

# Water Act

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Text in Bulgarian: Закон за водите

# **Chapter One**

## **GENERAL DISPOSITIONS**

**Article 1.** This Act regulates the ownership and management of waters within the territory of the Republic of Bulgaria as a national indivisible natural resource and the ownership of the water development systems and facilities.

**Article 2.** (Amended, SG No. 65/2006) (1) The objective of this Act is to ensure integrated water management in the interest of society and for protection of public health, as well as to create conditions to:

1. (amended, SG No. 47/2009, effective 23.06.2009) ensure a sufficient supply and good quality of surface waters and groundwaters for sustainable, balanced and equitable water use;
2. reduce the pollution of waters;
3. protect surface waters and groundwaters and the waters of the Black Sea;
4. eliminate the pollution of the marine environment with natural or synthetic substances;
5. reduce the discharges, emissions and losses of priority substances;
6. eliminate the discharges, emissions and losses of priority hazardous substances;
7. (new, SG No. 61/2010) prevent or reduce the harmful consequences for human life and health, the environment, cultural heritage and economic activity associated with water-related damage and loss.

(2) The objectives referred to in Paragraph (1) shall be achieved by:

1. prevention of deterioration, as well as protection and enhancement of the status of aquatic ecosystems, of terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;
2. promotion of the sustainable water use based on a long-term protection of available water resources;
3. multiple-purpose and efficient use and reuse of water resources;
4. application of measures for the protection and improvement of the aquatic environment;
5. ensuring of the progressive reduction of pollution of groundwater and prevention of the pollution thereof;
6. reduction of the consequences of floods and droughts;
7. (new, SG No. 61/2010) flood risk assessment and management;
8. (new, SG No. 58/2015) exercise of control over the technical status and safe operation of dam walls and associated facilities.

**Article 2a.** (New, SG No. 65/2006) (1) The objective referred to in Paragraph (2) shall be achieved in compliance with the following principles:

1. acknowledgement of waters as a resource of vital importance and a common heritage which must be protected and defended;
2. (supplemented, SG No. 47/2009, effective 23.06.2009) determination of the right of each citizen to access to water for human consumption as a basic necessity of life shall be a priority of state policy and of the policy implemented by the bodies of local self-government;
3. establishment of river basins as a basic unit for integrated water management;
4. coordination of steps to achieve good status of waters in transboundary river basins at the basin level and at the national level and planning of measures on the basis of equality and reciprocity in protection of national interests;
5. application of scientific and technological advances in water management;
6. application of economic regulators to achieve sustainable water use and protection of

waters;

7. prevention or reduction of water-related damage and loss, as well as repair of damages;
8. prevention or reduction of water pollution at pollution source;
9. maintenance and restoration of plant and soil cover related to water reproduction;
10. polluter pays the costs of the measures for prevention, containment and reduction of pollution, as well as for remediation;
11. provision of water services for valuable consideration;
12. recovery of the costs for water services, including resource costs and environmental costs;
13. provision to the public of timely, accurate and understandable information about the status of waters, the measures planned and the results achieved from the application thereof;
14. linking the activities for the protection of waters to the sustainable use thereof.

(2) (Amended, SG No. 61/2010) The activities related to exploration, protection and management of waters, the operation and management of water development systems shall be directed by persons with higher education resulting in the award of an educational and qualification degree of Master in the relevant specialties.

**Article 3.** Waters within the national territory shall comprehend:

1. (amended, SG No. 65/2006) the surface waters;
2. the groundwaters, including mineral waters;
3. the internal marine waters and the territorial sea;
4. (new, SG No. 65/2006) the waters of the River Danube, the River Rezovska and the River Timok within the international borders of the Republic of Bulgaria.

**Article 3a.** (New, SG No. 61/2010) (1) Freshwaters within the territory of the Republic of Bulgaria shall be national strategic resources.

(2) The sources of the waters referred to in Paragraph (1) shall be:

1. precipitation within the national territory;
2. the inflow of transboundary waters from the neighbouring States, including half of the run-off of the said waters if they demarcate the international border and unless otherwise provided for in international treaties whereto the Republic of Bulgaria is a party.

(3) The resources referred to in Paragraph (1) shall be managed according to the procedure established by this Act and with due consideration for the global change of the run-off formation climatic factors in the region.

**Article 4.** (Repealed, SG No. 65/2006).

**Article 5.** Water shall be used by means of water development systems, which shall include facilities for water withdrawal, storage, transfer, distribution, removal and treatment, utilization of water power, and protection against water-related damage and loss.

**Article 6.** Waters, water sites and water development systems and facilities within the national territory may constitute property of the State, of the municipalities, of natural and legal persons.

**Article 7.** The regulation of relationships associated with ownership of waters, water sites and water development systems and facilities shall be based on the following principles:

1. public significance of water as a valuable natural resource;
2. multiple-purpose use of waters and water sites with a view to serving economic interests without prejudice to public interest and to existing rights;
3. protection of the right to ownership of waters, water sites and water development systems and facilities, insofar as the exercise of such right does not interfere with the integrity and unity of the hydrological cycle and of the natural aquatic system;

4. exercise of the right to ownership in a manner ensuring the technological unity of the water development system.

**Article 8.** (1) Common water withdrawal and use of water sites and water withdrawal to satisfy own needs shall be gratuitous.

(2) For water withdrawal and use of water sites for the purposes of economic activity, a fee shall be charged for the use of the natural resource, so as to guarantee the creation of equal legal terms for business to all citizens and legal persons.

(3) Any persons implementing the activities referred to in Paragraphs (1) and (2) shall be obliged to protect the environment.

**Article 9.** (1) The waters covered under Article 3 herein shall be managed at the national level and at the basin level.

(2) (Amended, SG No. 65/2006) Water management at the national level shall be implemented by the Minister of Environment and Water.

(3) For the purpose of assisting the activity referred to in under Paragraph (2), a Supreme Advisory Water Board shall be established with the Ministry of Environment and Water.

(4) (Amended, SG No. 108/2001, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017) The Supreme Advisory Water Board shall include representatives of the Ministry of Environment and Water, the Ministry of Regional Development and Public Works, the Ministry of Agriculture, Food and Forestry, the Ministry of Economy, the Ministry of Energy, the Ministry of Tourism, the Ministry of Transport, Information Technology and Communications, the Ministry of Health, the Ministry of Finance, the Ministry of Interior, the Bulgarian Academy of Sciences, the municipalities, not-for-profit legal entities directly involved in water issues, and other bodies.

(5) The Minister of Environment and Water shall issue Rules of Organization and Procedure of the Supreme Advisory Water Board.

(6) (Amended, SG No. 58/2015) Management at the basin level within one or several drainage areas shall be implemented in accordance with the State water policy by basin water management bodies.

**Article 10.** (1) The state policy related to activities involving operation, construction, remodelling and modernization of water development systems and facilities shall be implemented by:

1. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works: in respect of water-supply and sewerage systems and facilities of nucleated settlements and in respect of protection against water-related damage and loss within the limits of nucleated settlements;

2. (amended, SG No. 65/2006, SG No. 19/2011, effective 9.04.2011, amended, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry:

(a) in respect of irrigation and land-reclamation systems and facilities and in respect of protection against water-related damage and loss beyond the limits of nucleated settlements;

(b) through the Executive Forest Agency, in respect of plantations within the systems and facilities referred to in Littera (a);

3. (amended, SG No. 108/2001, SG No. 36/2006, SG No. 14/2015) the Minister of Energy: in respect of hydro-power systems and projects;

4. (amended, SG No. 65/2006) the Minister of Environment and Water: in respect of withdrawal facilities for mineral waters constituting public State property.

(2) The policy related to activities involving operation, construction, remodelling and

modernization of water development systems and facilities constituting municipal property shall be implemented by the [competent] municipality mayor.

(3) (New, SG No. 61/2010) In implementing the policy referred to in Paragraphs (1) and (2), the programmes of measures included in the river basin management plans and in the flood risk management plans shall be implemented on a priority basis.

(4) (New, SG No. 55/2018) The policy relating to the control of the technical condition and safe operation of dam walls and the associated facilities, shall be implemented by the Chairperson of the State Agency for Metrological and Technical Surveillance.

**Article 10a.** (New, SG No. 47/2009, effective 23.06.2009) (1) The Council of Ministers shall determine the state policy for the water supply and sewerage sector as part of the national water development policy and the National Strategy for Water Sector Management and Development in the Republic of Bulgaria.

(2) The Council of Ministers shall adopt a Strategy for Water Supply and Sewerage Development and Management for a period of not less than ten years.

(3) The Strategy referred to in Paragraph (2) shall specify the principal objectives, priorities, stages and requisite resources and sources of financing for the construction and development of water-supply and sewerage systems and for improvement of the quality of water-supply and sewerage services.

(4) The policy in the water supply and sewerage sector shall be conducted by:

1. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works;

2. the Municipal Councils and the municipality mayors.

**Article 10b.** (New, SG No. 47/2009, effective 23.06.2009) (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall implement the state policy in the water supply and sewerage sector at the national level and, to this end:

1. shall elaborate a Strategy for Water Supply and Sewerage Development and Management in the Republic of Bulgaria and shall propose the said Strategy to the Council of Ministers;

2. shall coordinate and control the implementation of the Strategy for Water Supply Development and Management;

3. shall elaborate drafts of statutory instruments related to water supply and sewerage management and development and shall propose the said drafts to the Council of Ministers;

4. shall issue statutory instruments of secondary legislation in connection with water supply and sewerage management and development in the cases where this is provided for by a law;

5. shall coordinate the management of the water supply and sewerage systems at the national level;

6. shall perform the functions of a principal of the water and sewerage utilities which are commercial corporations wherein the State is a sole owner of the capital and of the water and sewerage utilities which are commercial corporations in the capital whereof the State holds a participating interest;

7. shall create and maintain a Single Information System and a Register of the water supply and sewerage associations and of the water and sewerage utilities under Article 198q herein;

8. shall approve short-term and medium-term programmes for investigation, design and construction of water supply and sewerage systems constituting public state property, in accordance with the river basin management plans, the Strategy for Water Supply and Sewerage Development and Management and the regional master plans of the water supply and sewerage

systems of the geographically defined areas concerned and shall assist the municipalities in the implementation of the programmes referred to in Item 1 of Article 10c (1) herein;

9. shall exercise control in the cases provided for by the law.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) In implementing the coordination of the management of the water-supply and sewerage systems at the national level, the Minister of Regional Development and Public Works:

1. shall coordinate the changes in the boundaries of the geographically defined areas and shall promulgate in the State Gazette the decisions of the water supply and sewerage associations on changes of the boundaries of the geographically defined areas;

2. shall ensure the consolidation of the regional master plans of the water-supply and sewerage systems into a combined document at the national level for the needs of management of the water supply and sewerage sector;

3. shall give methodological directions for the production of the regional master plans of the water-supply and sewerage systems and the master plans for the water-supply and sewerage systems of agglomerations with a population equivalent (p.e.) of more than 10,000 and the investment programmes thereto;

4. shall coordinate the operation of the water supply and sewerage associations.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) In his or her capacity as a principal of the water and sewerage utilities which are commercial corporations wherein the State is a sole owner of the capital and of the water and sewerage utilities which are commercial corporations in the capital whereof the State holds a participating interest, the Minister of Regional Development and Public Works:

1. shall approve programmes for restructuring of the water and sewerage utilities which are commercial corporations wherein the State is a sole owner of the capital;

2. shall propose programmes for restructuring of the water and sewerage utilities which are commercial corporations in the capital whereof the State holds a participating interest for approval by the respective general meetings;

3. shall conclude the contracts commissioning the management and for control of the management of the water and sewerage utilities which are commercial corporations wherein the State is a sole owner of the capital and, where the State holds more than 50 per cent of the capital, shall conclude the said contracts after authorization by the general meeting of the said corporations;

4. (amended, SG No. 17/2015, effective 6.03.2015) shall determine the key benchmarks for the performance of the water and sewerage utilities in the contracts referred to in Item 3 in accordance with the business plans approved by the Energy and Water Regulatory Commission (EWRC) and shall control the implementation of the said benchmarks according to the Regulations Establishing a Procedure for the Exercise of the State's Rights in Commercial Corporations in the Capital Whereof the State Holds a Participating Interest (promulgated in the State Gazette No. 51 of 2003; amended in No. 59 of 2003; [modified by] Supreme Administrative Court Judgment No. 8260 of 2005, [promulgated in] No. 79 of 2005; amended in No. 54 of 2006, No. 15 of 2007, No. 103 of 2008, No. 39 of 2009);

5. shall exercise control over the service activities of the water and sewerage utilities and, to this end, shall receive therefrom the information covered under Article 198r herein;

6. acting under the terms and according to the procedure established by the State Aids Act, shall make a notification of the grant, where necessary, of state aids to water and sewerage utilities.

**Article 10c.** (New, SG No. 47/2009, effective 23.06.2009) (1) The Municipal Council:

1. (amended, SG No. 21/2020, effective 13.03.2020) shall adopt a programme for the development of water supply and sewerage within the territory of the municipality in accordance with the River Basin Management Plans, the Strategy for Water-Supply and Sewerage Development and Management, the integrated development plan of the municipality and the programme for its implementation, with the regional master plan of the water-supply and sewerage systems and facilities and the master plans for the water-supply and sewerage systems and facilities of agglomerations with a p.e. of more than 10,000;

2. shall adopt a programme for restructuring of the water and sewerage utilities which are commercial corporations wherein the municipality is a sole owner of the capital;

3. shall adopt programmes for restructuring of the water and sewerage utilities which are commercial corporations in the capital whereof the municipality holds a participating interest and shall propose the said programmes for approval to the respective general meetings;

4. shall approve the contracts commissioning the management and for control of the management of the water and sewerage utilities which are commercial corporations wherein the municipality is a sole owner of the capital;

5. shall express an opinion on the business plans produced by the water and sewerage utilities;

6. shall designate representatives of the municipality in the management bodies of the water and sewerage utilities which are commercial corporations in the capital whereof the municipality holds a participating interest;

7. shall designate a representative of the municipality in the respective water supply and sewerage association and shall coordinate the mandate of the said representative;

8. shall be responsible for the coordination of the management of the water-supply and sewerage systems and facilities within the geographically defined area in the cases provided for in the law.

(2) The municipality mayor:

1. shall design the programmes referred to in Items 1 and 2 of Paragraph (1) and shall propose the said programmes for approval by the Municipal Council;

2. shall coordinate the preparation and implementation of the water-supply and sewerage infrastructure projects which are implemented with grant aid through the operational programmes financed by the Cohesion Fund and the Structural Funds of the European Union;

3. shall provide, in the master plans and the detailed plans, for the measures required for the development of water supply and sewerage in the municipality, in accordance with the regional master plans and the master plans of the agglomerations with a p.e. of more than 10,000;

4. shall conclude the contracts commissioning the management of the water and sewerage utilities which are commercial corporations wherein the municipality is a sole owner or, where the municipality holds more than 50 per cent of the capital, if authorized to do so by the general meeting of the said corporations;

5. (amended, SG No. 17/2015, effective 6.03.2015) shall determine the key benchmarks for the performance of the water and sewerage utilities referred to Item 4 and for the development of the said utilities in accordance with the business plans approved by the EWRC, shall control the implementation of the said benchmarks and shall report the said implementation to the Municipal Council;

6. shall participate in the respective water supply and sewerage association as a representative of the municipality;

7. shall exercise control in the cases provided for by the law.

**Article 10d.** (New, SG No. 47/2009, effective 23.06.2009, amended, SG No. 66/2013,

effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 55/2018) The Minister of Regional Development and Public Works and the Minister of Environment and Water shall have the right to access at no charge to the information systems and documents of other state bodies and bodies of local self-government, as well as of all institutions and authorities maintaining registers and information systems provided for in a law, where the data of the information systems and the documents concern water management and regulation of water-supply and sewerage services and the ownership of water-supply and sewerage systems, and the Chairperson of the State Agency for Metrological and Technical Surveillance – where the data of the information systems and the documents concern the operation of dam walls and the associated facilities.

**Article 10e.** (New, SG No. 58/2015) (1) (Amended, SG No. 58/2017, effective 18.07.2017) The water policy and the sectoral policies in the water sector shall be integrated by a Coordination Water Board, including the Minister of Environment and Water, the Minister of Agriculture, Food and Forestry, the Minister of Energy, the Minister of Economy, the Minister of Regional Development and Public Works, the Minister of Health, the Minister of Interior, the Minister of Transport, Information Technology and Communication and the Minister of Education and Science or officials empowered thereby, and a representative of the National Association of Municipalities in the Republic of Bulgaria.

(2) The Council referred to in Paragraph (1):

1. shall ensure coordination of the activities involving:

(a) the production and implementation of the river basin management plans and of the flood risk management plans;

(b) the financing and implementation of the programmes of measures referred to in Article 156m herein for achieving the objectives for reduction of the likelihood and reduction of adverse consequences of flooding, referred to in Item 2 of Article 146j (2) herein;

2. annually, until the end of March, shall discuss the implementation of the national programmes for the river basin management plans and the flood risk management plans in separate sectors and shall determine the necessary measures, which the Minister of Environment and Water shall propose for adoption by the Council of Ministers.

3. shall consider reports from the regional governors on the status of the water infrastructure and the results of control activity in the region.

(3) The Board referred to in Paragraph (1) shall be presided over by the Minister of Environment and Water.

(4) The organization and operation of the Board referred to in Paragraph (1) shall be determined by Rules adopted by the Council of Ministers.

## **Chapter Two**

# **RIGHT TO OWNERSHIP OF WATERS, WATER SITES**



# **AND WATER DEVELOPMENT SYSTEMS AND FACILITIES**

## **Section I**

### **State Ownership of Waters, Water Sites and Water Development Systems and Facilities**

**Article 11.** The following waters and water bodies shall constitute public state property:

1. (supplemented, SG No. 61/2010, amended, SG No. 58/2015) the river waters and the riparian land tracts, as well as the waters in water reservoirs, including waters in dams constituting State property;
2. natural lakes, lagoons, firths, swamps and marshlands, where located on land tracts constituting state property;
3. the groundwaters, with the exception of mineral waters, regardless of whether located beneath the surface of land constituting state, municipal or private property;
4. the natural waterfalls and the adjoining strips of land, depending on the natural landscape, but not narrower than 10 metres on either side of the waterfall;
5. the waters, including wastewaters, where flowing out of corporeal immovables constituting public or private property, and flowing into waters constituting public state property.

**Article 12.** (1) The islands and terrestrial areas formed as a result of natural processes occurring in rivers, bodies of water and islands in the internal marine waters and the territorial sea shall constitute public state property.

