 2002 – is planned legislative acts to be drafted and implemented as follows:

- *Provisions on the admissible radioactive food stuff and feeding stuff pollution at a radiation accident*, to be developed by Ministry of Agriculture and Forestry and Ministry of Health by the year 2002.
- *Ordinance on the basic standards while dealing with ionisation rays sources* to be drafted by Ministry of Health by the year 2002.
- *Ordinance on the border radiation control*, to be drafted by the Committee on the Use of Atomic energy for peaceful purposes, Ministry of Interior, Ministry of Health and Ministry of Agriculture and forestry by the year 2002.
- *Provisions on the admissible radionuclides content in metals and non-metals raw stuffs, materials and products*, to be drafted by the year 2002.
- *Ordinance on the radiation protection of the population at medical irradiation*, to be drafted by the Ministry of Health by the year 2002.
- *Ordinance on the safety of the nuclear power installation*, to be drafted by the Committee on the Use of Atomic energy for peaceful purposes by the year 2002.
- *Ordinance on the carrying of radiation materials*, to be drafted by the Committee on the Use of Atomic energy for peaceful purposes by the year 2002.
- *Ordinance for implementing and supplementing Ordinance 2 on the cases and procedure for notification of the Committee on the Use of Atomic energy for peaceful purposes for exploitation changes, events and accident conditions related to the nuclear and radiation safety*, to be drafted by the Committee on the Use of Atomic energy for peaceful purposes by the year 2002.

The Republic of Bulgaria will adopt and fully implement the acquis in the nuclear safety and radiation protection areas. The Republic of Bulgaria shares the common principles and purposes of the European Union regarding the nuclear safety and radiation protection politics laid down in the Treaty for the establishment of the EURATOM and the others legislative acts composing the EU legislation in the area. The Republic of Bulgaria has capacity to implement the acquis in this area.

The Republic of Bulgaria does not foresee transitional periods and derogation concerning the implementation of the acquis in the area of the nuclear safety and radiation protection.

* * *

The Bulgarian Government proposes the negotiations on this chapter to be provisionally closed on the basis of the existing Acquis Communautaire. Should new elements of the Acquis make it necessary Bulgaria recognizes the possibility of opening supplementary negotiations before the end of the Intergovernmental Conference.