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RE-SOURCE PROJECT - PROVIDING SERVICES FOR MANAGEMENT OF NATURAL RESOURCES

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Analysis of the legal and institutional framework in connection with the assessment of the soil erosion and of soil resources protection

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TABLE OF CONTENT

1. INTRODUCTION

1.1 Prelude

Central to the prosperity of a country is the existence of a strong economy that is competitive, diversified and with high added value. Often a high added value economy is one that produces end products composed of many intermediate elements. Such economic branches are automobile industry, computer technologies, aircraft and ship building industry, refining of petroleum products, etc. Often in the classification of some industries as ones with high added value and ones with low added value, agriculture is neglected and is not included in the first category. This is due to the fact that the agricultural products are used in the food industry, which, although large in volume, does not create too many goods with high price and high added value.

At the same time, land is often defined as the most valuable asset, as it creates a product that can be produced without the presence of high technology and modern methods. Therefore, the modernization of the sector, especially in the Republic of Bulgaria, is often neglected. This is due to the fact that the country is home to many fertile soils that produce agricultural products without much effort. On the other hand, the sector usually needs solid investment to modernize and maximize the available natural resources.

The lack of investments creates a number of problems. There is not enough optimization of both the production and the ratio between what is produced and the labor that is needed. This in turn reduces the quantities of products produced and makes them uncompetitive in foreign markets. Outdated tillage technologies lead to soil's gradual depletion and loss of its qualities. There are not enough mechanisms to protect land from natural hazards and cataclysms. This in turn creates a favorable ground for the development of all major land and soil damaging phenomena. Among the most threatening ones are soil erosion, salinization, acidification, pollution, landslides, swamping, etc. All these processes and phenomena could be prevented with the help of certain technologies and methods as well as the harmful consequences could be eliminated, except for one soil erosion.

Soil erosion is often identified as the greatest threat to soil condition, as it virtually destroys them. Besides, it is a relatively irreversible process. Once eroded soil is almost impossible to restore. Soil erosion is the main risk for the soil in the Republic of Bulgaria, due to the specifics of its climate and the lack of modern agriculture. Almost all risks to soils can lead to soil erosion.

1.2 Erosion - definition and types. Desertification.

Soil erosion is a natural process that affects all natural forms and formations. In agriculture, soil erosion refers to the wear and tear of the topsoil by natural physical forces such as water, air, and factors related to agricultural activities, such as tillage.

Erosion, whether wind, water or tillage, consists of three main processes. Separation of the soil layer, its movement and subsequent application.

Erosion is a slow process that can go relatively unnoticed, but in some cases it can be abrupt and fast. Soil compaction, poor humus layer, loss of structure, poor internal drainage, salinization and acidification are other serious degradation processes that could accelerate soil erosion.

Water erosion occurs due to the natural flow of water through the soil layer. Despite the fact that in certain situations water through its sediments could lead to enrichment of the soil layer, in most cases it creates strong erosion conditions. Water erosion is of several types - surface, furrowed and flat. According to the National Program for Conservation, Sustainable Use and Restoration of Soils, over 65% of the soils in Bulgaria show medium to very strong susceptibility to erosion, with the Fore-Balkans, Kraishte and the Eastern Rhodopes being most affected by water erosion.

Wind erosion is the result of winds with speeds above 4 m / sec, which slowly carry away the upper soil layer and lead to impoverishment and loss of the properties of the soil cover. With stronger winds and suitable terrain, dust storms are observed, which lead to erosion processes in the soil at a significantly higher rate than the typical one.

According to the National Program for Protection, Sustainable Use and Restoration of Soils, approximately a quarter of the country's soils are subject to wind erosion. The program finds that erosion processes in forests, which were significant in the past, are currently limited or even stopped, thanks to multifunctional forest management, mass afforestation, anti-erosion facilities built in forest areas and the ever-increasing forest cover. The prevention and counteraction of the erosion processes in the forest areas is a main theme of Chapter Four of The Forestry Act. According to article 90 of the law тhe protection of wooded areas against erosion and flash floods comprises activities geared for prevention of the removal of fine fractions from endangered soils, for purposes of maintaining soil fertility, by restricting or reducing surface outflow; protection of topsoil from wind erosion and enabling the growth of vegetation, incl. by means of construction of technical facilities. The protection of wooded areas against erosion and flash floods, as well as the construction of reinforcing facilities, shall be carried out in accordance with a dedicated ordinance.

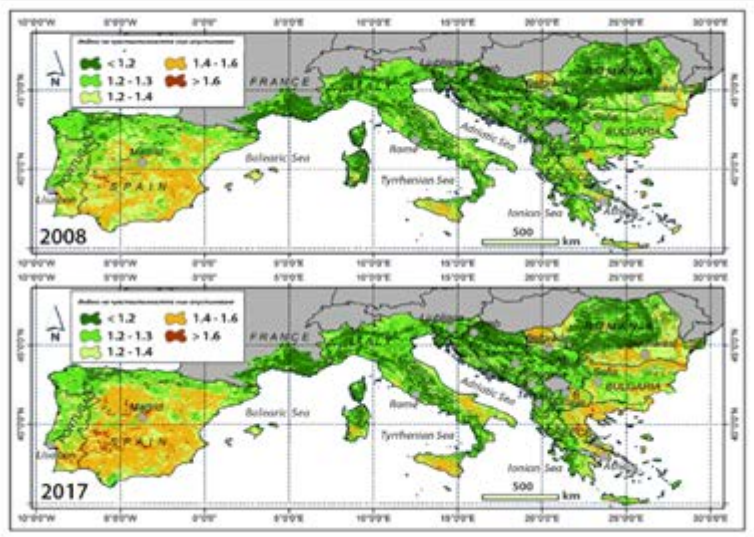
Erosion from tillage, also called irrigation erosion, is a process resulting from human activity, agriculture and tillage with old methods, which lead to loss of its productivity and deterioration of its other qualities. In Bulgaria, according to the Ministry of Environment and Water, there is a low risk of irrigation erosion, as it affects irrigated lands with a slope of over 6%, which are rare in the country. However, there is a growing trend of increasing this type of erosion due to the collapse of irrigated agriculture and the destruction to a large extent of the land reclamation fund, as well as the lack of maintenance of the surviving facilities.

Soil erosion is a part of the greater threat of desertification. According to the European Court of Auditors' Special Report № 33 of 2018, desertification is a form of land degradation in the arid areas, which is a growing threat in the EU with a significant impact on the use of the land. The term is commonly used to describe human and climate-related processes that lead to problems affecting arid areas, such as declining food production, soil infertility, reduced natural land sustainability, and declining water quality. Climate change forecasts in Europe show that the risk of desertification is increasing. In southern Europe, there are already hot semi-deserts, where the climate is changing from temperate to dry. This phenomenon spreads to the north as well.

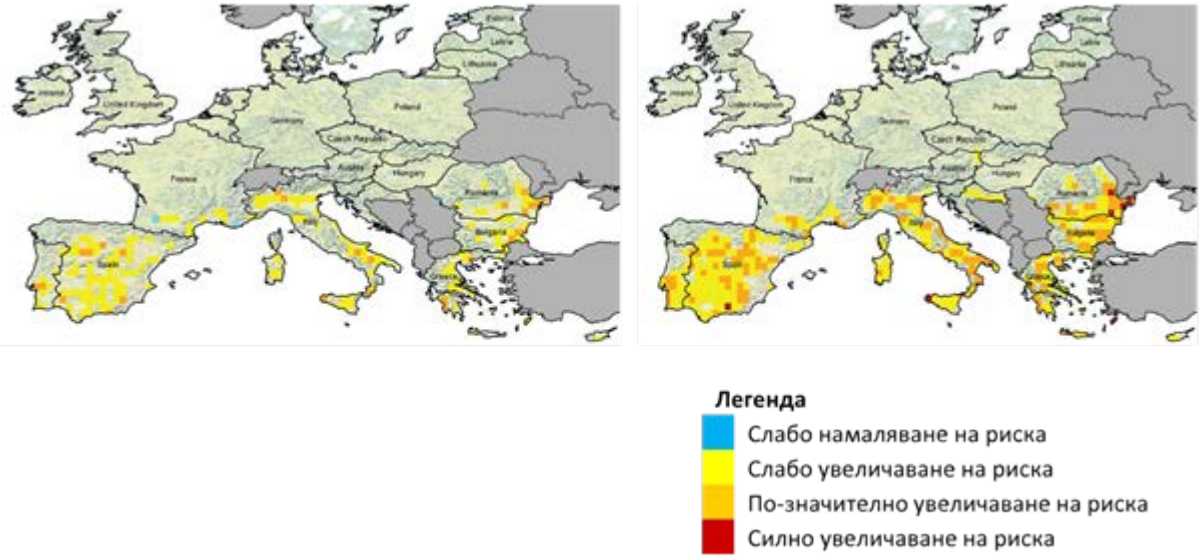
Europe is increasingly affected by desertification. The risk of desertification is most serious in southern Portugal, parts of Spain and southern Italy, southeastern Greece, Malta, Cyprus and the areas bordering the Black Sea in Bulgaria and Romania. Studies show that these

areas are often affected by soil erosion, salinization, loss of organic carbon in soils, loss of biodiversity and landslides.

The map below shows the index of sensitivity to desertification considered in the European Court of Auditors' special report. It shows that the southern parts of Europe are most affected by the processes.



The European Court of Auditors has also carried out an analysis of the increase in the risk of desertification, which is objectified in the following map:

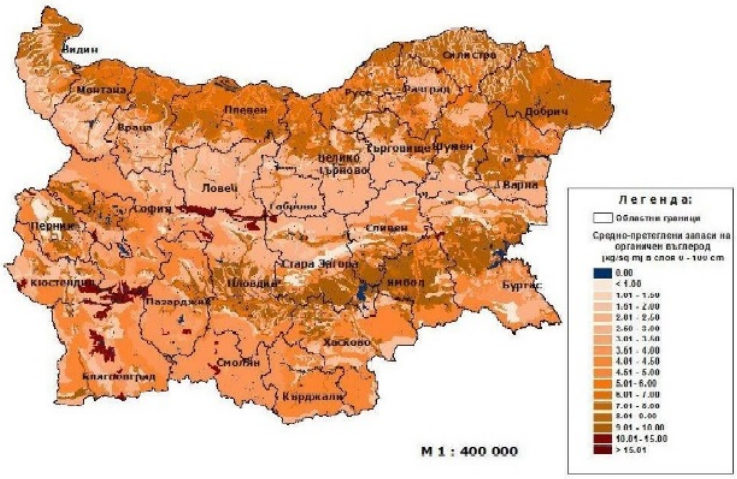


This map shows that Bulgaria is affected by a slight to significant increase in the risk of desertification, which is worrying for the country.

The National Program for Protection, Sustainable Use and Restoration of Soil Functions also addresses and analyzes the problem of organic carbon in the soil (SOC). It is responsible for the presence of nutrients and a rich humus layer. The lack or reduction of organic carbon is one of the factors for the development of erosion processes and predisposes the soil to such processes.

According to the National Program, the decrease in the content of SOC in the last 20-30 years is due to intensive and monocultural agriculture, non-application of scientifically based crop rotations, limited application or complete lack of organic fertilization, unbalanced, one-sided fertilization, mainly with nitrogen fertilizers, which is a serious factor that negatively affects the soil in terms of dehumidification due to the acceleration of the mineralization of the organic matter. The lack of application of environmentally friendly agricultural techniques leads to the extraction of the same nutrients from the soil over and over again. Another reason for the reduction of organic carbon (SOC) is the tendency the tenants to process land on short-term based contracts as a result of which the tenants are not motivated to make investments for balanced fertilization and maintenance of soil fertility, as well as to apply crop rotations with a larger number of crops. This means non-compliance with good agricultural practices. A reason for the reduction of SOC in soil is also the greatly reduced animal husbandry and the insufficient

quantities of manure. Where it exists, the low cost and labor intensity of import makes it practically unusable, and its storage for a long period of time makes it a contaminant of soil and water. The map, presented below with source National program, shows the levels of SOC in the soils on the territory of the Republic of Bulgaria:



The data above show that soil erosion is a significant problem, and the increasing risk of it leads to the need for a serious attitude of the state and an active policy in the soil protection sector. The main tools for such a policy are the country's regulatory system and the institutional framework to implement it.

2. Normative analysis of the legal framework regulating the processes of erosion and the fight against it in the Republic of Bulgaria (National Framework and Law of the EU).

2.1 Constitution

As a fundamental act of the legal system of the Republic of Bulgaria and a basic law of the state, the Constitution is the act that creates the guidelines, values and principles of government. The Ground Law also contains such guidelines with regard to land. In Art. 21 of the Constitution, the land is declared as a prime national wealth, which meets special protection by the state and the society.

This brief provision in fact contains two basic legal principles on the basis of which land management should take place. First of all, it is the principle that land is a national treasure that is the object of special protection. This principle means that in the state's policy towards land, priority should be given to its protection, guard from risks and undamaging use.

At second place is the principle that the care of the state and the observance of the first principle is the shared responsibility between the state and the society. This means that land protection activities cannot be entrusted solely on state institutions or solely on landowners and users. It is also important to note that the Constitution does not distinguish agricultural land and other types of land. The protection of both should be equally strong, without giving privilege to one or the other.

2.2 International treaties and conventions

Pursuant to Art.5, paragraph 4 of the Constitution, the international treaties, ratified with the respect of the constitutional order, promulgated and entered into force for the Republic of Bulgaria, are part of the domestic law of the country. They have precedence over those norms of the domestic law that contradict them. This principle of the rule of law and the hierarchy of normative acts in the Republic of Bulgaria is often neglected with regard to international treaties.

A major international act in the field of soil erosion and soil risks is the UN Convention to Combat Desertification in Countries Experiencing Severe Drought and / or Desertification, Especially in Africa. The Convention is a secondary act of international law with binding effect on the parties, which have ratified it in accordance with the relevant procedure provided for in it and in their national legislation.

The Convention identifies soil erosion caused by winds or water as a process leading to "land degradation" (argument of Article 1 (b) "f" of the Convention). The main purpose of the Convention is to combat desertification and mitigate the effects of drought in countries experiencing severe drought and / or desertification. The principles on the basis of which it should be applied are the provision by the parties of decisions about the development of national programs to combat desertification, cooperation and coordination, a deeper understanding of nature and the value of land, as well as the consideration of the needs of the developing and/or the less developed countries.

The main responsibilities of the countries affected by desertification are to pay primary attention to combating this phenomenon and allocating sufficient resources, developing strategies and plans, analyzing the causes of desertification, raising awareness and creating a favorable environment through strengthening legislation. With regards to the developed and unaffected countries, there is an obligation for them to support the others using financial, technological and other cooperation.

The main obligation of all countries affected by desertification is to create national action programs to identify the factors contributing to the phenomenon, as well as the specific measures needed to combat it. The programs should be created in accordance with the criteria laid down in the Convention for their content and objectives.

Essential parts of the convention are the provided opportunities and obligations for the parties of information exchange, technology development and technological cooperation.

The main institutions related to the operation and implementation of the Convention is the Conference of the Parties to the Convention, the Permanent Secretariat, the Committee on Science and Technology. The Conference of the Parties is the supreme body of the Convention. It adopts, within the limits of its mandate, the decisions necessary for its effective implementation. The Permanent Secretariat carries out the operational management of the activities of the Convention and prepare the sessions of the Conference of the Parties. The Committee on Science and Technology is a subsidiary body to the Conference of the Parties aiming at providing scientific and technical assistance.

Apart from the Convention on Desertification and Soil Erosion, there are no other significant international instruments with such a scope and mechanism of action.

2.3 EU law

European legislation is often the source of legal norms that are centrally applied in the national legal systems of the Member States by individual branches of law and institutes. This is due not only to the fact that EU law and especially European regulations are directly applied in national legal systems and, like ratified international treaties, take precedence over domestic law, but also to the fact that they are precise, detailed, complete and well-structured acts.

However, there is a lack of relevant European legislation with regard to soil protection, and soil erosion in particular. In 2006 a "Thematic Strategy For Soil Protection" (COM(2006)231) is adopted, in which an accent is put on the seriousness of the problems with soils on the territory of the European Union. The sustainable use of soils, action on three different levels – local, national and European and inclusion of the problem in the legal framework of the member states and the legal framework of the EU are stated as main objectives of the strategy. In relation to this a document for a Framework Directive (COM (2006) 232) has been proposed, which is structured around three main themes - Precautionary measures, which provide for adequate action to mitigate and / or eliminate harmful effects; Identification of problems - Member States must identify areas and places where there is a risk of degradation processes and make an inventory of contaminated sites; Operational measures, which include programs and plans for risk areas, national strategies for remediation of contaminated sites and measures to limit soil sealing. The proposal was not accepted and was withdrawn in 2014, despite the growing anthropogenic load on soils in Europe. Therefore, so far there is no common EU soil policy and the gaps have not been filled.

The European Court of Auditors was also interested in the problem, objectifying its conclusions in Special Report № 33 of 2018. According to it, the Court of Auditors found that the EU was not taking effective and efficient action to address the risk of desertification. Although the risk of desertification and deteriorating land quality was increasing, the steps taken to combat desertification had not been agreed upon. There was no common vision in the EU on how to stop land degradation by 2030. The Court recommended that the Commission was to

build a fuller understanding of the problem of land degradation and desertification in the EU; to assess the need to improve the EU legal framework for soils; and to strengthen the actions taken by the EU and the Member States to implement a commitment to halt land degradation by 2030.

2.4 National strategic documents

2.4.1 National Action Program for Sustainable Land Management and Combating Desertification in the Republic of Bulgaria

The National Action Program (NAP) for Sustainable Land Management and Combating Desertification in the Republic of Bulgaria is a strategic document developed on the basis of the UN Convention to Combat Desertification. The NAP is a key tool through which the principles and objectives of the Convention and sustainable land management are transformed into concrete activities and linked to those of the administration. The latest version of the program covers the period from 2014 to 2020, and currently there is no current version for the period after 2020.

The national program is divided into four main parts. The first part discusses the objectives of sustainable land management, based on the application of the so-called "ecosystem approach" - the adoption of ecosystems as complete units that cannot be managed independently. According to the program, sustainable land management is a balance between agricultural production and environmental protection and its objectives are a component of the overall goal of sustainable development. It seeks to resolve conflicts between production and environmental protection and to agree on consensus between local, regional, national and international demands. The main question is not how to preserve nature in its original state, but how to jointly maintain the functions of land resources for the benefit of society in a sustainable way.

The second part of the NAP covers an analysis of land degradation and land management in Bulgaria. According to her, soil erosion (water, wind and irrigation) as a surface

distribution is the most serious degradation process for the country. In addition to soil resources, the NAP also addresses issues related to water, plant (including agricultural and forest areas) and animal resources.

The various factors contributing to soil degradation processes are discussed. First of all, these are the climatic features. Causes have been identified such as insufficient rainfall during the warm half of the year, intense rains, which are very often erosive. A high index of wind erosion has been established for more than 10% of the country's territory.

Next, such factors are the terrain of the country and the anthropogenic activity - agriculture, animal husbandry, forestry, territorial-urban structure and infrastructure, industry. Anthropogenic factors are the main obstacle to the application of modern approaches in agriculture and animal husbandry, as well as environmentally friendly technologies and measures to limit the degradation of land resources. A conclusion is made that for most of the measures related to the fight against erosion and other degradation processes to take place and work, large and compact areas are needed. At the same time, due to the large fragmentation of the land in the country between multiple owners, this is very difficult thing to do. It was found that the technical condition of most of the already built anti-erosion facilities, roads and other public works sites is poor due to the lack of funds for maintenance. In recent years, the destruction of anti-erosion facilities has been observed. In this regard it must be mentioned that there is a national system for annual monitoring of the anti-erosion facilities. The information about the ongoing erosion processes in the forest areas, the registered watersheds with torrent activities and landslides is a part of the Information system for forest territories and activities, conducted in them. The information should be uploaded on the internet-site of the Executive Forestry Agency. In the same time according to Ordinance № 4 of 2013 on the protection of the forest areas of erosion and torrents and the construction of fortifications the state of the constructed large transverse facilities should be reviewed by the owner till the 31th of December each year and after every torrent rain. The information from the review is to be presented to the respective Regional Forestry Directorate by the owners annually till the 31th of January. Based on the information given the Regional Forestry Directorate should present a report to the executive director of the Executive Forestry Agency till the end of February.

The third part of the NAP covers the strategic goals and directions of the program. The strategic goal of the program is to reduce land degradation and combat desertification to preserve and develop the capacity of ecosystems, to achieve a clean, safe and attractive

environment, economic stability and improved quality of life. To achieve this the following technical ways of action have been developed - improving national legislation, preserving and improving the potential of land resources, science and education in support of sustainable land management policies, integrating and implementing policies at local level, improving information exchange and public participation. In each technical way are described a number of programs with their own objectives, competent authorities, measures and funding, the implementation of which would lead to the full implementation of the objective of the program.

