

Work Package 4

Elaboration of studies

Deliverable 4.6.5

**Policy report on the simplification of permits required,
and the elimination of bureaucratic barriers for both
countries (Bulgarian part)**

Beneficiary 6 (PB6) - Municipality of Petrich

**INTERREG V-A COOPERATION PROGRAMME:
GREECE – BULGARIA 2014-2020**

www.greece-bulgaria.eu

The Project is co-funded by the European Regional Development Fund (ERDF) and by national funds of the countries participating in the Cooperation Programme Interreg V-A "Greece-Bulgaria 2014-2020".

The contents of this publication are sole responsibility of Petrich Municipality and can in no way be taken to reflect the views of the European Union, the participating countries the Managing Authority and the Joint Secretariat.

Summary Report

Policy report document on the simplification of the permit acquisition process in Bulgaria (partners contribution)

1. EXISTING SITUATION

According to the current legislation on the territory of the Republic of Bulgaria, the requirements on the exploration, use and protection of groundwater are regulated in the Water Act and Regulation No. 1 of 10.10.2007 on the exploration, use and protection of groundwater.

The Groundwater is public state property, regardless of whether it is under state, municipal or private ownership.

The use of water and water bodies includes an water abstraction and use of the water body. The individual use of waters and water bodies is present when the respective right is exercised by a certain holder, for which fees determined by a tariff by the Council of Ministers are paid. The use of a water body for groundwater abstraction requires the issuance of a Permit. The Permits for the use of a water body for the construction of groundwater facilities are issued within the framework of a water abstraction permit, through new facilities. The rights under the permit can be used after issuing a construction permit under the Spatial Planning Act.

To open a permit procedure, the applicants shall submit an application in a form approved by the Minister of Environment and Water. The following shall be attached to the application: a certified document for paid fee for issuing the permit; an up-to-date plan site or map of the properties in which the activity will be carried out, certified by the relevant competent authority; an ownership document or notarized written consent from the owner of the property in which the water abstraction facilities will be located; justification of the water intake, including justification of the requested water quantity, according to the norms for water consumption.

The application for the issuance of a permit shall be submitted to the director of the Basin Directorate, who within 20 days:

- checks whether the application contains the required information and appendices according to the announced model;
- checks the content of the attached documents:

*Justification of the water abstraction, including justification of the requested water quantity shall be prepared with content determined in art. 151 and art. 156 para. 1, para 3 and para 4 of the Regulation № 1 for exploration, use and protection of groundwater, to which are applied as follows:

- a geological-lithological column and planned construction of the facilities with marked altitude of the ground surface and the projected depth of static water level;
- a brief description of the selected filters and technology of their construction;
- planned activities for prevention of groundwater pollution through the facilities; provided location of the pumping equipment in accordance with the permissible lowering of the water level;
- a table with the type and volume of the planned activities for groundwater research in the process of construction of the facilities;
- a report on performed hydrogeological studies - if no other permits for water abstraction have been issued within a radius of 1 km from the site of the requested water abstraction.
- performs an assessment, taking into account as follows:
 - the provisions of the effective plans for river basin management;
 - the compatibility with the public interests and acquired rights, including the needs of the population of the water abstraction area;

- the compliance with the requirements for environmental protection regulated by international treaties and domestic legislation;
- the possibility for joint use of the existing and planned for construction facilities for the requested water abstraction and use;
- the available water resources by quantity and quality;
- the compliance of the declared water quantity with the purposes of water abstraction;
- the availability of other possibilities for satisfying the request for water abstraction and use;
- the fulfillment of the conditions for compliance with the objectives of environmental protection.

The assessment is written and is an integral part of the documentation on the basis of which the permit is issued or for the refusal to issue a permit.

After the expiration of the 20-day period and if there are no grounds for refusal, the director of the Basin Directorate or a person authorized by him shall prepare a notice containing:

- the purpose of the declared water use;
- the water body in which the use of water is envisaged;
- the factual grounds on which the permit is issued, including the status of the water body, the objectives and measures set out in the existing river basin management plans and flood risk management plans relevant to the permit, and other specific information;
- the systems or facilities through which the use will be realized;
- the site of use of the waters, the locality, the administrative-territorial and territorial unit, the code according to the unified classifier of the administrative-territorial and territorial units - for each place of use;
- design parameters of use, including: the quantity of water; the lowering of the water level - in the case of permits for water abstraction from groundwater;
- the conditions under which the right to use the water could be granted;
- the place for submission of written objections and proposals by the interested parties.