(2) (Amended, SG No. 61/2010) The seabed and the subsoil thereof within the limits of the internal marine waters and the territorial sea and the flood plain of the River Danube shall constitute public state property.

**Article 13.** (Amended, SG No. 47/2009, effective 23.06.2009) (1) The following water development systems and facilities shall constitute public state property:

1. the dam complexes and the significant dams, as listed according to Annex 1 hereto, including the reservoirs thereof up to the highest water level, the adjoining facilities thereof and the forebays and afterbays thereof;
2. the corporeal-immovable facilities and devices for water quantity and quality measurement constituting public state property;
3. the systems and facilities designed for protection against water-related damage and loss which have been constructed on public resources: protection dikes, river engineering works and draining systems, with the exception of such referred to in Item 4 (d) of Article 19 (1) herein;
4. (amended, SG No. 95/2009) the withdrawal facilities for mineral waters constituting exclusive State property, as well as the monitoring boreholes constructed on public resources;
5. the water-supply systems or parts thereof wherethrough water is supplied to the street water-conduit networks for consumers within the territory of multiple municipalities;
6. the treatment plants or facilities and the facilities for decontamination of water for human consumption and public needs, for manufacturing, industrial and other activities of a commercial nature, which are intended for consumers in multiple municipalities;
7. the main collector sewers with the adjoining facilities thereof and the wastewater treatment plants and facilities which service consumers within the territory of multiple

municipalities.

(2) (Repealed, SG No. 58/2015, new, SG No. 61/2019, effective 2.08.2019) The dams transferred free of charge by municipalities to the state in accordance with the procedure laid down in this Act shall also constitute public State property.

**Article 14.** (Amended, SG No. 65/2006) The following shall constitute exclusive state property:

1. the internal marine waters and the territorial sea;
2. the mineral waters as listed according to Annex 2 hereto, which shall constitute an integral part of this Act.

**Article 15.** (Amended, SG No. 61/2010) The land tracts occupied by Belt I of the sanitary protected areas of water sources and facilities for drinking and household water supply constituting public State property and the withdrawal facilities for mineral waters referred to in Item 2 of Article 14 herein shall likewise constitute public state property.

**Article 15a.** (New, SG No. 47/2009, effective 23.06.2009) The building water-supply plumbing systems and the on-site water-conduit networks and facilities, located within the corporeal immovables owned by the State, up to the metering devices on the water-conduit branches for connecting to the street water-conduit network, and the sewer networks and facilities removing the wastewater from the said immovables, up to the inspection manholes for connecting to the street sewer networks, shall constitute private state property.

**Article 16.** (1) State ownership of any waters declared public property under this Act may not be declared private state property.

(2) Outside the ownership declared public state property under this Act, the State may own or acquire ownership rights to waters, water sites and water development systems and facilities which, under the law, may be subject of private ownership.

(3) (\*) (Amended, SG No. 61/2015) Any owners of agricultural land and forests whereon dams and water development facilities have been built, who or which have not been indemnified therefor according to the established procedure, shall be indemnified according to the procedure established by Article 10b and Article 35 of the Agricultural Land Ownership and Use Act and by the Act Restoring Ownership in Forests and Forest Stock Land Tracts.

**Article 17.** (1) Registration certificates in respect of waters, water sites and water development facilities constituting state property shall be drawn in conformity with the requirements of the State Property Act.

(2) (Amended, SG No. 61/2010) Registration certificates in respect of mineral waters shall be drawn at the request of the Minister of Environment and Water on the basis of information provided thereby.

(3) Copies of the registration certificates in respect of waters, water sites and water development facilities, drawn according to the established procedure, shall be transmitted to the Ministry of Environment and Water within two months after the drawing of the said certificates.

(4) Paragraph (3) shall furthermore apply upon effecting corrections in state property registration certificates.

(5) In respect of waters, water sites and water development systems and facilities constituting state property, the State Property Act shall apply save insofar as otherwise provided for by this Act.

**Article 17a.** (New, SG No. 61/2010) (1) (Amended, SG No. 96/2017, effective 1.01.2018, supplemented, SG No. 55/2018) Withdrawal facilities for mineral waters referred to in Item 4 of Article 13 (1) herein may be constructed by the State, municipalities to which mineral waters constituting exclusive State property have been allocated for management, as well as for the

account of persons whereon a right to withdrawal of mineral waters has been conferred, by means of a new facility according to the procedure established by this Act or an extraction concession for mineral water.

(2) The water withdrawal facilities referred to in Paragraph (1) shall become property of the State as from the date of commissioning thereof.

(3) The persons referred to in Paragraph (1):

1. shall provide the Minister of Environment and Water with the documentation related to the construction of the facilities and the investigations of the mineral water conducted in the course of construction of the facility, as well as with all other data necessary for inclusion of the facility in a public register of mineral water facilities under Article 118d herein;

2. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) shall deliver the facilities gratuitously to the Minister of Environment and Water or to an official empowered thereby, who shall take steps before the Minister of Regional Development and Public Works for the inclusion of the facility in the exclusive state property registration certificate in respect of the mineral water of the occurrence concerned;

3. shall steward the facility throughout the period for which the right to water abstraction has been conferred;

4. shall make water withdrawal from the facility technically feasible for other persons as well whereon the competent authority has conferred such right;

5. upon termination of the right to water withdrawal or the extraction concession for mineral water as conferred or granted, shall deliver the facility to the competent Basin Directorate Director for stewarding.

## **Section II**

### **Municipal Ownership of Waters, Water Sites and Water Development Systems and Facilities**

**Article 18.** (1) Any waters, water sites and water development systems and facilities owned by a municipality shall constitute either public or private municipal property.

(2) Public municipal ownership of any waters may not be declared private municipal property.

**Article 19.** (1) (Previous text of Article 19, SG No. 47/2009, effective 23.06.2009) The following shall constitute public municipal property:

1. the waters and water sites, including natural springs, lakes and swamps, where located on land constituting municipal property and where other than waters and water sites covered under Article 11 herein;

2. the waters, including wastewaters, where flowing out of corporeal immovables constituting public or private property, and flowing into waters constituting public municipal property;

3. the mineral waters, with the exception of such referred to in Article 14 (2) herein;

4. (supplemented, SG No. 34/2001, SG No. 47/2009, effective 23.06.2009) the water development systems and facilities within the territory of the municipality, with the exception of such incorporated into the property of commercial corporations other than water and sewerage utilities in the capital whereof the State and/or a municipality holds a participating interest or of irrigation associations and such constructed on own or borrowed resources of commercial corporations or of irrigation associations:

(a) (amended, SG No. 47/2009, effective 23.06.2009) the water-supply systems or parts thereof, including networks and facilities for water withdrawal, treatment, decontamination, storage and transfer wherethrough water is supplied to consumers within the territory of the municipality, with the exception of such referred to in Items 5 and 6 of Article 13 (1) herein, as well as the street water distribution networks in the urbanized areas and the water-conduit branches up to the metering devices in the corporeal immovables of consumers;

(b) (amended, SG No. 47/2009, effective 23.06.2009) the street sewer networks and the storm water manholes in the urbanized areas and the collector sewers with the adjoining facilities thereof and the wastewater treatment plants and facilities, which service consumers within the territory of the municipality, with the exception of such referred to in Item 7 of Article 13 (1) herein;

(c) (supplemented, SG No. 34/2001, amended, SG No. 47/2009, effective 23.06.2009, SG No. 61/2010, SG No. 58/2015) the dams, including those whereof the construction is in progress, with the exception of such referred to in Item 1 of Article 13 (1) herein and those incorporated into the property of any commercial corporations other than the water and sewerage utilities in the capital whereof the State and/or a municipality holds a participating interest, as well as the reservoirs thereof up to the highest water level, along with the adjoining facilities thereof and the forebays and afterbays thereof;

(d) the protection dikes and facilities and systems for river bed consolidation within the limits of nucleated settlements;

(e) the mineral-water carriage and distribution networks;

(f) (repealed, SG No. 47/2009, effective 23.06.2009);

5. (new, SG No. 47/2009, effective 23.06.2009, amended and supplemented, SG No. 61/2010) the land tracts occupied by Belt I of the sanitary protected areas of water withdrawal facilities and facilities for water supply of the nucleated settlements in the municipality, with the exception of such referred to in Article 15 and Item 11 of Article 24 herein.

(2) (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 58/2015, new, SG No. 55/2018) Corporeal immovables and dams and their associated facilities built thereupon, shall also constitute public municipal property, provided that they are not public state property, and that their owners have waived their ownership right pursuant to Article 100 of the Ownership Act.

**Article 19a.** (New, SG No. 61/2019, effective 2.08.2019) (1) The right of ownership of a dam that constitutes public municipal property may be transferred free of charge to the State under the conditions and according to the procedure laid down in this Act with a decision of the municipal council.

(2) Ownership of a dam that constitutes public municipal property and for which a concession has been granted may not be transferred.

(3) The decision referred to in Paragraph (1) shall be adopted by the municipal council on the basis of a reasoned proposal by the mayor of the municipality. Based on the decision of the municipal council, the mayor of the municipality shall submit to the regional governor a reasoned proposal to change the ownership of the dam. The decision of the municipal council and the title deed of municipal ownership of the dam covered by the decision shall be enclosed with the proposal. Copies of the documents shall also be sent to the Minister of Economy.

**Article 19b.** (New, SG No. 61/2019, effective 2.08.2019) (1) The regional governor shall deliver an order to accept or refuse the donation within one month of receiving the decision of the municipal council and the documents enclosed with it and shall notify the mayor of the municipality, the executive director of the State-owned Enterprise "Management and Operation

of Dams" and the Minister of Economy.

(2) The transfer of ownership shall be effected through a donation contract concluded between the mayor of the municipality which owns the dam and the regional governor. The contract between the regional governor and the mayor of the municipality shall be concluded within 14 days of the notification in accordance with Paragraph (1). A copy of the registered contract shall be provided to the Executive Director of the State-owned Enterprise "Management and Operation of Dams".

(3) For dams transferred free of charge to the State, the regional governor shall draw up a title deed of public State property with management rights granted to the State-owned Enterprise "Management and Operation of Dams".

(4) After the title deed is registered, the Regional Governor shall provide copies in accordance with Article 70, Paragraph (1) of the State Property Act.

(5) The regional governor shall refuse to accept the donation and shall return the proposal and the accompanying file to the respective municipality where:

1. the water site the municipality requests to transfer is not a dam according to § 1(1)(94) of the supplementary provisions, or

2. the proposal concerns a dam for which a concession has been granted, or

3. there is no title deed of municipal ownership.

(6) The order referred to in Paragraph (5) may be appealed against in accordance with the procedure laid down in the Code of Administrative Procedure within 14 days of the notification of the interested parties.

**Article 20.** (1) (Amended, SG No. 96/2017, effective 1.01.2018) The concession documents for mineral water extraction, as well as for water development systems and water development facilities constituting public municipal property, shall determine:

1. the places for common use of the waters and the water sites;

2. the existing rights to use waters in the water reservoir.

(2) (Amended, SG No. 96/2017, effective 1.01.2018) The concession contract shall lay down the specific obligations of the concessionaire to ensure the common use of the waters and the water sites and the existing rights to use the waters in the water reservoir.

(3) (Repealed, SG No. 36/2006).

(4) (Repealed, SG No. 36/2006).

(5) (Amended, SG No. 61/2010, SG No. 58/2015, SG No. 96/2017, effective 1.01.2018) By the concession agreement, the activities involving management and maintenance of the facilities according to the requirements of the Ordinance referred to in Article 141 (2) herein shall be commissioned to the person whereto a concession for a water development system is awarded.

**Article 21.** (Amended, SG No. 81/2000) (1) (Amended, SG No. 52/2020, effective 9.06.2020) The mineral waters under Article 19, Item 3 shall be drawn as public municipal property only in the presence of a certificate issued by the Ministry of Health.

(2) (Supplemented, SG No. 61/2010, amended, SG No. 52/2020, effective 9.06.2020) The certificate shall be issued according to the procedure established by Paragraph 1 under the Foodstuffs Act.

(3) (Amended, SG No. 61/2010) An extraction concession for any mineral waters constituting public municipal property shall be granted solely provided there are approved exploitable mineral water resources.

(4) (Amended, SG No. 36/2006, repealed, SG No. 96/2017, effective 1.01.2018).

(5) (Amended, SG No. 36/2006, repealed, SG No. 96/2017, effective 1.01.2018).

(6) Upon conferral of the right to use any waters referred to in Paragraph (1), the owner of

the corporeal immovable wherein the water source is located shall enjoy precedence, *ceteris paribus*.

**Article 22.** (1) Any corporeal immovables, waters, water sites, and water development systems and facilities acquired by the municipality other than the corporeal immovables described under Article 19 herein shall constitute private municipal property.

(2) (New, SG No. 47/2009, effective 23.06.2009) The building water-supply plumbing systems and the on-site water-conduit networks and facilities, located within the corporeal immovables owned by the municipality, up to the metering devices on the water-conduit branches and the sewer networks and facilities removing the wastewater from the said immovables, up to the sewer inspection manhole for connection to the street sewer networks, shall likewise constitute private municipal property.

(3) (Supplemented, SG No. 34/2001, renumbered from Paragraph (2), SG No. 47/2009, effective 23.06.2009) In respect of any waters, water sites and water development systems and facilities constituting municipal property, the Municipal Property Act shall apply save insofar as otherwise provided for by this Act and by the Irrigation Associations Act.

### **Section III**

## **Private Ownership of Waters, Water Sites and Water Development Systems and Facilities**

**Article 23.** The owner of the land shall also own the waters and water sites located within the corporeal immovable, unless the said waters and water sites are property of the State or of the municipality.

**Article 24.** The following shall constitute private property:

1. (amended, SG No. 81/2000) the waters, with the exception of mineral waters, issuing from within the boundaries of the private corporeal immovable and the watercourse thereof up to the boundaries of the said immovable, save as where captured or incorporated into the water-supply systems;

2. the lakes which are not fed by or traversed by waters constituting public state property or public municipal property;

3. the precipitation or precipitation accumulated within the boundaries of the immovable property and the facilities constructed for the purpose of such accumulation;

4. the waters flowing out of the water sites referred to in Items 1, 2 and 3, up to the confluence thereof with any waters constituting public state property or public municipal property;

5. (amended, SG No. 65/2006) the land tracts occupied by the waters referred to in Items 1, 2, 3 and 4 herein;

6. the wells within the corporeal immovable;

7. the facilities and systems for water use, removal and treatment servicing the respective corporeal immovable, as well as the facilities for prevention and elimination of the consequences of water-related damage and loss;

8. (new, SG No. 47/2009, effective 23.06.2009) the water-supply and sewerage systems or parts thereof, constructed on resources of the natural- or legal-person consumers, which service only the corporeal immovables of the said consumers;

9. (new, SG No. 47/2009, effective 23.06.2009) the building water-supply plumbing systems and the on-site water-conduit networks, located within the corporeal immovables of the

consumers, up to the metering devices on the water-conduit branches;

10. (new, SG No. 47/2009, effective 23.06.2009) the sewer networks and facilities removing the wastewater from the corporeal immovables of the consumers to the sewer inspection manhole for connecting to the street sewer networks;

11. (new, SG No. 61/2010) the land tracts of Belt I of the sanitary protected areas of facilities for self-contained drinking and household water supply.

**Article 25.** (Repealed, SG No. 65/2006).

**Article 26.** Possession, use and disposition of waters, water sites and water development systems and facilities constituting private property shall follow the general provisions on ownership, save insofar as otherwise provided for in this Act.

## **Section IV**

### **Co-Ownership of Water Sites and Water Development Systems and Facilities**

**Article 27.** The right of ownership to any water site, water development system or facility may furthermore be held jointly by two or more persons where such sites are located in a co-owned corporeal immovable. In such a case, co-ownership of any such water site, water development system or facility shall follow the co-ownership of the land, save as otherwise prescribed.

**Article 28.** (1) Upon execution of a partition of any co-owned corporeal immovable wherein a water site is located, creation of divisible interests in the said water site shall be inadmissible.

(2) Upon execution of a partition of any co-owned corporeal immovable wherein a water site is located, the co-owner entitled to a larger part of the immovable shall enjoy precedence in the award of the water site.

(3) The remaining co-owners shall receive the money equivalent of the parts thereof within fourteen days after conclusion of the contract of partition or after the effective date of the judgment of court on execution of the partition, as the case may be.

**Article 29.** The respective provisions of the Ownership Act shall apply to all cases unregulated in this Section.

## **Section V**

### **Acquisition of Right of Ownership to Water Sites, Water Development Systems and Facilities**

**Article 30.** (1) The right of ownership to any water sites and water development systems and facilities shall be acquired by means of a legal transaction in the land tract wherein the said bodies, systems and facilities are located, or by legal succession.

(2) No water sites, water development systems and facilities constituting public state and municipal property may be acquired by prescription.

**Article 31.** (1) Where the waters of a river, as a result of natural processes, including natural disasters, form a new channel and abandon the old channel, the newly occupied place shall become public state property, and the abandoned place shall remain public state property.

(2) In such cases, the owner affected shall be obliged to notify the authority referred to in Item 1 or 2 of Article 10 (1) herein who, within six months, shall take steps to attenuate the intervening changes proceeding from a feasibility analysis.

(3) (Amended, SG No. 47/2002, (\*)SG No. 61/2015) In case the measures implemented lead to a return of the river to the old channel thereof, the landowner affected shall restore the right of ownership to the land parcel thereof. Should this be technically infeasible or economically unprofitable, the landowners affected shall be indemnified with an equivalent land tract from the state or municipal land stock according to the procedure established by Article 10b of the Agricultural Land Ownership and Use Act.

**Article 32.** The owner of any private water site shall not acquire ownership of the land inundated from any unusual overflows of the water.

## **Section VI**

### **Restrictions on Right of Ownership**

**Article 33.** (1) Exercise of a right of ownership may be restricted in any of the following cases:

1. (amended, SG No. 65/2006) upon performance of exploration for and extraction of groundwaters and withdrawal of spring waters within any corporeal immovable constituting private property;

2. upon construction of new sites related to the use, conservation of waters, or to protection against water-related damage and loss, as well as for the purposes of more appropriate utilization of water resources;

3. (new, SG No. 65/2006) within the boundaries of the sanitary protected areas of the facilities for drinking and household water supply and for mineral waters.

(2) Should implementation of the measures covered under Paragraph (1) permanently deprive the owner of the use of the corporeal immovable in whole or in part, the said immovable shall be condemned according to the procedure established by the State Property Act.