The fourth part of the NAP discusses the resources, economic mechanisms and schemes to support the implementation of the program. There are two main areas of funding - the European Union and the national budget. The possibility of funding from non-governmental organizations is also discussed. Emphasis is also placed on the possibility of cross-border cooperation on joint projects with the neighboring to the Republic of Bulgaria countries.

The fifth part of the program discusses the monitoring and evaluation of the implementation of the NAP. The implementation of the program is divided into short-term, medium-term and long-term. The institution responsible for its implementation is the Ministry of Environment and Water.

The National Action Program is a complex and detailed document that thoroughly examines the main aspects related to land degradation and the measures for prevention and counteraction to these processes. The program largely covers the aspects required by the UN Convention to Combat Desertification. A number of measures are planned and differentiated through which to achieve the goals of the program. The legal framework and the system of state and municipal bodies engaged in achieving the objectives of the program are analyzed. It creates a good basis for active control of erosion processes as part of the processes of desertification and land degradation, which are observed in the country, if implemented in its entirety.

2.4.2 National program for protection, sustainable use and restoration of soil functions.

National Program (2019 - 2028) is a program document with clearly defined goals and measures for practical implementation of state policy for protection of soil resources at national, regional and local levels. After its adoption, the program has the status of an official state program in the field of soil protection and restoration. It gives a clear idea of the main directions of state policy in this area and in the context of the National Action Program discussed above. The program is developed on the basis of art. 24, par.1 of the Soils Act and Art. 77 of the Environmental Protection Act.

According to it, the policy for soil protection in Bulgaria is based on the following principles: ecosystem and integrated approach; sustainable use of soils; preventive control to prevent or limit damage to soils and their functions; application of good practices in soil use; the polluter pays for the damage caused; public awareness of the environmental and economic benefits of soil protection from damage and measures for their protection.

The most serious threat to soil degradation in Bulgaria is erosion resulting from natural conditions, land use, tillage that does not comply with its specific characteristics, the technology of growing crops, the application of unjustified crop rotations and anti-erosion measures.

Like the NAP, the National Program examines the impact of industries on soil. An analysis of the legislation - European and national, analysis of information security, analysis of institutional capacity is also made.

The analysis of the National Program for Protection, Sustainable Use and Restoration of Soil Functions shows that it largely overlaps with the NAP to the UN Convention to Combat Desertification. It lays the foundations for a purposeful, concrete and effective fight of the state against the negative processes in the soils. However, in order to achieve its objectives, the National Program needs detailization and application of its principles and objectives through the legislative framework in the sector and the relevant institutions involved in the fight against soil destruction.

2.5 LAWS

2.5.1 Environmental Protection Act

The Environmental Protection Act (EPA), without being a code in the legal sense of the term, is the fundamental normative act in the entire system of environmental legislation in the Republic of Bulgaria. Therefore, it is a central and general law for all individual segments of the Bulgarian environmental legislation, including the legislation regarding soils and soil erosion. Because it is a general law, its provisions apply, unless a special law provides otherwise.

In Art. 1, item 3 of the EPA it is declared that the law regulates the public relations related to the protection and use of the components of the environment. Such components are soils. The legislator declares in connection to the problem of soil erosion that the law regulates the relations related to the control and management of the factors that harm the environment (such as soil erosion), control over the state of the environment and sources of pollution, establishment and functioning of a National Monitoring System (including soil monitoring).

The main objectives of the law are to regulate the regimes for protection and use of environmental components, control over their condition, establishment of permissible norms for emissions and quality of the environment, management of its components and factors, development of system for monitoring, introduction of economic and financial mechanisms for management, regulation of the rights and obligations of the state, municipalities, corporations and people, etc.

The legislator has also defined the basic principles, the application of which should be ensured through the operation of the law. Concerning soils and soil erosion, they are - giving priority to prevention over the removal of pollution, conservation, development and protection of ecosystems and their inherent biodiversity, prevention of pollution and damage to clean areas and other adverse impacts on them; integration of environmental policy in sectoral and regional policies for economic development and public relations.

In Art. 4 of the EPA are enlisted the main components of the environment, including the soil. In this way, the legislator declares the importance and significance of soils as a key element of the environment essential for nature conservation, economic development, agriculture and food. Separation of soils as an independent component of the environment means that the state undertakes the obligation to apply all the above-described goals and principles in equal volume for all elements of the environment, including soils. Giving priority to some of the listed

components over others (eg air protection over soil protection) would be an inadmissible violation of the principles that the legislator himself has defined and declared.

Section III of the EPA pays special attention to the protection, sustainable use and restoration of soils. In Art. 39, par. 1 of the law is assessed the fact that the soil is a limited, irreplaceable and practically non-renewable natural resource, due to which in par. 2 of the same provision the law defines the main goals and principles of the state policy in the field of soil protection and management. It is noteworthy that these principles overlap with the general ones declared in Art. 2 and 3 of the EPA. The main emphasis is on prevention of soil damage in the context of economic benefits, human health and good land use practices.

The humus layer of the soil is placed under special protection, due to which it is stated that during construction, prospecting or exploration of mineral resources it should be taken away, deposited, and utilized as intended under the terms and conditions of a special ordinance. After the completion of the respective activities, the initiator of the project is obliged to carry out a recultivation of the damaged terrain.

It is noteworthy from the provisions of Chapter III of the law that the main subjects of obligations for soil protection are people and corporation - owners or users. There is no specific commitment of the state authorities in this regard. There are no mechanisms for cooperation and support from the state. Leaving the whole process of storage and recultivation of soils in the hands of private entities is contrary to the goals and principles declared in law for prevention of subsequent damage elimination. This is due to the fact that without the active participation of the state and municipal bodies very often a proper and lawful re-cultivation would be objectively impossible. The imposition of subsequent sanctions or coercive administrative measures (post control), without a commitment to prior and ongoing control by state authorities, creates at legislative level a risk of non-compliance with the principles of soil management declared by the law.

The analysis of the EPA shows that the law does not pay specific attention to soil erosion as a phenomenon that damages and destroys soils. The law speaks generally about soil damage and pollution and establishes basic mechanisms and procedures in connection with the monitoring of processes related to soil management. However, these mechanisms are by no means sufficient to actively counteract soil erosion. There is no state policy expressed through legislative techniques in the EPA in this regard. The analysis of the law clearly shows the

insufficient awareness on the part of the legislator and the state of the importance of soil erosion as a process that severely damages and destroys the soil cover.

Chapter Eight of the law establishes a National Environmental Monitoring System. Soil monitoring is included as an integral part of it. With regards to the National Soil Monitoring System, a specific ordinance has been adopted, which aims to specify in greater detail the aspects and procedures for soil monitoring.

The analysis of the EPA leads to the conclusion that the law does not provide for and does not contain specific measures and mechanisms for analysis and prevention of soil erosion. It contains common procedures and mechanisms for the management and control of soils and the risks for their preservation, and it can be assumed that they should be applicable to the risk of soil erosion, as it is the most significant threat to soil condition. The lack of any specifics in a significant and fundamental for the whole system of environmental protection and management law such as the Environmental Protection Act is a serious obstacle to the adequate assessment of the risks of soil erosion and the prevention of this negative process in the context of environmental legislation.

The lack of specificity and even indication of the erosion processes as a problem for the condition of the soils shows the insufficient awareness of the legislator about the risks that would be realized as a result of the erosion processes in the soils, including ecological, economic and health ones.

2.5.2 Soils Act

In respect of the specifics of soil protection as a component of the environment, the legislator has adopted a special law aimed at regulating public relations in connection with soil protection, sustainable use and sustainable restoration. It is with such a declaration that Art. 1 of the Soils Act defines its main subject.

As purposes of the law in art.2, three main directions are indicated - prevention of soil damage, permanent preservation of soil functions and its restoration. These three main components cover the main directions of the state policy regarding protection and environmentally friendly use of the soils on the territory of the country.

The main principles of state policy in the sector are stated as the application of ecosystem and integrated approach, sustainable soil use, priority of preventive control, application of good practices in soil use, the polluter pays for the damage and public awareness. These principles are derived from the general guidelines for environmental protection set out in the Environmental Protection Act.

In Art. 12, paragraph 1 of the Soil Act the main process damaging soils is stated to be soil erosion. In the next provision (Article 13 of the Soil Act) the policy on protection, prevention of soil damage and compensation for damages is recreated through a system of prohibitions and obligations for landowners and users. Through the introduction of specific prohibitions in practice, the various factors leading to soil damage have been identified. Thus in order to prevent erosion processes, the destruction of constructed anti-erosion and hydro-ameliorative facilities is prohibited in cases where this would lead to soil damage, destruction of constructed anti-landslide and fortification facilities, application of agricultural practices or production activities leading to salinization and salinization. Pollution, application of tillage technologies that lead to erosion, compaction and disruption of soil structure, destruction or disruption of the integrity of protective forest belts, burning of stubble and other plant residues on the soil surface, etc., are also forbidden.

In order to protect the humus layer, declared under special protection, its destruction and pollution, its direct spreading on saline and contaminated layers, its storage over 15 years, its storage in landfills over 10 m high is prohibited in Art.15 of the law. There is a special ordinance related to the storage of the humus layer of the soil.

Like the EPA, in Art.16 of the Soils Act, the legislator again assigns only to the owners and users of land properties the obligation not to damage the soils and to take preventive measures against harmful changes in them. Such obligations are also assigned to landfill owners and operators, as well as to waste storage facilities.

Unlike the EPA, the Soil Act examines in greater details the aspects of the study of soil damage, restoration and recultivation. These aspects are considered according to Art. 19 of the law in the context of prevention of the risk for the environment and human health, protection of the other components of the environment and improvement of the soil fertility when used for agriculture and/or forest management.

A set of means for inventory of areas with damaged soils (including those with started erosion processes) is envisaged, including preliminary studies and investigations, detailed studies and risk assessment for the environment and human health, preparation of projects for restoration of areas with damaged soils, monitoring and maintenance of the implemented restoration measures, if any. For these needs, the Executive Environment Agency has established and maintained a register of areas with damaged soils. The restoration of the areas with damaged soils is assigned to the person who caused the damage, and in the absence of such - to the owner or user. For recultivation of terrains with disturbed soils, it is stated that it should be carried out on the basis of projects in agreement with the Minister of Environment and Water or officially authorized by him.

With Art. 24 of the Soils Act the legislator introduces an obligation for the Minister of Environment and Water together with other state bodies (the Minister of Agriculture, Food and Forestry, the Minister of Health and the Minister of Regional Development and Public Works) to develop a National Program for Protection, Sustainable Use and soil restoration. At the local level, in accordance with the National Program, the district governors are expected to adopt their own programs for the respective district, and the mayors of the municipalities - for the respective municipality.

An attempt was made in the Soils Act to detail the rules regarding the monitoring of soils affected by the Environmental Protection Act. It is envisaged that the procedure for monitoring should be defined in a specific ordinance. With Art. 29, the hypothesis of self-monitoring by the operators and the assignors of investment proposals has been introduced, as the rules for this are envisaged to be coordinated during the procedures for environmental assessment and issuances of complex permits.

An obligation of the Ministry of Agriculture, Food and Forestry to build and maintain an information system for soil resources in accordance with the Agricultural Land Protection Act and the Soil Act has also been introduced.

Regarding the control over the protection, sustainable use and restoration of soils, a number of bodies are envisaged: the Minister of Environment and Water, the Minister of Agriculture, Food and Forestry, the Minister of Regional Development and Public Works, the Executive Director of the Executive Forest Agency, the regional governors and the mayors of municipalities, etc.

It is again stated that the control provided by law is preventive, current (ongoing) and subsequent. The preventive control is carried out under the EPA through environmental assessment upon approval of plans and programs, EIA and Complex permits; under the Protected Areas Act - through protected area management plans and under the Biodiversity Act - through protected area management plans.

The current control is carried out on documents or on site, monitoring the condition of soils and activities that could damage them, as well as the implementation of plans and programs, as well as those provided for in the relevant administrative acts (EIA decisions, Complex permits etc.) measures and prescriptions.

Subsequent control is carried out through inspections of the implementation of the relevant regulations and various types of coercive administrative measures and administrative penal liability.

The analysis of the Soil Act leads to conclusions similar to those made in the analysis of the Environmental Protection Act. Although it is a basic law regarding soil management in the Republic of Bulgaria, the law is relatively general and insufficiently thorough with regard to soil erosion. Indeed, the law has defined erosion as a major risk to the condition and quality of the soil layer, but nonetheless, no greater emphasis is placed on the problem than on other defined risks.

The law does not provide for any specific measures regarding prevention, monitoring and recovery from the effects of soil erosion, other than the preparation of plans and programs, registers and strategies.

Due to the specifics of erosion, preventive control should be considered as the main means of minimizing or eliminating its harmful effects. This is due to the fact that once it has occurred; soil erosion is an almost irreversible process. In this sense, the current and subsequent controls provided by law are ineffective. The Soil Act does not provide for the adoption of specific by-laws that deal specifically with the causes and prevention of soil erosion. The whole process is placed in the context of other risks, which reduces the possibility for its monitoring, control and management.

Of particular concern is the fact that despite the declared principle of prevention, it is placed primarily and only in the hands of owners and users of land. This is undoubtedly an

insufficient mechanism for counteracting the phenomenon. At the same time, the other means provided - programs and strategies - often take time and do not have sufficient scope to treat erosion as a whole. The analysis of the law shows that the state sees its role in the process only as a conduit for monitoring and subsequent imposition of sanctions. This is evident from the defined scope of current and subsequent control, as defined by the legislator. The law cannot provide a conclusion for a specific and purposeful state policy regarding dealing with the problem of soil erosion. As with the Environmental Protection Act, the Soils Act should be considered as an expression of the state policy from the point of view of environmental legislation and environmental protection. They do not consider the process of soil erosion from the standpoint of risk to the economic development of the country.

2.5.3 Agricultural Land Conservation Act

The Agricultural Land Conservation Act (ALCA) is the normative act that additionally regulates the processes of protection, restoration and prevention of pollution on agricultural lands, including the preconditions and consequences of soil erosion. The law and the accompanying by-laws, which will be considered later in this analysis, contain significantly more specific legal norms governing the described processes, including the processes related to soil erosion. Unfortunately, this regulation applies only to agricultural land, but not to other land properties that are outside the objective scope of the normative act. However Art. 2, par. 5 of the ALCA allows the procedures of protection from damage, restoration and improvement of the fertility of the agricultural lands to be applied also for agricultural lands, included in the construction borders of the settlements, as well as for forest territories, which are used for production of plant products and for cattle pasture.

Again as in the laws analyzed above, the obligation of the owners and users of agricultural lands is to protect them from erosion, pollution, salinization, acidification, swamping and other damage. At the same time, the Ministry of Agriculture, Food and Forestry has been imposed with a number of obligations to inform and assist the owners and users of agricultural land. Among the most important obligations of the ministry with regards to soil erosion are: the provision of official information on the productive, technological, environmental and economic qualities of agricultural land, including their basic prices; provision of information for the potential risks of deterioration due to erosion, pollution,

salinization, acidification and swamping; the protection of the soil cover and the inherent and ecological functions from damage; mandatory restrictions on the use of agricultural land; pesticides, fertilizers, industrial or household waste, biologically active and other substances that have been registered and approved for use, and sanitary norms for their use, as well as for substances prohibited for use; the quality of irrigation waters, the sanitary norms and the maximum admissible technological norms for their use, as well as for the waters prohibited for irrigation of the agricultural lands; the anti-erosion crop rotations for the eroded endangered territories; appropriate tillage systems and techniques.

There is also a plan to create an information system by the Ministry of Agriculture, Food and Forestry, which will reflect the agricultural lands, endangered by erosion, pollution, salinization, acidification and swamping. The Ministry is also empowered to impose mandatory restrictions on the use of land in circumstances specified in the law, as well as to prescribe forest reclamation and hydrotechnical measures to protect the soil from water and wind erosion.

Unlike the specific laws in the field of environmental legislation, in the Agricultural Land Conservation Act there is a considerable detailization of the rights and the obligations of the owners and the users of agricultural lands regarding the prevention and countermeasure of soil erosion. There is a legal responsibility for the users of agricultural lands to avoid burning of stubble and other vegetable waste on agricultural lands, as well as to take participation in their extinguishing. The law contains a imperative prohibition of the destruction or modification of constructed anti-erosion and hydro-ameliorative facilities without the explicit consent of the respective state bodies.

As part of the state policy regarding the prevention of soil erosion and other damages and as a signal for the active involvement of the state in this direction, in Art. 5, paragraph 5 a provision is included for the possibility of tax and credit preferences of owners and users of agricultural land when they comply with mandatory restrictions, recommendations of the competent state authorities, application of anti-erosion agricultural techniques, application of organic farming systems with reduced use of herbicides, pesticides and fertilizers, as well as implementation of projects for restoration and improvement of the productive qualities of the agricultural lands.

It is evident from the above that the ALCA creates mechanisms and means for adequate management of soil erosion. Unlike the relevant laws in the field of environmental legislation, this normative act shares the responsibility for prevention and restoration of soil erosion between the owners, respectively the users of agricultural lands and the state, thus there is an opportunity for active interaction and more effective management. the problem. It is beneficial and a step in the right direction to provide financial incentives through tax and credit relief, instead of only imposing sanctions for non-compliance with the law. In this way, far more effectively obligated persons are stimulated to carry out erosion prevention and to implement modern techniques and technologies of their own free will logics for this. Another question is the extent to which these measures are applied in practice and give results, for which an analysis should be made and appropriate actions should be taken in order to improve the mechanisms.

Chapter Three of the ALCA is devoted to the restoration and improvement of the productive qualities of agricultural land. It is these techniques that are the basis for creating an improved soil layer, which is a suitable base for the growth of flora, protecting the soil from erosion processes. The principal and main mechanism for restoration and improvement of eroded lands is the implementation of pre-developed, agreed and approved technologies and projects. The technologies and the projects according to art. 7, para. 3 of the ALCA are approved by an expert council at the Ministry of Agriculture and Food with the participation of experts from the MoEW and the Ministry of Health, and the contractors of technologies and projects are determined through a competition announced by the expert council. It is also required to adopt a specific ordinance, which will determine in detail the procedure and requirements for the adoption of technologies and their application.

The ALCA also provides for certain requirements for land reclamation in order to preserve the humus layer as a means of preventing soil erosion. It is envisaged to remove the humus layer from agricultural lands, on which construction will be carried out, with the exception of the lands intended for landscaping. The humus layer thus removed is intending to be used for reclamation of the disturbed terrains, and in the absence of such - for improvement of low-productive lands. It is the enrichment of lands with compromised productive quality that is one of the means for limiting the erosion processes and supporting the growth of crops, which have a preventive effect on the soil integrity.

The analysis of the Law for protection of the agricultural lands reveals a built basis for active policy of the state and municipal bodies, together with the private natural and legal persons, for prevention and counteraction of the erosion processes in the country. The basic procedures and measures set out in the law are detailed through the by-laws on its implementation, as well as those on the implementation of other laws in the field of environmental legislation.

2.5.4 Forestry Act

In its essence, the Forestry Act is connected to the public relations that develop in relation to the protection, management and use of forest areas in the Republic of Bulgaria. Such a proclamation is contained in Art. 1 of the law. The main objectives of the normative act are set out in Art. 1, par. 2. Among the most important are the protection and increase of the area of forests, maintenance and improvement of their condition, guarantee and maintenance of ecosystems, social and economic functions of the forest territories, etc.

The Forestry Act has specific provisions directly related to erosion problems. The act deals with them in terms of erosion problems in forest areas, and the provisions in this regard are contained in Chapter Four of the law.

According to Art. 87 of the Forestry Act, the management of the forest territories covers the activities for afforestation, protection against erosion and torrents and the conduction of cutting activities in the forests. According to Art. 90 of the law, the protection of forest areas against erosion and torrential rains covers several groups of activities. In essence, they are the main causes of erosion processes, the counteraction of which effectively reduces the risk of the phenomenon. Such activities are the prevention of removal of fine fractions from the endangered soil, the maintenance of soil fertility by limiting or reducing surface water runoff, the protection of the top layer from wind erosion and the provision of opportunities for vegetation development, including through the creation of technical facilities (Art. 90, par. 1 of the Forestry Act). For this purpose, the normative act provides for the adoption of a specific ordinance.

