



**REPUBLIC OF BULGARIA**  
**MINISTRY OF ENVIRONMENT AND WATER**

***Ref.: Communication to the Aarhus Convention Compliance Committee concerning compliance by Bulgaria in connection with public participation and access to justice in relation to an amendment of the General Spatial Development Plan of Plovdiv (ACCC/C/2016/144)***

***Dear Ms. Marshall,***

With respect to the received draft findings and recommendations regarding communication ACCC/C/2016/144 and pursuant to paragraph 34 of the annex to decision I/7, we present to your attention the following comments:

As it was explained in the response of the Party concerned to the communication, according to the regulatory framework concerning the procedure of environmental assessment of plans and programmes (EA), applicable to general spatial development plans (GSDP)/GSDP amendments, for the GSDP, in the highest degree "relating to the environment" (within the meaning of Art. 7 of the Aarhus Convention) and their amendments, it is obligatory to conduct EA with the respective strict criteria for public participation, according to Environment Protection Act (EPA) and the Ordinance on the conditions and order for implementation of environmental assessment of plans and programmes. We believe that these requirements for public participation within the EA procedure, presented in details in the response of the Party concerned, at each stage (consultations on the elaborated EA report together with the plan/programme; announcement for conducting of consultations; public discussion (hearing); approval of the plan/programme), are in full compliance with Art. 7, in connection with Art. 6, Para. 3, 4 and 8 of the Aarhus Convention.

Furthermore, as it was stated in the response, for some GSDP/GSDP amendments, the EA is obligatory and all others are subject to an EA screening procedure (assessment regarding the necessity of EA). This means that all GSDP/GSDP amendments, which could have any environmental impacts, should be put through EA and accordingly – public participation under the EA. Regarding those GSDP/GSDP amendments for which it is considered that no EA should be performed, it is very doubtful for us whether it can be assumed that they are related to the environment and therefore – that they fall within the scope of Art. 7 of the Aarhus Convention.

**Fiona Marshall**  
**Secretary to the Aarhus Convention**  
**Compliance Committee**  
**United Nations**  
**Economic Commission for Europe**  
**Palais des Nations, Room 429-4**  
**CH-1211 GENEVA 10**  
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In case that the competent authority adopts an illegal EA screening decision, the national legislation in the field of environment fully provides the opportunity for the members of the public to appeal before a court such a decision – according to article 88, paragraph 3 of the EPA, the concerned persons may appeal against the screening decision or opinion on the EA using the procedure of the Administrative Procedure Code within 14 days of its disclosure.

In view of the above and in conclusion, we strongly believe that Bulgaria is fully implementing its commitments under Art. 7 of the Aarhus Convention with regard to the GSDP/GSDP amendments, namely, through the procedure for public participation within the EA.

We kindly request the Committee, when finalizing its findings and recommendations with regard to communication ACCC/C/2016/144, to take into account the presented considerations regarding the public participation as a part of the EA of the GSDP/GSDP amendments and not to one-sidedly consider only the procedure for public participation within the proceeding of the adoption of the GSDP/GSDP amendments, according to the provision of Art. 127, Para. 1 of the Spatial Planning Act.

*Yours sincerely,*

*Asen Lichev*

*Minister of Environment  
and Water*