(3) (New, SG No. 65/2006, repealed, SG No. 61/2010).

(4) (Renumbered from Paragraph (3), SG No. 65/2006) Orders by the competent authority issued on any grounds specified in this Section may not be executed prior to the entry into force of the act decreeing condemnation of the corporeal immovable affected and prior to payment of the compensation as fixed.

**Article 34.** (1) (Amended, SG No. 65/2006) Exploration for, and extraction of, groundwaters and withdrawal of spring waters within any corporeal immovable constituting private property may be implemented after the issuance of a permit for performance of the relevant activity.

(2) Any activities referred to in Paragraph (1) shall be performed on the basis of a written contract with the owner wherein the terms and conditions for performance of the activity and the compensation due shall be stipulated.

(3) The competent authority according to the provisions of this Section shall offer the owner a draft contract which shall mandatorily state particulars regarding:

1. the necessary exploration and/or construction and erection work;

2. the part of the corporeal immovable which is to be placed at the disposal of the contractor for performance of the exploration or construction;

3. the part of the corporeal immovable which is to remain occupied by the facilities as constructed upon completion of the exploration or construction;

4. the time limit for completion of the exploration or construction;

5. land reclamation work as may be necessary upon completion of the exploration or construction;



6. the pecuniary compensation [payable] in the event of deprivation of the owner of the possibility to use the realty thereof during the exploration or construction, and the procedure for payment of any such compensation;

7. an annual pecuniary compensation [payable] in the event of part of the corporeal immovable remaining occupied by the facilities as constructed upon completion of the exploration or construction; [payment of] the pecuniary compensation referred to in this Item shall be discontinued upon restoration of the corporeal immovable to the original form thereof;

8. any other conditions as would provide guarantees of the protection of the corporeal immovable and the peace of the owner of the corporeal immovable.

(4) The owner affected may react within one month after receipt of the offer.

(5) Should the owner affected fail to accept the offer within the time limit referred to in Paragraph 4, the rules for restriction of ownership and for indemnification provided for in this Section shall apply.

**Article 35.** (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Where, in the absence of an alternative solution, spring waters shall have to be withdrawn within a corporeal immovable which does not constitute State or municipal property for the purposes of satisfying the needs of drinking and household water supply of the area, the Minister of Regional Development and Public Works shall issue an order for implementation of the activities necessary for such withdrawal on the basis of a feasibility study.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Any such order of the Minister of Regional Development and Public Works shall mandatorily specify the circumstances covered under Article 34 (3) herein.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue the order referred to in Paragraph (1).

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The construction contractor shall be liable for any detriment inflicted on the owner of the corporeal immovable through any non-compliance with the rules for construction and of the conditions established by the order of the Minister of Regional Development and Public Works.

(5) (Amended, SG No. 81/2000) The owner of the corporeal immovable wherein the water is abstracted shall be entitled to use gratuitously water in a quantity not exceeding 10 cubic metres diurnally, notwithstanding the compensation received.

**Article 36.** (1) For the performance of exploration for groundwaters within any corporeal immovable constituting private property, the Minister of Environment and Water shall issue an order whereby the circumstances covered under Article 34 (3) herein shall mandatorily be specified.

(2) Exploration for groundwaters shall be performed with the utmost consideration for the interests of the owner.

(3) The explorer shall be liable for any detriment inflicted on the owner through any departure from the conditions established by the order of the Minister of Environment and Water any by the specific statutory instruments regulating exploration for groundwaters and performance of reclamation of the disturbed areas.

**Article 37.** (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Extraction of groundwaters within a corporeal immovable constituting private property shall be performed solely in respect of waters guaranteed to possess a quality suitable for drinking and used for the purpose of drinking, and after conduct of construction and erection

work as specified by the Minister of Regional Development and Public Works under the terms and according to the procedure established by Article 35 herein.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The existence, in the area, of an alternative possibility to extract groundwaters for drinking and household water supply within a corporeal immovable constituting state or municipal property shall be grounds for revocation of the order of the Minister of Regional Development and Public Works.

**Article 38.** (1) Should it be necessary to construct new sites related to conservation of waters or to protection against water-related damage and loss, as well as for satisfaction of such state or municipal needs as cannot otherwise be satisfied, it shall be permissible to condemn any privately owned corporeal immovables, any parts thereof, or any existing water development facilities after an advance and equivalent indemnification.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 58/2017, effective 18.07.2017) In the cases covered under Paragraph (1), the Minister of Regional Development and Public Works or the Minister of Agriculture, Food and Forestry, each acting within the competence thereof, shall request condemnation of the corporeal immovable affected according to the procedure established by the State Property Act.

(3) Any approved water development plans, containing feasibility studies proving that the state or municipal need cannot otherwise be satisfied, shall be grounds for condemnation.

## **Chapter Three**

### **USE OF WATERS AND WATER SITES**

**Article 39.** The use of waters and water sites shall comprehend water withdrawal and use of water sites.

**Article 40.** (1) (Previous text of Article 40, SG No. 61/2010) Use of waters and water sites shall be of the following types:

1. common use or individual use, depending on whether the holders of the right are an unrestricted number of persons or individually designated persons;

2. (supplemented, SG No. 61/2010) use by permit or by advance written notification of the competent authority or use without permit, depending on whether the law provides for the issuance of an individual administrative act as a prerequisite for accrual of the right to use, or the right to use accrues by virtue of any other juridical fact;

3. (repealed, SG No. 36/2006).

(2) (New, SG No. 61/2010) An individual right to use waters and water sites, conferred by an administrative act on an individually designated person, may not be transferred to third parties.

**Article 41.** (1) Common water withdrawal and use of water sites shall be the right of citizens to use waters and/or water sites constituting public State or municipal property for personal needs, recreation activities and aquatic sports, watering of livestock and bathing.

(2) The terms and a procedure for the use referred to in Paragraph (1) of waters and water sites shall be established as follows: in respect of public State property, by the [competent] Regional Governor; in respect of public municipal property, by the [competent] Municipal Council; in accordance with the water withdrawal permits and water site use permits as issued, and in a manner ensuring the protection of human life and public health and environmental protection.

(3) The [competent] Regional Governor, in respect of public state property, and the [competent] Municipality Mayor, in respect of public municipal property, shall be obliged to

declare:

1. the water sites available for common water withdrawal and [water site] use, specifying the places designated for this purpose;

2. the requirements to, terms and conditions of, or prohibition against, a certain type of common water withdrawal or water site use;

3. the pre-existing authorized individual rights to use, as well as the rights to use whereof the conferral is pending;

4. the extent and assigned use of the riparian land tracts and littoral land tracts appurtenant to the water sites referred to in Item 1, with a view to implementation of certain types of common water withdrawal or [water site] use, or restricting or prohibiting other types of use, as the case may be, as well as requirements to sites and activities compatible with the common water withdrawal and [water site] use;

5. (amended, SG No. 61/2010) the places for free passage through corporeal immovables constituting private property, in cases where common water withdrawal and/or water site use requires access to the water site over such immovables, after advance consultation with the owner of the said immovable; absent an agreement, the provisions of the Spatial Development Act shall apply.

(4) A declaration under Items 1, 2 and 5 of Paragraph (3) shall mandatorily be made, inter alia, by means of placing signs at the designated places, and under Items 3 and 4, by means of a public register.

**Article 42.** (Amended, SG No. 70/2004) The owner of any water site wherein the water constitutes public property, as well as the owner of any private water site, shall be obliged to make publicly available any restrictions on common water withdrawal or water site use, or a prohibition of any such use, as the case may be, by means of publication or in another manner. Any such restrictions and prohibitions may be imposed on technological considerations or considerations of hygiene and epidemiology.

**Article 43.** (1) Individual use of waters and water sites shall be in effect where the relevant right is exercised by a designated holder.

(2) (Amended, SG No. 81/2000, SG No. 65/2006, supplemented, SG No. 61/2010, SG No. 35/2011, effective 3.05.2011) Natural persons who own or use a corporeal immovable located within the limits of the nucleated settlements and dispersed settlements shall be entitled to gratuitous withdrawal of surface waters and groundwaters located within, or beneath the surface of, the said immovable for their own needs in a quantity not exceeding 10 cubic metres diurnally, as well as in cases of using individual systems for heating and/or cooling with total installed capacity of up to 50 kW, using as a primary energy source the energy from dry zones in the bowels of the earth and of groundwaters with a temperature of up to 20° C, with the exception of mineral waters.

(3) (New, SG No. 65/2006, amended, SG No. 61/2010) The provision of Paragraph (2):

1. shall apply to withdrawal of groundwaters within the limits of the maximum water volumes as designated in the river basin management plans for the land-use area of each nucleated settlement and as announced on the Internet sites of the basin directorates, which volumes may not exceed 50 per cent of the available resources of the groundwater body nearest to the surface;

2. shall not apply upon withdrawal of mineral waters.

(4) (Renumbered from Paragraph (3), SG No. 65/2006) In any cases other than such covered under Paragraph (2), individual use of waters and water sites shall be subject to payment of fees fixed by a rate schedule by the Council of Ministers.

(5) (Renumbered from Paragraph (4), SG No. 65/2006, amended, SG No. 61/2010) In the case of proven violations referred to in Paragraph (2), the authority referred to in Item 4 of Article 52 (1) herein may compel the holder of the right to use to install metering devices.

**Article 44.** (1) (Amended, SG No. 81/2000, SG No. 65/2006) A water withdrawal permit shall be required in all cases, except:

1. in the cases referred to in Article 43 (2) herein;

2. (amended, SG No. 35/2009, effective 12.05.2009, SG No. 53/2014) for activities involving protection of the population upon introduced plan for general protection in case of disaster according to the procedure established by the Disaster Protection Act;

3. (new, SG No. 61/2010) in the cases referred to in Items 1 and 2 of Article 58 (1) herein.

(2) (Amended, SG No. 65/2006) Water withdrawal shall comprehend the drawing of waters from water sites and/or the diverting of waters therefrom, as well as the utilization of water power.

(3) No permit shall be required according to the procedure established by this Act for transformation of water power, without diverting water from the natural course of a water stream, into electric energy by means of turbines of a capacity not exceeding 20 kilowatts.

(4) (Amended, SG No. 65/2006) No permit shall be needed for construction of a well for individual gratuitous withdrawal of groundwaters, subject to the condition that the owner has given advance notice to the competent Basin Directorate Director.

(5) (Amended, SG No. 65/2006) The owner or user of any corporeal immovable where a well has been constructed under the terms established by Paragraph (4) shall be obliged to declare the said well to the competent Basin Directorate within three months after completion of construction, for the purpose of entry of the said well in the register referred to in Item 5 of Article 118d (3) herein.

(6) (Amended, SG No. 65/2006, repealed, SG No. 98/2018, effective 27.11.2018).

**Article 45.** (Repealed, SG No. 65/2006).

**Article 46.** (Amended, SG No. 41/2001, SG No. 65/2001) (1) A water site use permit shall be required for:

1. (amended, SG No. 61/2010) construction of new, remodelling or modernization of existing systems and facilities for:

(a) streamflow regulation;

(b) linear infrastructure, traversing water sites: aqueducts, bridges, transmission networks and lines;

(c) groundwater investigations in connection with the activities referred to in Littera (h);

(d) protection against water-related damage and loss;

(e) hydraulic-engineering port facilities;

(f) floating structures in dams;

(g) withdrawal of surface waters or of groundwaters;

(h) reinjection and injection of waters, artificial recharge of groundwaters and for input of pollutants into groundwaters in the cases referred to in Article 118a (2) herein;

2. aquaculture and activities related thereto;

3. (amended, SG No. 61/2010) wastewater discharge into surface waters for:

(a) design of sites, including sewerage systems of nucleated settlements, dispersed settlements and resort settlements;

(b) operation of existing sites, including sewerage systems of nucleated settlements, dispersed settlements and resort settlements;

4. extraction of alluvium deposits from surface water sites;

5. reinjection or injection of waters into groundwater sites;
6. artificial recharge of groundwaters;
7. input of pollutants into groundwaters in the cases referred to in Article 118a (2) herein;
8. injection of natural gas or liquefied petroleum gas into groundwater sites;
9. (repealed, SG No. 61/2010);

10. (new, SG No. 61/2010, amended, SG No. 58/2015) maintenance of the hydraulic conductivity of non-canalized river beds for the purpose of clearing the said beds from bushes, tree vegetation and waste in the zones referred to in Item 5 of Article 119a (1) herein.

(2) Construction of structures, civil engineering works, buildings and others, which come or may come into contact with groundwaters, shall be performed under the terms and according to the procedure established by the Spatial Development Act in compliance with the requirements for the protection of groundwaters under Chapter Eight herein.

(3) The permit referred to in Item 3 of Paragraph (1) shall be issued according to the procedure established by this Act, except where provisions are made for the issuance of an integrated permit according to the procedure established by the Environmental Protection Act.

(4) (Amended, SG No. 61/2010) A water site use permit referred to in Item 3 of Paragraph (1) shall not be required in the cases of:

1. household wastewater discharge for works beyond the limits of nucleated settlements and dispersed settlements applicable to:

(a) a maximum diurnal water quantity not exceeding 10 cubic metres and a population equivalent of up to 50, and

(b) provision of at least primary treatment of the wastewaters;

2. sites generating domestic-sewage wastewaters within the limits of nucleated settlements and dispersed settlements without a constructed sewerage system; the provisions of the Spatial Development Act shall apply to any such works.

(5) (New, SG No. 61/2010) A water site use permit for remodelling and modernization of existing facilities shall be required solely in the cases referred to in Item 1 (a), (b), (d) and (e) of Paragraph (1), and in the rest of the cases the facilities shall be remodelled and modernized after advance written notification of the competent authority according to the procedure established by Article 58 herein.

(6) (New, SG No. 61/2010) Water site use permits for construction of the groundwater facilities referred to in Item 1 (g) and (h) of Paragraph (1) shall be issued as part of a permit for withdrawal, for removal, for injection or for reinjection by means of new facilities.

(7) (New, SG No. 61/2010) Where the place of wastewater discharge requires the construction of any facilities which result in an impact on the water site, the conditions for the protection of the said site upon construction of the said facilities shall be determined in the permit referred to in Item 3 of Paragraph (1).

(8) (New, SG No. 61/2010) A wastewater discharge permit referred to in Item 3 (a) of Paragraph (1) shall furthermore be required in the cases of a design of an extension or modification of existing sites, which involves a modification of the parameters and a change of the place of the authorized discharge.

**Article 46a.** (New, SG No. 65/2006) (1) (Previous text of Article 46a, SG No. 95/2009) Submission of a permit referred to in Articles 44 and 46 herein shall be a necessary condition for approval of the design and for the issuance of a building permit according to the procedure established by the Spatial Development Act.

(2) (New, SG No. 61/2010) A use permit or a commissioning certificate under the Spatial Development Act shall be issued for works, including sewerage systems, by means of which

wastewaters are discharged into water sites, solely provided the following have been issued according to the procedure established by this Act:

1. a permit for withdrawal of groundwaters by means of existing facilities or a permit for withdrawal of surface waters for commissioned works, and

2. a water site use permit for discharge of wastewaters for a commissioned work.

- (3) (New, SG No. 61/2010) The provision of Item 1 of Paragraph (2) shall not apply to any sites for which water supply is implemented under contract with a waster and sewerage utility registered according to the procedure established by the Water-Supply and Sewerage Services Regulation Act.

- (4) (New, SG No. 95/2009, renumbered from Paragraph (2), SG No. 61/2010) The provision of Paragraph (1) shall not apply in respect of any permits for mineral waters constituting exclusive state property.

- (5) (New, SG No. 98/2018, effective 27.11.2018) The permit under Article 44 and/or Article 46 does not create real rights over the immovables where the permitted activities are being carried out.

**Article 47.** (Amended, SG No. 81/2000, supplemented, SG No. 107/2003, amended, SG No. 70/2004, SG No. 36/2006) (1) (Amended, SG No. 65/2006, supplemented, SG No. 47/2009, effective 23.06.2009, amended, SG No. 96/2017, effective 1.01.2018) A mineral water extraction concession for mineral water constituting exclusive State property and public municipal property shall be granted after taking preparatory steps and conducting a procedure. The procedure for the preparation and conduct of the concession granting procedure, as well as for the performance, modification and termination of the concession contracts for mineral water, shall be established by an ordinance of the Council of Ministers. The Concessions Act shall apply to any unregulated matters related to the strategic development and planning of mineral water extraction concessions, the monitoring, management and control, the financing of the activity and the National Concession Register, apply the law on concessions.

- (2) (Amended, SG No. 65/2006) An extraction concession for mineral waters shall be granted where the withdrawal is intended for:

1. bottling of natural mineral water and/or carbonated and other beverages, the composition of which includes mineral water;

2. extraction of valuable substances;

3. (supplemented, SG No. 65/2006, repealed, SG No. 95/2009);

4. (new, SG No. 61/2010, repealed, SG No. 96/2017, effective 1.01.2018).

- (3) An extraction concession for mineral waters shall be granted taking into account the needs of medical-treatment facilities for hospital care and the common water withdrawal for drinking and tapping.

- (4) (Amended and supplemented, SG No. 45/2012, effective 1.09.2012, amended, SG No. 96/2017, effective 1.01.2018) Upon granting an extraction concession for mineral waters constituting exclusive State property, a portion of the concession remuneration which may not be less than 50 per cent and which shall be determined by the decision of the Council of Ministers to initiate a concession granting procedure shall be transferred to the budget of the municipality within whose territory the object of the concession is located.

- (5) (New, SG No. 65/2006, amended, SG No. 96/2017, effective 1.01.2018) The object of the concession referred to in Paragraph (1) shall be the mineral water of a mineral water occurrence discovered by a particular water withdrawal facility, together with the water withdrawal facility and the inner belt of the sanitary protected area thereof.

- (6) (New, SG No. 65/2006) Upon conduct of the procedure referred to in Paragraph (1) and

evaluation of the tenders, the largest relative weighting shall be given to the criteria as follows:

1. (amended, SG No. 96/2017, effective 1.01.2018) amount of concession remuneration;
2. period of the concession;
3. amount of the guarantee furnished;
4. (new, SG No. 47/2009, effective 23.06.2009) period for the complete absorption of the resources allocated.

(7) (New, SG No. 65/2006) The provision of Paragraph (5) shall not apply in the cases where the water withdrawal facility and the inner belt of the sanitary protected area thereof are included in another concession granted.

(8) (New, SG No. 65/2006, repealed, SG No. 108/2006, new, SG No. 96/2017, effective 1.01.2018) The following participants shall be excluded from participation in the procedure referred to in Paragraph (1):

1. any participants in respect of whom a ground for exclusion defined by the Concessions Act is present;
2. any participants who do not meet the requirements as to professional and technical ability or as to the financial and economic standing of the participants, as defined by the decision to initiate the procedure.