The announcement is sent to the mayor of the respective municipality for public announcement and it is uploaded on the website of the Basin Directorate. Within three days of receiving the announcement, the mayor is obliged to:

- make the public announcement by placing the announcement in the designated places;
- notify Basin Directorate in writing of the exact date of the announcement.

The announcement is also sent to the holders of already issued permits, for which the assessment has established that some of the parameters of the permitted use will be changed.

Within 14 days from the announcement, the interested persons may:

- object to the issuance of the permit;
- propose conditions under which the permit should be issued in order to guarantee personal or public interests. Objections and proposals are to be sent to the place specified in the notice.

Within 14 days from the expiration of the term from the announcement, the Basin Directorate issues a permit, when the requirements provided for in the Water Law have been met and no objections and proposals have been received.

In connection with the above, there are some basic requirements that must be met and relate directly to the issuance of the permit for groundwater abstraction through a new water abstraction facility on behalf of the municipality of Petrich.

They are as follows:

- to the application for issuance of a permit for water abstraction and use of a water body, for construction of new facilities it is required to submit: a **Decision** of the Director of Regional Inspectorate for Environmental Protection Blagoevgrad, for an assessment **that it is not necessary to perform an environmental impact assessment (EIA)** according to the requirements of the Environmental Protection Act and the Biodiversity Act, which is a very long procedure requiring preparation of many documents.

2. PROCEDURES CARRIED OUT ON BEHALF OF THE MUNICIPALITY OF PETRICH

For the construction of the new water intake facility on the territory of a land property named “the Church”, locality of Kavrakirovo village, Petrich municipality, Blagoevgrad district and its usage all the above procedures have been passed and the following documents have been issued as follows:

- A Notification letter dated **11.04.2016** is submitted to the director of Regional Inspectorate for Environmental Protection - Blagoevgrad according to Regulation No. 1 of 10.10.2007 on the exploration, use and protection of groundwater for an investment proposal entitled *"Construction of a water intake facility (drilling well) in land property in the village of Kavrakirovo , Petrich municipality, Blagoevgrad district and data collection from monitoring of the abstracted groundwater"*.

- Additional required information is submitted to the director of Regional Inspectorate for Environmental Protection - Blagoevgrad;

- The Director of Regional Inspectorate for Environmental Protection informs in writing the Municipality of Petrich about the necessary actions to be taken under the Environmental Protection Act

- To assess the need for Environmental Protection Act, the Municipality of Petrich submits a written request to the Director of Regional Inspectorate for Environmental Protection - Blagoevgrad dated **05.07.2017**, to which it applies:

- One copy of detailed information under Annex №2 to Art. 6 of the **Regulation on the terms and conditions for carrying out environmental impact assessment** on paper and electronic media.

- An information on the manner of payment of the fee for conducting the procedure, according to the Tariff for fees collected in the system of the Ministry of Environment and Water

- A Decision from the director of Regional Inspectorate for Environmental Protection - Blagoevgrad from 7 August 2017 on assessing the need to perform an environmental impact assessment is issued - **not to be performed** for an investment proposal "Construction of a water intake facility (drilling well) in land property on the land of the village of Kavrakirovo, Petrich municipality, Blagoevgrad district and collection of data from monitoring of groundwater extracted for irrigation".

- Then an Application for issuance of a Permit for groundwater abstraction through new water abstraction facilities from **20.10.2017** is submitted to the Director of the Basin West Aegean River Directorate Blagoevgrad - with the required documents attached to it under the Water Act.

- With a letter from **22 November 2017** the director of Basin West Aegean River Directorate Blagoevgrad notifies the municipality of Petrich that because of **the new modifications of the Regulation** additionally within two months from the receiving of the letter it is necessary to submit documents, information and corrections, otherwise the application will not be considered and no permitting procedure will be opened.

As the two-month deadline was insufficient for technical and physical implementation, the Municipality of Petrich requested an extension of the deadline, which was denied by the respective authorities by letter dated **05.02.2018** and the procedure was not opened.

This forced the entire procedure to start over again.

Interreg

Greece-Bulgaria

European Regional Development Fund



- After changes in the project budget, caused by the need for additional technical activities - hydrogeological studies and research, on **20.06.2019** an Application for a permit for water abstraction from underground water, through new water intake facilities with attached required documents under Chapter Six of the Water Act was re-submitted to the Director of the West Aegean River Basin Directorate. On the basis of the submitted application, an assessment of the request of **09.08.2019** was made, in which it was established that there are no grounds for refusal.

- Based on the above, the director of the West Aegean River Basin Directorate Blagoevgrad issues a Permit from **25.09.2019** for groundwater abstraction through new water abstraction facilities in the name of "Petrich Municipality".