Like the other normative acts in the field, a large part of the anti-erosion activities, provided in the Forestry Act, are carried out on the basis of approved plans, programs and specialized projects. Thus the afforestation according to art. 91, par. 1 of the Forestry Act is

carried out on the basis of approved forestry plans and programs. The protection of the forest territories is carried out according to approved specialized projects.

With regard to afforestation, the law gives priority to afforestation through native species where possible. The use of tree and shrub species suitable for the respective type and conditions is obligatory (Art. 93, par. 1). Afforestation with tree and shrub species is not allowed when they are not specified in the relevant applicable plans and programs. Afforestation of meadows and clearings in forest areas is not allowed, except in cases of protection against erosion and torrential rains.

Art. 99 of the Forestry Act introduces liability for owners and people carrying out activities in land properties in forest areas or non-complying with an order of a competent authority, as a result of which damage to the territories or soil erosion is done. In this case, the responsible people should rehabilitate at their expense the disturbed terrains under ALPA.

The Forestsry Act does not contain detailed regulations on specific measures and activities regarding counteraction to soil erosion in forest areas. This is due to the circumstance that for this type of public relations the normative act refers to the respective ordinance on the grounds of art. 90 of the Forestry Acr. The Ordinance is the normative act that details with and regulates the problems of soil erosion in the forests mentioned in Chapter Four of the Forestry Act.

2.6 Regulations

The main means for detailing and settling public relations in specific sectors of the state policy regarding soils and the factors that damage them are the by-laws adopted on the basis of environmental legislation and legislation in the field of management and protection of agricultural land.

In the first place, this is done through the adoption of regulations. Regulations are by-laws that regulate certain elements related to the overall application of the relevant law, on the basis of which they are applied. The regulations are also used for the organization and structuring of public authorities.

With regards to soil erosion processes, there is a single regulation in our legislation that regulates some aspects of the phenomenon. It should be borne in mind that in the case of Regulations, similarly to the case of laws, soil erosion is not considered independently, but in connection with the other risks for the soil cover. Therefore, no specific anti-erosion provisions

are available. All regulations and norms contained in the Regulations are equally applicable to soil erosion and other threats, such as destruction of the humus layer, pollution, salinization, etc.

The Regulation on the application of ALCA contain two main groups of provisions - those related to the change of the statute of agricultural land, as well as those related to the protection of agricultural land from damage, restoration and improvement of their productive qualities and land recultivation, respectively utilization of the humus layer.

The first group of rules has no direct and indirect connection with soil erosion, which is why they will be left aside in the current analysis. The second set of rules applies equally to all risks to the soil cover, which is why, as mentioned above, there are no specific provisions regulating erosion prevention and counteraction as a whole.

With regard to the protection of agricultural lands, the legislator in Art. 4 of the Regulation provides the Institute of Soil Science, Agrotechnology and Plant Protection "Nikola Pushkarov "- Sofia, in the structure of the Agricultural Academy, as the main source of information about the qualities of agricultural land in the country, the risks to them, including erosion, soil protection and proper use.

It is envisaged that the potential risks of damage to the ecological functions of the soil cover are determined regarding: the forecast of water and wind erosion, soil pollution with organic and inorganic substances and materials, salinization of the soil cover, acidification of the soil cover and swamping.

The forecast for water and wind erosion is made on the basis of analysis of climatic factors (erosion ability of precipitation and winds), susceptibility of the soil, the terrain characteristics of the land areas and the nature of land use. These factors under Art. 5 of the Law on Soil Erosion are practically the main directions in which the policy of the state should be directed with regard to the prevention and counteraction of soil erosion.

It is provided in Art. 6 of the Regulation (RALCA) that all the information required under Art. 5 of the normative act, should be maintained through an information system created in the Institute of Soil Science, Agro-technologies and Plant Protection "Nikola Pushkarov".

The RALCA describes in greater details the rights and obligations of the owners and users of agricultural lands on the one hand and the powers of the state and municipal bodies on

the other. As a fundamental, every owner and user is given the right to freely choose the way of using the agricultural lands. This right is not unconditional - the use is required to comply with the available restrictions on the respective lands, to be in view of their purpose and not to cause damage. In order for the landowners to be aware of the above conditions for their lands, their right to free and gratuitous acquaintance with the information contained in the information system of the Nikola Pushkarov Institute is provided. Failure to comply with the above conditions is subject to liability, which is mainly administrative and penal. This means that when using their land, owners and users should be aware of the factors that would lead to soil erosion of the property. They should take all necessary precautions and measures to significantly reduce or eliminate the risk of erosion as far as possible.

As a main power of the competent authority - the Ministry of Agriculture, Food and Forestry, is provided their right to impose mandatory restrictions on the use of agricultural land in case of damage, non-compliance of plant or animal products with hygiene standards and deterioration of environmental functions. Soil cover, as well as other cases provided by law.

With regards to the restoration and improvement of the quality of agricultural land, a specific procedure is provided for the implementation of these activities. First of all, funds from the state budget for the activities described above are granted by the Ministry of Agriculture and Food in the presence of damage to the ecological functions of the soil cover. This is done on the basis of technologies that have been pre-developed, agreed and approved by an expert council at the ministry. The restoration of the land itself is carried out on the basis of projects financed by the Ministry of Agriculture and Food.

It is envisaged that individuals and legal entities that are the cause of specific damage to agricultural land carry out the financing of the above activities. At the same time, in other cases the costs are paid by the budget of the Ministry of Agriculture, Food and Forestry or by the Enterprise for management of environmental protection activities. In the presence of recommendations and restrictions on the use of agricultural land, the relevant Regional Directorate of Agriculture and a specialized unit in the Ministry of Agriculture and Food carry out the control.

The mayor of the respective municipality makes requests for project funding. There is no possibility for the individual owners or users of the land to have an initiative, as well as there is not provided for the state to have own initiative (with the potential consent of the land

owner). However, the RALCA stipulates that if corporations or people on their own initiative have improved or restored state or municipal agricultural lands from the risks under Art. 15, par. 1 of the Land Use Planning Act, the same could receive for a certain period a gratuitous right to use the lands.

The regulations on the application of ALCA regulate in detail the recultivation and utilization of the humus layer. Object of re- cultivation are disturbed terrains under Art. 11 of the ALCA, which includes mines, quarries and other lands with disturbed soil profile, ash dumps, tailings, landfills and other places for garbage keep, old riverbeds, routes of abandoned canals, roads, railways and construction sites, after dismantling of engineering facilities, cladding and superstructure. Important in this process is the fact that the recultivation project should be prepared jointly with the main project for the use of the site. The recultivation process takes place in several stages. First, the boundaries of the terrain to be recultivated are determined. This is done with the participation of a commission appointed by the mayor of the municipality or by the Minister of Agriculture, Food and Forestry (when the land is state property). The commission is appointed at the request of the person who is the owner or user of the respective land. The recultivation itself is carried out by the person requesting it, on the basis of a project agreed with the interested departments, according to the Ordinance for recultivation of disturbed terrains and improvement of low-productive lands, removal and utilization of humus layer (Art. 22, par. 1 of PALCA). The performed technical recultivation is reviewed and accepted again by a commission.

When removing the humus layer in cases where it cannot be utilized immediately after its removal, it is stored in a humus landfill.

2.7 Ordinances and instructions

The ordinances and instructions are by-laws, which detail the application of specific provisions or parts of normative acts of a higher degree. In the analysis of the legislation of the Republic of Bulgaria no ordinances can be established, which would be aimed specifically at prevention and counteraction of soil erosion.

As with the higher-order acts analyzed so far, soil erosion is seen only as part of the greater risks associated with the use of soil cover, its restoration and recultivation. The

ordinances are mainly devoted to separate procedures and techniques for prevention and counteraction of the risks for the soils in general, but they do not specify and do not analyze the individual risks independently. Therefore, the legislation, including the by-laws, pays attention to the techniques for recultivation, monitoring, use and restoration of the soils in general, but not of the specific soil risks - erosion, salinization, pollution, acidification, swamping, etc.

2.7.1 Ordinance № 26 on the reclamation of disturbed terrains, improvement of low-productive lands, removal and utilization of the humus layer.

Ordinance № 26 was adopted on the grounds of Art.16 of the Agricultural Land Protection Act. At the same time, Art. 15, par. 2 of the Soils Act refers to it too. The ordinance aims to specify and detail the above-described procedure for recultivation of disturbed terrains, in order to restore the suitability of the land for agricultural and forestry use. In this sense, the procedures and techniques provided for in it are directly related to the prevention of soil erosion, as they are aimed precisely at restoring the structure of the respective soils.

Art. 2 of the Ordinance specify the main sites subject to recultivation, as well as the main techniques that can be used. The areas covered by the ordinance are identical to those specified in the Regulations for application of the ALCA and the law itself. The main material for recultivation is humus layer, the sub humus horizon of the soil profile, containing small amounts of humus and inhabited by microorganisms, as well as the deeper layers, which after processing are suitable for vegetation development: non-toxic clays and sands, loess, loess clay, clay loess, weathered and semi-weathered rocks. The main technologies for recultivation are two: spreading a humus layer on pre-leveled terrain and adding suitable improvers to the geological materials on the terrain surface.

In Art. 3 of the Ordinance there are specific requirements regarding the condition of the terrains before reclamation. A distinction is made between whether the land is intended for agricultural use, or for afforestation, or through a third type of use. In the first case, it is envisaged that there will be a sufficient layer of soil materials on which to spread the humus. With regard to the terrains intended for agricultural land, this is a thickness not less than that of the soil profile in the adjacent terrains. With regard to the terrains intended for afforestation, this is a minimum of 2 m of earth layer. In this way, a sufficient layer of soil under the humus layer is provided so that it can acquire structural strength and density.

Secondly, there is a requirement to ensure the stability of the reclaimed terrain in order to prevent water or wind erosion. In the case of agricultural land, this is possible by requiring the elevation of the surface to be equal to the elevation of the neighboring lands, and if this is not possible, a different elevation is allowed, but with additional protection against erosion, flooding and swamping. With regard to the lands intended for afforestation, only ensuring the stability of the terrain is required. This is due to the fact that forest areas generally retain soils much more strongly and are a major barrier to erosion processes.

Thirdly, it is required for agricultural lands to ensure resistance to landslides. With regard to the lands intended for afforestation, it is envisaged to create appropriate conditions for the development of trees or shrubs.

In addition to the above, the ordinance contains some other requirements that are not relevant for the prevention of soil erosion. The whole process of recultivation according to art.4 of the Ordinance are developed in two stages. The first stage is the technical recultivation, which covers the processes of cleaning and preparation of the terrain and spreading of the humus layer. The second stage is related to the biological recultivation of the terrain, which, depending on the purpose continues for the agricultural lands - up to 5 years after the technical recultivation, and for the forest areas - up to 3 years after the technical recultivation. It is envisaged during the processes various technologies, described as standard in Art. 4 item 2 of the Ordinance to be applied regarding the type of terrain.

The ordinance also provides for a detailed description of the processes for removal, storage and utilization of the humus layer. Art. 7 of the Ordinance provides for specific values of the humus layer and its thickness, at which it is allowed to take it away or not. The purpose of the removed humus layer is either for recultivation of disturbed terrains or for improvement of poorly productive lands. Thus, on the one hand, the goal is to restore the integrity of a given terrain and prevent subsequent soil erosion, and on the other - to enrich certain areas for the same purpose.

The ordinance also provides for some technical requirements regarding the spreading of the humus layer. It is envisaged that its thickness will be not less than 30 centimeters after settling, and in case of slopes for afforestation or grassing - not less than 15 centimeters. Anti-erosion measures are envisaged for terrains with a slope of more than 3 degrees. It is not allowed to spread a humus layer on saline or toxic layers.

There are also details regarding the humus landfills - height up to 10 meters and storage period of not more than 15 years. When the term is longer than three years, grazing of the humus layer with crops with deep root system is envisaged. In this way it is protected from wear and destruction during storage.

The ordinance also details the procedure for determination of the suitability of given sites for recultivation, the projects for recultivation and its acceptance, but in essence there are no significant differences with the provisions of the ALCA.

Conclusion: Ordinance № 26 is one of the few normative acts in the field of soil legislation, which contains applicable technical procedures regarding the protection against soil erosion. Restoring damaged terrain, through the use of humus layer, does this. Although the regulation does not focus only on soil erosion, it contains sufficient mechanisms to prevent it after the restoration or enrichment of the land concerned.

The ordinance does not contain specific provisions regarding lands that are vacant and are not used as areas intended for a specific human activity. The only provisions in this direction are the opportunities given to investors to enrich or recultivate such areas with the possibility for the state or municipalities to give them a gratuitous right of use. There are also no procedures for recultivation and enrichment of lands entirely at the initiative of the state in order to protect them generally from erosion processes when such lands are not subject to human activity.

2.7.2 Ordinance on soil monitoring

The Soil Monitoring Ordinance is the normative act that establishes and regulates the National Soil Monitoring System (NSMS). It is a part of the National Environmental Monitoring System, which was mentioned in the analysis of the Environmental Protection Act. NSMS is an information system aimed at collection, evaluation and summarization of information about soils and their modifications. The main purpose of the system is to provide information for the implementation of an effective national policy and to serve the public needs for information on the condition of soils and their change. The management and organization of the system is performed by the Minister of Environment and Water through the Executive Director of the Executive Environment Agency.

According to Art. 8 of the Ordinance NSMS is organized on three levels. The first level includes large-scale monitoring. The second level includes intensive monitoring of locally manifested processes (processes under Article 12 of the Soils Act). These processes, as mentioned above, are erosion, acidification, salinization, compaction, and reduction of soil organic matter, pollution, sealing, landslides and swamping. The third level includes monitoring of local soil pollution and the processes under Art. 20 of the SA.

The National Soil Monitoring System consists of soil monitoring schemes, indicators for analysis and assessment of their condition and an information system for their condition and change.

Access to information according to the Ordinance is provided to anyone interested and is provided on the basis of an application for access to information under the Access to Public Information Act. It is also envisaged that the Executive Director of the EEA will provide on the website of the institution, information of public importance related to soils and their modification.

The Soil Monitoring Ordinance establishes the National Soil Monitoring System and generally defines its purpose and functions. At the same time, however, there is no detailed regulation on how the system works. The procedure for access of information by submitting applications under the Access to Public Information Act seems inefficient, slow, difficult to implement and susceptible to administrative arbitrariness. The obligations and powers of the individual state bodies are not fixed by terms and sanctions for non-compliance. Therefore, the regulatory framework does not create sufficient guarantees for the adequate and proper functioning of the NSMS.

2.7.3 Ordinance on the procedure and manner of inventory, research, implementation and maintenance of the necessary restoration measures on areas with damaged soils.

The ordinance was issued on the grounds of Art. 20, par. 2 of the Soils Act and aims to ascertain areas with potential and actual risks of damage and violation of their functions. The ascertainment of real risks is a ground for limitations of land use and/or carrying out restoration measures.

The ordinance stipulates that these activities should be performed by the Executive Agency for Soil Resources. This agency is currently closed and does not exist, and its functions have been taken over by the Ministry of Agriculture, Food and Forestry and the Nikola Pushkarov Institute. At the same time, due to the lack of changes in the regulation in question, it is not clear which functions and processes should be taken over by which institutions. In this way, the activities become practically inapplicable. It should be noted that by Decree № 178 of 2011 of the Council of Ministers with the closure of the Executive Agency its functions in various regulations are divided between the MAFF and the Nikola Pushkarov Institute. However, the review of the decree shows that the present ordinance in question has been omitted.

According to the Ordinance, the reduction of the risk of soil damage, including soil erosion, is carried out through recommendations on ways of permanent use, land cultivation, crop rotation and irrigation. The fact that the preferred method for action is "recommendations" means that there are no guarantees regarding the quality and effective application of the preventive measures under regulation.

With regard to the restoration of damaged soils, it is planned it to be carried out on the basis of detailed studies and projects for reclamation and technical measures for the restoration of disturbed soil functions.

The respective agricultural services or the state forestry authorities carry out the control of the regimes and measures. It is not clear how these institutions will control the risk of soil damage, when according to the regulation the methods of prevention should be introduced through recommendations for use. In this case, the legislative technique creates ambiguity and risks for the correct application of the Ordinance in this part.

2.7.4 Ordinance № 4 of 19.02.2013 on protection of forest areas against erosion and torrents, and construction of fortifications

Ordinance № 4 of 2013, issued on the grounds of Art. 90 of the Forestry Act is the main normative act regulating public relations in connection with the prevention and counteraction of damaging erosion processes in forest areas. This regulation provides for the ordinance to be carried out in several aspects. First of all, this is the planning of activities for the protection of forest areas. Second, the ordinance regulates the construction and maintenance of the respective anti-erosion facilities and activities. Third, attention is paid to the adoption and approval of specialized projects for activities to prevent and combat erosion and floods. The

issue of construction and acceptance of fortification facilities, as well as the creation of forest protective belts for protection against deflation and landslides is also developed. It is evident from the subject of the ordinance and the covered matter that the normative act aims to create a complete detailed system of measures and technical facilities, which would treat all aspects and causes of erosion in the forest territories.

The main principles that stand out in the ordinance are the principle of financing the respective activities by the user or the owner of the forest territories, as well as the principle enshrined in the Forestry Act that the one who damages or creates a risk of erosion should take actions for its prevention and recultivation of forest areas. Based on these principles, Art. 2, par. 1 of the Ordinance determines the financing of the policy for protection against erosion, construction and maintenance of fortification facilities. Thus e.g. for the forest territories - state property, the state enterprises under art. 163 of the Forestry Act and their territorial divisions are responsible; municipalities a responsible for forest territories - municipal property; private owners are responsible for forest areas that are privately owned, etc. The control of the activities under the ordinance is given to the Executive Forest Agency and its structures.

The planning and implementation of protection against erosion and torrents in forest areas is carried out on the basis of three main directions - assessment of erosion of forest areas, the respective watersheds and the type of erosion. The main principle of planning is that the protection of the activities in the forest territories against erosion and torrents is carried out by watersheds (art. 6, par. 1 of the Ordinance). The legal definition of the term "watershed" is contained in par. 1, item 3 of the Additional Provisions to the Ordinance, according to which "watershed area" is the part of the earth's surface from which the waters flow to a certain water course. The watersheds are classified according to several indicators - area, economic importance of the endangered sites, erosion resistance of the torrential bed and the origin of the sediments in the torrential watershed.

The type of erosion according to the ordinance is flat, rill and ravine. Erosion is flat when the erosion processes proceed evenly. Rill is erosion with shapes up to 30 cm deep, and ravine - with shapes up to 3 m deep. The degrees of erosion are 5 - weak, weak to medium, medium, strong and very strong.

Erosion assessment is performed on the basis of the type of erosion and the degree of erosion. Based on the assessment, an erosion map which is an integral part of the plans,

programs and projects for protection against the phenomenon is prepared (Article 5, paragraph 5 of the Ordinance).

Watersheds, the specifics of erosion risks and erosion maps are taken into account and serve as guidelines when planning the protection against erosion and torrential rains. The planning is carried out on several levels - 1. National Strategy for Development of the Forest Sector and Strategic Plan for Development of the Forest Sector; 2. National program for protection of forest territories against erosion and torrents; 3. Regional plans for development of the forest territories; 4. Forestry plans and programs. The guidelines in these documents are taken into account in the development of specific plans, through the preparation of technical projects or programs for protection against erosion. The projects themselves are carried out by registered individuals, entered in a special register of EFA, as well as by registered corporations, entered in the public register of EFA under Art. 241 of the Forestry Act.

The ordinance describes and regulates two types of facilities for protection of forest territories against erosion - hydrotechnical and forest reclamation. There are three groups of hydrotechnical structures - ditche-walls; small transverse fortifications; large transverse fortifications.

According to Art. 8, par. 1 of the Ordinance, ditch-walls are used to limit erosion in forest areas where no afforestation is envisaged, or to create conditions for afforestation in those of them where erosion processes with strong IV and very strong degree V take place. The aim of these facilities is to prevent the formation of surface water runoff, causing soil erosion, as well as complete retention of rainfall runoff.

Small transverse structures are built to strengthen ravines. Large transverse facilities (barrages) are planned to be built to strengthen the hydrographic system of the torrents, when it is necessary to raise the level of the torrent bed above 1.5 m. The barrages can be stone, concrete, wooden, reinforced concrete, etc. The ordinance also contains a detailed description of the respective construction materials for the barrages and their applicability in regards to the terrain, the water outflow and the purpose of the barrage. The construction is carried out according to an approved working design.