(9) (New, SG No. 47/2009, effective 23.06.2009, amended, SG No. 61/2010, SG No. 96/2017, effective 1.01.2018) The total annual exploitable resources, which are determined in the decision to initiate the procedure, shall amount to up to 95 per cent of the technically feasible rate of the water withdrawal facility as determined by the order endorsing the exploitable resources of the occurrence.

(10) (New, SG No. 47/2009, effective 23.06.2009, amended, SG No. 96/2017, effective 1.01.2018) The amount of the annual concession remuneration shall be payable on the basis of the actually used quantity of mineral water but may not be less than 80 per cent of the resource allocated.

1. the amount of the annual concession royalty payable on the basis of the actually used quantity of mineral water but not less than 80 per cent of the resource allocated;
2. the mechanism for an annual adjustment of the concession royalty;
3. the conditions and timeframe for the phased absorption of the resources allocated, the time period for which may not exceed five years after the effective date of the concession agreement;
4. the obligations of the concessionaire to construct and maintain, on its own resources, an infrastructure and facilities for public use of the available mineral water resources uncovered by the concession agreement.

(11) (New, SG No. 47/2009, effective 23.06.2009) An extraction concession referred to in Item 1 of Paragraph (2) for mineral water from any one occurrence shall be granted to a single concessionaire, with the exception of the occurrences specified as areas under Annex 2 hereto.

(12) (New, SG No. 96/2017, effective 1.01.2018) A mineral water extraction concession shall be granted for a maximum duration of 35 years.

**Article 47a.** (New, SG No. 36/2006, amended, SG No. 96/2017, effective 1.01.2018) (1) (Amended, SG No. 17/2021) A works concession and a services concession for any water development systems and facilities, including for any hydraulic-engineering, hydro-power, irrigation, water-supply and sewerage systems and facilities, shall be awarded under the terms and according to the procedure established by the Concessions Act.

(2) Joint concessions shall be awarded for any water development systems intended for

multiple-purpose use where different public authorities are competent for the management thereof.

(3) The draft decision to initiate the concessionaire selection procedure and the justification of the concession for water development systems and facilities shall be consulted with the Minister of Environment and Water with regard to conformity with the effective river basin management plans and the flood risk management plans.

**Article 47b.** (New, SG No. 47/2009, effective 23.06.2009, amended, SG No. 61/2010, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 47c.** (New, SG No. 61/2010, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 48.** (1) (Amended, SG No. 65/2006, supplemented, SG No. 61/2010) Water users, who or which are holders of permits, shall be under an obligation to:

1. utilize water resources efficiently, decrease water losses, while taking care to protect the environment;

2. (amended, SG No. 61/2010) use waters and water sites in accordance with the purposes for which they are allocated;

3. (amended, SG No. 61/2010) maintain adequate water quality in accordance with statutory requirements and the conditions of the permits;

4. (supplemented, SG No. 41/2001) prevent any prejudice of the public interest and impairment of acquired rights, including the rights to engage in commercial fishing and other fishery activities under the terms and according to the procedure established by the Fisheries and Aquaculture Act;

5. (amended, SG No. 65/2006, SG No. 61/2010) take steps for the establishment of the sanitary protected areas of the facilities for drinking and household water supply and those for mineral waters used for therapy, preventive care, human consumption and bottling and:

(a) execute the designated measures within the boundaries of the sanitary protected areas according to the requirements of the Ordinance referred to in Item 6 of Article 135 (1) herein and the order establishing the sanitary protected area, and

(b) maintain the flood plains of the rivers or the littoral lands appurtenant to the dams located within the boundaries of the area, in accordance with statutory requirements;

6. (amended, SG No. 55/2018) meter and keep record of waters as abstracted and used, of waters as removed and released, of groundwater levels and, in respect of hydraulic-engineering abutment facilities, of waterworks up to a maximum level, as well as of the pollutants, according to the conditions as expressly specified in the permit;

7. (amended, SG No. 70/2004) implement technological, hydraulic-engineering, agrotechnical, water-protection, hygiene, epidemiological and other measures, where so provided for under the terms and conditions upon allocation of use;

8. (supplemented, SG No. 61/2010) afford unobstructed access to state and municipal authorities empowered to enforce the provisions of the law, as well as provide the information required by the said authorities at the time of and in connection with the conduct of the check;

9. conclude contracts with subscribers when providing water services;

10. give timely notice to the subscribers of any disruption of the regime of water withdrawal as contracted;

11. (new, SG No. 61/2010) comply with the terms and conditions in the permits issued thereto according to the procedure established by this Act and the integrated permits issued according to the procedure established by the Environmental Protection Act;

12. (new, SG No. 61/2010) not later than the 31st day of March of the next succeeding



reporting year, submit to the competent Basin Directorate Director and, in the cases of a permit issued under Item 3 of Article 46 (1) herein, to the Director of the competent Regional Inspectorate of Environment and Water as well, a report on compliance with the terms and conditions in the permits issued thereof; in the cases of a permit issued under Article 117 of the Environmental Protection Act, the said report shall be presented as part of the report referred to in Item 5 of Article 125 (1) of the said Act;

13. (new, SG No. 61/2010) comply in due time with the prescriptions given by a control authority.

(2) (Amended, SG No. 65/2006, supplemented, SG No. 61/2010) Water users, regardless of whether they are or are not holders of permits, which are also water and sewerage utilities within the meaning given by Article 2 of the Water-Supply and Sewerage Services Regulation Act and which provide the service of water supply for human consumption, shall be obligated to:

1. undertake all necessary measures to provide safe and clean drinking water to consumers;
2. (supplemented, SG No. 61/2010) carry out monitoring of the quality of water for human consumption and provide the data of the monitoring as conducted to the authorities referred to in Articles 155a and 189 herein according to a procedure established by the Ordinance referred to in Item 3 of Article 135 (1) herein;

3. inform the consumers concerned in the cases where deviations in the quality of water for human consumption have been established, where the said deviations may pose a health risk.

(3) (New, SG No. 65/2006, effective 12.08.2007, supplemented, SG No. 61/2010) In the cases where water for human consumption deviates from the requirements of the Ordinance referred to in Item 3 of Article 135 (1) herein and alternative possibilities for water supply do not exist, the persons referred to in Paragraph (2) may provide the service of water supply for drinking and household use only after the issuance of a permit according to Item 1 of Article 155a (1) herein.

(4) (New, SG No. 61/2010) Water users, who or which are not holders of permits but are water and sewerage utilities within the meaning given by Article 2 of the Water-Supply and Sewerage Services Regulation Act, shall treat and discharge wastewaters into surface water sites in accordance with the water site use permit for discharge of wastewaters issued for the relevant sewerage system.

(5) (New, SG No. 25/2019) Water users who or which are holders of permits for water withdrawal in accordance with Article 44 for aquaculture and activities related thereto shall not be obliged to meter waters as abstracted and used and report them on the basis of the volume set out in the permit issued.

**Article 49.** (1) Within the meaning given by this Act, the public interest is prejudiced where, as a result of water withdrawal or water use, there arises a risk of:

1. limitation of common water withdrawal or use;
2. jeopardy to national defence and national security;
3. breach of the conditions of river basin management plans;
4. adverse impact on the banks, on the facilities, on the water quality and on protected areas or upon wasteful water use.

(2) (Amended, SG No. 65/2006) The public interest shall also be prejudiced in the case of production and distribution in the retail network of bottled natural mineral waters, carbonated and other beverages whereof the content includes mineral water without the relevant certificate, without legal grounds and not according to the procedure established by the law.

(3) Acquired rights shall comprehend:

1. rights to water withdrawal and water use, for which permits have been issued and which

are exercised by virtue of this Act;

2. (amended, SG No. 36/2006) concession;
3. real rights, created according to civil legislation.

## **Chapter Four**

### **AUTHORIZATION SCHEME**

#### **Section I**

#### **General Dispositions**

**Article 50.** (1) A permit shall be issued for water withdrawal and for water site use.

(2) Fees fixed by a rate schedule by the Council of Ministers shall be charged for the issuance of water withdrawal permits and for water site use permits.

(3) (Amended, SG No. 61/2010) A water withdrawal and/or water use permit shall be issued:

1. to legal persons and to sole traders;
2. to natural persons solely where the request is for:
  - (a) (repealed, SG No. 98/2018, effective 27.11.2018);
  - (b) wastewater discharge under Item 3 of Article 46 (1) herein;
  - (c) mineral waters constituting exclusive state property, which have been allocated to municipalities for management and use;
  - (d) (amended, SG No. 12/2015) agricultural uses by a registered farmer.

(4) Upon authorization of water withdrawal, requests shall be granted in the following order of precedence:

1. (amended, SG No. 65/2006) for human consumption;
2. therapy and preventive care - applicable solely to mineral waters;
3. (amended, SG No. 65/2006) for agricultural uses;
4. (amended, SG No. 65/2006) other uses, including industrial uses, recreation activities and hydraulic-power engineering.

(5) (Amended, SG No. 65/2006) The priorities referred to in Paragraph (4) shall apply in compliance with the environmental protection requirements.

(6) (New, SG No. 47/2009, effective 23.06.2009, amended, SG No. 61/2010) The water withdrawal permit under Article 44 herein and the surface water site use permit under Article 46 herein shall be issued under the terms and according to the procedure established by this Act and by the ordinances referred to in Items 1a and 13 of Article 135 (1) herein.

(7) (New, SG No. 61/2010) A groundwater withdrawal permit under Article 44 herein and a groundwater site use permit under Items 5, 6 and 7 of Article 46 (1) herein shall be issued for water withdrawal or for groundwater site use:

1. by means of new facilities;
2. by means of existing facilities.

(8) (New, SG No. 61/2010) In the cases referred to in Item 1 of Paragraph (7), a single general permit shall be issued, inter alia stating the conditions for construction of the facilities.

(9) (New, SG No. 61/2010, amended, SG No. 98/2018, effective 27.11.2018) The rights under the permit issued according to the procedure established by paragraph 8 may be enjoyed after:

1. (amended, SG No. 98/2018, effective 27.11.2018) issuance of a building permit

according to the procedure established by the Spatial Development Act – for the rights to use a water site;

2. (supplemented, SG No. 98/2018, effective 27.11.2018) modification of the permit in respect of the parameters of the authorised water withdrawal or use, which shall be effected ex officio by the Basin Directorate Director, depending on the results of the exploration for groundwaters in the process of construction of the facilities - for water withdraw rights.

(10) (New, SG No. 98/2018, effective 27.11.2018) The provisions of Articles 7 – 9 shall not apply to mineral water deposits constituting exclusive State property, which have been allocated gratuitously to the municipalities for management and use. In these cases, the competent Basin Directorate Director shall issue a water site use permit for construction, repair or reconstruction of a facility for withdrawal of mineral water from the respective deposit.

(11) (New, SG 12/2017, renumbered from Paragraph 10, SG No. 98/2018, effective 27.11.2018) When the operation of the entity that is to be supplied with water generates waste water containing priority substances within the meaning of the ordinance under Art. 135, para. 1, item 17 or dangerous substances within the meaning of the ordinance under Art. 135, para. 1, item 2, and the WSS operator of the autonomous territory plumbing the autonomous territory certifies that it cannot include the wastewater in the sewer systems:

1. along with the application for a permit for water withdrawal an application shall be filed for a permit to discharge waste water in surface water bodies;

2. the procedure for issuing a permit for water use is carried out in agreement with the procedure for the issue of a permit to use a surface water body for discharge of wastewater.

**Article 50a.** (New, SG No. 58/2015) (1) The permits referred to in Article 50 (1) herein shall be reviewed as to conformity with the environmental objectives covered under Article 156a herein where:

1. the monitoring data or other information and assessments show that the environmental objectives established for a water body are not achieved or there is a risk of deterioration in the status of a water body or the potential of an artificial or heavily modified water body;

2. non-conformities have been ascertained between the hydromorphological conditions and the ecological status of a water body or the good ecological potential of an artificial or heavily modified water body;

3. exceptions under Articles 156b to 156g herein have been justified for the water body, requiring the fulfilment of particular conditions.

(2) The permits referred to in Article 50 (1) herein shall be reviewed upon each updating of the characterization of the water basin management district under Article 156h herein.

(3) Where exercise of the rights under the permit referred to in Article 50 (1) herein constitutes pressure on the status of waters contributing to a deterioration in the status or non-achievement of the environmental objectives, or non-fulfilment of the conditions covered under Articles 156b to 156g herein, the Basin Directorate Director shall plan a modification of the permit, and where the objectives cannot be achieved or the conditions cannot be fulfilled by a modification, the Basin Directorate Director shall plan a termination of the permit, notifying the holder of the permit and shall perform the actions under Item 1 of Article 74 (1) herein.

(4) The modification or termination of the permit referred to in Article 50 (1) herein shall be included in the programme of measures in the relevant river basin management plan.

**Article 51.** (Amended, SG No. 65/2006, SG No. 98/2018, effective 27.11.2018) (1) For the protection of waters and determination of the conditions for this in coordination of the overall prospecting and exploration projects under Article 82 (1) of the Subsurface Resources Act in the Ministry of Environment and Water, information should be provided on:

1. the location of the area where the exploration of subsurface resources shall be carried out;

2. the surface water bodies and groundwater bodies within the area referred to in item 1, which may be affected by the planned activities and how they shall be affected;

3. the rock or lithological variety representing the subsurface resources;

4. the depth to which the exploration shall be carried out.

(2) For the protection of waters and determination of the conditions for granting a concession for extraction of subsurface resources, a plan for development of the deposit should be submitted for coordination, which shall, besides the information under paragraph 1, also contain results of the completed exploration relating to:

1. the delineation of the geological section;

2. the groundwater level in the explored area.

**Article 52.** (Amended, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009, SG No. 61/2010) (1) A permit shall be issued by:

1. the Minister of Environment and Water for:

(a) water withdrawal from the dams covered under Annex 1 hereto;

(b) transfer of waters between different basin management districts;

(c) use of a water site:

(aa) the dams covered under Annex 1 hereto, including for wastewater discharge;

(bb) input of pollutants into groundwaters in the cases referred to in Article 118a (2) herein;

(cc) injection of carbon dioxide, natural gas or liquefied petroleum gas into groundwater sites;

(d) the purposes of defence and national security;

2. the Executive Director of the Agency for Exploration and Maintenance of the River Danube: for use of a water site for extraction of alluvium deposits from the River Danube;

3. the municipality mayor after a resolution of the Municipal Council:

(a) (amended, SG No. 58/2015) for withdrawal of waters, including from dams and mineral waters constituting public municipal property, as well as from occurrences of mineral waters constituting exclusive State property, which have been allocated gratuitously to the municipalities for management and use;

(b) for use of water sites constituting public municipal property, with the exception of the permits under Item 3 of Article 46 (1) herein;

4. the [competent] Basin Directorate Director: in all other cases of water withdrawal and water site use.

(2) Permits for use of water sites constituting parts of the River Danube, the internal marine waters or the territorial sea shall be issued by the competent Basin Directorate Director with the advance consent of the Minister of Defence and of the Minister of Transport, Information Technology and Communications.

(3) A permit for withdrawal from the occurrences of mineral waters constituting exclusive state property, which have been allocated gratuitously to the municipalities for management and use, shall be issued by the municipality mayor after consultation with the competent Basin

Directorate Director in respect of the parameters of the water withdrawal. The said consultation shall precede the drafting of the notice of initiation of the procedure for issuance of the permit.

(4) A copy of the permits referred to in Item 3 of Paragraph (1) shall be transmitted to the competent Basin Directorate Director.

**Article 53.** (Amended, SG No. 61/2010) (1) The manner of use of the waters of dam complexes and significant dams covered under Annex 1 hereto shall be determined in an annual flow regime schedule and monthly flow regime schedules, which shall be endorsed by the Minister of Environment and Water and shall constitute an integral part of the water withdrawal permit.

(2) The strategy for use of the waters of the dams covered under Annex 1 hereto during the relevant year shall be determined by the annual schedule.

(3) The monthly schedule shall be prepared taking into consideration the up-to-date information on the status of the dam during the preceding month, the strategy determined by the annual schedule, the forecast of the expected inflow, the hydrometeorological situation and the assessments of the requests in the monthly requisition from the holders of water withdrawal permits.

(4) The following shall be done by means of the monthly schedules:

1. waters shall be transferred;
2. free volumes shall be designated to accommodate an expected inflow;
3. specific conditions for the holders of permits shall be determined.

(5) The authorized limit may be exceeded in case of a volume to accommodate an expected inflow designated by the monthly schedule or upon occurrence of unforeseeable and/or exceptional circumstances.

(6) The persons who or which implement the technical operation of the dams and the facilities thereto appertaining shall present information on the water development balance in the dams covered under Annex 1 hereto to the Ministry of Environment and Water at one-day, ten-day and one-month intervals, on the next succeeding working day.

(7) The Minister of Environment and Water or an official empowered thereby shall modify the monthly schedule upon occurrence of unforeseeable and/or exceptional circumstances and shall notify in writing the parties concerned of any such modification.

**Article 54.** Construction of diversion systems for the transfer of waters between river basins shall be performed by resolution of the National Assembly.

**Article 55.** Upon the issuance of a permit, the authorities covered under Article 52 (1) herein shall take into consideration:

1. the available water resources;
2. the needs of the applicant for water use permit or water site use permit, as the case may be;
3. (amended, SG No. 61/2010) the status of the water body, the environmental objectives set for the water body concerned, and the measures for achievement of the said objectives as set out in the river basin management plans;
4. the acquired rights.

**Article 56.** (Amended, SG No. 65/2006) (1) The water withdrawal permit referred to in Article 44 herein and the water site use permit referred to in Article 46 herein shall contain:

1. the designation of the permit issuing authority;
2. the number and date of issuance of the permit;
3. legal and factual grounds for issuance of the permit;
4. the forename, patronymic and surname of the holder of the permit - for natural persons,

respectively, business name and registered office - for legal persons and for sole traders registered under the Commerce Act;

5. Standard Public Registry Personal Number, if a natural person, or standard identification number, if a legal person or sole trader;

6. purpose of use;

7. (supplemented, SG No. 61/2010) water site and water body which is an object of use;

8. (amended, SG No. 61/2010) places of use, consumption and discharge, including altitude and coordinates of the facilities or the area for use;

9. locality, political and territorial unit, code according to the uniform classifier of political and territorial units - for each place of use;

10. parameters of the authorized use;

11. facilities for use of waters, technical parameters and equipment of facilities;

12. period of validity of the permit;

13. obligation to pay a fee and individual characteristics for calculation of the fee for the conferred right to use the waters;

14. obligations to conduct self-monitoring and specific requirements to the places of monitoring and the monitoring programme;

15. conditions under which the right to use the waters is conferred;

16. control authority.

