

SEA and EIA Legal Framework in Bulgaria

EIA/EA Department
Preventive Activities Directorate
Ministry of Environment and Water
Bulgaria

Szentendre, December 2010

Environmental Assessment (SEA) in Bulgaria

Legislation

- ***EU***

- *Council Directive 2001/42/EC of the assessment of the effects of certain plans and programmes on the environment*
- *Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC*

- ***UNO***

- *Protocol on the Strategic Environmental Assessment to the Convention on EIA in a transboundary context*

- ***Bulgaria***

- *Environmental Protection Act (full transposition of the EU Directives) – 2002 (last amendments 2010)*
- *Ordinance on the conditions and procedures for the Environmental Assessment of Plans and Programmes – 2004 (last amendments 2010)*

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Environmental Assessment (SEA) in Bulgaria

Steps of the EA procedure

- screening and scoping of the environmental assessment
- elaborating the EA report
- conducting a consultation with the public and concerned authorities
- taking into account the results of the consultation in the EA report
- defining the measures of monitoring and control of the plan/programme implementation
- issuing a statement on EA
- providing of reference on the compliance of the final plan/programme with the EA results and EA statement
- monitoring and control of the plan/programme implementation

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Environmental Assessment (SEA) in Bulgaria

Competent Authorities

- *Competent Environmental Authorities for the EA statement*
 - Ministry of Environment and Water
 - Regional Inspectorates
- *Other Authorities involved in the EA process*
 - Ministry of Health
 - Other ministries and authorities
 - Municipalities, Regions
- *Competent Authorities for adoption* - depends of the plan or programme – Parliament, Council of Ministries, Ministries, Municipalities, Regions ...

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Environmental Assessment (SEA) in Bulgaria

Public involvement

- not separate - a part of the whole process of consultations during the planning
- scheme for the consultation, different forms of public involvement
- legal requirements for the minimum of consultations
- in case of two or more written objections –public hearings are organized

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Environmental Assessment (SEA) in Bulgaria

EA statement

- an obligatory document before adoption of the plan/programme
- contains:
 - motives
 - conditions
 - measures to prevent, reduce or offset any significant adverse effects on the environment
 - measures and indicators for monitoring

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Environmental Assessment (SEA) in Bulgaria

Monitoring

- Before adoption – reference on the compliance of the final plan/programme with the EA results and EA statement
- During implementation – regular monitoring report

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Environmental Assessment (SEA) in Bulgaria

Issued Decisions on Screening and SEA statement, MoEW, 2008 – 2009:

Decision on Screening				SEA statement			
2008		2009		2008		2009	
SEA is required	SEA is not required	SEA is required	SEA is not required	Agree	Not Agree	Agree	Not Agree
6	-	1	-	6	-	6	-
Total 6		Total 1		Total 6		Total 6	

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Environmental Assessment (SEA) in Bulgaria

Latest legislation updates and effects

- **Deletion of the requirements for registration of the experts**
 - Elimination of licensing regime and facilitating of the administrative procedures, free market for the experts
- **Increasing the period for public access to the EA report**
 - Increasing of public interest, more statements that are taking into account
- **Joint EA and Appropriate Assessment (AA) procedure**
 - According to p. 31, a.4 of Biological Diversity Act: The AA is carried out by the environmental assessment procedure

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Environmental Assessment (SEA) in Bulgaria

Experiences in the last years

- **Unification of time table for joint procedures (with AA)**
- **Public interest- facts:**
 - *For National PP – NGOs;*
 - *For local PP – concerned public*
- **Proceeding for Renewable Energy Sources**
 - *Issued Guides by the Minister of Environment and Water*
 - *The National Plan for RES is subject of SEA and AA procedure in BG*

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Environmental Impact Assessment in Bulgaria

Legislation

- ***EU***

- Directive 85/337/EEC, amended by 97/11/EC, 2003/35/EC and 2009/31/EC
- Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC

- ***UNO***

- UN/ECE Convention on EIA in a Transboundary Context

- ***Bulgaria***

- Environmental Protection Act – 2002, last amendments 2010 (full transposition of the EU Directives)
- Ordinance on the terms and procedure for EIA – 2003, last amendments 2010

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Environmental Impact Assessment in Bulgaria

Steps of the EIA procedure

- notification to the competent environmental authority and concerned public
- screening (consultations)
- scoping (consultations)
- preparation of the EIA report (consultations)
- evaluation of the quality of the report
- public hearings
- issuing of the EIA decision
- control

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Environmental Impact Assessment in Bulgaria

Competent Authorities

- *Competent Environmental Authorities for the EIA decision*
 - Ministry of Environment and Water
 - Regional Inspectorates
- *Other Authorities involved in the EIA process*
 - Ministries (MH, MRDPW, MAF and others)
 - Municipalities
- *Competent Authorities for the development consent*
 - depends of the investment proposal

Environmental Impact Assessment in Bulgaria

Public involvement

- from the beginning
- during the whole procedure
- different forms of the public involvement
- rather broad definition of the “public concerned”
- possibility to express an interest to be involved in the consultations

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EIA decision

- an obligatory document for obtaining the development consent
- contains conditions and measures to prevent, reduce or offset any significant adverse effects on the environment
- could be appealed
- 5 years validity/confirmation of the validity

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Control

- *on the implementation of the EIA conditions and the Remediation Measures Plan during:*
 - project design
 - construction
 - exploitation

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Decision on Screening of the competence only of the MOEW				EIA Decision of the competence only of the MOEW			
2008		2009		2008		2009	
EIA is required	EIA is not required	EIA is required	EIA is not required	Approve	Not approve	Approve	Not approve
5	32	42	1	17	1	25	-
Total 37		Total 43		Total 18		Total 25	

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Latest legislation updates and effects

- *Deletion of the requirements for registration of the experts;*
- *Increasing the time for evaluation of the quality of the EIS (from 14 days to 30 days);*
- *Involvement of the Health authorities into the EIA procedure*

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Experiences in the last years

- **Good coordination of the EIA and AA (Joint procedure)**
- **Important role for the better quality of the documentation and the procedures is an involvement of other relevant authorities (as Health Authorities, River Basin Directorates)**

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***THANK YOU FOR YOUR
ATTENTION!***

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