Forest reclamation activities are represented by anti-erosion afforestation, which is of two types - complete (massive) or partial (belt). Complete afforestation is carried out on eroded or eroding forest areas to regulate water flow. Partial afforestation is carried out to regulate

surface water runoff, permanently fix the torrent bed and improve the ecological situation. The main techniques for this are several:

The first type is the construction of water-regulating forest belts. These are created at the bottom of the slope or on the length of the slope. The second type is the construction of corrective forest belts - in the spills of torrents along the banks of the adjusted bed. The third type is the construction of coastal forest belts - on the undermining sections of the coast. The fourth type are collmatage belts - along the banks when the deposition of floating sediments on the river terrace is necessary.

The ordinance contains a detailed description of the requirements for the creation of water-regulating, corrective, coastal protection and collmatage forest belts, of the plant species to be used, of the soil preparation, seasonality, etc.

The ordinance contains a detailed procedure regarding the design of anti-erosion activities and technical fortification facilities. These activities are carried out on the basis of specialized projects, which are carried out in three stages: project assignment, conceptual project and workable project. The existence of a conceptual project as a design stage is determined at the discretion of the investor, and there are cases in which the presence of a conceptual project is mandatory - for complete treatment of floodplain or catchment of a separate influx with torrential regime.

According to Art. 14, par. 1 of the Ordinance, the project assignment determines the scope, purpose and level of detail of the project, the tasks it must solve and the term for its development.

The conceptual project is developed in two or more variants, which reflect the condition of the territory in terms of erosion and the manifestations of erosion and other processes and provide measures to limit their impact (Article 15). It consists of an explanatory note and annexes. The explanatory note includes a general and a technical part.

The workable project is developed with a degree of detail that allows the implementation of the planned activities (Article 16). It consists of an explanatory note and annexes.

The ordinance also addresses issues related to the construction and acceptance of fortifications. There are two groups of activities - construction and repair of facilities. The

activities for construction and repair of large fortification facilities end with their acceptance by a selection committee, including representatives of the regional forest directorate, the owner or the investor, when not the same, the project executor and the designer. After reviewing the construction, the commitee adopts a protocol, which is presented to the director of the RFD for decision-making. If a fortification is not accepted, it is removed by its owner. A similar but simplified procedure is envisaged for small fortifications. By the end of each calendar year, the constructed large fortification facilities should be reviewed by the owners in order to eliminate the damages incurred on them.

The ordinance also provides for the possibility of creating forest field protection zones (FPZs) for protection against deflation. "Deflation" is defined by the normative act as a process of destruction of the soil, removal and deposition of soil particles under the action of the wind. FPZs are divided into two types - major and minor. The main ones are those oriented perpendicular to the direction of the prevailing winds. The second ones are those oriented perpendicular to the main ones. The normative act also contains a detailed description of the plant species to be used, as well as the technical details regarding their planting.

The ordinance also contains several norms regulating the protection against landslides, as the type of measures against the phenomenon is determined depending on whether settlements and infrastructure sites are endangered. In the absence of such a hazard, landslides can be allowed to stabilize naturally.

2.8 Conclusion

The analysis of the legal framework related to soil erosion shows that the legislation could be conditionally divided into two sections - environmental legislation and agricultural legislation. Environmental legislation addresses the problem from the point of view of environmental protection, while agricultural legislation addresses it from the point of view of land use and the economic effects thereof. However, the second set of regulations is more specific, contains clearer and more applicable procedures and provides a better basis for preventing and counteracting the problem.

There are several basic principles on the basis of which the legislation in the field is based on. The first is the principle of prevention. The state takes into account the nature of the danger of erosion processes in the soil and their irreversibility when the appropriate preventive measures are not taken. In several places in the legislation it is clearly stated that prevention

should take precedence over counteraction (for example Article 3, item 3 of the Soils Act). At the same time, however, there are very few measures that are purely preventive. Especially in the environmental legislation, despite the declared principle, the main means of control is the imposition of sanctions and coercive administrative measures on people who have damaged or failed to take sufficient measures for land protection. The main preventive tool in environmental legislation is the environmental impact assessment and the complex permit as an administrative act, as they usually contain recommendations and obligations related to soil protection. This mechanism is insufficient and may give certain results in specific cases, but not in terms of overall soil erosion prevention.

There are more specific preventive instruments in agricultural legislation. Such are the recommendations issued to the owners and users of agricultural land regarding their use and reduction of their risk of damage. Another such instrument is the provision of financial incentives for landowners and users who take measures to prevent or restore damaged soils. Such a means is the ban on destruction of anti-erosion and landslide facilities.

Despite the individual preventive measures that the state has defined in its legislation, there is no comprehensive policy for protection against soil erosion.

In the analysis of legislation, the tendency for the existence of various mechanisms for monitoring, inventory, data collection and preparation of registers of soils, lands, together with their condition, is impressive. Such provisions and mechanisms are provided in almost every analyzed normative act. Different institutions run most of them, but in essence the information gathered in them is largely similar. This duplication of data and their processing by different competent authorities in different ministries and for different purposes is administratively inefficient on the one hand, but on the other hand creates preconditions for lack of synchronization of the actions of the institutions and lack of practical application.

The review of the legal framework in the country shows that there is no normative act - law or by-law, which is entirely dedicated to soil erosion. This is due to the fact that the regulations are not dedicated to specific risk factors and processes, but on the basis of procedures, methods and techniques for protection, restoration and control. The subjects of the considered acts are all risks for the soil condition in their entirety, and not only the erosion ones. Therefore, there is no legislative order to treat soil erosion, its prevention and

counteraction as a central topic. This in turn does not allow for a purposeful engagement with the problem.

Impressive is the lack of specific methods and procedures for prevention and counteraction of erosion processes in particular, but also of other soil-damaging phenomena in the Soil Act. The main emphasis in it, as can be seen from his review, is given to the development of programs and analyzes. Although this type of funds is needed to develop a systematic, thorough and concrete approach to solving the problem, the exhaustion of state policy in the field of environmental legislation is visible and the policy itself is extremely insufficient. It does not create effective and practically applicable rules that should be applied to treat the phenomenon.

One of the criticisms of the legislation is the lack of sufficient direct involvement of state and municipal institutions to actively combat erosion processes. This makes a special impression in the agricultural legislation, where the main obligation for prevention of soil erosion is imposed on the owners and users of agricultural lands. To a large extent, they are the only people who can initiate the preventive application of state-approved techniques and technologies. The technologies themselves should first be approved by the state in accordance with the procedure provided for in the ALCA, and then should be implemented on the basis of projects of private entities. There is no order for the state through its institutions to implement projects and finance them. There is also a lack of sufficient mechanisms for cooperation between state structures and private individuals and legal entities. The anti-erosion policy is complex and expensive, which is why it is unthinkable for it to be implemented only by private entities, regardless of the incentives provided by the state. A balance should also be found between the rights of landowners and users on the one hand and the powers of the state to protect land from erosion on the other.

Indeed, the Regulation for the Application of the ALCA provides a mechanism for restoring and improving the productive qualities of agricultural land, which, despite its imperfections, could find practical application and lead to the intended results. At the same time, however, only the mayors of the municipalities have an initiative for the implementation of the respective programs under it. There is no such possibility for private individuals and legal entities. This omission severely limits the ability to move procedures quickly and efficiently, as it leaves the whole initiative in the administration.

The legislation in the field contains certain inaccuracies and there is a non-fulfillment of some normatively set prescriptions by state bodies. Such is e.g. the case considered above with the Ordinance on the procedure and manner of inventory, research, implementation and maintenance of the necessary restoration measures in areas with damaged soils, which provides powers to an institution that does not currently exist. The Agricultural Land Protection Act (Article 9, paragraph 1) provides for the adoption of an ordinance on the acceptance of projects and technologies, their implementation and maintenance, in connection with projects for restoration of disturbed lands. There is currently no such ordinance. There is also no register under Art. 6 of RALCA, which should meet the requirements of the normative act. All these legislative omissions signal a lack of state commitment to the problem, insufficient legislative capacity and precision.

With regards to control over the implementation of the respective rights and obligations of individuals, the emphasis is mainly on subsequent control through various types of sanctions. This is a departure from the principle of pre-sanction prevention, which has been repeatedly proclaimed in the legislation. In fact, the emphasis is mainly on the principle that the person who caused the damage should be liable for their elimination. At its core, however, this means that the state focuses primarily on imposing sanctions on those responsible, rather than on genuinely addressing soil erosion. This is essentially a signal for the lack of a genuine policy to combat the phenomenon of "soil erosion", despite the declarations made by the legislator in the various regulations. In this sense, there is a significant discrepancy between the declared goals and principles of the law and the actual rules of conduct, which is unacceptable.

It is also evident that with regards to the implementation of the various institutes a very large number and very different in nature state bodies are involved - MOEW, MAFF, MH, EEA, SF "Agriculture", regional directorates of agriculture, mayors, regional governors, EMEPA, Nikola Pushkarov Institute and others. This diversity of institutions is an absolute guarantee of the inefficiency of public administration in the sector, the blurring of responsibilities, the delay in time, the duplication of functions and policies.

In conclusion, despite some good approaches adopted in the country's legal framework regarding the fight against soil erosion, it does not meet the necessary requirements for effective counteraction to the phenomenon. The legal framework suffers from a lack of focus, efficiency and methodology in dealing with the problem.

3. Identification of the responsible institutions and the relevant regulations related to erosion, the assessment of the risk of soil erosion and the protection of soil resources.

3.1 Responsible institutions

As stated many times in the presentation so far, in the field of soil protection in the Republic of Bulgaria many institutions are endowed with different powers, very often intertwined with each other. This diversity of organs does not provide sufficient guarantees for effective and successful management of soil erosion.

3.1.1 Ministry of Environment and Water

The Ministry of Environment and Water is the principal of the state policy on environmental protection and its components. In this sense, it is the body that should have the most active function in managing the processes associated with soil erosion. Various laws and regulations give the ministry the power to participate in various procedures directly related to preventing and counteracting the risk of soil erosion.

Art. 11 of the Environmental Protection Act sets out the main powers of the ministry. Important for the prevention of soil erosion and other soil risks are the power of the Minister of Environment to develop the policy and strategy for environmental protection, to control the state of the environment, to coordinate the powers of other bodies in the sector, to ensure and approve the various methods, etc. These powers are general and are specified in the various acts issued by the Minister in the course of the procedures provided for in the environmental laws.

The Minister of the Environment also has the function of a higher administrative body of all other bodies in the field of environmental and soil protection. Therefore, it appears as a second administrative instance in the proceedings on appeal of various individual administrative acts.

The Minister of Environment also has a number of control powers regarding the protection of soils and the risks of their damage. Therefore, he has the right to issue acts of a sanction nature (penal decrees), as well as acts imposing coercive administrative measures provided by law.

An important power of the Minister of Environment and Water, in coordination with a number of other institutions and ministries, is the preparation of the National Environmental Strategy. As part of this strategy, key soil management policies and risks to their condition, including soil erosion, should be included. Based on this strategy, national plans and programs for environmental components, including those for soils, are being developed.

The Minister has competencies also in the procedure of Environmental Assessment and Environmental Impact Assessment, where he issues the relevant decisions or opinions.

There is a detailed and systematic list of the powers of the Minister of Environment and Water in the Soils Act. Most of these powers are related to the problem of soil condition and soil erosion. Among the powers of the Minister are to develop a National Program for protection, sustainable use and restoration of soils under Chapter Five of the Law, coordination powers, to assign scientific and applied research as a basis for management decisions and to develop regulations, preparation and giving of opinions on drafts of normative acts in the field of protection, sustainable use and restoration of soils, insurance of public participation in decision-making in connection with protection, sustainable use and restoration of soils, carry out coordination and control, management of the soil monitoring as part of the National Environmental Monitoring System, etc.

3.1.2 Ministry of Agriculture, Food and Forestry

The Minister of Agriculture, Food and Forestry has a number of powers in the field of soil protection. They are given to him both by environmental legislation and in the field of

agriculture. According to the Soil Act, the Minister of Agriculture, Food and Forestry organizes the activities for the protection, sustainable use and restoration of agricultural land in accordance with this law, the Agricultural Land Protection Act and the Plant Protection Act. In addition, he/she develops and maintains up-to-date the information system for soil resources, has control powers and provides information to the Minister of Environment and Water within its competence. The Minister of Agriculture, Food and Forestry participates in the development of the national program under Art. 24, par.1 of the SA and of normative acts in the field of protection, sustainable use and restoration of soils.

An important obligation of the Ministry of Agriculture, Food and Forestry is the construction and maintenance of an information system for soil resources. It carries out the inventory of soil resources in the country, provides data on the condition of soil resources, their main characteristics and properties, contains information on the introduced restrictions on soil use and information on sustainable use.

An important power in the protection of soil cover from erosion and other risks is the right of the Minister to impose mandatory restrictions on the use of agricultural land when damage is found, non-compliance of plant and animal products with hygiene standards, deterioration of soil functions, etc. In these cases the Minister prescribes forest reclamation and hydrotechnical measures, protecting the soil cover from water and wind erosion. The obligatory restrictions are imposed on the proposal of the regional directorates "Agriculture" or other structural units within the Ministry of Agriculture and Food, the Ministry of Health, the Ministry of Environment and Water, the mayor of the municipality and the Ministry of Culture in the cases provided for that.

The Ministry of Agriculture and Food also exercises its powers in the field of protection of the soil cover in case of agricultural lands and forest areas through the Commission for Agricultural Lands established within the Ministry. The Commission approves short-term and long-term programs for improving the productive qualities of agricultural lands, changing the purpose of agricultural lands, etc.

3.1.3 Ministry of Regional Development and Public Works

The Ministry of Regional Development and Public Works, through its Minister, also has powers in the field of soil protection. Such powers are the organization of the monitoring and geo-protection of landslide areas, the determination of measures to limit erosion and abrasion processes under Chapter Four, Section VII of the Spatial Development Act, to provide information for the Minister of Environment and Water within its competence and to participate in the development of the national program under Art. 24, par.1 of the Soils Act and to coordinate normative acts in the field of protection, sustainable use and restoration of soils.

3.1.4 Executive Environment Agency

The Executive Environment Agency is a body under the auspices of the Ministry of Environment and Water, which is entrusted with certain powers in the field of environmental protection.

The main power of the greatest importance for the economic sector in the country is the issuance of Complex Permits in accordance with the order provided for in the Environmental Protection Act and the specific ordinance.

The Executive Director of the EEA also has some specific powers granted to him by the Soils Act. Such are the obligation to carry out soil monitoring as part of the National Environmental Monitoring System, to create and maintain a register of areas with damaged soils and to organize the development and issuance of periodic and information bulletins and reports on soils.

3.1.5 Regional Inspectorates of Environment and Water

According to Art. 14, par. 1 of the EPA, the regional inspectorates for environment and waters ensure the implementation of the state policy for environmental protection at regional level. They are state budget supported legal entities and are represented by their directors.

One of the important powers of the directors of RIEW is the issuance of opinions and decisions in the procedures of Environmental Assessment and Environmental Impact Assessment.

RIEWs also have powers under the Soils Act that are specific to them. Such are the rights and obligations to monitor the soils under Art. 27, par. 3, item 1 of the SA at regional level with scope and content, approved by an order of the Minister of Environment and Water, to exercise control under Art. 13, item 10, art. 16 - 18 and under the EPA and the Waste Management Act

(WMA) on the territory of RIEW, to carry out preventive and current control, to make proposals for inclusion of areas with damaged soils in the register under art. 21 of the SA and to participate in their inventory, to support the process of development and reporting on the implementation of the National Program for protection, sustainable use and restoration of soils, etc.

3.1.6 Executive Forest Agency

The Executive Forest Agency also has certain powers in the field of soil protection and soil erosion prevention. According to the Soils Act, the Executive Director of EFA organizes the activities for protection, sustainable use and restoration of soils in the forest fund in accordance with this law and the Forests Act, exercises control under Art. 31, par. 1, item 4 of the SA, provides information to the Minister of Environment and Water within its competence and participates in the development of the national soil program and regulations in the field of protection, sustainable use and restoration of soils.

The EFA was also granted control powers under Ordinance № 4 of 2013 for protection of forest areas against erosion and torrential rains, and construction of fortification facilities.

3.1.7 Enterprise for management of environmental protection activities

According to Art. 61, par. 1 of the Environmental Protection Act, the main subject of the Enterprise (EMEPA) is the realization of environmental projects and activities in implementation of national and municipal strategies and programs in the field of environment. The financing of the enterprise is carried out by fees specified in the law, specifically from the state budget, donations, interest on deposits and fines or property sanctions imposed by the Minister of Environment and Water. A board of directors and an executive director manages the company.

3.1.8 District governors

Some powers in the sector are also given to the district governors. According to the Soils Act, they develop and implement programs for protection, sustainable use and restoration of soils for the respective area in accordance with the national program, interact with the local government bodies and the local administration and apply control under Art. 31, par. 1, item 5 of the SA.

3.1.9 Mayors of municipalities

The mayors of municipalities are endowed with a number of powers and obligations, both in the field of environmental and in the field of agricultural legislation. For example, Art. 15, par. 1 of the EPA lists their principal powers in the field of environmental legislation. Similar to the enumeration of the powers of the Minister of Environment, the municipal mayors have general powers and obligations, which find concrete realization in the respective procedures.

Like the Minister of Environment and Water, but at the local level the mayors of the municipalities develop environmental protection programs for the respective municipality in accordance with the instructions of the Minister of Environment. These plans should also include measures for counteraction and prevention of erosion processes on the territory of the municipality. The respective municipal councils adopt the programs themselves.

The mayors of the municipalities also make a proposal for inclusion of damaged soils in the register of damaged soils under the Soils Act.

3.1.10 Advisory Council on Soil Protection, Sustainable Use and Restoration

In essence, the Advisory Council on Soil Protection, Sustainable Use and Restoration is a subsidiary body of the Minister of Environment and Water. Its organization and functions are regulated by special regulations. According to the Soil Act, the body has the right to prepare opinions on strategies, programs and regulations for protection, sustainable use and restoration of soils and proposes measures to improve the activities of state and municipal authorities in this area.

3.1.11 Nikola Pushkarov Institute of Soil Science, Agrotechnology and Plant Protection

The Nikola Pushkarov Institute is part of the structure of the Agricultural Academy. Its main task is to provide assistance, information and knowledge in connection with the scientific and technological aspects of soil protection from damaging factors and erosion. Therefore, the institute is obliged to provide official information on the technological, economic and environmental qualities of agricultural land, on the potential risks of deterioration of these qualities due to erosion, pollution, salinization, acidification and swamping, etc. To this end, the Institute builds and maintains an information system for agricultural soil resources.

3.1.12 State forestry. State hunting farms. Training and experimental forestry.

Forestry structures also has certain functions in the prevention and counteraction of erosion processes. Thus, according to Art. 94, par. 1 of the Forest Act, they are charged to carry out the implementation of the activities for afforestation and protection against erosion and torrents in the forest territories.

3.2 Regulations, procedures and research

3.2.1 Environmental assessment and environmental impact assessment

3.2.1.1 Environmental assessment

Environmental assessment is one of the most important tools of the state's preventive policy, defined as such by the state itself in various strategic documents and regulations. It is conducted on plans and programs, the implementation of which may have significant effects on the environment. Such may be plans and programs in the process of preparation or approval by central and territorial bodies of the executive power, bodies of local self-government and the Parliament.

The procedure is also relevant to soil management and soil erosion. Since the national plans and strategies for environmental protection, as well as the local ones, meet the requirements for acts subjected to ecological assessment under Art. 81, par. 1 of the EPA, they should be a subject to this procedure. Within the framework of the same procedure, their influence on the components of the environment, including the factors for the soil condition and its disturbance, should be considered and evaluated (erosion, salinization, acidification, landslides, pollution, etc.)

The Environmental Assessment (EA) procedure ends with an opinion or a decision of a competent authority, which after its entry into force is a mandatory condition for the subsequent approval of the plan or program.

Competent bodies for issuing an opinion or a decision on environmental assessment of plans and programs are the Minister of Environment, respectively the director of the respective RIEW. The Minister is competent with regards to plans and programs with a contractor - central authority, and the director of the RIEW - with those with a contractor - a local body. The powers of the two bodies are described in detail in the Ordinance on the terms and conditions for carrying out environmental assessment of plans and programs.

Environmental assessment may or may not be mandatory. The criteria for this are specified in Art. 85 of the EPA. The assessment for lack of need for EA procedure ends with a decision, while the environmental assessment procedure itself when needed ends with a final act - an opinion. Both acts are subject to appeal under the Administrative Procedure Code.

3.2.1.2 Environmental Impact Assessment (EIA)

The environmental impact assessment is similar in terms of objectives and principles to that of the Environmental Assessment. The difference is rooted in the subject of the assessment - investment proposals for construction, activities and technologies according to Annex № 1 and 2 of the EPA. In view of procedural economy, the law provides for the EIA to be carried out jointly with the procedures for preparation and approval of investment proposals under other special laws.

