

**REPORT OF BULGARIA FOR 2003-2005  
ON THE IMPLEMENTATION OF THE ESPOO  
CONVENTION ON ENVIRONMENTAL IMPACT  
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

**Information on the Focal Point for the Convention**

Name and contact information:

Vania Grigorova, Director of Preventive Activity Directorate  
Ministry of Environment and Water  
67, Gladston Str., Sofia 1000  
Bulgaria  
vaniagr@moew.government.bg  
fax: +359 2 981-33-98

**Information on the Point of Contact for the Convention**

Name and contact information (if different from above):

**Information on the person preparing the report**

- |       |                  |   |
|-------|------------------|---|
| i.    | Country          | Bulgaria                                |
| ii.   | Surname          | Grigorova                               |
| iii.  | Forename         | Vania                                   |
| iv.   | Institution      | MoEW, Preventive Activity Directorate   |
| v.    | Postal address   | 67, Gladston Str., Sofia 1000, Bulgaria |
| vi.   | E-mail address   | vaniagr@moew.government.bg              |
| vii.  | Telephone number | +359 2 -940-62-27                       |
| viii. | Fax number       | +359 2 981-33-98                        |

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# PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

*Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.*

## Article 2

### *General Provisions*

#### DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

Environmental Protection Act (State Gazette, No 91/2002, last amendment State Gazete No 77/2005)

EIA Ordinance (State Gazette No. 25/2003, amended State Gazete No 3/2006)

#### TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

- a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The EIA procedure is conducted in the following steps:

- notification to the competent environmental authorities and conserved public;
- screening;
- scoping;
- quality review;
- organizing and holding public hearing;
- issuing the EIA decision;
- control of the implementation of the EIA decision.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

The transboundary EIA procedure mentioned in the Convention is fully transposed in our environmental legislation.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

Ministry of Environment and Water

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

The Ministry of Environment and Water, Department of EIA and environmental audit, collects the information.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

Joint EIA: the EIA procedure is organized jointly, including preparation of the EIA documentation by common team of experts.

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

The list of activities subject to EIA (incl. transboundary EIA) is made according to the Appendix I of the Convention and Annexes I and II of the Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

According to Bulgarian environmental legislation, the developer of a development activity shall inform the competent authority (the Ministry of Environment and Water) of the proposal. The competent authority determines, on the bases of the information provided by the proponent, whether the activity falls within the scope of Appendix I, and whether it is likely to cause a significant adverse transboundary impact.

According to the Convention (Art. 2, para. 5) and the Bulgarian EIA Regulation (art. 25, para. 3), the concerned Parties shall, at the initiative of any such Party, enter into discussion on whether one or more proposed activities not listed in Appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed. In this case Bulgaria prefers to describe the detailed procedure in a bilateral agreement.

- b. *How a change to an activity is considered as a "major" change;*

A change to an activity listed in Appendix I may be classified a "major" change as a result of screening of the investment proposal on a case-by-case basis against specific criteria (description of the main processes including size, capacity, throughput, input and output; resources used in construction and operation; characteristics of the potential impact, public interest in the proposal etc.).

Consultation between the proponent, the public concerned, other organizations and the competent environmental authority will be of assistance to the competent authority in making a justified screening decision.

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

There is no specific procedure provided in Bulgarian environmental legislation, nor a practice that is applied to determine whether an activity listed in Appendix I is considered to have a "significant" adverse transboundary impact. If the activity is

listed in Appendix I, a mandatory EIA shall be conducted. A major change to such an activity is considered case-by case.

The competent authority may determine that an activity, not listed in Appendix I or a major change to such an activity, has a “significant” transboundary impact by reference to Appendix III to the Convention and to article 93, paragraph 4, of the Bulgarian Environmental Protection Act, having regard to the following criteria:

- Characteristics of the proposed construction, activities and technologies, such as size, productivity, scope, inter-relation and integration with other proposals, use of natural resources, waste generation, environmental pollution and violations, as well as risk of accidents;
- Locality, including sensitivity of the environment, existing land use, relative availability of appropriate areas, quality and regenerative capacity of the natural resources in the region;
- Reproductive capacity of the ecosystem in the natural environment;
- Characteristics of the potential impacts, such as territorial coverage, affected population, including transboundary impacts, nature, scope, complexity, probability, duration, frequency, and rehabilitation capacity; and
- Public interest in the proposed construction, activities and technologies.