- After receiving a Permit for water abstraction, dated **25.09.2019**, the construction of the water abstraction facility begins and the Chief Architect of Petrich Municipality, based on approved (agreed) projects on 07.10.2019, issues a Building Permit №109 / 07.10.2019 for the site: "Tube well (TK-1)" in a plot of land in the "Tsarkvata" locality, on the land of the village of Kavrakirovo, Petrich municipality, Blagoevgrad district. The construction permit came into force on **October 24, 2019**.

After completion of the construction activities at the site, Municipality of Petrich notified in writing the director of the West Aegean River Basin Directorate-Blagoevgrad, and he ordered the implementation of:

- the verification of the conformity of the documents under the Regulation №1/ 10.10.2007 and the performed activities with the parameters and conditions in the issued Permit;
- the inspection of the installed water meters and devices for measuring the water level;
- measurement of the static water level in the constructed facilities at the time of the inspection; measurement of the maximum flow rate and the decrease of the water level at this flow rate at the moment of the inspection by means of the installed equipment of the facility for operation and monitoring ;
- sealing of water meters.

For the results of the inspection, according to the requirements of the Regulation №1 / 10.10.2007, employees of West Aegean River Basin Directorate Blagoevgrad prepared a Protocol of Findings dated **31.07.2020** for acceptance of the new water intake facility - pipe well.

- After completing the works in order to putting the installation into operation, the Chief Architect of Petrich Municipality has issued a Certificate №9 dated **04.06.2020** for commissioning of the object "Pipe Well (TC-1) with shaft" .

In conclusion, after the issuance of the last two documents - **Findings Protocol dated 31.07.2020** for acceptance of the water intake facility - pipe well and **Certificate №9 for commissioning, Municipality of Petrich** may use the right to take water from groundwater.

Interreg Greece-Bulgaria

European Regional Development Fund



3. PROPOSALS FOR SIMPLIFICATION OF LEGAL PROCEDURES

As can be seen, from the moment of starting the procedure for notifying the competent authorities of the intentions to use groundwater for the needs of the Municipality of Petrich, by sending the Notification of investment proposal dated **11.04.2016** to the Regional Inspectorate for Environmental Protection - Blagoevgrad until the moment of acceptance by the employees of West Aegean River Basin Directorate-Blagoevgrad Region of the constructed water intake facility with Findings Protocol dated **31.07.2020, about 4 years and 2 months have passed.**

This period, in most cases, is extremely long for the realization of the investment intentions of most of the applicants envisaging the use of groundwater for various purposes.

The current normative requirements stimulate only illegal construction of water intake facilities used for irrigation of agricultural crops, industrial water supply, etc., due to the long terms of approval and the real danger of financial losses due to unrealized harvest / products / goods, etc.

An extremely simplified procedure is also needed for the use of groundwater for water users who exploit groundwater for agricultural or industrial purposes in order to stimulate the economy.

Many of the problems related to long deadlines, high administrative burdens and often unfeasible requirements for the investors are related not only to complicated regulations, but also to the lack of sufficient capacity of trained specialists with appropriate experience, education and administrative capacity in responsible institutions.

It is necessary to appoint a sufficient number of hydrogeologists and plumbing engineers in the Basin Directorates and the Ministry of Environment and Water, who will be able to deal with the constantly received project documentation within the established deadlines.

To eliminate some of the delays in the implementation of investment proposals for construction of new water intake facilities by the Regional Inspectorate for Environmental Protection, which last between 6 months and 2 calendar years, which are still necessary for the issuance of Permits for construction by the Basin Directorates, without to consider the deadline for issuing a building permit by the respective municipality due to the few still issued, we propose:

- the activities set out in Art. 93, para. 4 of the Environmental Protection Act (EPA) and specifically those of Annex № 2 to Art. 93, para. 1, items 1 and 2 of the EPA - item 1 letter "d" - "deep drilling" and item 10, letter "n" - "groundwater extraction" to be excluded from the criteria for assessing the need for Environmental Impact Assessment according the Environmental Protection Act. The Basin Directorates should remain the only competent bodies for assessing the water abstraction procedures.
- For the construction of the water intake facilities an official correspondence has to be established between the Basin Directorates and municipal administrations, for an approval / coordination of projects for new water intake facilities concerning the part related to the construction of the water meter shaft for the needs of the facility, without the need for Construction permit for the pipe well issued by the Chief Architect, as again only the Basin Directorates are the competent authority responsible for the construction and technical parameters concerning the groundwater extraction facilities.