The evaluation of investment proposals ends with a decision of a competent authority, which may contain conditions, measures and restrictions that are mandatory for the contracting authority. The entered into force decision on EIA is an obligatory condition for approval of investment proposals by the order of the respective special laws. It is an integral part of the administrative act of approval / authorization required for the implementation of the investment proposal. The EIA procedure assesses the risks for the environment when implementing a specific investment proposal. This means that the risk for the good soil condition is assessed, including the danger of erosion processes during the implementation of the investment proposal.

Similar to the EA procedure, an EIA procedure may or may not be mandatory. Pursuant to Art. 92 of the EPA EIA is mandatory for investment proposals for activities under Annex 1 of the EPA. These are activities that are considered to always be at risk of having a significant impact on the environment. For all other activities, the need for an EIA is subject to assessment.

Decisions on EIA and assessments of whether to carry it out are individual administrative acts and are subject to appeal under the Administrative Procedure Code. They shall lose their legal effect if, within five years of their issuance, the relevant investment proposals have not started to be implemented.

In Art. 94 of the EPA is marked in which cases the competent body is the Minister of Environment and in which - the director of the RIEW. The principle is that the Minister is competent for investment proposals with cross-border character for several RIEWs and/or sites of national importance. The procedure for carrying out an EIA or assessment for its implementation is detailed in a specific ordinance of the Council of Ministers.

Environmental impact assessment is the main preventive tool in the field of environmental legislation, which may, in the implementation of a particular investment proposal to create and impose specific measures to prevent soil erosion and other risks to soil or to introduce obligations for the investor to improve and rehabilitate specific soil disturbances where possible.

3.2.2 Procedure for issuing a complex permit

The issuance of a complex permit according to art.117 of the EPA is a prerequisite for the construction and operation of new and operation of existing installations and facilities. The procedure is related to the prevention of soil erosion in two directions. On one hand, this is the obligation under Art. 121 of the operators, which is objectified through the specific measures in the complex permits, to control the application of systematic environmental management, including prevention and elimination of the risks for the individual components. On the other hand, this is the application of the so-called BAT - best available techniques, which in turn guarantees the application of modern and environmentally friendly technologies in the exploitation of the respective operations. An important fact is that complex permits are indefinite administrative acts.

3.2.3 Procedures for restoring and improving the productive qualities of agricultural land

As already established in the analysis of the legal framework in the sector of protection of soils from soil erosion and other risks, there is a legal order for the restoration and improvement of land with funds from the budget of the Ministry of Agriculture and Food. This is

done through the use of technologies and methods that should be pre-approved on the basis of developed projects.

To start the procedure it is necessary to make a request for this. A prerequisite for the request is the need to restore or improve the proposed land. The request should be motivated and addressed by the mayor of the respective municipality through the regional directorate "Agriculture" to the Commission for Agricultural Lands. Based on the decision of the Commission, the Minister of Agriculture, Food and Forestry issues an order to open a procedure under the Public Procurement Act.

After the completion of the respective restoration measures, the owners and users of the lands are obliged to observe all the requirements and restrictions imposed on them on the land. Otherwise they are subject to sanctions.

3.2.4 Land recultivation and utilization of the humus layer

One of the most commonly used procedures is the one for land recultivation and utilization of the humus layer. Its vast application is due to the fact that recultivation measures and the impacted terrains are determined in the decisions of approval for certain investment proposals or by the decisions for start of operations of investment proposals (EIA decisions and Complex permits).

The size and boundaries of the disturbed terrains are determined after a request and by a commission. The mayor of the municipality appoints the commission when the request is from a person or legal entity, or the land is municipal and the recultivation will be carried out with funds from the municipal budget. In the other cases, the Minister of Agriculture, Food and Forestry appoints the commission.

The commissions consist of people determined by art. 19 of the Regulation to ALCA, and they should also include a representative of the Nikola Pushkarov Institute and the owner of the land. The Commission issues a protocol that should be approved by the appointing authority. Then the person or the legal entity that requested the appointment of the commission, prepares the project for recultivation. After the investor of the site, respectively the Minister of Agriculture for land - approves coordinating the project with the competent authorities it state property and the mayor of the municipality for the other cases.

Recultivation is carried out in two stages - technical and biological. The technical recultivation is accepted by a commission, after which the recultivated land is categorized.

4. Proposals for elimination of the established problems in the Bulgarian legislation, related to the legal regulation of the erosion management processes. Guidelines for specific requirements and actions to establish a framework to promote sustainable practices

The analysis of the legislation and the institutions with competences in the fight against desertification and soil erosion shows the existence of certain weaknesses in the legislation and in the institutional framework of the country. Some of them could be eliminated relatively easily, but others require a change in the state's policy and the way the problem is perceived of an administrative and institutional nature.

One of the easily remedied gaps in the legislation is the lack of some by-laws and the correction of others. As established above in the analysis, some laws (EPA, for example) provide for the adoption of ordinances detailing the legal regulation of certain established by the law legal institutes and procedures. At the same time, at present such by-laws cannot be detected. For example, it has already been stated that the ALCA and the Regulation for its implementation provide for a procedure for restoration of damaged lands. It is also envisaged that the procedures for the acceptance and approval of the technologies for restoration will be regulated in a special ordinance (Art. 9, par. 1 of ALCA). Such an ordinance has not been found to be adopted and in force at present.

Regarding the corrections in the by-laws, a clear example is the Ordinance on the procedure and manner of inventory, research, implementation and maintenance of the necessary restoration measures in areas with damaged soils. As stated, the ordinance still gives powers to the Executive Agency for Soil Resources, which no longer exists.

As already mentioned, counteracting soil erosion and other soil-damaging processes requires some specificities of the lands themselves, such as the application of measures in larger areas, a modern approach and significant funding. These aspects are difficult to implement in the country due to the fragmentation of the land and the high cost of innovations in the sector. This, in turn, requires a change in the overall policy of the state on soil protection and revision of the principles on the basis of which it is formed.

As already mentioned, the basic principles are the perpetrator pays damages and the preference of prevention to sanction. The two guidelines are inextricably linked. Preventive control requires active action to prevent the presence of harmful changes in the soil cover. At the same time, it is left mainly in the hands of landowners and users. They are obliged to use the land without creating risks for the soil condition, and in case of damage they are obliged to remove it. This provision is difficult to apply due to the fact that preventive measures require a significant resource that cannot be allocated without state aid. Another problem related to it is the initiative to initiate a procedure. It belongs to the mayor of the municipality. There is no provision for the restoration of land to take place on the initiative of individual owners or on the initiative of the state. On one hand, this is because the restoration of such lands should be discussed in the municipal soil programs in implementation of the national program. On the other hand, however, this severely limits the possibility for active action, including the state itself.

With regards to preventive control, account should be taken of the fact that such control is almost non-existent. Emphasis is placed on the collection and analysis of information and prevention through EIA decisions, Complex Permits and individual bans on certain activities in the affected lands. There is a lack of a comprehensive state policy for the prevention of soil erosion and soil risks. Account should be taken of the fact that such a policy is also lacking at European level within the European Union. There is no specific national plan, developed in detail, by activities, by objectives and deadlines. Such details are available in the NAP to the Convention to Combat Desertification, but it is currently out of date and its effectiveness is questionable. The main method for organizing the activities is through the implementation of projects by private individuals. The state should also implement such projects on its own initiative.

One of the main problems facing the effective fight against soil erosion and other soil risks is the collection, processing and analysis of information. As it became clear from the exhibition, the state has provided for the collection of information in various registers from a variety of institutions. Almost every normative act in the sector is provided with its own register, which essentially collects identical information with the other envisaged ones. There are several problems in this regard. The first is the duplication of information and its quality. The fact that data are collected and analyzed by two or more different bodies with different competencies can lead to differences in their conclusions and interpretation. At the same time,

there is no mechanism for coordination of institutions in connection with the received data, and each uses them for its own purposes. The second problem is the timeliness of the information. It is not clear over what period of time the data should be collected and updated. This creates a serious risk of lack of information, old information or processing errors. It should be borne in mind that to a large extent the existing legislation is not strictly observed and some of the envisaged registers are incomplete, outdated or missing.

The national soil monitoring system is also not sufficiently effective and well developed. Although the rights and obligations of the specific authorities as well as the components of the system are described, there is no detail on how to collect information. There are no specific procedures with specific actions and deadlines for their implementation. It is especially unfortunate that the access to the information collected within the national system could be provided only by means of the Access of Public Information Act.

Another significant problem is the existence of many institutions with powers in the sector. This is largely due to the fact that the matter of prevention of soil damage is part of both environmental and agricultural legislation. At the same time, one of the great weaknesses of environmental laws is the existence of a variety of bodies that constantly intertwine their powers in different procedures. This situation has also been transferred to the soil protection sector. In almost every procedure in which the system of the Ministry of Environment and Water is related, more than one body represents it. The presence of a variety of institutions with functions in one procedure often leads to a number of negative consequences. There are almost always delays in the implementation of procedures, administrative inefficiency, bordering on refusal of administrative justice, as individual administrations repeatedly transfer their responsibility to each other, severe corruption risk, high cost and, above all, dilution of responsibility.

All the risks listed in this way are surmountable, but they require an active state policy, a purposeful program with clearly distinguished stages, significant financial resources and excellent expert and scientific capacity. Such a program should be based on the active implementation of modern technologies for tillage and prevention of soil erosion, to be applied to the widest possible territory.

First of all, it is necessary to create specialized legislation specifically aimed at soil erosion and its causes. This can be done either by amending and improving the current acts or

by adopting new ones (regulation, ordinance) that combines different techniques with preventive and subsequent restorative effect. This is due to the fact that at present most such procedures are scattered in several regulations, have a number of actions that are duplicated and have not been updated. The purpose of such a normative act should be a complete coverage of the processes for prevention and counteraction of soil erosion, their systematization in time, an obligation of the respective bodies for action, secured by appropriate terms and sanctions. Such a normative act should, in detail, step by step, define the individual procedures, within which the techniques for prevention and counteraction of erosion processes should be applied.

The first and foremost process included in such an act should be a stage of collection and analysis of information on soil resources in the country. It is necessary to make a complete inventory of soils in Bulgaria. This should be done in order to update the information on the relevant sites on one hand and the extent of their impact on the other. It should be defined which territories and terrains have what types of risks as present. This information must be contained in a single register, bringing together the various registers currently provided for. The information available in it should be public or easily accessible through a simple procedure (but not under the law on access to public information).

Based on the information thus collected, it is necessary to determine the degree of threat to the land and what risks cause this threat. On the basis of this and the respective identified risks, the implementation of the respective recovery or preventive processes can begin. In this case, it is essential that the initiative does not belong to the individual landowners, but to the state through its central bodies. In this regard, the main method for this should be the public-private partnership, through which land owners and users should be stimulated by certain mechanisms alone or in partnership with the state to improve the quality of the lands they use. In this regard and in the current state of the legislation, there are such mechanisms and good practices as tax preferences and other financial reliefs provided for in ALCA and the Regulation for its implementation, which should be maintained and expanded.

It is extremely important to introduce modern farming techniques that spare the land. They are covered by the so-called "conservation agriculture" through techniques such as mixed cultivation, deepening, contour farming and others. In this regard, research and analysis are available from the European Soil Data Center of the European Commission, which could be studied and applied, as well as from the relevant Bulgarian scientific institutes (such as the Nikola Pushkarov Institute).

Consideration should be given to how useful and effective it would be for the state to introduce the application of modern technologies as mandatory requirements for tillage in affected areas. In any case, such an obligation needs to be supported by financial assistance from the state.

An important condition for the effectiveness of such legislation is the elimination of the diversity of competent authorities in the field of soil protection. Finding an administratively efficient institutional framework is the biggest challenge for the state soil protection policy. In this case, it must be chosen by which central body the goals of the state in the sector should be implemented - the Ministry of Environment and Water or the Ministry of Agriculture and Food. In any case, the current legal situation and the endless intertwining of institutions and competencies is the greatest guarantee for intensifying soil damage and erosion processes. It is possible, as a compromise option, to undertake a distinction in specific procedures, some of which can be carried out by a body in the system of the Ministry of Environment and Water, and others - in the system of the Ministry of Agriculture and Food. In any case, under the same procedure, the presence of more than one body to conduct it should be severely limited. Unfortunately, this is not the case at the moment.

5. Conclusion

Soil erosion and the preceding risks of soil damage are a significant and neglected risk not only for a country's economy, but also for its ecology. Despite all the implemented modern technology, the earth continues to be the main source of nutrients for mankind. Its good condition is a basic prerequisite for the quality of the crops it produces and accordingly of the food that is consumed. Therefore, the land is defined as a national treasure and is subject to protection in any form.

Neglecting the risk of erosion is a problem that does not pose an immediate danger. At the same time, due to its irreversibility, its underestimation and the lack of measures to be taken, it could lead to significant damage in the future. An example in this respect should be countries with very high levels of soil erosion (e.g. in Africa and some areas in the southern Mediterranean of Europe), where these processes in practice create desert terrains in which agriculture and cultivation of any vegetation is virtually impossible.

There are a number of modern methods for preventing the phenomenon. Unfortunately, they are accompanied by significant costs and some violation of private property, which is unacceptable in a number of countries with developed democratic traditions. Therefore, there is no uniform policy in the European Union to combat soil erosion, as this would greatly affect a part of the national sovereignty of the Member States in an area that is extremely sensitive to each of them - the field of agriculture. In this respect, Bulgaria should not wait for the creation of a common European policy. The risk for the country from erosion of some soils is significant, which is why our country must, on its own initiative, visionary create the necessary legal and institutional framework for this.

Date: 29.12.2020

Sofia

Prepared by: ....

For ALPHA LEGA EOOD - Manager Mihail Todorov Vassilev

***APPENDIX № 1 - Bibliography*:**

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15. Forestry Act

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APPENDIX № 2 – ANALYZED LEGAL ACTS OR PARTS OF THEM

1. Constitution Of The Republic Of Bulgaria

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Art. 21.

(1) Land, as a chief national asset, shall enjoy particular protection on the part of the State and society.

(2) Arable land shall be used for agricultural purposes only. Any change in purposes shall be allowed only in exceptional circumstances, when necessity has been proven, and on terms and by a procedure established by a law.

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2. United Nations Convention To Combat Desertification In Those Countries Experiencing Serious Drought And/Or Desertification, Particularly In Africa (Analyzed Parts)

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PART I INTRODUCTION

Article 1

Use of terms

For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;

(b) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:• prevention and/or reduction of land degradation; • rehabilitation of partly degraded land; and• reclamation of decertified land;

(c) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems;

(d) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;

(e) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;

(f) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:

• soil erosion caused by wind and/or water;

• deterioration of the physical, chemical and biological or economic properties of soil; and

• long-term loss of natural vegetation;

(g) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;

(h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;

(i) "affected countries" means countries whose lands include, in whole or in part, affected areas;

(j) "regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;

(k) "developed country Parties" means developed country Parties and regional economic integration organizations constituted by developed countries.

Article 2 Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

3 Principles In order to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

(a) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;

(b) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;

(c) the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and

(d) the Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

PART II GENERAL PROVISIONS

Article 4 General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic as-pecks of the processes of desertification and drought;

(b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;

(c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;

(d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;

(e) strengthen subregional, regional and international cooperation;

(f) cooperate within relevant intergovernmental organizations;

(g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication; and

(h) promote the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing country Parties in combating desertification and mitigating the effects of drought.

3. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

Article 5

Obligations of affected country Parties In addition to their obligations pursuant to article 4, affected country Parties undertake to:

(a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;

(b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;

(c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;

(d) promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of nongovernmental organizations, in efforts to combat desertification and mitigate the effects of drought; and

(e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.

Article 6 Obligations of developed country Parties In addition to their general obligations pursuant to article 4, developed country Parties under-take to:

(a) actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought;

(b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;

(c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b);

(d) encourage the mobilization of funding from the private sector and other non-governmental sources; and

(e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.

Article 7 Priority for Africa

In implementing this Convention, the Parties shall give priority to affected African country Parties, in the light of the particular situation prevailing in that region, while not neglecting affected developing country Parties in other regions.

Article 8 Relationship with other conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of this Convention for it

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9 Basic approaches

1. In carrying out their obligations pursuant to article 5, affected developing country Parties and any other affected country Party in the framework of its regional implementation annex or, otherwise, that has notified the Permanent Secretariat in writing of its intention to prepare a national action A/AC.241/27 page 10 programme, shall, as appropriate, prepare, make public and implement national action programmes, utilizing and building, to the extent possible, on existing relevant successful plans and programmes, and subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through a continuing participatory process on the basis of lessons from field action, as well as the results of research. The preparation of national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. In the provision by developed country Parties of different forms of assistance under the terms of article 6, priority shall be given to supporting, as agreed, national, subregional and regional action programmes of affected developing country Parties, particularly those in Africa, either directly or through relevant multilateral organizations or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant intergovernmental organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

Article 10 National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, inter alia:

(a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;

(b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;

(c) give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;

(d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;

(e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;

(f) provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes; and

(g) require regular review of, and progress reports on, their implementation.

3. National action programmes may include, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought:

(a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;

(b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;

(c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;

(d) establishment of alternative livelihood projects that could provide incomes in drought prone areas; and

(e) development of sustainable irrigation programmes for both crops and livestock.

4. Taking into account the circumstances and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security; demographic dynamics; sustainable management of natural resources; sustainable agricultural practices; development and efficient use of various energy sources; institutional and legal frameworks; strengthening of capabilities for assessment and systematic observation, including hydrological and meteorological services, and capacity building, education and public awareness.

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Section 2: Scientific and technical cooperation

Article 16 Information collection, analysis and exchange

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short term and long term data and information to ensure systematic observation of land degradation in affected areas and to understand better and assess the processes and effects of drought and desertification. This would help accomplish, inter alia, early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall, as appropriate:

(a) facilitate and strengthen the functioning of the global network of institutions and facilities for the collection, analysis and exchange of information, as well as for systematic observation at all levels, which shall, inter alia:

• aim to use compatible standards and systems;

• encompass relevant data and stations, including in remote areas;

• use and disseminate modern technology for data collection, transmission and assessment on land degradation; and• link national, subregional and regional data and information centers more closely with global information sources;

(b) ensure that the collection, analysis and exchange of information address the needs of local communities and those of decision makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing the collection, analysis and exchange of data and information, including, inter alia, integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of competent intergovernmental and nongovernmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;

(e) give full weight to the collection, analysis and exchange of socioeconomic data, and their integration with physical and biological data;

(f) exchange and make fully, openly and promptly available information from all publicly avail-able sources relevant to combating desertification and mitigating the effects of drought; and

(g) subject to their respective national legislation and/or policies, exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

Article 17 Research and development

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions. To this end, they shall support research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought and the impact of, and distinction between, causal factors, both natural and human,

with a view to combating desertification and mitigating the effects of drought, and achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in affected areas;

(c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their respective national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;

(d) develop and strengthen national, subregional and regional research capabilities in affected developing country Parties, particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries with a weak research base, giving particular attention to multidisciplinary and participative socio-economic research;

(e) take into account, where relevant, the relationship between poverty, migration caused by environmental factors, and desertification;

(f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both the public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities; and

(g) enhance the availability of water resources in affected areas, by means of, inter alia, cloud-seeding.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the Committee on Science and Technology.

Article 18 Transfer, acquisition, adaptation and development of technology

1. The Parties undertake, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the

transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable A/AC.241/27 page 16 technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

(a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

(b) facilitate access, in particular by affected developing country Parties, on favorable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;

(c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;

(d) extend technology cooperation with affected developing country Parties, including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and

(e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology, knowledge, know-how and practices, including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, knowledge, know-how and practices and, to that end, they undertake to:

(a) make inventories of such technology, knowledge, know-how and practices and their potential uses with the participation of local populations, and disseminate such information,

where appropriate, in cooperation with relevant intergovernmental and non-governmental organizations;

(b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly, on an equitable basis and as mutually agreed, from any commercial utilization of them or from any technological development derived therefrom;

(c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices or of the development of new technology based on them; and

(d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

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PART IV INSTITUTIONS

Article 22 Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:

(a) regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and timetable for transmitting the information to be submitted pursuant to article 26, review the reports and make recommendations on them;

(c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(d) review reports submitted by its subsidiary bodies and provide guidance to them;

(e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(f) adopt amendments to the Convention pursuant to articles 30 and 31;

(g) approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing;

(h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, intergovernmental or non-governmental;

(i) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and

(j) exercise such other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in article 35 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical

distribution and adequate representation of affected country Parties, particularly those in Africa.