*d. How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

Developer of the investment proposal is obliged to notify in writing the competent authority – MOEW about his investment intention in the course of pre-investment inquiries. The notification includes brief description of the proposal, geographical location, impacts of the protected areas (if there are in nearness), possible transboundary impacts etc.

On the grounds of the notification (especially on the description of possible transboundary impacts) and using the criteria set in Art. 93 (4) of EPA the competent authority determines whether the investment proposal is likely to cause a significant adverse transboundary impact.

## PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

According to Bulgarian Environmental legislation (EIA Ordinance) the EIA procedure shall be determined by discussion between the Concerned Parties case by case. The Concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed.

## Article 3

### *Notification*

## QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

According the Environmental Protection Act, article 95, paragraph 1, the developer of the investment proposal informs the competent authority and the public concerned of the

proposal, declaring the said proposal in writing and ensuring preparation of the terms of reference for the scope of the EIA, at the earliest stage of the initiative. The Minister of Environment and Water determines whether there is a need to conduct an EIA and informs the affected Party if the response is positive.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

According to EPA and EIA Ordinance on EIA the proponent of the development proposal shall inform the competent environmental authority about the proposal. The content of the notification is determined by Art. 4(3) of the Ordinance. In case of transboundary impacts the notification follows the requirements of Espoo convention.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The time frame for a response is determined by the following criteria: territorial boundaries of the proposed activity; complexity of the activity; and characteristics of the potential impacts, such as territorial coverage, affected population, including transboundary impacts, nature, scope, complexity, probability, duration, frequency and rehabilitation capacity.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

The information in accordance with Article 3, paragraph 5 (a), is submitted with the notification. Upon receipt of a response from the affected Party indicating its desire to participate in the EIA procedure, this procedure is conducted having regard to the transboundary context, according to national EIA Ordinance, article 25, paragraph 2 (b).

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

The requested information depends on the territorial boundaries and on the complexity and significance of the impact. The information from the affected Party is requested when the information about the environment likely to be significantly affected by the proposed activity and its alternatives is insufficient, or a need is determined as the result of the identification of gaps in knowledge and of uncertainties encountered in compiling the required information.

No experience as yet, but requested information would normally relate to the potential environmental impacts and to the affected population.

“Promptly” is determined as meaning within the time specified in the request to the affected Party.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

The Minister of Environment and Water notifies the affected Party at the earliest possible stage of the development proposal. Upon agreement on participation in the EIA procedure,

the development of the procedure is according to the decisions taken in discussions between the concerned Parties. The competent authority of the affected Party shall identify the “public”.

The public is notified via the media or by publishing the notification in a newspaper. The notification is short and presents the characteristics of the proposed activity.

The public notification should contain clear information about the territorial and temporal boundaries of the proposed activity, a short description of activity itself (type of activity, technology used, etc.), a description of the purpose of activity, and brief information on the expected environmental impacts.

The notification to the public of affected Party should have the same content as the notification to public of the Party of origin because they need access to equal levels of information and equal notification to be guaranteed.

The public is notified at the early notification stage. The notification is addressed to the contact point of the affected Party and the notification has to be forwarded to the public of the affected Party.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes, the points of contact are made use of in this way.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

The information is usually contained in the format of the notification. Yes, the proposed guidelines are followed.

#### QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

The criteria that Bulgaria used to decide whether it should participate in an EIA procedure are set out in article 93 (4) of the EPA and correspond to Appendix III to the Convention. They are:

- Characteristics of the proposed construction, activities and technologies, such as: size, productivity, scope, inter-relation and integration with other proposals, use of natural resources, waste generation, environmental pollution and violations, as well as risk of accidents; locality, including sensitivity of the environment, existing land use, relative availability of appropriate areas, quality and regenerative capacity of the natural resources in the region; reproductive capacity of the ecosystem in the natural environment, especially in: areas and habitats protected by a law, mountain areas and woodlands, wetlands and coastal areas, areas with excessive pollution levels, heavily urbanized areas, protected areas of stand-alone or cluster cultural assets, designated according to the procedure established by the Cultural Assets and Museums Act, areas and/or zones and sites enjoying a special sanitation status or subject to sanitary protection; characteristics of the potential impacts, such as territorial coverage, affected population, including transboundary impacts, nature, scope, complexity, probability, duration, frequency, and rehabilitation capacity; public interest in the proposed construction, activities and technologies.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

“Reasonably obtainable” information is unclassified information about the locality, including existing land use, relative availability of appropriate areas, quality and regenerative capacity of the natural resources in the region; areas and habitats protected by law, mountain areas and woodlands, wetlands and coastal areas, areas with excessive pollution levels, heavily urbanized areas, protected areas of stand-alone or cluster cultural assets, areas and/or zones and sites enjoying a special sanitation status or subject to sanitary protection; characteristics of the potential impacts, such as territorial coverage, affected population, nature, scope, complexity, probability, duration, frequency and rehabilitation capacity.

“Promptly”: within the time frame specified in the request from the affected Party. The deadline of the response depends on the content and kind (text or graphic) of the requested information and whether this information is available in a raw or pre-processed form or if it has to be expressly processed.

## **Article 4**

### ***Preparation of the EIA documentation***

#### **QUESTIONS TO PARTY OF ORIGIN**

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

The requirement for the content of EIA documentation (EIA report) is set in the Art. 96(1) of Environmental Protection Act and in Art. 14(1) of the EIA Ordinance on the terms and conditions for carrying out EIA.

18. *Describe your country’s procedures for determining the content of the EIA documentation (Art. 4.1).*

The developer of a development activity shall prepare a terms of reference for scope of the EIA report. The competent environmental authority shall be consulted and make a statement on the terms of reference within a month. Consultation between the proponent, other organizations and concerned authorities will be of assistance to the competent authority in making a statement on the content of the EIA report.

19. *How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?*

“Reasonable alternatives” are the alternatives that provide for the development of an activity with minimum adverse impacts.

20. *How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?*

The “environment” that is likely to be affected by the proposed activity and its alternatives should be identified on the basis of the characteristics of the proposed construction, activities and technologies, such as: size, productivity, scope, inter-relation and integration with other proposals, use of natural resources, waste generation, environmental pollution and violations, as well as risk of accidents and on the base of the locality, including sensitivity of the environment and existing land use.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Yes we provide all the EIA documentation to the affected Party.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The transfer and reception of comments on the EIA documentation are done between the relevant Environment Ministries (points of contact) from the concerned Parties. The comments of the Affected Party should be taken into consideration in EIA decision.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

According to the EPA, article 96, the project proponent shall submit the EIA documentation to the competent authority for quality evaluation. The competent authority shall evaluate the content of the EIA documentation, conforming to the consultations and the satisfaction of the requirements of the legislative framework regulating the environment within fourteen days after submission of the report. After receiving an appropriate evaluation of the report, the developer shall organize, jointly with the municipalities concerned as specified by the competent authority, a public hearing on the EIA documentation. The comments of the affected public should be provided at the public hearing or not later than 7 days after the meeting (according to article 97, paragraph 5, EPA).

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

The Party of origin shall notify the affected Party about the proposed activity at the earliest stage on EIA procedure. The description of the proposed activity and information about the potential environmental impact are submitted with the notification. The affected Party shall inform the public from the concerned region. After developing the EIA documentation and its evaluation the Party of origin provides the report to the affected Party which shall distribute the information to its public.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The initiative for a public hearing in the affected Party is discussed between the concerned Parties case by case or through bilateral EIA agreements.