(2) In addition to the essential elements covered under Paragraph (1), the water withdrawal permit referred to in Article 44 herein shall also contain:

1. distribution of permitted volumes;

2. the minimum permissible streamflow into the river - in case of withdrawal of surface waters;

3. (supplemented, SG No. 61/2010) the maximum permissible exploitable lowering of the water level - in case of withdrawal of groundwaters;

4. date of commencement of exercise of the right to water withdrawal;

5. (repealed, SG No. 61/2010).

(3) In addition to the essential elements covered under Paragraph (1), the water site use permit for input of pollutants into groundwaters referred to in Item 7 of Article 46 (1) herein and the reinjection permit or the injection permit referred to in Items 5 and 8 of Article 46 (1), shall also contain:

1. manner of removal, reinjection or injection;

2. specific measures, with, express identification of the nature and concentration of substances in the removed waters;

3. characteristics of the groundwater body in which the waters are removed and the proximity to other groundwater bodies that may be affected;

4. (repealed, SG No. 61/2010).

(4) (Amended, SG No. 61/2010) In addition to the essential elements covered under Paragraph (1), the water site use permit for discharge of wastewaters into surface waters under Item 3 of Article 46 (1) herein shall furthermore contain:

1. particulars of the work generating the wastewaters, of the sewerage system, of the owner and user of the said work;

2. particulars of the water withdrawal permit or of the contract for water service provision;

3. individual emission limit values for all characteristic indicators of the wastewaters by stream and by place of discharge;

4. time limit for attainment of the individual emission limit values;

5. quantities of wastewaters discharged: maximum hourly, average diurnal and annual.

(5) (Amended, SG No. 61/2010) The terms and conditions whereunder the permits are issued shall be determined by the ordinances referred to in Items 1a and 2 of Article 135 (1) herein and shall be formalized as an annex constituting an integral part of the permit.

(6) Layouts and/or maps on an appropriate scale, depending on the specificity of the water withdrawal permit or water site use permit, may be attached to the permit.

(7) (Repealed, SG No. 61/2010).

**Article 57.** (1) A permit shall be issued for a maximum period of:

1. thirty-five years - for impoundment and for water withdrawal from dam complexes for water-power and irrigation purposes;

2. twenty-five years - for water withdrawal for the purpose of drinking and household water supply;

2a. (new, SG No. 65/2006, repealed, SG No. 61/2010);

3. (amended, SG No. 47/2009, effective 23.06.2009) twenty years, in all other cases.

(2) (Repealed, SG No. 65/2006).

(3) (New, SG No. 61/2010, amended, SG No. 58/2015) Water site use permits for extraction of alluvium deposits shall be issued for a period not longer than the period of the river basin management plan effective by the date of issuance of the permit. In the cases under Article 140 herein, the permit shall be issued by the person selected as a contractor for these activities, for the period of performance of the contract concluded between the said person and the Regional Governor.

(4) (New, SG No. 61/2010) Water site use permits for wastewater discharge under Item 3 (a) of Article 46 (1) herein shall be issued for the period until the commissioning of the works/the sewerage system.

**Article 58.** (1) (Amended, SG No. 61/2010) No permit shall be required, and only a thirty days' advance written notification of the Basin Directorate shall be needed, for performance of any of the following activities:

1. (amended, SG No. 98/2018, effective 27.11.2018) development, modernisation or technological updating of existing installations and technological processes for which a water withdrawal and/or a water use permit has been issued, which does not change the impact permitted by the issued permit;

2. (amended, SG No. 98/2018, effective 27.11.2018) use of surface waters by means of placing temporary diversion structures as may be necessary for construction of a certain construction project, provided that the water quantity drawn is less than 10 litres per second and the resulting outflow after the use has no effect on the water quality;

3. (new, SG No. 61/2010, supplemented, SG No. 98/2018, effective 27.11.2018) overhead passage of facilities over the water site;

4. (new, SG No. 61/2010, amended, SG No. 58/2015) maintenance of the hydraulic conductivity of non-canalised river beds beyond the limits of nucleated settlements for the purpose of clearing the said beds from bushes, tree vegetation, household waste and construction and demolition waste, when the natural status of the river banks and the river bed is not disturbed and they do not fall into zones referred to in Item 5 of Article 119a (1) herein;

5. (new, SG No. 61/2010, supplemented, SG No. 58/2015) construction of groundwater and surface waters monitoring facilities according to the monitoring programme approved by the competent authority;

6. (new, SG No. 61/2010) groundwater investigations other than those referred to in Item 1 (c) of Article 46 (1) herein;

7. (new, SG No. 98/2018, effective 27.11.2018) underground passage through a surface water body without disturbing the natural state of the bed and shores;

8. (new, SG No. 98/2018, effective 27.11.2018) repair of floating facilities in dams and repair of surface water withdrawal facilities;

9. (new, SG No. 98/2018, effective 27.11.2018) ensuring conductivity of the river bed up to 500 meters after the dam wall.

(2) (Amended, SG No. 61/2010) In the cases referred to in Item 1, the applicant shall submit a summary statement of the activities planned thereby, which shall include:

1. location;
2. scope and nature of the activity;
3. measures envisaged to ensure the protection of the waters and the water site;
4. time limit for execution of the activity.

(3) (Amended, SG No. 61/2010) Should the [competent] Basin Directorate Director determine that the activity as planned does not satisfy the requirements of Paragraph (1), the said Director shall advise the owner within the time limit referred to in Paragraph (1) of the need to obtain a permit.

(4) (New, SG No. 61/2010) Within the time limit referred to in Paragraph (1), the [competent] Basin Directorate Director may prescribe conditions and/or restrictions whereunder the activity is to be implemented in connection with fulfilment of the requirements for protection of waters regulated by the ordinances, methodologies and guidances covered under Article 135 herein.

**Article 59.** (Amended, SG No. 65/2006, SG No. 103/2009, SG No. 61/2010) (1) The permit shall be issued on the basis of:

1. the documents referred to in Article 60 herein, and
2. official and up-to-date data derived from meteorological, hydrological, groundwater, hydrochemical and other engineering investigations.

(2) Where submission of a development-project design within the meaning given by the Spatial Development Act is required for the issuance of the permit, the said design shall be prepared by persons who hold the professional qualification of Master of Engineering in the relevant field related to the type of permit requested and who have been registered according to the procedure established in the Chambers of Architects and Engineers in Development-Project Design Act.

## **Section II**

### **Terms and Procedure for Permit Issuance**

**Article 60.** (Amended, SG No. 65/2006, SG No. 52/2008, SG No. 61/2010) (1) For initiation of a procedure for the issuance of a permit, each applicant shall submit an application completed in a standard form approved by the Minister of Environment and Water, which shall state:

1. the particulars covered under Items 4 to 9 of Article 56 herein;
2. a mailing address, including an electronic mail address if any;
3. telephone and fax for contact with the natural person or with the person who manages and represents the corporation referred to in Item 4 of Article 56 (1) herein;
4. the parameters of the proposed use;
5. the number of the environmental impact assessment decision of the Minister of Environment and Water or of the Director of the competent Regional Inspectorate of



Environment and Water, or of the decision determining that conduct of an environmental impact assessment is not needed, or of the decision on a compatibility assessment, where such are required according to the Environmental Protection Act and the Biological Diversity Act;

6. (new, SG No. 13/2021) registration card number for farmers, where applicable.

(2) The following shall be attached to the application referred to in Paragraph (1):

1. (supplemented, SG No. 13/2021) certified receipt for payment of the fee due for the issue of the licence, when the payment is not made electronically;

2. (supplemented, SG No. 13/2021) current drawing or map of the properties where the activity shall be carried out, certified by the respective competent authority or a reference with the identification data of the properties and the administrative issuing body based on which may be gathered information ex officio;

3. (amended, SG No. 98/2018, effective 27.11.2018) a document certifying the consent of the owner of the facilities - in case of use of existing facilities, except for the cases under item 3 of Paragraph (13);

4. (repealed, SG No. 98/2018, effective 27.11.2018, new, SG No. 13/2021) a document certifying technical impossibility for access to an irrigation system in cases where the applicant is a farmer.

(3) Where the request is for the issuance of a surface water withdrawal permit, the following shall furthermore be attached to the application referred to in Paragraph (1):

1. a pre-development investigation or the relevant elaborated phase of the development-project design according to the requirements of the Spatial Development Act, containing a hydrological part and water development investigations demonstrating the availability of the requested water quantity in the water site or demonstrating the need of transfer of waters, where the request is for transfer of waters between river basins, or a design for impoundment, where the request is for impoundment of newly constructed water sites;

2. a justification of the water quantity applied for according to the water consumption standards determined by the Ordinance referred to in Article 117a (2) herein;

3. a design for a sanitary protected area, where the request is for drinking and household water supply;

4. documents attesting to the consent of the owners of immovables which will be affected by the impoundment and the construction of the facilities, in the cases where the said facilities have not been constructed;

5. (amended, SG No. 19/2011, effective 9.04.2011) coordinating opinions of the competent authorities related to affecting existing infrastructure and to the possibility for change of the assigned use of the agricultural land tracts and of the forest areas which will be affected;

6. a comparative assessment of the energy benefits and of the damage to the environment upon utilization of water power.

(4) Where the request is for the issuance of a surface water site use permit, with the exception of wastewater discharge, the following shall furthermore be attached to the application:

1. for construction of new systems and facilities: a development-project design according to the requirements of the Spatial Development Act;

2. for extraction of alluvium deposits from the River Danube:

(a) a schematic map of the sector applied for, showing the location of the sector with geographical coordinates of the boundaries of the sector;

(b) pre-development investigations proving that the waterway, the banks, the islands and the hydraulic-engineering facilities will not be adversely affected;

3. for extraction of alluvium deposits from the littoral lands appurtenant to water reservoirs:

a schematic design for the extraction;

4. (repealed, SG No. 58/2015);

5. for aquaculture and activities related thereto:

(a) a design for the activity;

(b) (repealed, SG No. 98/2018, effective 27.11.2018);

(c) (repealed, SG No. 98/2018, effective 27.11.2018);

(d) (amended, SG No. 58/2015) a design for a change of the assigned use of the dam, approved by the municipal technical expert board;

6. for floating structures in dams:

(a) a design for construction of the facility and for the operation thereof;

(b) a document of registration and serviceability of the floating structure issued by the Maritime Administration Executive Agency;

(c) a preliminary contract for transportation of the wastewaters and the household waste or a design for treatment of the wastewaters: in the cases where wastewaters are generated by the operation performed on the floating structure;

(d) a contract with a diving company for annual maintenance of the anchoring facilities.

(5) Where the physical characteristics of the surface water body are modified through the facilities constructed or through the extraction of alluvium deposits, justifications, calculations and proof of fulfilment of the requirements covered under Article 156f (2) herein shall furthermore be attached to the application.

(6) Where the request is for the issuance of a groundwater withdrawal permit, the following shall furthermore be attached to the application:

1. a document of ownership or a notarized written consent from the owner of the immovable in which the water withdrawal facilities are or are to be located;

2. a notarized declaration from the owners of the immovables affected by the design for the sanitary protected zone which fall within the designed sanitary protected areas, attesting that the said owners are familiar with the restrictions and prohibitions determined in the Ordinance referred to in Item 6 of Article 135 (1) herein: in the case of water withdrawal intended for self-contained drinking and household water supply;

3. a justification of the water withdrawal, including a justification of the water quantity applied for, according to the water consumption standards determined by the ordinance referred to in Article 117a (2) herein;

4. (new, SG No. 12/2017, supplemented, SG No. 98/2018, effective 27.11.2018) document from the WSS operator of the autonomous territory, stating that it is not possible to ensure the necessary quantities from the existing water supply system - where the declared water quantities or part thereof are to be used for self-contained drinking and household water supply;

5. (new, SG No. 13/2021) a document from a supplier of water for irrigation of the area, certifying technical impossibility to provide the necessary quantities from the existing irrigation system or impossibility to access an irrigation system in cases where the applicant is a farmer.

(7) Where the request is for the issuance of a mineral water withdrawal permit, the following shall furthermore be attached to the application:

1. a document of ownership or a created right to use the corporeal immovable where the activity of use of the mineral water is implemented;

2. a design for connection of the branch charging the water-supplied work to the delivery system and for metering the water volumes used and a justification of the water quantity applied for according to the water consumption standards determined by the Ordinance referred to in Article 117a (2) herein.

(8) Where the request is for the issuance of a groundwater investigations permit, the following shall furthermore be attached to the application:

1. documents attesting to the consent of the owners of the immovables wherein the investigation is to be conducted;
2. a design for groundwater investigations.

(9) Where the request is for the issuance of a water site use permit under Items 5 to 8 of Article 46 (1) herein, the following shall be attached to the application:

1. a report on the results of the groundwater investigation;
2. a technological justification of reinjection, injection, removal or artificial recharge, including a justification of the volumes reinjected, injected or removed.

(10) For the issuance of a permit under Item 3 of Article 46 (1) herein, documents specified in the Ordinance referred to in Item 3 of Article 135 (1) herein shall furthermore be attached to the application referred to in Paragraph (1).

(11) The requirements to the documents for the issuance of permits shall be determined by the ordinances referred to in Items 1a, 2 and 13 of Article 135 (1) herein.

(12) (Amended, SG No. 98/2018, effective 27.11.2018) The application referred to in Paragraph (1) and the documents attached thereto shall be submitted in two copies: one copy, in its capacity as original, shall be presented on a paper-based data storage medium, and the second copy, as a full digital analogue of the first one, shall be presented on a electronic data storage medium.

(13) (New, SG No. 98/2018, effective 27.11.2018) Upon conducting the permit issuance procedures under Article 44 and items 2 and 3 of Article 46 (1), and prior to preparing the communication under Article 62a (1) the body under Article 52 (1) shall require ex officio:

1. for aquaculture and activities related thereto:
  - (a) coordinating opinion from the National Agency of Fisheries and Aquaculture regarding the zones for aquaculture in large dams – where the dam is not zoned;
  - (b) opinions on the design and place of execution of the activities from the Navy Training Headquarters of the Republic of Bulgaria and from the Maritime Administration Executive Agency: when the activity is performed in the coastal marine waters or in the River Danube;
2. for permits for use of water sites constituting parts of the River Danube, the internal marine waters or the territorial sea, coordinating opinions of:
  - (a) the Minister of Defence.
  - (b) The Minister of Transport, Information Technology and Communications shall:
3. for water withdrawal and use of dams:
  - (a) where the water withdrawal and/or use is not related to the use of existing dam facilities – an up-to-date document from the owner, or a person authorised by it who is entrusted with the operation of the dam, certifying the consent to carry out the activities and the conditions under which the water withdrawal and/or use may be permitted;
  - (b) where the water withdrawal is related to the use of existing dam facilities – an up-to-date document from the owner, or a person authorised by it who is entrusted with the operation of the dam, certifying the consent to use the facilities and the conditions under which the water withdrawal may be permitted;
4. information about the existence or lack of obligations by electronic means from the National Revenue Agency, the Customs Agency and the municipalities;
5. (new, SG No. 13/2021) current drawing or map of the properties where the activity shall be carried out by the technical services of the municipalities, the geodesy, cartography and cadastre services and the municipal agriculture services, by electronic means and without paying

a fee.

**Article 61.** (1) (Amended, SG No. 65/2006, SG No. 61/2010) An application for the issuance of a permit shall be submitted to the competent authority covered under Article 52 (1) herein.

(2) (Amended, SG No. 65/2006, SG No. 61/2010, supplemented, SG No. 13/2021) The authority under Paragraph 1 within twenty days, and in case of a farmer applicant - within ten days:

1. shall verify whether:

(a) the application contains the information and attachments required according to the standard form as announced;

(b) the contents of the documents attached under Article 60 herein satisfy the requirements of this Act;

2. shall carry out the evaluation under Article 62 (1) herein.

(3) (Amended, SG No. 61/2010) Where the requirements covered under Article 60 herein are not fulfilled, the authority referred to in Paragraph (1) shall advise the applicant to cure the non-conformities within two months.

(4) (New, SG No. 65/2006, amended, SG No. 61/2010, supplemented, SG No. 13/2021) Upon failure to cure the non-conformities within the time limit referred to in Paragraph (3), the documents shall not be considered and a procedure shall not be initiated, of which the applicant shall be notified in writing within three days.

(5) (New, SG No. 61/2010) If upon the evaluation under Article 62 (1) herein, carried out within the time limit referred to in Paragraph (2), it is established that the request does not conform to the requirements of Article 62 (1) herein or that the conditions covered under Article 68 herein exist, the authority referred to in Article 52 (1) herein shall issue a decision on a reasoned refusal to issue a permit. In such case, if the non-conformities in the documents attached under Article 60 herein do not affect the evaluation under Article 62 herein, the authority shall issue the decision on a refusal without requiring a curing of the non-conformities under Paragraph (3).

**Article 61a.** (New, SG No. 61/2010, repealed, SG No. 28/2011, effective 5.04.2011).

**Article 62.** (1) (Amended, SG No. 61/2010) The authority referred to in Article 52 (1) herein shall evaluate the request, proceeding from the following considerations:

1. (amended, SG No. 65/2006) the provisions of the effective river basin management plans;

2. (supplemented, SG No. 61/2010) compatibility with the public interest and acquired rights, including the needs of the community in the area of the water withdrawal;

3. conformity with the environmental protection requirements as regulated by international treaties and domestic legislation;

4. possibility for joint use of existing facilities and of the facilities planned to be constructed for the proposed water use and/or [water site] use;

5. (amended, SG No. 65/2006) available water resources in terms of quantity and quality;

6. conformity of the water quantity applied for with the purposes of water withdrawal;

7. existence of other possibilities to grant the request for water withdrawal and/or [water site] use;

8. (new, SG No. 61/2010) fulfilment of the conditions covered under Articles 156b to 156g herein.

(2) (Repealed, SG No. 65/2006).

(3) (Repealed, SG No. 65/2006).

(4) (Amended, SG No. 81/2000, repealed, SG No. 65/2006).

(5) (Repealed, SG No. 65/2006).

(6) (New, SG No. 61/2010) The evaluation shall be in writing and shall constitute an integral part of the documentation on the basis of which the permit or the refusal to issue a permit is issued.