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

8. The Conference of the Parties may request competent national and international organizations which have relevant expertise to provide it with information relevant to article 16, paragraph (g), article 17, paragraph 1 (c) and article 18, paragraph 2(b).

Article 23 Permanent Secretariats

1. A Permanent Secretariat is hereby established.

2. The functions of the Permanent Secretariat shall be:

(a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) to compile and transmit reports submitted to it;

(c) to facilitate assistance to affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of information required under the Convention;

(d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;

(e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and

(g) to perform such other secretariat functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning.

Article 24 Committee on Science and Technology

1. A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties to provide it with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee shall meet in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties. It shall be composed of government representatives competent in the relevant fields of expertise. The Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.

2. The Conference of the Parties shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields. The roster shall be based on nominations received in writing from the Parties, taking into account the need for a multidisciplinary approach and broad geographical representation.

3. The Conference of the Parties may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels.

3. THE ENVIRONMENTAL PROTECTION ACT (ANALYZED PARTS)

Chapter one.

GENERAL PROVISIONS

Section I.

Application field and scope of the Act

Art. 1. This Act shall provide the public relations, connected with:

1. the environmental protection for the present and the future generations and protection of human

2. the preservation of the biological diversity in compliance with the natural bio-geographic

characteristic of the country;

3. the preservation and the use of the components of environment;

4. the control and the management of the factors, damaging the environment;

5. the implementing of control over the status of environment and the sources of pollution;

6. the prevention and the restriction of pollution;

7. the creating and the functioning of the National system for monitoring of the environment;

8. environmental protection strategies, programmes and plans;

9. the collecting and the access to the information about environment;

10. the economic organisation of environmental protection activities;

11. the rights and the obligations of the state, the municipalities, the corporate bodies and the individuals regarding environmental protection.

Art. 2. The objectives of the Act shall be achieved by:

1. regulating of the regimes for preservation and use of the components of the environment;

2. control over the status and the use of the components of the environment and sources for its pollution and damaging;

3. establishing of admissible standards for emissions and for quality of the environment;

4. management of the components and the factors of the environment;

5. implementing of environmental impact assessment (EIA);

6. issuing of permissions for prevention, restriction and control of the pollution;

7. announcing and management of territories with special regime of protection;

8. development of the system of monitoring of the components of the environment;

9. introduction of economic regulators and financial mechanisms for management of the environment;

10. regulation of the right and the obligations of the state, the municipalities, the corporate bodies and the individuals.

Art. 3. The environmental protection shall be based on the following principles:

1. sustainable development;

2. prevention and reduction of the risk for human health;

3. priority of the prevention of pollution to follow-up removal of the damages, caused by it;

4. participation of the public and transparency in the process of decision taking in the field of environment;

5. informing of the citizens about the status of the environment;

6. the polluter shall pay for the caused damages;

7. preservation, development and protection of the ecosystems and their intrinsic biological diversity;

8. restoration and improvement of the quality of environment in the polluted and damaged regions;

9. prevention of pollution and damaging of the clean regions and other unfavorable impacts on

them;

10. integration of the environmental protection policy in the sector and the regional policies for

development of economy and public relations;

11. access to justice on issues, referring to environment.

Art. 4. The components of environment are: the atmospheric air, the atmosphere, the waters, the soil, the earth bowels, the landscape, the natural sights, the mineral diversity, the biological diversity and its elements.

Art. 5. The factors, polluting or damaging the environment, can be: natural and anthropogenic substances and processes; different kinds of waste and their location; risk energy sources – noises, radiation, as well as some genetically modified organisms.

Art. 6. The management, preservation and control of the components of environment and of the factors, influencing them, shall be implemented by an order, determined by this Act and the special acts for the components and the factors of the environment.

Art. 7. At cross-border pollution shall be applied the requirements, contained in agreements and contracts, to which the Republic of Bulgaria is a party.

Section II.

State policy and bodies for management of environment

Art. 8. (prev. text of Art. 8 – SG 42/11) The state environmental protection policy shall be implemented by the Minister of Environment and Waters.

(2) (new – SG 42/11) The Minister of Environment and Waters may issue an order delegating powers to the Deputy Ministers, stating its functions, and may empower officials in relation with expressions of will and steps which are part of the relevant proceeding for the issue of administrative acts and papers.

Art. 9. The state environmental protection policy shall be integrated in the sector policies –

transport, power generation, construction, agriculture, tourism, industry, education etc., and shall be implemented by the competent bodies of the executive power.

Art. 10. (1) Competent bodies in the sense of the Act shall be:

1. the Minister of Environment and Waters;
2. the executive director of the Executive Agency for Environment;
3. the directors of the Regional inspectorates for environment and waters (RIEW);
4. the directors of the basin directorates;

5. the mayors of the municipalities, and in the towns with district division – also the mayors of the

6. the regional governors.

(2) Competent to undertake the actions and activities, provided in the law, shall be:

1. on the territory of one municipality – the director of RIEW

2. on the territory of one region – the regional governor or the director of RIEW;

3. on the territory of several municipalities within the scope of one RIEW – the director of the respective inspectorate;

4. on the territory of several municipalities within the scope of different RIEW – the Minister of Environment and Waters.

Art. 11. (1) (prev. text of Art. 11 – SG 65/06, in force from 11.08.2006) The Minister of Environment and Waters shall:

1. develop environmental protection policy and the strategy in the Republic of Bulgaria together with the bodies of art. 9;

2. manage through the Executive agency for Environment the National system for monitoring of environment;

3. control the status of environment on the territory of the country;

4. co-ordinate the control authorities of the other bodies of the executive power with regard to the environment;

5. issue orders, permissions, instructions and approve methods;

6. together with the interested bodies of the executive power:

a) issue standards for maximum admissible emissions from kinds of pollutants and standards for maximum admissible concentrations of harmful substances for components of the environment in regions;

b) approve methods for EIA;

c) issue standards for rational use of renewable and not renewable natural resources;

d) ensure the collecting and the conceding of information about the status of the environment;

e) approve methods for control of the components of the environment;

7. carry out other activities, related to environmental protection in compliance with the special laws;

8. prepare the annual report about the status of environment;

8a. (new – SG 52/08, amend. – SG, 62/2015, in force from 14.8.2015) realize the activities of organization and coordination Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ, L 347/185 of 20 December 2013);

9. (new – SG 65/06, in force from the date of entering into force of the Contract for accession to the European Union) prepare and submit to the European Commission reports on application of legal acts of the European Union legislation in environmental field.

(2) (new – SG 65/06, in force from 11.08.2006). The procedure and the requirements of reporting to the European Commission regarding the application of legal acts under par. 1, item 9 shall be set out in an Ordinance, adopted by the Council of Ministers.

Art. 12. (1) With the Minister of Environment and Waters shall be created:

1. High expert ecological council;

2. consultative councils for the policy for management of the components of the environment.

(2) (suppl. SG 77/05) At the RIEW and the Executive agency on environment shall be created expert ecological councils.

(3) The functions, the tasks and the members of the councils of para 1 and 2 shall be determined with a regulation by the Minister of Environment and Waters.

Art. 13. (1) The Executive agency for environment at the Minister of Environment and Waters shall implement the management of the National system for monitoring of the environment.

(2) The Executive agency for environment shall be a corporate body.

(3) The Executive agency for environment shall be represented by an executive director.

(4) The activity, the structure, the organization of work and the staff of the Executive agency for environment shall be determined with a structural regulation, approved by the Council of Ministers.

Art. 14. (1) The regional inspectorates for environment and waters, the directorates of the national parks and the basin directorates shall ensure the conducting of the state environmental protection policy on a regional level.

(2) The bodies of para 1 shall be corporate bodies at the Minister of Environment and Waters at budget maintenance and shall be represented by the respective directors or officials, authorized by them.

(3) (revoked - SG 15/13, in force from 01.01.2014)

(4) (suppl. SG 77/05) The directors of RIEW, the directors of the national parks and the directors of the basin directorates shall compile warning and fact finding records, issue prescriptions, orders for implementation of compulsory administrative measures and penalty provisions.

(5) The number, the territorial scope of activity, the functions and the structure of RIEW, the authorities of their directors, as well as the activity of the directorates of the national parks and of the basin directorates shall be determined with regulations, issue by the Minister of Environment and Waters.

Art. 15. (1) The mayors of municipalities shall:

1. inform the population about the status of the environment about the requirements of the law;

2. develop and control together with the other bodies plans for liquidation of the consequences of accident and volley pollution on the territory of the municipality;

3. organize the management of waste on the territory of the municipality;

4. control the construction, the maintenance and the correct exploitation of the treatment stations for waste water in the urban territories;

5. organize and control the purity, the maintenance, the preservation and the expansion of the local green systems in the settlements and the surrounding territories as well as the preservation of the biologic divergence, of the landscape and of the natural and the cultural heritage in them;

6. determine and announce publicly the persons, responsible for the maintaining of clean streets, pavements and the other places for public use on the territories of the settlements, and control the fulfilment of their obligations;

7. organize the activity of eco-inspectorates, created with a decision of the municipal council, including these, having right to compile acts for establishing administrative offences;

8. determine the officials, who can compile acts for establishing administrative violations under this Act;

9. implement their authorities according to the special laws in the sphere of environment.

10. determine the persons of the municipal administration, having the necessary professional qualification for implementation of the activities for management of environment.

(2) The mayors of municipalities can assign the fulfilment of the functions of para 1 to the mayors of mayoralties and regions.

Art. 16. The regional governor shall:

1. ensure the conducting of the state environmental protection policy on the territory of the region;

2. co-ordinate the work of the bodies of the executive power and their administrations on the territory of the region with regard to the conducting of the state environmental protection policy;

3. co-ordinate the activities for conducting of the environmental protection between the municipalities on the territory of the region;

4. issue punitive decrees for acts, compile by the order of art. 15, para 1, item 8.

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Chapter three.

PRESERVATION AND USE OF THE COMPONENTS OF ENVIRONMENT AND WASTE MANAGEMENT

Section I. General provisions

Art. 32. The use of the components of environment for satisfying of own needs with non commercial objective shall be gratuitous except in the cases, defined in this Act and in the special laws in the field of environment.

Art. 33. The use of natural resources with objective economic activity, defined with a law, shall be against consideration.

Art. 34. The persons, implementing activity under art. 32 and 33, shall be obliged to preserve and restore the environment.

Section II.

Preservation and use of the waters and the water sites policy.

Art. 35. (1) The preservation and the use of waters and water sites are based on long term state

(2) The long term policy for preservation of the waters and the water sites shall be based on the rational management of the waters at national and basin level with basic objective to be achieved good status of all the waters – underground and surface, for ensuring of the necessary water as quantity and quality for:

1. the drinking – household needs of the present and the future generations;

2. the favorable status and development of the eco – systems and the humid zones;

3. the economic and the social activities.

Art. 36. (1) (amend. – SG 65/06, in force from 11.08.2006) The use of the waters and the water sites shall include water taking right and use of the water sites.

(2) The use of the waters and the water sites shall be implemented:

1. without permission;

2. with permission;

3. (amend. - SG 96/17, in force from 02.01.2018) with awarding of concession.

(3) when the right to use of the waters and the water sites is granted under different regimes to one and the same titular, the heavier regime shall be applied.

(4) (amend. – SG 65/06, in force from 11.08.2006) The water taking and the use of water sites shall be bound with the ensuring of the minimum allowable run off in the rivers.

Art. 37. The preservation of the waters and the water sites shall ensure:

1. the balance between the exploitation of the waters and their natural restoration;

2. the preservation and the improvement of the surface and the underground waters.

Art. 38. (amend. SG 77/05) The preservation and the use of the waters and the water sites shall be implemented under the conditions and by the order of this Act and the special laws.

Section III.

Preservation, sustainable use and rehabilitation of the soils (Title amend. – SG 89/07)

Art. 39. (amend. SG 77/05) (1) The preservation, the sustainable use and the restoration of the soils guarantee effective protection of human health and the functions of the soil accounting that the soil is a limited, irreplaceable and practically irrecoverable natural resource.

(2) The preservation, the sustainable use and the restoration of the soil shall have as objective:

1. (amend. – SG 89/07) prevention of its deterioration;

2. durable preservation of its multifunctional ability;

3. ensuring of effective protection of human health;

4. preservation of its qualities as medium for normal development of the soil organisms, the plants and the animals;

5. implementing of preventive control for prevention of unfavorable changes of the soil and applying of good practices for land use;

6. (amend. – SG 89/07) removal and/or reduction of harmful changes of its quality caused by processes, damaging soils, according to the requirements of the types of land use.

Art. 40. (Amend. SG 77/05) The corporate bodies and the individuals, owners and/or users of landed properties shall be obliged to not cause harmful changes on the soil in there and in the neighboring landed properties.

Art. 40a. (new – SG 77/05; amend. – SG 36/08; amend. – SG 52/08, amend. – SG 58/17, in force from 18.07.2017) The norms regarding the admissible content of harmful substances in the soil shall be determined with an ordinance of the Minister of Environment and Waters, the Minister of Health and the Minister of Agriculture, Foods and Forestry.

Art. 41. The owners and the users of landed properties shall be obliged to undertake measures for prevention of harmful changes, threatening the soil.

Art. 42. (1) (amend. SG 77/05; amend. – SG 52/08) Who causes harmful changes of the soil shall be obliged to restore for his account its status preceding the damaging.

(2) The owners and the users of underground and over-ground networks and facilities of the technical infrastructure shall be obliged to maintain them in technical fitness and to not admit pollution or other harmful change of the soil around them.

Art. 43. (1) The humus layer of the soil shall be under special protection.

(2) (Amend – SG 36/08; amend. – SG 52/08; amend. – SG 66/13, in force from 26.07.2013; amend.

– SG 98/14, in force from 28.11.2014, amends. – SG 58/17, in force from 18.07.2017) Before starting of construction, investigation and achieving of underground resources the humus layer of the soil shall be taken, deposited and utilized for its function under the conditions and by the order of an ordinance by the Minister of Agriculture, Foods and Forestry, the Minister of Environment and Waters and the Minister of Regional Development and Public Works.

(3) The activities of para 2 shall be implemented not admitting pollution or damaging of the soil in the neighboring landed properties.

(4) After finishing the activities of para 2 the investor or the initiator of the project shall be obliged to implement reclamation of the damaged terrain.

Art. 44. The owners and the operators of deposits of waste, including tailings, solid waste deposits as well as facilities for preservation of waste and/or dangerous chemical substances shall organize and exploit them in a way, excluding pollution and damaging of the soil and the other components of environment.

Art. 44a. (New – SG 77/05) The inventory and the investigations of areas with polluted soil, the necessary restoration measures as well as the maintenance of the realized restoration measures shall be implemented according to ordinance approved by the Council of Ministers.

Art. 44b. (New – SG 77/05) The preservation, the sustainable use and the restoration of the functions of the soil shall be implemented under the conditions and by the order of this Act and a special law.

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Chapter eight.

NATIONAL SYSTEM FOR MONITORING OF ENVIRONMENT

Art. 143. The National system for monitoring of environment shall comprise the territory of the whole country.

Art. 144. (1) The National system for monitoring of environment shall include:

1. the national networks for:

a) monitoring of the atmospheric air;

b) monitoring of the precipitation and the surface waters;

c) monitoring of the underground waters;

d) monitoring of the sea waters;

e) monitoring of the geologic environment;

f) (amend. – SG 89/07) monitoring of the soils;

g) monitoring of the forests and the protected territories;

h) (amend. SG 77/05) monitoring of the biological diversity;

i) radiological monitoring;

j) monitoring of the noise pollution in environment;

k) (revoked – SG 46/10, in force from 18.06.2010)

l) monitoring of the waste deposits and the old pollution with waste;

2. control – information system for emissions in the air and the status of the waste waters;

3. the exploitation, the communication and information ensuring and the laboratory servicing of the networks of items 1 and 2.

(2) The National networks for monitoring of environment shall be designed and established in compliance with the national, the European and the international standards.

(3) For the information ensuring of the National system for monitoring of environment a national automated system for monitoring of environment shall be established.

(4) The national automated system for monitoring of environment shall be organized at national, basin and regional level.

(5) The measuring and the laboratory trials shall be implemented by accredited laboratories.

(6) The Minister of Environment and Waters shall approve with an order the networks of para 1,

Item 1.

Art. 145. The tasks of the National system for monitoring of environment shall be:

1. conducting of observations of the national networks for determining the status of the components of environment;

2. processing, analysis, visualization and preservation of the information from the networks of item 1 and from the own monitoring;

3. ensuring of information for operational control;

4. prognoses of the status, assessment of the risk for the environment and development of proposals for its improvement;

5. information ensuring of the bodies of the executive power and of the public;

6. creating and maintaining of specialized maps and registers of the components of environment and of the factors, influencing them;

7. exchange of information about the status of environment with the European system for monitoring.

Art. 146. (1) (Amend. - SG 86/03, suppl. SG 74/05; suppl. – SG 89/07) For conducting of own monitoring the persons, obliged under the Waters Act, the Act on Soils, the Ambient Air Quality Act, Underground Resources Act, Protection From Environment Noise Act and the Waste Management Act, shall develop a plan, complied with the conditions of the permission or in the decision about EIA.

(2) The plan for the body shall approve own monitoring, obliged the person of para 1.

(3) At the approval of the plan for own monitoring the body of para 2 shall determine the information, which the persons, carrying out own monitoring, are obliged to concede for including in the national automated system for ecological monitoring, as well as the order and the way for conceding it.

Art. 147. (1) (suppl. SG 74/05) The National system for monitoring of environment, except the national system for monitoring of noise in the urbanized territories, shall be organized and managed by the Minister of Environment and Waters.

(2) (Suppl. SG 74/05) The creating, the functioning, the material – technical and the information – software ensuring of the national automated system for ecological monitoring, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(3) Revoked – SG 77/05

(4) (Suppl. SG 74/05) the methodical management of the monitoring activity, except the national system for monitoring of noise in the urbanized territories, shall be implemented by the Executive agency for environment.

(5) The assessments of the status of environment shall be implemented at regional and at national level by RIEW and the Executive agency for environment.

(6) The data and the assessments about the status of environment shall be published in quarterly and annual bulletin about the status of environment.

(7) The data from the observations and the assessments, obtained as result of the activity of the National system for monitoring of environment as well as of own monitoring, shall be basis for implementing of control and for imposition of sanctions upon violation of the normative requirements.

4. SOILS ACT (ANALYZED PARTS)

Chapter One

GENERAL PROVISIONS

Article 1. (1) This Act shall regulate social relations in connection with the protection of soils and their functions, as well as their sustainable use and long-term restoration as an environmental medium.

(2) Soils are a national wealth and a scarce, irreplaceable and essentially non-renewable natural resource, and their protection is a priority and obligation of state and municipal authorities and of natural and legal persons.

Article 2. The purposes of this Act are:

1. prevention of soil degradation and damage to soil functions;

2. lasting protection of soil functions;

3. restoration of damaged soil functions.

Article 3. Soil protection, use and restoration shall be based on the following principles:

1. an ecosystem and comprehensive approach;

2. sustainable use of soils;

3. a priority of preventive control to forestall or limit soil degradation and damage to soil functions;

4. applying good practices in soil use;

5. the polluter pays for the damage caused;

6. public awareness of the environmental and economic benefits of soil protection from degradation and of measures to preserve soils.

Chapter Two

MANAGEMENT BODIES FOR SOIL PROTECTION, SUSTAINABLE USE AND RESTORATION

Article 4. (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) State policy for soil protection, sustainable use and restoration t at a national level shall be implemented by the Minister of Environment and Water, the Minister of Agriculture, Food and Forestry, the Minister of Health, and the Minister of Regional Development and Public Works.

(2) Other ministers and heads of central-government departments concerned shall likewise take part in the implementation of the state policy referred to in Paragraph (1), each within his or her respective competences.

(3) Soil protection, use and restoration policy shall be implemented at a regional level by regional governors and at a local level by municipal mayors.

(4) The authorities covered under Paragraphs (1) to (3) shall ensure public participation in decision-making and in the development of strategies, programmes and plans for soil protection, sustainable use and restoration.

Article 5. (1) The Minister of Environment and Water:

1. shall develop a National Programme for Soil Protection, Sustainable Use and Restoration in accordance with the procedure set out in Chapter Five, jointly with the authorities covered under Article 4 (1) and (2);

2. shall coordinate the activities of the authorities covered under Article 4 (1) to (3);

3. shall assign scientific and applied research as a basis for management decisions and for the drafting of statutory instruments;

4. shall prepare and provide observations on draft statutory instruments in the field of soil protection, sustainable use and restoration;

5. shall ensure public participation in decision-making in connection with soil protection, sustainable use and restoration;

6. shall exercise coordination and control compliance with the requirements set out in this Act;

7. shall manage soil monitoring as part of the National Environmental Monitoring System;

8. shall implement the control referred to in Item 1 of Article 31 (1);

9. shall draft an annual report on the state of soils as part of the National Report on the State of the Environment;

(2) The Minister of Environment and Water shall receive assistance in his or her activities from the Executive Environment Agency, the Regional Inspectorates of Environment and Water (RIEW) and the Advisory Council on Soil Protection, Sustainable Use and Restoration.

