

# The Legislation in the environment protection field - Bulgaria

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The Republic of Bulgaria pays particular attention to environmental legislation. For the last few years a range of acts, regulations and government decrees concerning protected areas, forestry, biological variety, waters, etc., have been passed, changed and complemented.

**Environmental Protection Act** was passed by Decree No 392, and was promulgated in the Official Gazette on 11 November 1998. It adjusts the categories and purpose of protected areas, as well as the arrangements of protection, use, proclamation and management.

The aim of the Act is to preserve and conserve protected areas as national and universal wealth, and as a special form of environment protection, that enhances the improvement of culture and science and contributes to the prosperity of society. Environment protection in protected areas is a priority. Article 3 of the Act says that the state is to build and ensure the functioning and conservation of a system of such territories as part of the regional or worldwide net of protected areas in agreement with the Environment Protection Treaties, of which Bulgaria is a side.

The purpose of the protected areas is to preserve the biological variety in the ecosystems; the natural processes, taking place in them; as well as the typical or famous sights or landscape features.

According to article 5, protected areas are divided into 5 categories: reserves, national parks, nature landmarks, maintained reserves, nature parks and protected localities.

***The difference between a reserve and a maintained reserve*** is that in maintained reserves maintenance, guiding, regulation or restoration measures are allowed. These activities, as well as protection activities, scientific visits, passage along blazed trails including such of educational purposes, gathering seminal material, wild animals and plants with a scientific purpose or their reproduction at other places, are all set in the Maintained Reserve Management Plan. In the reserves of strict control the aforementioned activities are only allowed through order or permit by the Ministry of Environment and Waters, and maintenance, guiding or reconstruction measures are banned.

***The difference between national and nature parks consists in the following:***

1. Settlements and dwelling areas are not included in the territories of National parks, whilst they can be part of nature parks, where industrial activities that do not pollute the environment are only allowed.
2. Goat pasture is banned from national parks and is restricted in nature parks.
3. Any kind of construction, which does not comply with the management plan of the park or serve the visitors, is banned from National parks. In Nature parks only activities and construction, included in the Management plans and projects, are allowed.
4. Arrangements under article 21, paragraph 1 could be applied in Nature parks, if they have been adopted in the management plans.

***As protected areas*** have been declared the territories of particular landscape, including those resulting from the harmonic co-existence of people and nature; areas of rare or endangered wildlife species. According to article 34 all kinds of activities, which might endanger protected species or beauty spots, are banned from protected areas.

The Act is thoroughly democratic because ministries and establishments, municipalities and communities, scientific or academic institutes, non-government organizations and all legal entities, can propose areas to be declared National or Nature parks.

The Act sets the ways of financing the protected areas, as well as the administrative offences and punishments, such as fines and penalty payments that vary from 5,000 Bulgarian leva to 50,000,000 Bulgarian leva.

Another act, passed by Decree No 283, and promulgated in the Official Gazette issue 77, August 2002, is the **Biological Variety Act**. It arranges the interaction between the state, municipalities, legal entities and physical persons regarding the protection and steady use of the biological variety in the Republic of Bulgaria.

The purpose is to protect representative types of natural habitats as well as habitats of endangered, rare or endemic vegetation or animal species within the National Ecological Network (article 2), which includes according to article 3, paragraph 1, the following:

1. Protected areas, comprising some protected territories;
2. Protected territories, which do not belong to protected areas;
3. Buffer zones around protected areas and places of ornithological importance.

Other purposes of the Biological Variety Act are as follows:

- Conservation of protected wildlife species of Bulgaria, as well as of those being objects of usage or trade;
- Conservation of genetic resources and the variety of wildlife species out of their natural environment;
- Regulation of the introduction of non-local, or re-introduction of local vegetation and animal species into the countryside;
- Regulation of trade with samples of endangered wildlife species;
- Protection of centuries-old and remarkable trees.

**Protected zones** according to article 5 are designed to conserve and restore the favourable conditions for the wildlife species within their natural habitats.

The territories, including types of natural habitats from Addendum 1 of Resolution No4 (1996) of the Permanent Committee of Bern's Convention; priority types of natural habitats to be protected and the habitats in compliance with the Uniform European Classification of habitats are evaluated on the basis of the following indexes:

- rate of representation of the natural type of habitat within a particular territory;
- surface area, taken by the natural type of habitat compared to the total surface area, taken by the same type of natural habitat within the borders of the Republic of Bulgaria;
- rate of conservation of the structure and functions of a particular type of natural habitat or favourable conditions for their restoration;
- general evaluation of the importance of the territory to the conservation of a particular type of natural habitat, based on the previous 3 indexes (article 7, §1, 2, 3, 4,)

The territories, which comprise habitats from the Addendum to Resolution 6 (1998) of the Permanent Committee of Bern's Convention and the priority conservation of particular species' habitats, are also subjected to evaluation, according to the following indexes:

- size and density of population of the species, inhabiting the territory, in comparison with its size and density in the whole of Bulgaria;
- rate of conservation of the characteristic features of the habitat, which are of great importance for the particular species and its restoration;
- rate of isolation of the population, inhabiting the territory compared to the region of major distribution of the same species;
- general evaluation of the importance of the territory to the conservation of a particular type of natural habitat, based on the previous 3 indexes (art.7, § 2).