**Article 62a.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010, supplemented, SG No. 13/2021) Within twenty days after the expiry of the time limit referred to in Article 61, Paragraph 2 herein, and for the farmers within ten days, and absent any grounds for refusal, the authority referred to in Article 61, Paragraph 1 herein or a person authorised thereby shall prepare a notice, which shall contain:

1. the purpose of the declared water use;

2. the water body wherein the water use is planned;

2a. (new, SG No. 98/2018, effective 27.11.2018) the factual grounds under which the permit is issued, including the condition of the water body, the objectives and measures in the existing river basin management plans and flood risk management plans related to the permit and other specific information, as defined in the ordinances referred to in items 1a, 2 and 13 of Article 135 (1);

3. the systems or facilities wherethrough the use will be implemented;

4. the place of water use, the locality, the political and territorial unit, the code according to the uniform classifier of political and territorial units - for each place of use;

5. the design parameters of the use, including;

(a) quantity of waters;

(b) individual emission limit values and the time limit for the attainment thereof - for wastewater discharge permits;

(c) lowering of the water level - for groundwater withdrawal permits;

6. the conditions under which the right to use the waters could be conferred;

7. the place for submission of written objections and proposals by the parties concerned.

(2) (Supplemented, SG No. 61/2010) The notice referred to in Paragraph (1) shall be sent to the mayor of the municipality concerned for public announcement and shall be posted on the Internet site of the authority referred to in Article 52 (1) herein.

(3) Within three days after receipt of the notice, the mayor referred to in Paragraph (2) shall be obligated to:

1. make the public announcement, posting the notice at the places designated to that end;

2. notify in writing the authority referred to in Article 61 (1) herein as regards the exact date of the public announcement.

(4) (Repealed, SG No. 61/2010).

(5) (New, SG No. 61/2010) The notice referred to in Paragraph (1) shall furthermore be transmitted to the holders of previously issued permits, in respect of whom it was established upon the evaluation under Article 62 herein that some of the parameters of the authorized use are to be modified, as well as to the owners of the facilities, where the request is for use of the dam complexes and the significant dams covered under Annex 1 hereto.

(6) (New, SG No. 61/2010) In the cases referred to in Items 5, 7 and 8 of Article 46 (1) herein, the notice referred to in Paragraph (1) shall furthermore be transmitted to the applicant who, within the time limit referred to in Article 64 herein, declares the capability thereof to fulfil the conditions as provided for.

**Article 63.** (Amended, SG No. 36/2000, SG No. 65/2006, SG No. 61/2010) Public announcement according to the procedure established by Article 62a herein shall not be effected

where:

1. the water withdrawal and/or water use is intended for the needs of defence and of national security;

2. (repealed, SG No. 103/2009, new, SG No. 98/2018, effective 27.11.2018) the applicant for a discharge permit for the operation of an existing site is the holder of a discharge permit for the design of the same site and the conditions and parameters of the authorised discharge have not been changed.

**Article 64.** (1) (Amended, SG No. 65/2006) Within fourteen days after the public announcement, the parties concerned may:

1. (repealed, SG No. 65/2006);  
2. object to the issuance of the permit;  
3. propose conditions whereunder the permit be issued with a view to guaranteeing personal or public interests.

(2) (Repealed, SG No. 65/2006).

(3) (New, SG No. 61/2010) Any objections and proposals under Paragraph (1) shall be dispatched to the address specified in the notice referred to in Article 62a (1) herein.

**Article 65.** (Repealed, SG No. 65/2006).

**Article 66.** (Amended, SG No. 81/2000, SG No. 77/2005, repealed, SG No. 65/2006).

**Article 67.** (Amended, SG No. 65/2006) (1) (Amended, SG No. 61/2010, supplemented, SG No. 13/2021) Within fourteen days after the expiry of the time limit referred to in Article 64, Paragraph 1 herein, and for the farmers within seven days, the authority referred to in Article 52, Paragraph 1 herein shall issue a permit when the requirements provided for in this Act have been satisfied.

(2) (Amended, SG No. 61/2010, supplemented, SG No. 13/2021) The authority referred to in Article 52 (1) herein may appoint a commission to consider and respond to the objections or proposals submitted under Items 2 and 3 of Article 64 (1) herein. In such case, the time limit for response shall be extended by one month and for farmers by fourteen days.

**Article 68.** (Amended, SG No. 61/2010) The authority referred to Article 52 (1) herein shall refuse to issue a permit where:

1. (amended, SG No. 65/2006) acquired rights, in the meaning given in Items 1 and 2 of Article 49 (3) herein, including for satisfaction of the own needs of the citizens under Article 43 (2) herein, are prejudiced;

2. (amended, SG No. 34/2001, repealed, SG No. 98/2018, effective 27.11.2018);

3. the water withdrawal and/or use of the respective water site is under restrictions incompatible with the purpose of the request;

3a. (new, SG No. 65/2006) an impossibility to fulfil the request is established according to the procedure established by Article 62 herein;

4. the requirements specified in the law have not been complied with;

5. (new, SG No. 65/2006, amended, SG No. 61/2010) withdrawal of groundwaters is requested:

(a) (supplemented, SG No. 61/2010) for self-contained drinking and household water supply - in case of availability of a capacity of an existing water-supply system;

(b) (supplemented, SG No. 61/2010) for water supply of sites for which wastewater removal and treatment has not been ensured;

(c) (new, SG No. 61/2010) under the terms established by Article 118c herein;

6. (new, SG No. 61/2010) the request is for drinking and household water supply from:

(a) surface waters for which no provisions are made for water treatment in accordance with

the requirements of the Ordinance referred to in Item 4 of Article 135 (1) herein;

(b) groundwaters whereof the chemical characteristics show persistent deviations from the requirements of the Ordinance referred to in Item 3 of Article 135 (1) herein and no provisions are made for measures to ensure conformity with the requirements of the said Ordinance;

7. (new, SG No. 65/2006, renumbered from Item 6, SG No. 61/2010) it is established that the damages to the environment exceed the benefits from the activity for which the water use is intended, in the cases where such comparative assessment is required;

8. (new, SG No. 65/2006, renumbered from Item 7, SG No. 61/2010) the purpose of the withdrawal of mineral waters is to meet own needs of citizens;

9. (new, SG No. 61/2010) the procedures under Chapter Six of the Environmental Protection Act and/or under Article 31 of the Biological Diversity Act have not been conducted;

10. (new, SG No. 98/2018, effective 27.11.2018) the applicant:

(a) has obligations in regard to public receivables, except for any obligations under acts that have not entered into force, as well as for re-scheduled, deferred or secured obligations;

(b) obligations to the Enterprise for Management of Environmental Protection Activities, as defined by special environmental laws that are not re-scheduled, deferred or secured.

**Article 69.** (Repealed, SG No. 65/2006).

**Article 70.** (1) (Previous article 70, SG No. 61/2010, amended, SG No. 80/2011, supplemented, SG No. 80/2011, effective 14.10.2011, amended, SG No. 98/2018, effective 27.11.2018, supplemented, SG No. 13/2021) The permit or the decision on a refusal of the authority referred to in Article 52, Paragraph 1 herein shall be sent within 7 days and for the farmers within three days to:

1. the applicant;

2. the competent municipal administration;

3. the owner of the facilities;

4. the relevant regional health inspectorate at the location of the water withdrawal facilities – for water withdrawal from:

(a) surface waters and groundwaters – for the purpose of drinking and household water supply, including self-contained drinking and household water supply;

(b) mineral waters – for the purpose of drinking and household water supply, including water supply for medical purposes, preventive care, recreation and sports;

5. the interested parties involved in the permit issuance procedure;

6. (new, SG No. 13/2021) the relevant District Agriculture Directorate, when the applicant is a farmer.

(2) (New, SG No. 61/2010, repealed, SG No. 98/2018, effective 27.11.2018).

**Article 71.** (Amended, SG No. 61/2010, supplemented, SG No. 77/2018, effective 1.01.2019) The permit or the decision on a refusal of the authority referred to in Article 52 (1) herein shall be appealable before the relevant administrative court according to the procedure established by the Administrative Procedure Code.

## **Section III**

### **Modification and Extension of Permits**

**Article 72.** (1) (Previous text of Article 72, amended, SG No. 65/2006) Any permit may be modified:

1. (amended, SG No. 47/2009, effective 23.06.2009, SG No. 58/2015) ex officio by the authority referred to in Article 52 (1) herein - under the terms established by Article 73 herein;

2. at the request of the person in favour whereof the said permit is issued.

(2) (New, SG No. 65/2006) In the cases referred to in Item 2 of Paragraph (1), the authority referred to in Paragraph (1) shall also check fulfilment of the conditions of the permit as issued.

**Article 73.** (Amended, SG No. 58/2015) (1) The permits issued according to the procedure established by this Act shall be modified ex officio by the authority referred to in Article 52 (1) herein where:

1. upon characterization of the basin management district, in the process of production of the river basin management plans, it has been established that the water body concerned cannot achieve the objectives under Article 156a herein for good status or potential with the pressure on the waters from the relevant activities existing at the time of the assessment and the conditions under Article 156b - 156g need to be fulfilled for the justification of exceptions;

2. for a water body in respect of which an exception from the objectives under Article 156a herein for the achievement of good status or potential has been justified in the previous river basin management plan and the new assessment shows that the pressure needs to be additionally reduced in order to fulfil the conditions covered under Articles 156b to 156g herein;

3. despite compliance with the conditions of the permit, conflicts with the public interest would arise.

(2) The permits referred to in Items 1 and 2 of Paragraph (1) shall be modified as from the date of adoption of the relevant river basin management plan.

(3) The permits referred to in Item 3 of Paragraph (1) shall be modified according to the procedure established by Articles 75 to 77 herein.

**Article 74.** (1) (Amended, SG No. 58/2015) After establishing the circumstances:

1. referred to in Items 1 and 2 of Article 73 (1) herein, the Basin Directorate Director shall prescribe to the holders of permits conditions for, and/or restrictions on, water use for the authorized purposes and shall notify the relevant authorities under Article 52 (1) herein of the necessary modifications and the inclusion thereof in the programme of measures;

2. referred to in Item 3 of Article 73 (1) herein, the authority referred to in Article 52 (1) herein shall commence ex officio a procedure for modification of the permits in order to ensure compatibility with the public interest.

(2) The prescribed conditions or restrictions must satisfy the following requirements:

1. commensurability of imposed restrictions with anticipated benefits;
2. least intervention in existing rights;
3. imposition of restrictions in an indicated succession in accordance with the changing water development relations.

**Article 75.** (Amended, SG No. 65/2006, SG No. 61/2010, SG No. 58/2015) (1) (Amended, SG No. 101/2015, effective 22.12.2015, SG No. 98/2018, effective 27.11.2018) The permit modification shall be made publicly available according to the procedure established by Article 62a herein where the permit is modified at the request of the person in favour of whom it is issued, or according to the procedure established by Item 3 of Article 73 (1) herein and the



parameters of the authorised water use are modified.

(2) The modification of the permits under Items 1 and 2 of Article 73 (1) herein shall be made publicly available with the making publicly available of the relevant river basin management plan.

**Article 76.** (1) (Amended and supplemented, SG No. 61/2010, amended, SG No. 58/2015) The authority referred to in Article 52 (1) herein:

1. shall issue a decision on modification or on refusal to modify the permit: in the cases referred to in Article 75 (1) herein, within one month after making the notice public under Article 62a herein;

2. shall issue a decision on modification of the permit: in the cases referred to in Article 75 (2) herein, within one month after the adoption of the river basin management plan.

(2) Where it is necessary to request consultation with, or the opinion of, another authority, or where it is necessary to resolve an issue within the competence of any such authority, the period set under Paragraph (1) shall be tolled until resolution of any such issue.

**Article 77.** (1) (Amended and supplemented, SG No. 61/2010) Until delivery of a decision to modify or to refuse to modify the permit, the authority referred to in Article 52 (1) herein shall consider any objections by the person in favour whereof the said permit has been issued, and any requests and objections as may result from the public announcement under Article 75 herein, submitted in writing.

(2) Consideration of any documents referred to in Paragraph (1) shall not lead to a tolling of the time limit set under Article 76 (1) herein.

(3) (Supplemented, SG No. 61/2010, SG No. 77/2018, effective 1.01.2019) Any decision to modify or to refuse to modify a permit shall be appealable before the relevant administrative court according to the procedure established by the Administrative Procedure Code.

**Article 78.** (Amended, SG No. 65/2006) (1) (Amended, SG No. 61/2010, SG No. 98/2018, effective 27.11.2018) An application for extension of the validity of a permit should be submitted before its expiration before the authority under Article 52 (1).

(2) The authority referred to in Article 52 (1) herein shall extend the period of validity of the permit where:

1. the request has been submitted within the time limit referred to in Paragraph (1);
2. any statutory provisions or plan projections are not infringed, nor the public interest is prejudiced, and
3. the conditions of the permit as issued have been fulfilled.

(3) (New, SG No. 61/2010) The provisions of Paragraphs (1) and (2) shall furthermore apply where modification and extension of the validity of the permit are requested simultaneously.

**Article 78a.** (New, SG No. 65/2006, supplemented, SG No. 47/2009, effective 23.06.2009, SG No. 61/2010, amended, SG No. 98/2018, effective 27.11.2018) Modification and extension under Article 78 (3), extension under Article 78 (2) or reissuance of the permit under Article 79 (3) shall not be permitted in case of:

1. unpaid fees under Article 194 on the respective permit, determined by an instrument on ascertainment of a public State receivable, which have not been re-scheduled, deferred or secured;

2. unpaid fines or sanctions under Article 200 pursuant to a penalty decree, which have not been re-scheduled, deferred or secured.

## **Section IV**

### **Termination of Permits**

**Article 79.** (1) (Amended, SG No. 65/2006, SG No. 61/2010) The validity of a permit as issued shall be terminated upon expiry of the period of validity thereof or by a decision of the authority referred to in Article 52 (1) herein upon:

1. (amended, SG No. 65/2006) termination of the right of the water user to ownership or use of the corporeal immovable wherein the activity is implemented or the water withdrawal facility is located, as well as upon an expressly declared renunciation of the right to use the relevant water site;

2. (repealed, SG No. 61/2010);

3. (Supplemented, SG No. 65/2006) death of the holder if a natural person, or dissolution of the holder if a legal person or expungement if a sole trader, as the case may be;

4. natural or artificial disappearance of the water site;

5. (repealed, SG No. 65/2006);

6. (new, SG No. 61/2010) occurrence of persistent modifications of the technical parameters of the water withdrawal facility which render the use thereof impossible;

7. (new, SG No. 61/2010, repealed, SG No. 58/2015);

8. (new, SG No. 58/2015) the circumstances referred to in Article 50a (3) herein, reckoned from the date of adoption of the river basin management plan.

(2) (Amended, SG No. 61/2010) In the cases covered under Items 1 and 3 of Paragraph (1), the persons who or which have acquired ownership rights or rights to use the corporeal immovable, or the successors to the persons referred to in Item 3, as the case may be, shall notify the authority referred to in Article 52 (1) herein whether they wish to enjoy the rights under the permit as issued.

(3) (Amended and supplemented, SG No. 65/2006, amended, SG No. 61/2010) If the applicants satisfy the conditions for the issuance of the permit and the time limit referred to in Paragraph (2) has been complied with, the authority referred to in Article 52 (1) herein shall terminate the permit and shall reissue a permit in the name of the said applicants within twenty days.

(4) (Amended, SG No. 61/2010) If the applicants do not satisfy the conditions for the issuance of the permit, the authority referred to in Article 52 (1) herein shall refuse to reissue the permit in the name of the said applicants. Where the persons have benefited from the right to use the waters within the period until receipt of the decision, the said persons shall pay the fees due for this under Article 194 herein.

(5) (New, SG No. 61/2010) Upon non-compliance with the time limit referred to in Paragraph (2), the permit shall be presumed terminated as from the date of occurrence of the circumstances covered under Paragraph (1) and a new permit shall be issued according to the standard procedure.

(6) (New, SG No. 61/2010) The persons referred to in Paragraph (2), who benefit from the right to use the waters before the issuance of the permit under Paragraph (5):

1. will violate Articles 44 or 46 herein;

2. shall owe a fee for the use of the waters.

(7) (New, SG No. 61/2010) The validity of the permit shall be terminated upon expressly

declared refusal of the holder of the permit after payment of the fees due under Article 194 herein.

(8) (New, SG No. 58/2015) Shall issue a decision on modification of the permit: in the cases referred to in Article 1 (8) herein, within one month after the adoption of the river basin management plan.

**Article 79a.** (New, SG No. 61/2010) (1) The authority referred to in Article 52 (1) herein may decree a withdrawal of a water withdrawal permit or a water site use permit should at least one of the following conditions exist:

1. non-use of an existing water development system in the course of one year;
2. implementation of water withdrawal and/or [water site] use beyond the purposes specified in the permit;
3. breach of the terms and conditions of the permit;
4. non-exercise of any rights conferred by the permit within the time limit specified therein;
5. non-exercise of any rights within the parameters of use specified in the permit;
6. established adverse impact on the conditions for shipping on the River Danube as a result of extraction of alluvium deposits from the River Danube according to the permit issued under Item 2 of Article 52 (1) herein;
7. upon alteration of the waterway in the cases where the new route of the waterway creates prerequisites to jeopardize the safety of shipping owing to the proximity of the site which is an object of the permit issued under Item 2 of Article 52 (1) herein.

(2) The withdrawal may refer to part of the water withdrawal and/or [water site] use, in which case the authority referred to in Article 52 (1) herein shall specify the said part.

**Article 80.** (1) (Amended, SG No. 65/2006, supplemented, SG No. 61/2010) In the event of a withdrawal or termination of a permit, the authority referred to in Article 52 (1) herein may give the holder of the permit a time limit to remove the facilities thereof and to restore the status of the water site.

(2) Within seven days, the decision referred to in Paragraph (1) shall be transmitted to the competent Regional Governor.

(3) Upon expiry of the time limit set under Paragraph (1), the Regional Governor may order the performance of the steps as prescribed at the expense of the water user.

(4) (Amended, SG No. 65/2006, SG No. 61/2010) Should preservation of the water withdrawal and water site use facilities be in the public interest, the authority referred to in Article 52 (1) herein shall submit a reasoned request for condemnation of the corporeal immovable according to the procedure established by the State Property Act.

**Article 81.** In case of a termination of the right to water withdrawal and/or water use, the appertaining servitude rights shall be terminated.

**Article 82.** (Supplemented, SG No. 77/2018, effective 1.01.2019) Any decision by the authority referred to in Article 52 (1) herein to withdraw the right to water withdrawal and/or use shall be appealable before the relevant administrative court according to the procedure established by the Administrative Procedure Code.