(3) The Executive Director of the Executive Environment Agency:

1. shall implement soil monitoring as part of the National Environmental Monitoring System;

2. shall establish and maintain a register of areas with degraded soil;

3. shall organize the development and publication of periodical and information newsletters and data sheets on soils.

(4) The Directors of RIEWs:

1. shall implement soil monitoring under Item 1 of Article 27 (3)at a regional level, the scope and contents being endorsed by order of the Minister of Environment and Water;

2. shall implement the control referred to in Item 10 of Article 13, Articles 16 to 18 and with the Environmental Protection Act and the Waste Management Act on the territory of the respective REIW;

3. shall exercise control over the conduct of self-monitoring under Article 29 (1);

4. shall implement preventive and current control;

5. shall make recommendations for the inclusion of areas with degraded soils in the register stipulated in Article 21 and shall participate in the inventorying of such areas;

6. shall assist in the process of developing and reporting the implementation of the National Programme for Soil Protection, Sustainable Use and Restoration under Article 24 (1);

7. shall ensure the participation of representatives of RIEWs in:

(a) land assigned-use alteration commissions in accordance with Article 17 (4) of the Agricultural Land Conservation Act;

(b) disturbed ground reclamation commissions in accordance with Article 19 (3) and (4) of the Regulations for Application of the Agricultural Land Conservation Act (promulgated, SG No. 84/1996; amended, No. 100/1997, Nos. 14, 48 and 63/2000, Nos. 41 and 66/2001, No. 31/2003, No. 41/2004, Nos. 75 and 78/2006, No. 62/2007);

(c) municipal and administrative regional expert boards on spatial development and in connection with Items 1 and 2 of Article 13;

(d) (amended, SG No. 80/2009) technical councils at the forestry directorate departments for making decisions related to forest-management designs, plans and programmes and in connection with Item 5 of Article 13.

(5) The Advisory Council on Soil Protection, Use and Restoration shall be an auxiliary body to the Minister of Environment and Water and:

1. its composition shall be determined by order of the Minister of Environment and Water and shall include representatives of the bodies covered under Article 4 (1) to (3) and of organizations concerned;

2. the Advisory Council shall prepare observations on strategies, programmes and statutory instruments for soil protection, sustainable use and restoration and shall propose measures to improve the activities of state and municipal authorities in this area;

3. the activities of the Advisory Council shall be governed by regulations endorsed by the Minister of Environment and Water.

Article 6. (Amended, SG No. 80/2009, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry:

1. shall organize activities for the protection, sustainable use and restoration of agricultural land in accordance with this Act, the Agricultural Land Conservation Act and the Plant Protection Act;

2. shall develop and maintain a continually updated information system on soil resources;

3. shall implement the control referred to in Item 2 of Article 31 (1);

4. shall provide information to the Minister of Environment and Water within his or her competence;

5. shall participate in the development of the National Programme under Article 24 (1) and of statutory instruments in the field of soil protection, sustainable use and restoration.

Article 7. The Executive Director of the Executive Forestry Agency:

1. shall organize activities for soil protection, sustainable use and restoration in the forest stock in accordance with this Act and the Forestry Act;

2. shall implement the control referred to in Item 4 of Article 31 (1);

3. shall provide information to the Minister of Environment and Water within his or her competence;

4. shall participate in the development of the National Programme under Article 24 (1) and of statutory instruments in the field of soil protection, sustainable use and restoration.

Article 8. The Minister of Health:

1. shall organize the implementation of a health risk assessment and the development of measures to mitigate the harmful effects of degraded soils on human health;

2. shall participate in the development of the National Programme under Article 24 (1) and shall coordinate statutory instruments determining the content of harmful substances in soils;

3. (amended, SG No. 98/2010, effective 1.01.2011) shall assign the directors of regional health inspectorates to carry out a survey of the content of harmful substances in cases of soil pollution in:

(a) sanitary protected areas of water sources and drinking and household water supply facilities and around sources of mineral water used for therapeutic, prophylactic, drinking and hygienic purposes;

(b) urbanized areas or arable agricultural land where the pollution can pose a direct or indirect risk to human health in cases of direct contact with the polluted soils or through the cultivation of agricultural crops;

4. shall provide information to the Minister of Environment and Water within his or her competence.

Article 9. (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works:

1. shall organize monitoring and geohazards protection of landslide-hazard areas;

2. shall determine measures for containment of erosion and abrasion processes in accordance with the procedure set out in Chapter Four, Section VII of the Spatial Development Act;

3. shall implement the control referred to in Item 3 of Article 31 (1);

4. shall provide information to the Minister of Environment and Water within his or her competence;

5. shall participate in the development of the National Programme under Article 24 (1) and shall coordinate statutory instruments in the field of soil protection, sustainable use and restoration.

Article 10. Regional Governors:

1. shall develop and implement programmes for soil protection, sustainable use and restoration in the respective administrative region in accordance with the National Programme under Article 24 (1);

2. shall interact with local self-government authorities and the local administration;

3. shall implement the control referred to in Item 5 of Article 31 (1).

Article 11. Municipal Mayors:

1. shall develop and implement the programmes under Article 26;

2. shall make proposals for the inclusion of areas with degraded soils in the register under Article 21;

3. shall implement the control referred to in Item 6 of Article 31 (1).

Chapter Three

SOIL PROTECTION AND SUSTAINABLE USE

Article 12. Processes which degrade soils shall be as follows:

1. erosion;

2. acidification;

3. salinization;

4. compaction;

5. organic matter decline;

6. contamination;

7. sealing;

8. landslides;

9. (new, SG No. 98/2018, effective 27.11.2018) swamping.

Article 13. For the purpose of soil protection and sustainable use and containment of the processes covered under Article 12, the following shall be prohibited:

1. destruction of existing erosion proofing and irrigation and land reclamation facilities in cases where this leads to soil degradation;

2. destruction of existing landslide containment and consolidation facilities;

3. use of agricultural practices leading to salinization, acidification and contamination of soils with harmful substances;

4. use of soil cultivation technologies which lead to erosion, compaction and damage to the soil structure;

5. destruction of or disturbance to the integrity of protective forest belts;

6. irrigation with polluted water which contains harmful substances in excess of the permissible levels

7. disposal into soils of sewage sludge which does not meet the requirements of the Ordinance on the Procedure and Manner for Recovery of Sewage Sludge through r its Use in Agriculture (SG No. 112/2004);

8. application of fertilizers, compost and other improving agents, biologically active substances and nutrient substrates to soils which do not meet the conditions defined in the Plant Protection Act;

9. use of pesticides which do not meet the requirements set out in the Ordinance on Plant Protection Products Authorization (promulgated, SG No. 81/2006, amended, No. 62/2007);

10. implementation of manufacturing activities leading to salinization, acidification and contamination of soils with harmful substances;

11. incineration or any other form of uncontrolled final disposal, abandonment and unauthorized dumping of waste on the soil surface, including agricultural waste, outside the scope of the Waste Management Act;

12. burning of stubble and other plant residues on the soil surface.

Article 14. (1) (Amended, SG No. 58/2017, and effective 18.07.2017) The degree of soil contamination shall be determined by means of standards for permissible content of harmful substances in soils in accordance with an ordinance of the Minister of Environment and Water, the Minister of Agriculture, Food and Forestry and the Minister of Health.

(2) The standards for permissible content of harmful substances in soils referred to in Paragraph (1) shall be determined at three levels:

1. safe concentrations;

2. maximum permissible concentrations;

3. intervention concentrations.

Article 15. (1) For the purpose of protection of the humus layer, which is subject to special protection, the following shall be prohibited:

1. destruction or contamination of the humus layer;

2. spreading a humus layer directly onto salinized and contaminated layers;

3. storage of humus for more than 15 years;

4. storage of humus in depots of a height exceeding 10 m.

(2) The procedure for the use of the humus layer shall be determined by Ordinance No. 26 on the Reclamation of Disturbed Ground, Improvement of Unproductive Land, Removal and Use of the Humus Layer (promulgated, SG No. 89/1996, amended, No. 30/2002).

Article 16. Legal or natural persons which or who own or use land properties shall be prohibited from degrading the soils in their own and in neighboring land properties and shall be obliged to take measures to prevent harmful modifications in them.

Article 17. The owners and users of underground, surface and overhead physical infrastructure networks and facilities shall be obliged to maintain them in serviceable condition and to prevent soil Degradation.

Article 18. The owners and operators of landfills of waste, including tailings ponds, slime ponds , etc., as well as of installations for storage of waste and/or dangerous chemical substances, preparations and products, shall organize and operate the said installations in a manner precluding soil Degradation.

Chapter Four

INVENTORYING AND SURVEYING AREAS WITH DEGRADED SOILS. RESTORATION OF DAMAGED SOIL FUNCTIONS. RECLAMATION OF DISTURBED GROUND

Article 19. The purpose of restoration of the functions of degraded soils shall be as follows:

1. preventing risks to the environment and to human health;

2. protection of the other environmental media covered under Article 4 of the Environmental Protection Act;

3. improving soil fertility in agricultural and forestry use.

Article 20. (1) Inventorying and surveying areas with degraded soils and restoration of damaged soil functions shall be implemented through:

1. preliminary surveys and research;

2. detailed surveys, including an assessment of risks to the environment and to human health;

3. developing and implementing projects for the restoration of areas with degraded soils;

4. monitoring and maintenance of the areas with restored soil functions.

(2) (Amended, SG No. 80/2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) Inventorying and surveying of areas with degraded soils, the necessary restoration measures and the maintenance of restoration activities shall be implemented in accordance with ordinances adopted by the Council of

Ministers on a motion by the Minister of Agriculture, Food and Forestry with regard to Items 1 to 5 of Article 12, the Minister of Environment and Water with regard to Item 6 of Article 12, and the Minister of Regional Development and Public Works with regard to Item 7 and 8 of Article 12, each within his or her competences.

Article 21. The Executive Environment Agency shall establish and maintain a register of areas with degraded soils, containing information about the location, the source of degradation, the type and the area of degradation, a risk assessment and an estimate of the funds spent on the survey and restoration.

Article 22. Restoration of areas with degraded soils shall be implemented by the party which caused the degradation, and in cases where this party is not identified, by the owner or user of the said areas.

Article 23. (1) (Amended, SG No. 98/2018, effective 27.11.2018) In cases of disturbed ground, reclamation projects shall be implemented in accordance with the procedure stipulated in the Agricultural Land Conservation Act.

(2) (Amended, SG No. 98/2018, effective 27.11.2018) The projects under Paragraph 1 shall be coordinated with the Minister of Environment and Water or by an official, authorized by him - for cinder depots, as well as landfills and other waste-holding facilities within the meaning of the Waste Management Act.

(3) A fee determined by the rate schedule of fees collected within the system of the Ministry of Environment and Water shall be collected for the clearance of reclamation projects.

Chapter Five

PROGRAMMES FOR SOIL PROTECTION, SUSTAINABLE USE AND RESTORATION

Article 24. (1) The Minister of Environment and Water, together with the authorities covered under Article 4 (1) and (2), shall develop a National Programme for Soil Protection, Sustainable Use and Restoration and shall submit it for approval by the Council of Ministers.

(2) The programme referred to in Paragraph (1) shall be subject to an environmental assessment in accordance with the procedure set out in the Environmental Protection Act.

(3) The National Programme for Soil Protection, Sustainable Use and Restoration shall be developed for a 10-year period and shall contain:

1. an analysis and assessment of the condition of the soils and of the sources of soil degradation, disaggregated by sector of the national economy;

2. an assessment of the opportunities and restrictions at an international and domestic level;

3. the objectives and priorities for soil protection, sustainable use and restoration;

4. sources of funding for attainment of the objectives;

5. a five-year action plan with specific institutional, organizational and investment measures, timelines, responsible institutions, resources needed and sources of funding;

6. a schedule of organization, monitoring and reporting on the implementation of the action plan;

7. an assessment of the results and, if needed, changes in the measures referred to in Item 5.

(4) The main criteria in determining the priorities of the National Programme for Soil Protection, Sustainable Use and Restoration shall be:

1. sustainable use of soils as a natural resource;

2. protection and improvement of soil fertility;

3. reduction of harmful effects on soils caused by natural processes and phenomena and by anthropogenic factors;

4. prevention and reduction of risks to human health and protection of the other environmental media;

5. compliance with the principles of sustainable development, including the principles of organic agriculture;

6. restoration of damaged soil functions;

7. obligations assumed by the State under international instruments related to soils.

(5) The Minister of Environment and Water shall report to the Council of Ministers on an annual basis on the implementation of the plan referred to in Item 5 of Paragraph (3) as part of the report on the National Environmental Strategy.

Article 25. (1) Regional governors shall develop programmes for soil protection, sustainable use and restoration in the administrative region in accordance with the National Programme under Article 24 (1) for a period of at least 5 years.

(2) The programmes referred to in Paragraph (1) shall be an integral part of the administrative regional development programmes.

Article 26. (1) Municipal mayors shall develop programmes for soil protection, sustainable use and restoration in the municipality in accordance with the programmes under Article 25 (1) for a period of at least 3 years.

(2) The programmes referred to in Paragraph (1) shall be an integral part of municipal environmental protection programmes.

Chapter Six

SOIL MONITORING

Article 27. (1) Soil monitoring shall be part of the National Environmental Monitoring System and shall include the collection, assessment and summarization of information on soils by means of periodic monitoring and measurement of particular qualitative and quantitative indicators characterizing soil condition and changes as a result of the impact of natural and anthropogenic factors, as well as the maintenance of an information system and early warning systems.

(2) The objective of soil monitoring shall be to analyze the current condition of soils, identify negative processes in good time, and forecast their development.

(3) The data needed for the implementation of soil monitoring shall be received from the following sources:

1. soil monitoring networks, consisting of posts and testing grounds;

2. self-monitoring by the operators under Item 1 of Article 29 (1) and by the initiators of development proposals under Item 2 of Article 29 (1);

3. the information system under Article 30 (1);

4. the information under Item 4 of Article 6, Item 3 of Article 7, Item 4 of Article 7 and Item 4 of Article 9.

Article 28. The soil monitoring procedure shall be determined by an ordinance of the Minister of Environment and Water.

Article 29. (1) The following shall conduct self-monitoring:

1. the operators of manufacturing facilities and installations listed in Annex 4 to Article 117 (1) of the Environmental Protection Act;

2. the initiators of development proposals for which an environmental impact assessment is conducted in accordance with the procedure stipulated in the Environmental Protection Act and for which an integrated permit is issued.

(2) The parties referred to in Item 1 of Paragraph (1) shall conduct self-monitoring of the soils within the boundaries of the sites where the facilities and installations are located in accordance with the conditions and procedure determined in the integrated permit issued under the procedure set out in Chapter Seven, Section II of the Environmental Protection Act.

(3) The parties referred to in Item 2 of Paragraph (1) shall conduct self-monitoring of the soils within the boundaries of the sites on which they implement the development proposals.

(4) The conditions and procedure for conduct of monitoring under Paragraph (2) shall be cleared with the RIEWs and the Executive Environment Agency within the framework of the integrated permit issuing procedure.

(5) For the conduct of monitoring, the parties referred to in Item 2 of Paragraph (1) shall draft a plan for self-monitoring on the basis of the conditions set out in the Environmental Impact Assessment (EIA) decisions. Any such plan shall be cleared with the RIEWs and the Executive Environment Agency within the framework of the EIA procedure.

(6) Upon the clearance procedure under Paragraphs (4) and (5), the respective competent authorities shall determine the information under Item 2 of Article 27 (3), as well as the procedure and method of providing the information.

(7) The parties referred to in Paragraphs (2) and (3) shall keep the information on the self-monitoring for a period of at least 15 years.

Article 30. (1) (Amended, SG No. 80/2009, SG No. 92/2011, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall establish and maintain an

information system on soil resources in accordance with the Agricultural Land Conservation Act and with this Act.

(2) The following shall be carried out by means of the information system referred to in Paragraph (1):

1. inventorying of the soil resources of the country;

2. providing data on the condition of soil resources by means of ground and remote sensing methods in order to compile maps based on a geographical information system;

3. providing data on the main characteristics and properties of soil resources;

4. determining the spatial distribution and productive potential of soil resources on the basis of uniform systematization of soils for use in agriculture and forestry;

5. providing data and assessments of compulsory restrictions on the use of soils;

6. providing information on sustainable use of soils.

(3) The information covered under Paragraph (2) shall be in the public domain.

Chapter Seven

CONTROL

Article 31. (1) Control over soil protection, sustainable use and restoration shall be implemented by:

1. the Minister of Environment and Water or officials empowered by the Minister, with regard to Item 10 of Article 13, Articles 16 to 18, to implementation of the programmes under Article 24 (1) and Article 25 (1), as well as with regard to the Environmental Protection Act and the Waste Management Act;

2. (amended, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry or officials authorized by the Minister, with regard to Items 3, 4, 6, 7, 8, 9 and 12 of Article 13, Article 15 (1) and Article 16, and with regard to the Agricultural Land Conservation Act and the Plant Protection Act;

3. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works or officials authorized by

the Minister, with regard to Items 1 and 2 of Article 13, and with regard to the Spatial Development Act;

4. the Executive Director of the Executive Forestry Agency or an official authorized by the Chairperson with regard to Items 1, 2, 4, 5, 11 and 12 of Article 13 and with regard to the Forestry Act;

5. regional governors, with regard to the implementation of the programmes under Article 26;

6. municipal mayors, with regard to Item 11 of Article 13.

(2) Parties subject to control shall ensure access to all sites and shall provide the necessary information to the respective competent authorities upon the implementation of their control functions.

Article 32. Control over soil protection, sustainable use and restoration shall be preventive, current and follow-up.

Article 33. (1) The purpose of preventive control shall be to prevent soil degradation and shall be implemented in accordance with:

1. the Environmental Protection Act, through:

(a) an environmental assessment upon the approval of plans and programmes under Chapter Six, Section II of the same Act;

(b) an environmental impact assessment under Chapter Six, Section III of the same Act;

(c) integrated permits under Chapter Seven, Section II of the same Act;

2. the Protected Areas Act, by means of management plans of protected areas;

3. the Biological Diversity Act, by means of management plans for special protection areas.

(2) Preventive control shall also cover:

1. soil use regimes in accordance with the ordinances referred to in Article 20 (2) and with the Agricultural Land Conservation Act;

2. prohibitions to perform particular activities in accordance with Article 13 and Article 15 (1).

Article 34. (1) Current control shall be implemented by means of document examination and/or on-site inspection and shall cover:

1. the condition of the soils;

2. activities which could degrade the soils;

3. the implementation of:

(a) plans and programmes for soil protection, sustainable use and restoration;

(b) measures contained in the observations on environmental assessments in environmental impact assessment decisions and in permits issued in accordance with the Environmental Protection Act;

(c) investment projects and development proposals.

(2) Upon the implementation of current control, the respective competent authorities under Article 31 (1) shall, where necessary, issue mandatory prescriptions on the basis of memorandums of ascertainment drawn up on detected violations.

Article 35. Follow-up control shall be implemented through inspection of the implementation of the prescriptions issued by the authorities under Article 34 (2).

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5. AGRICULTURAL LANDS CONSERVATION ACT (ANALYZED PARTS)

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Chapter One

GENERAL PROVISIONS

Article 1. This Act arranges the protection against deterioration, the rehabilitation and fertility enhancement of agricultural land as well as the terms and conditions whereby such land may change its type of use.

Article 2. (1) Agricultural land is deemed a primary national endowment and shall only be used for agricultural purposes.

(2) Agricultural land shall be used for crop growing as well as for grazing pasture in such a way as not to deteriorate soil fertility and human health.

(3) Altering agricultural land use shall only be allowed by way of exception where and if need is proven, under the terms and conditions of this Act.

(4) (New, SG No. 39/2011, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 100/2015, amended, SG No. 58/2017, effective 18.07.2017) Construction on agricultural land without altered land use may be applicable for hothouses, and for linear sites under Article 17a, paragraph 2, and for sites which functions are related to the agricultural use of the land – under conditions and by a procedure determined by an ordinance of the Minister of Agriculture, Food and Forestry and the Minister of Regional Development and Public Works.