According to Ordinance on EIA the public of the affected Party, public authorities, organizations or other individuals could take a part in the public hearings in the Party of origin.

A joint hearing with participation of public from the affected Party and Party of origin is organized when there is a joint EIA. Usually the public hearing is organized separately in the affected Party and in the Party of origin. The representatives of the competent authority and public from the affected Party could participate in the discussion in the Party of origin as well as the opposite.



## QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

According to the national legislation there is no general time frame. It will be determined case by case through bilateral agreement.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

The public participation normally shall be organized in accordance with the legislation of the affected Party or through bi/multilateral agreements.

## Article 5

### Consultations

## QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

After a decision has been taken that an EIA is necessary the consultation between the Concerned Parties shall be organized on the scope of EIA and after the preparation of the EIA documentation.

According to the EPA (Art. 96, paragraph 6) and the EIA Ordinance (Art. 25 (6)) after the completion of the EIA documentation the competent authority should evaluate its quality. These provisions concern the EIA in a transboundary context, too. This means that the entry into consultation is only after the quality evaluation.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

The consultations are arranged on governmental level as well as on regional or local level depending on the scope and potential environmental impacts of the proposed activity. The authorities with specific environmental responsibilities on central, regional or local level and concerned public from the Party of origin and affected Party usually take a part in consultations. The authorities mentioned provide information and clarify the specific requirements regarding the scope and content the EIA documentation. The consultations are conducted on meetings between the Concerned Parties as well as through exchange the written communications.

## QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

The consultations are held on governmental level as well as local level depending on the scope and potential environmental impacts of the proposed activity.

In the case Bulgaria has experienced, the competent environmental authorities, other interested authorities, environmental NGOs and public participate in consultations.

The consultations are conducted on meetings between the Concerned Parties as well as through exchange the written communications.

## **Article 6**

### ***Final decision***

#### QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The document regarded as the "final decision" generally is the visa for design issued by the chief architect at the municipality.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

The EIA decision is obligatory for final approval of investment proposal.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

The competent authority is responsible for organising the consultation on EIA report with the competent authority of the Affected Party and should submit the documentation from the consultation to the developer. The developer shall organize, jointly with the municipalities concerned as specified by the competent authority, public hearing on the EIA report. The comments from the hearing shall be delivered to the competent authority and according to the Art. 25 (10) of the EIA Ordinance the competent authority shall take the comments in the EIA decision.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

According to the EPA, article 99, the EIA decision shall contain the grounds of fact and law on which the decision is delivered also the reasons on which the decision is based.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

No practical experience yet.

## **Article 7**

### ***Post-Project Analysis***

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

The Environmental Protection Act stipulates in Art.100 the requirements for PPA, as an obligation of the competent authorities (the Minister of Environment and Water and/or the Director of the Regional Inspectorate of Environment and Water) to oversee the

implementation of the remediation measures described in the EIA report and the compliance with the conditions specified in the EIA decision.

The requirement for carrying out a PPA in case of a transboundary EIA is set in Art.25 of the Ordinance. It stipulates the order of the steps which Bulgaria should follow if it is a Party of origin. Point 12 specifies the control over implementation of the EIA decision: "where explicit preliminary agreement exists, the competent authority of the Party of origin shall notify the affected party about the implemented measures for control and the conclusions made."

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

There is no legal provision in the national EIA legislation. Provisions concerning post-project analysis are set in the conditions of the EIA decision (e.g. the EIA decisions for Nuclear Power Plant Chernavoda and NPP Belene). No practical experience with the results of the post-project analysis.

## **Article 8**

### ***Bilateral and multilateral agreements***

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

A multilateral agreement for the countries in South-East Europe has been finalised on expert and it is under preparation for signing up at the 4-th Meeting of Parties to the Convention (Bucharest, Romania 2008).

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

Not yet.

## **Article 9**

### ***Research programmes***

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

No, we have not specific research programmes.

