

## FACTS SHEET / SUMMARY

1. Plovdiv is the second biggest city in Bulgaria with a population of approx.400000 people.

According to<sup>1</sup> the Landscape Architects Union – Club Plovdiv<sup>2</sup>,

- the city has lost almost half of its green system in the last 15 years
- currently there are formally 11,2 m<sup>2</sup> of public green spaces per inhabitant (the legal requirement is for 20 m<sup>2</sup>), only 5-6 m<sup>2</sup> of which are effectively constructed, maintained and available to the public . By amending the GSP of Plovdiv in 2015 – the subject of this communication, the above area per inhabitant is reduced by approx. another 2 m<sup>2</sup> .

According to the European Environment Agency and the annual official reports<sup>3</sup> of the Plovdiv Regional Inspectorate of Environment and Water – Plovdiv (RIEW-Plovdiv), Plovdiv constantly ranked among most polluted cities in Europe by levels of fine particulate matter (PM10) in the last several years

2. In 2013 the Municipality of Plovdiv started a procedure for amendment of its GSP. The amendment covers a heavily forested area of approx.800 decares, the major part of which within **two protected zones from Natura 2000** - BG0002087 „Maritza – Plovdiv“ и BG0000578 „Maritza River“. The amendment changed the way of permanent use of the territory from “Zone for public green space” (no more than 2% construction for recreational purposes only allowed) to “Zone for sport and entertainment”(80% construction allowed).

3. On 10.12.2013 the Municipality of Plovdiv published in the advertisement sections of the local editions of two national newspapers a notice of upcoming public discussions on the draft amendment of the GPS. The notice says: *„In implementation of Order 13OA3050/25.11.2013 of the Mayor of Plovdiv Municipality, Spatial Planning Directorate officially developed a Project for amendment of the General Spatial Plan of Plovdiv with scope – ZSE area within the teritory of the Sports Complex “Recreation and Culture”. We would like to inform you that in relation to the above mentioned and pursuant to art.127, par.1 from the Spatial Planning Act in the administrative districts of the Municipality of Plovdiv the following pulnic discussions will be conducted: (... date and time for each region...)“.*

4. On 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> of December 2013 the above public discussions in all six administrative regions were held.

5. On 06.01.2014 r. the Municipalty of Plovdiv submitted the GSP draft to RIEW - Plovdiv.

6. With letter № OBOC-10-EO-33 the Director of RIEW - Plovdiv informs the investor about : I. the need to present additional documents, II. **a compatibility [with the conservation subject and purposes of the protected areas] assessment has to be carried out carry out for protected area BG0000578 «Maritza River» и BG0002078 «Maritza Plovdiv».**

7. With decision № IIB – 3 – EO/2014r. from 08.05.2014r. the Director of RIEW – Plovdiv ruled that **no environmental assessment (EA) of the amendment of the General Spatial Plan (GSP) of Plovdiv has to be carried out.**

8. The above decision was challenged before the Administrative Court of Plovdiv (PAC) by the communicant. Administrative case 1443/2014 was initiated.

9. At the request of the Municipality of Plovdiv during the administrative case 1443/2014 of PAC,

1 „Days of green Plovdiv” forum, House of Technics, Plovdiv, October 2015

2 the official professional organization of the landscape architects in Bulgaria

3 attached a graph (levels for 2000-2015) from the report for 2015

by order 513 / 05.03.2015, the court allowed preliminary execution of the contested decision - to not make EA of the amendment of the GSP. The communicant appealed against the Ruling to allow a preliminary execution, administrative case № 4716/2015 of the Supreme Administrative Court (SAC) was initiated.

**10.** Decision № 65 was taken with Protocol № 6 / 19.03.2015 of the Municipal Council - Plovdiv (MC), approving the amendment of the current GSP of Plovdiv, referring to Ruling 513 / 05.03.2015 on adm.case 1443/2014 which allowed preliminary execution.

**11.** The communicant challenged the above decision before PAC. By Ruling 1079/30.04.2015 on administrative case 930/2015 the court refused to consider the complaint as inadmissible and dismissed the case. The motives are 1) the unchallengeability of the GSP and its amendments and 2) the complaint is inadmissible because the the applicant organization has no *locus standi* to challenge the act for the amendment of the GSP, but only the act of Plovdiv Regional Inspectorate for assessing the need for SEA / CA.

**12.** The organization-communicant appealed before the Supreme Court the above Ruling. By Ruling № 9280 of 08.28.2015 on Administrative case №7777 / 2015 the Supreme Administrative Court (SAC) rejected the association's request to suspend the proceedings in this case pending the outcome with an effective judicial act of proceedings on administrative case № 1443/2014 of PAC and confirmed Ruling № 1079 of 30.04.2015 on administrative case № 930/2015 of PAC.

**13.** The county governor has not reversed the decision of the Municipal Council to amend the GSP nor has challenged it in court in the legal period of Article127, par.6 of SPA.

**14.** By Ruling № 6227 / 28.05.2015 on the case SAC revoked Ruling 513 / 05.03.2015 of PAC allowing preliminary execution.

**15.** By Decision № 1756 /01.10.2015 on the case PAC revoked the decision of the Director of the Regional Inspectorate. The decision of the PAC was appealed by the Municipality of Plovdiv, the case in the Supreme Court is scheduled for 2017.

**16.** On 25.03.2016 the communicant submitted to the Minister of Environment and Waters a reasoned request for imposing compulsory administrative measure (CAM) - suspension of amendments of the GSP of the city, approved by Decision № 65, taken with Protocol № 6 / 19.03.2015 of the Municipal Council of Plovdiv..

**17.** By letter 48-00-295 / 26.04.2016 the Minister of Environment and Waters forwarded "in competence" the request of the communicant to the Director of RIEW Plovdiv.

**18.** By letter M-148 / 25.05.2016 the Director of Plovdiv Regional Inspectorate refused to impose the requested CAM and explained the lack of legal opportunity to be addressed with such a request by "third parties", referring also to the author of the request - the communicant.