## **Section V**

### **Limitation of the Rights Arising from a Permit**

**Article 83.** (1) Any water use rights arising from a permit may be additionally limited after the issuance of the said permit.

(2) Any limitation referred to in Paragraph (1) shall be admissible for the protection of

human life and public health, national defence and national security, and the cultural and historical heritage.

(3) A limitation of water withdrawal and/or [water body] use shall be imposed notwithstanding the procedure established by Section III of this Chapter.

**Article 84.** (1) Water withdrawal shall be performed by a decision of the authority who has issued the permit.

(2) The decision referred to in Paragraph (1) shall alter the limits on water withdrawal for a specific period of time.

(3) The limits referred to in Paragraph (2) shall be maximum permissible volumes of water withdrawal established for one or more water users.

(4) The time of the limitation may not exceed the duration of the reasons necessitating the said limitation.

**Article 85.** In establishing the limits, the status of the water site, the priority of drinking and household water supply, the declared water needs, and the conditions of the relevant permits shall be taken into consideration.

**Article 86.** (Amended, SG No. 65/2006) Should any circumstances occur as may jeopardize human life and public health in certain parts of Bulgaria, the Council of Ministers may establish limitations on water use affecting all water users and in the part, as well as the subscribers thereof, should there be any.

**Article 87.** (Amended, SG No. 65/2006) In the cases under this Section, the affected water users and the subscribers thereof may not hold the State liable for any detriment incurred.

## **Chapter Five** **(Repealed, SG No. 42/2003)** **WATER ASSOCIATIONS**

**Article 88.** (Repealed, SG No. 42/2003).

**Article 89.** (Amended, SG No. 34/2001, repealed, SG No. 42/2003).

**Article 90.** (Amended, SG No. 34/2001, repealed, SG No. 42/2003).

**Article 91.** (Amended, SG No. 34/2001, repealed, SG No. 42/2003).

**Article 92.** (Repealed, SG No. 42/2003).

## **Chapter Six** **CONCESSION SCHEME** **(Heading amended, SG No. 47/2009, effective 23.06.2009)**

### **Section I**

(New, SG No. 47/2009, effective 23.06.2009)

Specific Right to Water withdrawal and to Use of Water Development Systems and Facilities

(Title repealed, SG No. 96/2017, effective 1.01.2018)

**Article 93.** (Repealed, SG No. 96/2017, effective 1.01.2018).

**Article 94.** (Repealed, SG No. 96/2017, effective 1.01.2018).

**Article 95.** (Amended, SG No. 36/2006, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 96.** (Amended, SG No. 65/2006, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 96a.** (New, SG No. 81/2000, supplemented, SG No. 18/2005, amended, SG No.

36/2006, repealed, SG No. 95/2009).

**Article 97.** (Supplemented, SG No. 61/2010, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 98.** (Amended, SG No. 36/2006) Upon granting an extraction concession for mineral waters constituting exclusive state property and public municipal property, the Regional Governors and the municipality mayors shall take the measures necessary for implementation of the concession, each acting within their respective competencies.

**Article 99.** (Repealed, SG No. 96/2017, effective 1.01.2018).

**Article 100.** (Repealed, SG No. 36/2006).

**Article 101.** (1) (Amended, SG No. 36/2006) The concessionaire shall have the right to use gratuitously the information determined under the decision of the Council of Ministers to initiate a concession granting procedure.

(2) Upon termination of the concession, the entire information related to the use and protection of waters and water sites, as may have been collected additionally by the concessionaire, shall be made available to the Ministry of Environment and Water.

**Article 102.** (Supplemented, SG No. 81/2000, repealed, SG No. 36/2006, new, SG No. 96/2017, effective 1.01.2018) (1) A mineral water extraction concession granting procedure shall be initiated by a decision of the Council of Ministers on a motion by the Minister of Environment and Water or, respectively, by a resolution of the Municipal Council on a motion by the municipality mayor.

(2) The decision or resolution referred to in Paragraph (1) shall determine:

1. the object and the subject of the concession;
2. the maximum duration of the concession;
3. the starting date of the concession;
4. the conditions for the implementation of the concession;
5. the principal rights and obligations under the concession contract;
6. the terms and/or prohibitions for renting the object of the concession and for subcontracting any activities for the maintenance of the said object;
7. the type and amount of the performance guarantees for the obligations under the concession contract and/or other types of security;
8. the conditions for payment and the amount of the concession remuneration, including:
  - (a) the amount of the lump-sum concession remuneration due by the effective date of the concession contract;
  - (b) the mechanism for annual adjustment of the concession remuneration;
  - (c) the procedure for payment of the concession remuneration;
  - (d) the maximum grace period during which the concessionaire shall be exempted from the obligation to pay an annual concession remuneration, where such grace period is envisaged;
9. the conditions and timetable for the phased drawdown of the resource allocated;
10. the requirements related to national security and national defence;
11. the conditions for protection of the environment, human health and protected areas, zones and sites;
12. the obligation of the concessionaire to insure the object of the concession for the duration of the concession for the account of the concessionaire and for the benefit of the grantor;
13. the obligations of the concessionaire to construct and maintain, on its own resources, an infrastructure and facilities for public use of the unused mineral water resources which are not covered by the concession contract;
14. the circumstances of factual or legal nature whereof the occurrence or change may lead

to upsetting the balance between benefits and risks for the concessionaire and the grantor, as defined by the contract, as well as the consequences of upsetting the said balance;

15. other requirements related to the nature of the concession.

(3) The procedure shall be completed by a decision or resolution on selection of a concessionaire, adopted by the Council of Ministers or, respectively, by the City Council.

(4) (Supplemented, SG No. 77/2018, effective 1.01.2019) The decisions or resolutions referred to in Paragraphs (3) and (14) shall be promulgated in the State Gazette and shall be appealable within 14 days before the relevant administrative court according to the procedure established by the Administrative Procedure Code.

(5) Within one month from the entry into effect of the decision or resolution referred to in Paragraph (3), the Minister of Environment and Water or, respectively, the municipality mayor shall conclude a concession contract with the participant in the procedure which has been selected as a concessionaire.

(6) The provisions of the Commerce Act and of the Obligations and Contracts Act shall apply, *mutatis mutandis*, to any unregulated matters in connection with the conclusion, performance, modification and termination of the mineral water extraction concession contract.

(7) Any disputes regarding the conclusion, performance, modification and termination of a mineral water extraction concession contract shall be settled according to the procedure established by the Code of Civil Procedure.

## Section II

(New, SG No. 47/2009, effective 23.06.2009)

Granting of Extraction Concession for Mineral Water by Right

(Title repealed, SG No. 96/2017, effective 1.01.2018)

**Article 102a.** (New, SG No. 47/2009, effective 23.06.2009, amended and supplemented, SG No. 61/2010, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 102b.** (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 102c.** (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 102d.** (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 102e.** (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 96/2017, effective 1.01.2018).

**Article 102f.** (New, SG No. 47/2009, effective 23.06.2009, repealed, SG No. 96/2017, effective 1.01.2018).

# Chapter Seven

## PREDIAL SERVITUDES INVOLVING WATER BODIES

### Section I

#### General Dispositions

**Article 103.** (1) A predial servitude shall be the charge imposed on a corporeal immovable, called the servient estate, for the benefit of another corporeal immovable, called the dominant estate, which belongs to another owner.

(2) A predial servitude shall arise from the law or from a legal transaction.

(3) A predial servitude may be acquired by prescription through exercise during a period of ten years.

**Article 104.** (1) Any servitudes established by law shall have as a subject thereof a public or a private benefit.

(2) (Supplemented, SG No. 34/2001) Any servitudes established for a public benefit shall apply to a provision of access for common use to water sites constituting public property, and to construction of the infrastructure as may be necessary for that purpose, as well as to maintenance in a condition of serviceability the water development systems and facilities designed to provide the service of supplying water to the community and for irrigation.

**Article 105.** Legal predial servitudes for a private benefit shall be such as shall arise in consequence of the location of the land tracts and the right of passage and the right of leading water.

**Article 106.** In the exercise of servitudes, the following rules shall be complied with:

1. transfer of ownership of the corporeal immovable shall not terminate the effect of any servitudes, either with respect to the dominant estate, or with respect to the servient estate;

2. should the servient estate be owned by several persons, a servitude may be established by means of a legal transaction solely with the consent of all co-owners;

3. any servitude ceded by means of a legal transaction shall be binding on the successors to the owner of the servient estate;

4. upon performance of any steps as shall be necessary for the exercise of a servitude, the servitude holder shall be obliged to cause only the least possible inconvenience to the owner of the servient estate and to assume all associated costs, unless otherwise agreed;

5. servitudes shall be undivided rights; they shall be exercisable entirely for the benefit of each and any part of the dominant estate and shall burden entirely each and any part of the servient estate, even if the corporeal immovables are separated;

6. a servitude may be used solely for the needs of the dominant estate;

7. the owner of the servient estate shall not have the right to relocate the servitude;

8. any servitude established by means of a legal transaction shall be extinguished:

(a) should it be objectively impossible to exercise the said servitude;

(b) by confusion of the two corporeal immovables as a result of a legal transaction;

(c) upon expiry of the term of validity of the contract;

(d) upon non-exercise during a period of ten years.

**Article 107.** (1) Any disputes arising from the exercise of servitudes under this Chapter shall be cognizable in the courts exercising jurisdiction over the location of the dominant and the servient estates.

(2) Compensations under this Chapter shall be determined according to the prevailing market prices.

## **Section II**

### **Servitudes Arising in Consequence of the Location of the Corporeal Immovables**

**Article 108.** (1) The owners of any corporeal immovable located upstream shall have no right to obstruct the natural run-off of waters and to aggravate the limitations sustained in connection with this location of the ground by any corporeal immovable located downstream.

(2) The owners of any corporeal immovable located downstream shall be obliged to receive

the water which flows naturally from any corporeal immovable located upstream.

**Article 109.** (1) If the banks or facilities for retention of waters in any dominant estate are in a state which does not ensure protection against water-related impact, the owner of any such estate shall be obliged to perform the construction work as shall be necessary so that the owner of the servient estate do not sustain any detriment.

(2) (Amended, SG No. 81/2000) Should the owner so obligated fail to perform the construction work as necessary, the owners of the servient estate, if sustaining or risking to sustain detriment, may perform the work as necessary in the dominant estate at their own expense by advance permission of the court obtained after a hearing of the persons concerned.

(3) The rule under Paragraph (2) shall furthermore apply where, as a result of the construction of a tailings pond, slime pit or waste bank, refuse piles accumulate in a corporeal immovable that alter the course of the waters and, as a result of this, the water inflicts or may inflict detriment on adjoining corporeal immovables.

(4) The owners, who or which have shared in the expenses on performing the work as may be necessary to consolidate banks, to repair facilities or to remove refuse piles, shall be entitled to recover damages from the person who or which has caused the destruction of banks or facilities or the accumulation of refuse piles.

**Article 110.** (1) The owner of any corporeal immovable traversed by a watercourse may use the said watercourse according to the requirements of the law, without interfering with the same right of the owner of any corporeal immovable located downstream.

(2) In the case of Paragraph (1), the owner of any corporeal immovable may perform work affecting the natural status of the water site under the conditions of the water withdrawal permit and without inflicting any detriment on the owner of any corporeal immovable located upstream.

**Article 111.** The owner of any water site shall dispose of the waters thereof without inflicting any detriment on any adjoining corporeal immovables.

## **Section III**

### **Right of Leading Water**

**Article 112.** (1) Every owner shall be obliged to grant the right to lead water through the corporeal immovable thereof to anyone who or which has a permanent or temporary need of this.

(2) Should it be necessary to construct pipelines or water leading facilities, servitude strips shall be delimited of a size not exceeding the diameter of the water conduit or the size of the facilities, with an allowance of 60 centimetres, whereon it shall be prohibited to perform construction works or to plant perennial crops.

(3) The right to lead water through another's corporeal immovable shall be created by means of an agreement between the owners of the dominant and servient estates or, where such agreement cannot be reached, by means of an act issued by the authority referred to in Item 4 of Article 52 (1) herein in compliance with the procedure established by Articles 34 and 36 herein, without decreeing condemnation of the corporeal immovable affected.

(4) Implementation of the rights under the act of the authority referred to in Item 4 of Article 52 (1) herein shall be permissible solely upon payment of the compensation as fixed.

**Article 113.** (1) Leading water through another's corporeal immovable shall be implemented in a manner conforming with the terrain, with due consideration for any existing buildings and perennial crops.

(2) The owner of the dominant estate, in the case under Paragraph (1), shall be obliged to pay the price for the land to be occupied increased by one-fifth, in addition to direct damages and



damages resulting from the division of the land, should a surface water stream be led. For the part of the land to be occupied by piles of earth as shall be excavated, the amount payable shall be half of the said price increased by one-fifth.

**Article 114.** Unless otherwise agreed, the right of leading water shall furthermore be subject to compliance with the following rules:

1. upon expiry of the term of the servitude, any holder of a right of leading water shall be obliged to restore the status quo ante in the respective corporeal immovable;

2. should it be necessary to perform new work or to alter the quantity of water flowing through [a corporeal immovable] by reason of a modification of the water withdrawal permit, no changes affecting the charge on the servient estate may be made prior to payment of the amount due therefor;

3. the owner of the servient estate shall have the right to demand that the water bed be delimited by placing permanent boundaries at the expense of the servitude holder; the latter shall furthermore be obliged to construct all facilities as shall be necessary, should the owner of the servient estate be denied unobstructed access to the corporeal immovable thereof in consequence of the leading of water.

**Article 115.** Where another's waters flow through a corporeal immovable as a result of the exercise of a servitude, the owner of the said immovable may use the said waters according to the requirements of the law, assuming the apportioned share of the cost of construction and maintenance of the facilities, unless otherwise agreed.

## **Chapter Eight**

### **PROTECTION OF WATERS AND WATER SITES**

**Article 116.** (1) (Supplemented, SG No. 65/2006) All waters and water sites shall be protected against depletion, pollution and damage, with a view to maintaining the appropriate water quantity and quality and a healthy environment, conserving the ecosystems, preserving the landscape, and preventing economic damage, including.

1. (new, SG No. 65/2006, supplemented, SG No. 61/2010) achievement of good chemical and ecological status of the surface waters;

2. (new, SG No. 65/2006, supplemented, SG No. 61/2010) achievement of good quantitative and chemical status of groundwaters;

3. (new, SG No. 65/2006) reduction of the need to treat water prior to the use thereof;

4. (new, SG No. 65/2006) provision of development of aquatic ecosystems and the terrestrial ecosystems associated therewith.

(2) (Amended, SG No. 65/2006) The following shall be determined to achieve the objectives covered under Paragraph (1):

1. a minimum permissible streamflow into the rivers;

2. (amended, SG No. 61/2010) measures for preserving water quantity and quality, including the water intended for drinking and household water supply;

3. water protection zones;

4. (new, SG No. 61/2010) altitude of the permissible lowering of the water level for each groundwater body or for part of a water body;

5. (new, SG No. 61/2010) annually, the natural and available resources of the groundwater bodies on the basis of up-to-date hydrological and hydrogeological data;

6. (new, SG No. 61/2010) monthly, the total abstraction from the groundwater bodies and the free water volumes;

7. (new, SG No. 61/2010) the dynamic reserves of the sediment transport of the rivers;

8. (new, SG No. 61/2010) restrictions upon the issuance of:

(a) (amended, SG No. 58/2015) use permits for extraction of alluvium deposits from the River Danube and the water reservoirs;

(b) surface water withdrawal permits for production of electricity;

(c) groundwater withdrawal permits.

**Article 117.** (1) For the purpose of protection of aquatic ecosystems and wetlands, there shall be determined a minimum permissible streamflow into the rivers.

(2) (Supplemented, SG No. 61/2010) The streamflow referred to in Paragraph (1) shall be determined in the river basin management plans in accordance with the methodology referred to in Item 1 of Article 135 (1) herein.

(3) For the purpose under Paragraph (1), the following measures shall be applied:

1. limitation of the degree of streamflow regulation;

2. determination of water quantities for mandatory release from dams;

3. imposition of restrictions on the transfer of waters from one river basin to another;

4. suspension of the issuance of new water use permits and imposition of limitations on permits as already issued;

5. performance of afforestation activities.

(4) In drawing up water development balances, minimum water quantities for recharge shall be envisaged on a priority basis.

**Article 117a.** (New, SG No. 65/2006) (1) Water consumption standards shall be determined with a view to preserving water quantity and ensuring the effective water use upon provision of water services.

(2) (Supplemented, SG No. 61/2010, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017) The water consumption standards referred to in Paragraph (1) shall be determined by an ordinance of the Council of Ministers on a motion by the Minister of Economy, the Minister of Energy, the Minister of Regional Development and Public Works, the Minister of Agriculture, Food and Forestry, the Minister of Health, and the Minister of Environment and Water.

**Article 118.** (Amended, SG No. 65/2006) (1) With a view to protecting waters, the Minister of Environment and Water shall determine, by an order, the priority substances and the priority hazardous substances.

(2) Waters and water sites shall be protected against pollution and damage by means of:

1. cessation of the introduction of priority hazardous substances into waters;

2. progressive reduction of the introduction of priority substances into waters;

3. limitation of the introduction of hazardous and other substances into waters;

4. construction of wastewater treatment plants;

5. (new, SG No. 44/2020, effective 14.05.2020) free movement of the chemicals necessary for the treatment of drinking and waste water in the processes for their treatment, including import across the state border;

6. (renumbered from Item 5, SG No. 44/2020, effective 14.05.2020) establishment of a regime of use and protection of flood plains;

7. (renumbered from Item 6, SG No. 44/2020, effective 14.05.2020) regulation of prohibitions on depositing wastes and hazardous substances in places wherefrom pollution of waters may ensue;

8. (renumbered from Item 7, SG No. 44/2020, effective 14.05.2020) determination of measures to prevent the artificial mixing of groundwaters of different properties.

(3) (Repealed, SG No. 61/2010).

(4) The Minister of Environment and Water and the Minister of Health shall establish maximum permissible concentrations and emission standards for radionuclides in waters and water sites.

(5) The order referred to in Paragraph (1) shall be promulgated in the State Gazette.