## **Ratification of the amendments to the Convention and of the Protocol on SEA**

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

The ratification is planned for the end of 2006 (November-December)

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

The ratification of second amendments is also planned for the end of 2006 (November-December)

*43. If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

The ratification is planned for March - April 2007

## PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

*Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.*

### CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Bulgaria is a Party of Origin for:

Construction of Belene Nuclear Power Plant. EIA procedure in a Tran boundary context has been carried out. Romania was identified as affected country based on the information included in the Terms of Reference for the scope of the EIS. The EIA decision for approving the construction of Belene NPP issued in 2004.

Krumovgrad Gold Project - Open pit mining and processing of ore to produce gold alloy; mine waste store; operation of associated infrastructure including freshwater storage, office and maintenance buildings and access roads. The procedure is not finalized yet.

Affected Party:

Expansion of Chernavoda Nuclear Power Plant

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

See above (44)

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

We don't have such cases.

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Construction of Belene Nuclear Power Plant - 15 months- the procedure as a whole:

Notification of the competent authority, public and affected party - about 2 months;

Preparation of the terms of Reference for scoping of the EIS and holding consultations with all concerned parties - about 1 month;

Quality review of the EIA report - 14 days;

Public hearings in Bulgaria and Romania incl. public access to the documentation for 1 month - 6 month;

Issuing the EIA decision in 2 months after the final public hearing.

#### EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

Currently there are no practical examples because the implementation of any of the projects had not started yet.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

“Promptly” – within time specified in the request to the Affected Party.

A change to an activity listed in Appendix I is considered as a “major change” after screening of the investment proposal a case-by-case and under definite criteria about the investment proposal (description of the main processes including size, capacity, input and output; resources used in construction and operation; characteristics of the potential impact etc.). Dialogue between the investor/proponent and the competent environmental authority in making a justified decision and other competent authorities also visit the site and consult with other organisations may be useful.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

We requested that the developer should pay specific attention to the transboundary effects in the description of the proposal for the construction of NPP Belene in the notification form, in the Terms of reference and in the EIA report.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

The information which should be included in the EIA documentation (report) is determined by Art. 96 (1) of EPA.

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

Usually the experts which are involved in the preparation the EIA reports use different approaches depending on the environmental components. The impact prediction methods are mainly used for general assessment. The matrix method is also used.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

Consultation between the Concerned Parties is held in English unless other is not specified by bilateral agreements.

According to the EIA Regulation the proponent is obliged to submit the translation of non-technical summary of the EIA report also the translation of EIA report or part of them if it is negotiated.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

Bulgaria, as Party of origin notified Romania as affected Party for investment proposal for construction of Belene Nuclear Power Plant. The EIA procedure included public access to the EIA report and public hearings at the concerned municipalities in both countries.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

For the above pointed period we didn't have any difficulties.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

The final (EIA) decision contents factual grounds and conditions which have to be fulfilled at the designing stage and during construction.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

Practical application of PPA is still only at a national level.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

We didn't have practical examples of this kind of projects for the period of 2003 - 2005.

Bulgaria and Romania take a part in joint EIA – Second Danube bridge Vidin – Calafat and the consultations are initiated from the Concerned Parties. The procedure was finished in 2002.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

We already have done this (Second Danube bridge Vidin – Calafat)

## CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

For the above pointed period we didn't have any difficulties.

## EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context;*

We didn't use it till now.

b. *Guidance on subregional cooperation; and*

We use it partially.

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

We have used it in the case of Belene NPP.

## CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

We didn't have any difficulties implementing the procedure because we transposed the requirements of the Espoo Convention and the procedure was given in details in the EIA Ordinance. We consider that the strengths in implementation of the Convention are that we have developed special articles in the Environmental Protection Act and we have specified a separate chapter "EIA Procedure in Transboundary Context" in the EIA Ordinance.

## AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

The Convention is available in the web page of the MoEW (both in Bulgarian and English) and any information which is connected with the EIA procedure in Tran boundary context is also published in the web page.

From our experience to the moment NGOs are using this information very often.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

See above (53)

## SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*



To be short (avoid duplication of the questions) and simplified.