And the territories, comprising habitats of bird species from Addendum 2 to the Biological Variety Act are evaluated based on the following indexes:

- size and/or density of the population during periods of nesting, wintering or migration compared to the size and/or density of the population of the same kind in Europe and The Republic of Bulgaria;
- rate of representation of the natural type of habitat within a particular territory;
- general evaluation of the importance of the territory to the conservation of a particular type of natural habitat, based on the previous 2 indexes.

**Buffer zones** are the zones around reserves, maintained reserves and wet zones, all of which are protected areas, declared by the Protected Areas Act (art.20, § 1 and 2).

According to art.27 Management plans for Protected Areas and Buffer Zones are being devised. Those plans envisage measures to prevent deterioration of the conditions in types of natural habitats and species habitats, as well as measures against disturbing and endangering species, which are the reason to declare the particular zone a Protected area.

Forestry arrangement plans and projects and regional programmes, devised by order of other laws and acts, comply with the measures of the Biological Variety Act. They comprise measures and activities for the preservation and conservation of the features of landscape, which are of great importance for the migration, geographic distribution and the genetic exchange in wildlife species and populations.

Investment projects on territories which are not part of protected areas, are supposed to be evaluated in regard to their impact on the environment (according to The Environment Protection Act).

The Biological Variety Act treats wildlife protection through: conservation of their habitats; maintenance or restoration of the favourable conditions in the habitats; setting a regime of protection or of regulated use of particular species; devising plans and measures for the protection of endangered species; reproduction of extinct species and replenishment of the population of rare and endangered species. Other measures, such as wildlife protection outside their natural ambience by breeding samples and saving genetic material under man-controlled conditions, are also being taken.

The regulations concerning trade, regard wildlife endangered species, included in the Addenda of CITES – art.70.

The import and export of samples meet the requirements of CITES, the Biological Variety Act, The Customs Office Act and other specific laws and acts.

According to art.114 the Ministry of the Environment and Waters and other state authorities within their competence execute the management and control of biological variety preservation in the Republic of Bulgaria. The National Biological Variety Council has been established as an advisory committee at the aforementioned Ministry. It includes representatives of ministries, establishments, scientific and academic institutes, non-government and environmental organizations.

Articles 124 to 129 treat the administrative offences and punishments. Fines vary from 50 to 30,000 Bulgarian leva, including penalty payments. The property to do with the offence is withdrawn for the benefit of the state. Apart from these 2 acts, there are also

- **Medicinal Plants Act**, arranging the management of activities, regarding the steady use and protection of medicinal plants, including the collection and purchase of medicinal herbs;
- **The Waters Act**, Regulation No2/2003 for evaluating the impact of national, regional and municipal plans and development programmes.
- **Instruction 1/2003** for the requirements in the procedures of registration, proceeding, storage, presentation and evaluation of the results from constant measuring of harmful substances' emissions into the atmosphere;
- **Decree No169 /July 2003** for the enforcement of penalties in cases of damage or environment pollution.

We will mention also the **Forestry Act**, which arranges property and management, reproduction, use and protection of forests in Bulgaria. Its purpose is to preserve Bulgarian forests as a national treasure – forests are the main ambience factor, and their reproduction and steady use should be conducted in favour of their owners and of society ( art,1, § 1 and 2).

The regulations under this Act do not refer to the forests and lands belonging to the State Forestry Fund in protected areas

According to art.4 (1) forests are divided into;

- timber forests and forests of ambience-formation functions;
- protected and recreation forests;
- forests in protected areas, i.e. those from the Forestry Fund, which happen to belong to protected areas (according to Protected Areas Act), and in protected zones (according to Biological Variety Act).

Chapter 2 of the Act treats the organization of the forestry fund. Article 22 (2) regulates the problem of establishing special territory structures, including Nature Parks Administrations, which are in charge of the coordination, organization and control of the activities regarding the reproduction of forests; the use of forests and lands; the design and construction within the forestry fund; hunting grounds.

According to article 49 (1,2) any change in the type or intensity of cutting off trees must be made by Protocol signed by the commission, approved by the Head of the National Forestry Administration, only after coordination with the Minister of Environment and Waters

Article 68, § 11 bans pasture in protected areas. In 'Sinite Kamani' Nature Park pasture is only allowed in designated areas if the State Forestry Administration has issued a special permit.

Article 74, § 3 determines the number of forest guards in nature parks. Their activity comprises all measures concerning the prevention of all offences, regarding the restoration, use and management of forests.