(5) (Amended, SG No. 19/2011, effective 9.04.2011, renumbered from Paragraph 4, SG No. 39/2011) Protection against soil deterioration, rehabilitation and fertility enhancement of agricultural land shall also apply for agricultural land within development boundaries of settled areas, as well as for wooded areas which are used for crop growing as well as for pasture.

Chapter Two

PROTECTION OF AGRICULTURAL LAND AGAINST DETERIORATION

Article 3. Owners and tenants of agricultural land shall be requested to preserve them from erosion, pollution, salination, acidification, swamping and other types of soil degradation and to sustain and improve their productive qualities.

Article 4. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall provide agricultural land owners and tenants with official information about:

1. the productive, technological, environmental and economic qualities of agricultural land, including basic prices as well as any potential risks of deterioration of these qualities due to erosion, pollution, salination, acidification and swamping;

2. protection of the top soil and its environmentally vital functions against degradation;

3. the regulatory restrictions on the use of agricultural land;

4. pesticides, fertilizers, industrial or household waste, biologically active and other substances, which are registered and licensed for application as well as the sanitary requirements to be followed while using such substances, as well as banned substances;

5. the quality of the irrigation water, the sanitary requirements and use limits as well as the water banned from irrigation;

6. anti-erosion crop-rotation for erosion-endangered areas;

7. tillage systems and equipment.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall run an information system for agricultural soil resources. The information system shall maintain a special register for agricultural land:

1. polluted with heavy metals and metalloids, radionuclides, oil products and other organic pollutants, industrial, construction and household waste;

2. threatened by erosion, pollution, salination, acidification and swamping.

(3) The register under Paragraph 2 shall also contain information about:

1. physical and corporate bodies or their successors who have acted as the agents of pollution;

2. restricting and recommending regimes of land use and prescription for redressing of the offences;

3. humus depots;

4. industrial waste fit for reclamation and improvement of agricultural land;

5. short-term and long-term programmes for improvement of the productive qualities of the agricultural land and their protection from erosion, pollution, salination, acidification and swamping.

(4) (Amended, SG No. 58/2017, and effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall have the right to impose restrictions on agricultural land use where the following has been established:

1. agricultural land degradation;

2. non-conformity of crop or animal output with health standards;

3. deterioration of biological functions of the top soil as well as of surface and ground water quality;

4. other cases, stipulated by a law.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall adopt forest development and water management measures protecting the top soil against water and wind erosion.

Article 5. (1) A land owner shall freely choose the way to use his agricultural land provided he thereby should not change the type of use and should not cause damage to his own land, the land of others or deteriorate the quality of the surface or ground water.

(2) Where restrictions have been imposed by law on agricultural land use, the owner or the tenant shall be obliged to observe them.

(3) The owners and the tenants of agricultural land shall be responsible for:

1. compliance with the health standards valid for crops or animal output originating from agricultural land;

2. damages inflicted on agricultural land belonging to others as well as for the deterioration of surface or ground water quality.

(4) (New, SG No. 13/2007) The tenants of agricultural lands shall be responsible for the burning of stubble and other crop leftovers on agricultural land, and shall be obliged to participate in their putting out.

(5) (Renumbered from Paragraph 4, SG No. 13/2007) The owners and tenants of agricultural land shall be entitled to tax or borrowing preferences provided they duly apply:

1. the statutory restrictions on agricultural land use;

2. the recommendations for protecting the top soil and its biological functions;

3. anti-erosion facilities;

4. organic agriculture or agriculture with restricted use of herbicides, pesticides and mineral fertilizers;

5. projects for rehabilitation and improvement of the productive qualities of agricultural land.

(6) (Renumbered from Paragraph 5, SG No. 13/2007) The physical and corporate entities shall bear responsibility if their activities result in deterioration of the quality or biological functions of agricultural land.

Article 6. (1) The following shall be prohibited:

1. (amended, SG No. 58/2017, effective 18.07.2017) the use of pesticides, mineral, foliage-boosting or micro fertilizers as well as of biologically active substances having no biological and toxicological registration by the special commissions or councils at the Ministry of Agriculture, Food and Forestry, the Ministry of Health and the Ministry of Environment;

2. (amended, SG No. 14/2000) the burning of stubble or other crop leftovers on agricultural land;

3. (amended, SG No. 58/2017, effective 18.07.2017) the spreading on agricultural land of organic slurry from industrial or other water or from household waste without permission by the competent authorities with the Ministry of Agriculture, Food and Forestry;

4. the destruction or altering of anti-erosion or irrigation facilities without the explicit consent of the competent authorities.

(2) To use water containing harmful substances or waste above the admissible limits for irrigation shall be disallowed.

(3) The organisations involved in irrigation water management or supply, shall periodically control water quality. In the event of finding harmful substances or waste above the admissible limits, these organisations shall inform users and suspend water supply until water quality is restored. Water users shall be entitled to seek compensation for damages or lost earnings for the period of suspension.

Chapter Three

REHABILITATION AND IMPROVEMENT OF THE PRODUCTIVE QUALITIES OF AGRICULTURAL LAND

Article 7. (1) Recreation and improvement of eroded, polluted, salivated, acidified or swamped agricultural land is a set of measures or technologies aimed at:

1. rehabilitation of deteriorated biological functions of the top soil;

2. reduction or elimination of human or animal health risks resulting from the consumption of plant or animal products;

3. preservation or improvement of the soil fertility.

(2) The rehabilitation or improvement of eroded, polluted, salivated, acidified or swamped agricultural land shall be carried out based on coordinated and approved technologies or projects to be planned in advance.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) The technologies or projects shall be approved by an advisory council at the Ministry of Agriculture, Food and Forestry with contribution from the Ministry of Environment and Water and the Ministry of Health.

(4) Contractors to apply the technologies or projects shall be selected by tender launched by the expert council under Paragraph 3.

Article 8. (1) (Amended, SG No. 14/2000, SG No. 18/2006, amended and supplemented, SG No. 10/2009, amended, SG No. 61/2015*, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry shall annually administer through its budget revenues from: the fees under Article 30, Paragraph 1; rent or lease payments for the use of land from the State Land Stock, as well as sales of such land; the fines collected pursuant to this Act, revenue from state fees collected by land ownership authorities according to the tariff specified in Article 31, Paragraph 2 of the Agricultural Land Ownership and Use Act, as well as the expenses incurred in implementing and enforcing this Act as well as expenditures under Article 10, Paragraph 10 of the Agricultural Land Ownership and Use Act.

(2) (New, SG No. 14/2000, amended, SG No. 10/2009, SG No. 38/2012, effective 1.07.2012, repealed, SG No. 100/2015).

(3) (New, SG No. 14/2000, repealed, SG No. 100/2015).

(4) (Previous paragraph 2, SG No. 14/2000) Polluters or deteriorators of agricultural land shall be liable to defray the cost of activities under Article 7 or to reimburse the state for having made such expenses.

(5) (Previous paragraph 3, SG No. 14/2000) The state shall take over the expenses in addressing the causes of failing to follow up on recommendations to protect the top soil with its biological functions given that such failure is a result of the action or inaction of state bodies or if the perpetrator of damage is unknown.

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*This amendment concerns new spelling of a Bulgarian word, which does not affect the English version.

Article 9. (1) (Amended, SG No. 58/2017, effective 18.07.2017) The terms and conditions in adopting the projects or technologies or for their development and maintenance shall be prescribed by order of the Minister of Agriculture, Food and Forestry.

(2) The landowners whose land is subject to projects or technologies shall be requested to follow the requirements or prescriptions thereof.

(3) For failure to comply with the requirements or prescriptions under Paragraph 2, landowners shall owe the invested funds to the state.

Article 10. (Amended, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry or the municipality, may cede free of charge, over a contracted period, the right of land use to a physical or a corporate entity, which has rehabilitated or improved, by its own means, state or municipal low productive agricultural land.

Chapter Four

LAND RECLAMATION

Article 11. (1) Subject to reclamation shall be:

1. mines, quarries or other land with deteriorating soil qualities;

2. cinder depots, landfill sites, tailings ponds or other waste-holding facilities;

3. old river beds;

4. tracks of abandoned canals, roads, railways or construction sites, after dismantling of the installations, linings or upper construction.

(2) The reclamation shall be done on the basis of an agreed or approved project, which is an inseparable part of the development works.

(3) (New, SG No. 103/2009, amended, SG No. 19/2011, effective 9.04.2011, SG No. 100/2015, SG No. 58/2017, effective 18.07.2017) The reclamation project referred to in Paragraph 2 shall be approved by the Minister of Agriculture, Food and Forestry, or an official authorized by the Minister, in the cases where the project entails the reclamation of land for agricultural purposes and/or for its inclusion into wooded areas.

(4) (New, SG No. 100/2015) Out of the cases under paragraph 3, approval of the reclamation project shall be done by:

1. Minister of Environment and Water or by an official, authorized by him - for cinder depots, as well as landfills and other waste-holding facilities within the meaning of the Waste Management Act;

2. Minister of Energy or by an official, authorized by him, for reclamation arising from the activities of the operators under current authorizations for prospection and exploration, or for exploration, or extraction concessions for the respective mining waste facilities;

3. Minister of Economy or by an official, authorized by him, for reclamation of closed mines and related facilities included in bylaws, governing the activities on closure of mines and mining facilities of coal, ore and uranium mining;

4. Minister of Energy or Minister of Economy according to their competence or by officials authorized by them - for tailings ponds.

Article 12. (1) The reclamation of land expropriated to the state or the municipality, shall be carried out by the investor in the land on his account.

(2) When the investor in the land has paid the due state charges under Article 30 and the price of land to its former owners, he shall become the owner of the reclaimed land.

(3) The non-agricultural use of land reclaimed under Paragraph 1 or 2, shall be affected through alteration of the land use type under the provisions of this Act.

(4) When the investor in the land has paid the due state charges under Article 30 and the price of land to its former owners,, but has not carried out land reclamation, he can request alteration to a non-agricultural land use type paying additional charges or collecting overpaid amounts depending to the new land use type.

Article 13. (Amended, SG No. 58/2017, effective 18.07.2017) The Ministry of Agriculture, Food and Forestry or the municipality, may cede free of charge, over a contracted period, the right of land use to a physical or a corporate entity, which has reclaimed, by its own means, state or municipal land into agricultural land.

Article 14. (1) Development of agricultural land from first to sixth category shall only be performed following a removal of the humus layer.

(2) The humus layer shall be removed from the entire site or track, with the exception of terrains planned for park management.

(3) The humus layer shall not be removed from land, planned for cemeteries, afforestation or included in safety-protected zones as well as in cases where the humus layer is under 10 cm thick.

(4) (Amended, SG No. 58/2017, effective 18.07.2017) The humus layer of agricultural land polluted with heavy metals or metalloids, radionuclides, organic or other pollutants, above the admissible concentration limits, shall be used through special technologies approved by the Minister of Agriculture, Food and Forestry or the Minister of Environment and Water.

Article 15. (1) The humus layer shall be used for reclamation of degraded land or for improvement of less fertile land.

(2) The removed humus layer from mines or quarries shall be used for reclamation of their land during or after their exploitation or for reclaiming of other degraded land.

(3) The removed humus layer as a result of pipeline installation shall be used for reclamation of the same land once works are completed.

(4) The humus removal or reuse under Paragraphs 1, 2 and 3 shall be carried out by the site's investor on his own account.

(5) The humus layer removed by physical or corporate entities during works on their own land shall be used as they deem necessary.

Article 16. (Amended, SG No. 14/2000, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) The conditions for humus reuse, land reclamation, land improvement or reclaimed land approvals shall be arranged by an ordinance issued by the Minister of Agriculture, Food and Forestry after agreeing it with the Minister of Environment and Water and the Minister of the Regional Development and Public Works.

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6. Forestry Act (www.lex.bg)

Chapter One

GENERAL PROVISIONS

Article 1. (1) This Act governs public arrangements pertinent to the protection, stewardship anduse of wooded areas in the Republic of Bulgaria, for the purpose of assuring themulti-functional and sustainable management of forest ecosystems.

(2) This Act pursues the following goals:

1. protection of, and increase of the area taken up by, forests;

2. maintenance and improvement of the state and condition of forests;

3. assurance and maintenance of the ecosystemic, social and economic functions of wooded areas;

4. assurance and increase of the production of timber and non-timber forest products by way of the environmentally soundmanagement of wooded areas;

5. maintenance of biological and landscape diversity and improvement of the state and condition of the populations of wildflora, fauna and micota;

6. provision of recreation opportunities for the population and improving recreation conditions;

7. achieving a balance between the interests of society and those of the owners of wooded areas;

8. provision of support and encouragement to owners of landed property in wooded areas;

9. fulfillment of international and European commitments for the conservation of forest habitats.

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Chapter Four

STEWARDSHIP OF WOODED AREAS

Section I

Stewardship

Article 87. The stewardship of wooded areas comprises the actions of afforestation, erosion and flash-flood protection andlogging in forests.

Article 88. (1) Forests are stewarded as either tall forests, offshoot forests being grown into seed forests, and coppices.

(2) Tall forests shall be stewarded in a manner geared to preserve their seed origin.

(3) Offshoot forests being grown into seed forests shall be stewarded in a manner ensuring their becoming seed forests.

(4) Coppices shall be stewarded in a manner ensuring their renewal through offshoots.

(5) The following shall not be stewarded as forests:

1. plantations of Christmas threes and greenery;

2. plantations of tree and shrub species created for the purpose of accelerated production of biomass;

3. orchards;4. (new, SG No. 60/2012) plantations of fast-growing forest species created on agricultural land or urban areas, with a shortgrowing period, for the purpose of special timber production; the growing period for forest species shall be determined by the ordinance under Article 18(1);5. (new, SG No. 60/2012, repealed, SG No. 60/2015, effective 7.08.2015).

Section II

Afforestation and Protection of Wooded Areas against Erosion and Flash FloodsArticle

89. Afforestation comprises the following activities pertinent to the creation of forests:

1. gathering, harvesting and production of forest reproductive materials;

2. soil preparation and planting/sowing of forest reproductive materials and fencing;

3. completion, growing and inventory of cultures;

4. assisting natural renewal.

Article 90. (1) The protection of wooded areas against erosion and flash floods comprises activities geared for prevention ofthe removal of fine fractions from endangered soils, for purposes of maintaining soil fertility, by restricting or reducing surfaceoutflow; protection of topsoil from wind erosion and enabling the growth of vegetation, incl. by means of construction oftechnical facilities.

(2) The protection of wooded areas against erosion and flash floods, as well as the construction of reinforcing facilities, shall becarried out in accordance with the ordinance as per Article 95 (2), item 4.

Article 91. (1) Afforestation and the protection of wooded areas against erosion and flash floods shall be carried out inaccordance with approved forestry plans and programs.

(2) Afforestation shall be carried out on the basis of methodological afforestation plans. Such methodological afforestation plansshall be developed in accordance with the ordinance as per Article 95 (2), item 1.

(3) In cases where natural disasters, fires and calamities necessitate the afforestation of a wooded area for which there is noprovision in the relevant approved forestry plan or program, such afforestation shall be carried outsolely on the basis of a methodological afforestation plan.Article 92. The protection of wooded areas against erosion and flash floods, in cases where carried out by means of technicalfacilities, shall take place in accordance with approved specialized blueprints.

Article 93. (1) Only tree and shrub species suitable for the relevant type of habitat and growth conditions shall be used forafforestation, and priority shall be given to native species.

(2) No afforestation shall be allowed:

1. using tree and shrub species not provided for in the relevant regional plans for development of wooded areas, or in forestryplans or programs, as well as species expressly forbidden in the management plans forprotected areas and special areas of conservation;

2. on clearings and meadows in wooded areas, except for protection against erosion and flash floods;3. (new, SG No. 28/2014, repealed, SG No. 60/2015, effective 7.08.2015).

(3) Forest nurseries producing saplings for afforestation in wooded areas shall be registered with the relevant regional forestrydirectorate in accordance with the ordinance as per Article 95 (2), item 3.

Article 94. (1) (Supplemented, SG No. 28/2014, SG No. 60/2015, effective 7.08.2015) Activities pertinent to afforestationand protection against erosion and flash floods in wooded areas shall be performed by state forest enterprises, state gamereserves, training and experimental forest farms, specialised territorial units of the Executive Forestry Agency, municipalforestry bodies and commercial entities listed in the public register as per Article 241,Paragraph 1.

(2) The requirements as per (1) above shall not apply:

1. to the construction of dams, weirs and supporting walls;

2. in cases where mechanized afforestation activities are commissioned independently;

3. in case where such activities are performed by a natural person listed in the public register as a forester operating withinhis/her own forests or within forests owned by his/her direct relatives without limitation, or by relatives of lateral branches of thefamily up to a third degree inclusive, or by persons related to them by marriage, up to a third degree inclusive.

Article 95. (1) The Council of Ministers shall adopt an ordinance to define the terms and procedure of commissioning ofactivities within wooded areas in state or municipal ownership.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall have theauthority to issue ordinances defining the terms and procedure of:

1. afforestation of wooded areas and agricultural lands used for the creation of special, protected and industrial forests and offorests in protected areas; inventorying of thus created forest cultures, their reporting and registration;

2. (amended, SG No. 60/2012) identification, approval, registration and cancellation of sources from the forest seed-beds,gathering and harvesting of forest reproductive material, the quality rating thereof, as well as trade therein and import thereof;

3. registration of forest nurseries, as well as the production of saplings in such forest nurseries in state ownership;

4. protection of wooded areas against erosion and flash floods, as well as construction of reinforcement facilities.

Article 96. (1) Testing and determining the origin and quality of forest reproductive materials is carried out by specializedterritorial units of the Executive Forestry Agency: forest seed control stations, in accordance with theordinance as per Article 95 (2), item 2.

(2) Trade in, and the import of, forest reproductive materials shall be carried out by suppliers listed in the public register of theExecutive Forestry Agency or registered in another European Union member state. The termsand procedure of registration and the keeping of said register shall be prescribed by theordinance as per Article 95 (2), item 2.

(3) (New, SG No. 60/2012, amended and supplemented, SG No. 28/2014) State forest enterprises, state game reserves,training and experimental forest farms and specialized territorial units of the Executive Forestry Agency - beingsuppliers of forest reproductive materials shall also be registered in the public registerunder Paragraph (2).

(4) (New, SG No. 60/2012, amended, SG No. 58/2017, effective 18.07.2017) Based on an act by the EuropeanCommission, the Minister of Agriculture, Food and Forestry may, subject to the terms andconditions and in accordance with the procedure provided for by the ordinance under Article95(2), Item 2:

1. allow the production for trading purposes of forest reproductive materials deviating from the minimum requirements laiddown in the ordinance under Article 95(2), Item 2, where their origin is naturally adapted to the local and regional conditionsand is threatened by genetic erosion;

2. allow the offering on the market within the territory of the Republic of Bulgaria of forest reproductive materials intended fortesting, scientific purposes, selection or genetic conservation, and of generative units not intended for forestry;

3. allow the import of forest reproductive materials covered by the trade requirements of the ordinance under Article 95(2),Item 2;

4. prohibit for the whole territory of the Republic of Bulgaria or parts thereof the trade in a specific reproductive material to anend used for sowing or planting.

Article 97. (1) (Amended, SG No. 28/2014) Logging grounds and forest fire sites that cannot be regenerated by naturalmeans up to three years from being felled or burned down shall be afforested by their owner within two years following expiryof the said three-year period.

(2) (Supplemented, SG No. 28/2014) Where a forestry plan, or program, or a plan abstract concerningchange of the type of felling and regeneration provides for artificial regeneration of alogging area, its afforestation shall be carried out within three years from the plantationbeing felled.

Article 98. (1) (Redesignated from Article 98, SG No. 28/2014) State forest enterprises and state game reserves as well asmunicipalities that own forests may provide gratuitously forest reproductive material for purposes of afforestation, forexperimental and scientific research purposes, and for training of school and college students, as well as for afforestation bynon-profit legal entities registered for the public benefit in accordance with the ordinance as per Article 95 (2), item 2.

(2) (New, SG No. 28/2014) Forest reproductive materials may be provided gratuitously also to the Executive ForestryAgency for representative purposes.

Article 99. (1) The owners of landed properties within wooded areas, as well as entities operating in wooded areas which,through their actions or as a result of failure to obey instructions by a competent authority, have caused damage to such areasor soil erosion, shall be under obligation to cause them to be recultivated. Such recultivation shall be carried out at their costand within a time period to be determined by the regional forestry directorate.

(3) Such recultivation shall be carried out pursuant to the terms and procedure as per the Protection of Agricultural Lands Act.

Article 100. State enterprises as per Article 163 may conclude long-term contracts to commission such afforestation activities,for a term of validity of up to 10 years. The terms and procedure for conducting a tender procedure and or conclusion of suchcontracts shall be determined by force of the ordinance as per Article 95 (1).***