**Article 118a.** (New, SG No. 65/2006) (1) The following shall be prohibited for protection of groundwaters against pollution:

1. (effective 22.12.2013) direct input of pollutants into groundwaters, except in the cases referred to in Paragraph (2);

2. safe disposal, including the depositing of priority substances, that may lead to indirect input of pollutants into groundwaters;

3. other activities on the surface and in the groundwater site that may lead to indirect input of priority substances into groundwaters;

4. use of materials containing priority substances upon construction of structures, civil engineering works and others, which come or may come into contact with groundwaters;

5. the mixing of groundwaters of different quality through existing groundwater withdrawal facilities;

6. injection of natural gas or liquefied petroleum gas into groundwater sites, except in the cases referred to in Paragraphs (3) and (4).

(2) Direct input of pollutants in small quantities into groundwaters shall be permissible in the cases where this is done for scientific purposes for characterization, protection and restoration of water bodies and the said quantities are limited to the amount strictly necessary for the purpose concerned.

(3) Injection of natural gas or liquefied petroleum gas for storage purposes shall be permissible into parts of the bowels of the earth which, for natural reasons, are permanently unsuitable for other purposes.

(4) In cases other than those referred to in Paragraph (3), injection for storage of natural gas or liquefied petroleum gas into parts of the bowels of the earth shall be permissible where there is an overriding need for security of gas supply and in a manner ensuring prevention of future danger of deterioration in the quality of the groundwaters.

(5) In the cases referred to in Paragraph (4), injection shall be performed after a groundwater investigation and assessment of risk of groundwater pollution proving that the status of the groundwaters subject to the injection will not deteriorate and there is no danger of deterioration of the status of other groundwaters in the region of injection.

(6) In the cases referred to in Paragraphs (2), (3) and (4), a permit shall be issued under the terms and according to the procedure established by this Act.

(7) A water injection and reinjection permit shall also be issued in the case of:

1. injection of waters containing substances resulting from the exploration and extraction of oil and gas, or from mining activities;

2. injection of waters for technical reasons into parts of the bowels of the earth wherefrom oil, natural gas or other substances have been extracted, or ones that, for natural reasons, are permanently unsuitable for other purposes.

(8) The injected waters referred to in Item 1 of Paragraph (7) may not contain substances other than those resulting from the exploration and extraction of oil and gas, or from mining activities.

(9) A water reinjection permit shall also be issued in the cases of:

1. pumping of groundwater from mines, quarries and civil engineering works;

2. use of waters for production of hydro-geothermal power.

(10) A permit referred to in Paragraphs (2), (3), (4), (7) and (9) shall not be issued where, as a result of this activity, prerequisites are created for failure to achieve the environmental objectives for the respective water body.

**Article 118b.** (New, SG No. 65/2006) (1) (Supplemented, SG No. 61/2010) For the protection of groundwaters, there shall be defined a pollution threshold value and a starting point for implementing measures to reverse the identified significant and sustained upward trends in the concentration of pollutants in groundwaters.

(2) (Amended and supplemented, SG No. 61/2010) The pollution threshold value may be defined at the national level, or for each water management district or part of an international basin management district or for a groundwater body or group of bodies.

(3) (Supplemented, SG No. 61/2010) The pollution threshold value and the starting points referred to in Paragraph (1) at the basin level shall be defined in the river basin management plans.

(4) (Supplemented, SG No. 61/2010) The list of substances for which a pollution threshold value and starting points are defined under Paragraph (3) and the concentration of the said substances shall be updated with the update of the river basin management plans.

**Article 118c.** (New, SG No. 65/2006) (1) (Previous text of Article 118c, SG No. 58/2015) Withdrawal of groundwaters shall not be permitted where:

1. (amended and supplemented, SG No. 61/2010) the total withdrawal from a groundwater body exceeds the available resources thereof and/or if the maximum permissible exploitable lowering of the water level exceeds the permissible lowering defined for the water body;

2. the water withdrawal facility is not included in the register of water withdrawal facilities under Article 118d herein;

3. there arises a danger of:

(a) failure to achieve the environmental objectives for the surface waters associated with the groundwater body;

(b) deterioration in the status of these surface waters;

(c) damage to terrestrial ecosystems directly depending on the groundwater body;

(d) lowering of the groundwater levels in the sectors from which the waters of wetlands, the areas designed for the protection of economically significant aquatic species, protected areas and protection zones;

4. lowering of the groundwater level and temporary or continuous alteration to flow direction in the groundwater body pose a danger of intrusion of saltwater or polluted waters.

(2) (New, SG No. 58/2015, amended, SG No. 101/2015, effective 22.12.2015) The provision of Item 1 of Paragraph (1) in respect of the prohibition to exceed the resources available for the total abstraction from groundwater bodies shall not apply to the groundwater bodies for which an exception under Item 3 of Article 156f (1) herein has been justified and where the requirements under Article 156f (2) herein have been fulfilled.

**Article 118d.** (New, SG No. 65/2006) (1) (Repealed, SG No. 95/2009).

(2) (Repealed, SG No. 95/2009).

(3) (Supplemented, SG No. 61/2010) The Basin Directorate directors shall keep registers of groundwater withdrawal facilities, including mineral water withdrawal facilities, on the territory of the respective basin management district, including facilities that are:

1. equipped for operation;

2. (supplemented, SG No. 61/2010) not equipped for operation, including those designated as monitoring facilities and monitoring boreholes in the mineral water occurrences;

3. mothballed;
4. liquidated;
5. for satisfaction of the own needs of citizens.

(4) (Amended, SG No. 95/2009, supplemented, SG No. 61/2010) Entry into the registers referred to in Paragraph (3) shall be effected under terms and according to a procedure established by the Ordinance referred to in Item 2 of Article 135 (1) herein.

(5) (New, SG No. 98/2018, effective 27.11.2018) Water withdrawal facilities that have been entered in the register for own needs of citizens may be entered as water withdrawal facilities for economic needs where:

1. not exceeding the maximum diurnal water quantity of 10 cubic metres;
  2. the requirements for the waters intended for drinking and household water supply have not been violated – if the water withdrawal facility shall be used for self-contained drinking and household water supply;
  3. there is documentation:
    - (a) on the constructional characteristics of the water withdrawal facility and its condition, including:
      - (aa) diameters and depth of placement of the covering columns and filters, the existence and quality of behind-pipe cementation;
      - (bb) results of capturing the condition of the shaft of the facility to its full depth with a drilling camera;
      - (cc) results of experimentation-filtration surveys conducted for the purpose of registration;
      - (dd) complete chemical analysis of the groundwaters for all parameters for which groundwater quality standards have been laid down, according to the Ordinance referred to in item 2 of Article 135 (1) carried out for the purpose of registration of the facility under accredited sampling in an accredited laboratory;
    - (b) that the water withdrawal facility reveals only one water body, including a geological and hydrogeological column and geological profiles;
    - (c) on the location of the water withdrawal facility, including geodetic coordinates and altitude at the mouth of the facility or of characteristic points of the linear facilities;
  4. there are no grounds for refusal to issue a water withdrawal permit under Article 68.
- (6) (Renumbered from Paragraph 5, SG No. 98/2018, effective 27.11.2018) Groundwater abstraction facilities that have not been entered into the register referred to in Paragraph (3) shall be liquidated.

**Article 118e.** (New, SG No. 65/2006) (1) Groundwater withdrawal facilities shall be mothballed or liquidated by and at the expense of the owner thereof.

(2) (Supplemented, SG No. 61/2010) The activities referred to in Paragraph (1) shall be executed under a design approved by the respective Basin Directorate Director and according to a procedure established in the Ordinance referred to in Item 2 of Article 135 (1) herein.

**Article 118f.** (New, SG No. 65/2006) (1) The Basin Directorate directors shall keep a register of the weirs and sills in the unchannelized river sectors beyond the limits of nucleated settlements and dispersed settlements.

(2) (Supplemented, SG No. 61/2010) The procedure and manner of stewarding and using the facilities referred to in Paragraph (1), as well as of the facilities that have lost the initial assigned purpose thereof, shall be established by the Ordinance referred to in Item 1a of Article 135 (1) herein.

**Article 118g.** (New, SG No. 61/2010) (1) Withdrawal of surface waters for production of electricity shall not be permitted:

1. (supplemented, SG No. 12/2017) in case of cascade construction of derivational and run-on-the-river hydroelectric power plants, except when they constitute a substantial public interest and/or the benefits to society outweigh the benefits of achieving the environmental objectives and are justified as an exception under Article 156f in the applicable management plan for the river basin;

2. where the mean multiannual run-off in the river is less than 100.0 litres per second;

3. at less than 500 metres upstream and downstream from a surface water monitoring point or constructed hydraulic-engineering facilities;

4. (amended, SG No. 58/2015) where that part of the river falls into protected zones referred to in Item 5 of Article 119a (1) herein;

5. where restrictions and prohibitions have been imposed in the river basin management plan in connection with the achievement of the objectives covered under Article 156a herein;

6. where the hydraulic continuity of the river is not ensured.

(2) (Amended, SG No. 58/2015) The extraction of alluvium deposits from the water sites shall not be permitted with the exception of the River Danube and the reservoirs, as well as in the cases referred to in Article 140 herein.

(3) (Amended, SG No. 58/2015) Use of the River Danube and the reservoirs for extraction of alluvium deposits shall not be permitted where the extraction gives rise to a risk of disturbing the stability of existing hydraulic-engineering or other facilities.

(4) Use of a water site for construction of new river engineering works, where that part of the river falls into protected zones referred to in Item 5 of Article 119a (1) herein, with the exception of:

1. river engineering works in nucleated settlements;

2. river engineering works intended to restore natural habitats and river meanders;

3. construction of bed sills and hydraulic sills necessary for restoration of the river level in channelized sectors;

4. river engineering through dredging and construction of facilities to ensure conditions for shipping, including for protection of the banks and islands in the River Danube;

5. where the said works are intended for protection against water-related damage and loss.

**Article 118h.** (New, SG No. 61/2010) The place for extraction of alluvium deposits shall not be designated in a sector:

1. where the alluvium deposits are located 500 metres downstream from any dam walls or weirs or at the first non-drying tributary, where the said tributary is at a distance of more than 500 metres from the facility;

2. at less than 500 metres upstream and downstream from:

(a) a surface water monitoring point or a groundwater quantitative status monitoring point located in proximity to the river;

(b) constructed hydraulic-engineering facilities;

3. where restrictions and prohibitions have been imposed in the river basin management plan in connection with the achievement of the objectives covered under Article 156a herein;

4. (amended, SG No. 58/2015, SG No. 52/2016) where such part of the river falls in protection zones under item 5 of Article 119a (1) herein, except for the sectors for which a need of extraction has been established under Article 140 (6);

5. at less than 3 kilometres upstream and downstream from a River Danube water monitoring point, except in the cases upon construction and maintenance of hydraulic-engineering works and the fairway, and in the cases of proving that the abstraction does not impair the quality of monitoring.

**Article 119.** (Amended, SG No. 65/2006) (1) For protection of waters intended for household and drinking water supply, the following shall be specified in the river basin management plans:

1. all water bodies used for household and drinking water supply and having an average diurnal rate exceeding 10 cubic metres or serving to supply water to more than 50 persons;
2. the water bodies that are planned to be used for household and drinking water supply;
3. monitoring programmes for water bodies with an average diurnal rate exceeding 100 cubic metres.

(2) (New, SG No. 61/2010) Protection of waters intended for household and drinking water supply shall be implemented in a manner ensuring the prevention of a deterioration of the properties of the said waters, as well as for the purpose of reducing the level of water treatment for achievement of the requirements of the Ordinance referred to in Item 3 of Article 135 (1) herein.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 61/2010) For surface waters intended for household and drinking water supply, the water and sewerage utilities within the meaning given by Article 2 (1) of the Water-Supply and Sewerage Services Regulation Act shall ensure treatment under the terms and according to the procedure established by the Ordinance referred to in Item 4 of Article 135 (1) herein until achievement of the quality of water intended for human consumption set out in the Ordinance referred to in Item 3 of Article 135 (1) herein.

(4) (Renumbered from Paragraph 3, SG No. 61/2010) Waters intended for household and drinking water supply and of mineral waters shall be protected by:

1. designation of the water bodies referred to in Items 1 and 2 of Paragraph (1) and the water bodies containing mineral waters, as water protection zones;
2. (supplemented, SG No. 61/2010) delimitation of sanitary protected areas around water withdrawal facilities for household and drinking water supply and around the withdrawal facilities for mineral waters used for therapy, preventive care, human consumption, bottling, hygienic uses, sports and recreation according to the Ordinance referred to in Item 6 of Article 135 (1) herein.

(5) (Renumbered from Paragraph 4, amended and supplemented, SG No. 61/2010) The measures for the protection of water bodies under Item 1 of Paragraph (4), the procedure and manner for delimitation of sanitary protected areas under Item 2 of Paragraph (4), the prohibitions and restrictions within the boundaries thereof shall be established by the Ordinance referred to in Item 6 of Article 135 (1) herein.

**Article 119a.** (New, SG No. 65/2006) (1) The following shall be water protection zones:

1. (amended, SG No. 61/2010, SG No. 58/2015) the drainage area of the surface water bodies and the area of land above the groundwater bodies referred to in Items 1 and 2 of Article 119 (1) herein;
2. (amended, SG No. 58/2015) the water bodies designated as waters for recreation and aquatic sports, including the designated zones with bathing waters, according to the Ordinance referred to in Item 7 of Article 135 (1) herein;
3. zones wherein the waters are nutrient-sensitive, including:
  - (a) vulnerable zones;
  - (b) sensitive areas;
4. the areas designated for the protection of economically significant species of fish and other aquatic organisms;
5. (supplemented, SG No. 58/2015) the protected areas and zones designated or declared for the protection of habitats and biological species where the maintenance or improvement of the

status of waters is an important factor in the protection thereof.

(2) The Basin Directorate directors shall:

1. keep a register of the zones covered under Paragraph (1);
2. prepare a summary of the register which includes maps whereon the location of the zones covered under Paragraph (1) and the grounds whereupon they were declared as such are indicated.

**Article 119b.** (New, SG No. 65/2006, amended, SG No. 61/2010) Specific requirements to the status of waters that must be achieved and/or maintained may be established for the areas and zones referred to in Item 5 of Article 119a (1) herein according to:

1. the order on the designation thereof, issued according to the procedure established by the Protected Areas Act or the Biological Diversity Act;
2. an effective protected area or protected zone management plan;
3. an effective action plan for a plant or animal species.

**Article 120.** (Amended, SG No. 65/2006) (1) (Supplemented, SG No. 61/2010) Emission standards and individual emission limit values, as well as conditions for the achievement thereof, shall be established for the protection of surface waters from pollution:

(2) (Supplemented, SG No. 61/2010) The individual emission limits values in the wastewater discharge permits, issued according to the procedure established by this Act, and in the integrated permits, issued according to the procedure established by the Environmental Protection Act, shall be established by a combined approach and may not be less stringent than the established emission standards. The conditions for achievement of the individual emission limit values may not be less stringent than the requirements under this Act and under other environmental statutory instruments relevant to waters.

(3) (Supplemented, SG No. 61/2010, amended, SG No. 58/2015) The emission standards referred to in Paragraph (1) shall be determined by the Ordinance referred to in Item 13 of Article 135 (1) herein.

(4) (New, SG No. 61/2010, amended, SG No. 58/2015) The measures for prevention of pollution from diffuse sources shall be defined applying regulation taking into account the best environmental practices specified in the ordinances referred to in Items 5, 11 and 17 of Article 135 (1) herein and in the Ordinance referred to in Article 119 of the Environmental Protection Act and in any other applicable environmental legislation.

**Article 121.** (Repealed, SG No. 65/2006).

**Article 122.** (Amended, SG No. 65/2006, SG No. 61/2010, SG No. 58/2015) Individual emission limit values may be established as more stringent than the emission standards established in the Ordinance referred to in Item 13 of Article 135 (1) herein where this is necessary for:

1. achieving the environmental objectives;
2. using surface waters for household and drinking water supply which has not been envisaged in the river basin management plan;
3. (amended, SG No. 58/2015) achieving the quality standards established by the ordinances referred to in Items 9 and 17 of Article 135 (1) herein.

**Article 123.** It shall be inadmissible to attain emission standards by means of dilution of wastewaters prior to the discharge thereof into water sites.

**Article 124.** (Amended, SG No. 65/2006) (1) Maximum permissible concentrations of substances in industrial wastewaters released into sewer networks or in the wastewater treatment plants of nucleated settlements and dispersed settlements shall also be established for the protection of waters from pollution.



(2) (Supplemented, SG No. 61/2010) The maximum permissible concentrations referred to in Paragraph (1) shall be established by the Ordinance referred to in Item 11 of Article 135 (1) herein.

**Article 125.** (1) (Amended, SG No. 65/2006) Only wastewaters that can be treated under the existing technological scheme of the wastewater treatment plant and do not endanger the life and health of the staff of the said plant may be released into the sewerage systems and the wastewater treatment plants referred to in Article 124 herein, reckoning with the concrete conditions and with:

1. (amended, SG No. 61/2010) the wastewater discharge permit issued according to the procedure established by this Act;

2. (amended, SG No. 61/2010) the quantity, type and degree of wastewater pollution;

3. (amended, SG No. 61/2010) the capacity and effectiveness of the existing sewer network and treatment plant;

4. (amended, SG No. 61/2010) the technology for treatment of the sediments considering the further recovery or safe final disposal thereof.

(2) Any persons, who or which release industrial wastewaters into the sewerage system of a nucleated settlement under a contract with the holder of a discharge permit, shall be obliged to transmit a copy of any such contracts to the [competent] Basin Directorate.

(3) The [competent] Basin Directorate Director may prescribe an alteration of the contractual terms and conditions should the said Director determine that the standards for release of industrial wastewaters into sewerage systems of nucleated settlements are breached, as well as where the said standards are not breached but there is a risk of destruction of the sewerage system and polluting groundwaters.

(4) Where, in consequence of wrongful or manifestly ill-advised release of industrial wastewaters into the sewerage system, damage has been caused to the environment or detriment inflicted on the person owning the sewerage system, the sewerage utility company in favour whereof the discharge permit has been issued and the person who or which has released the said industrial wastewaters shall be solidarily liable for any detriment as inflicted.

(5) In the case of proven violations of contractual terms and conditions by the persons who or which release industrial wastewaters into the sewerage system of the nucleated settlement, the holder of the discharge permit may demand from the party releasing the wastewaters to conduct self-monitoring at the said party's own expense, after consultation with the competent Basin Directorate Director.

**Article 125a.** (New, SG No. 65/2006, amended, SG No. 61/2010) Connecting new consumers discharging wastewaters into the sewerage systems of the nucleated settlements, dispersed settlements and resort settlements shall be prohibited in the cases where the sewerage system cannot ensure the removal and treatment of the wastewaters in compliance with the conditions of the wastewater discharge permit issued according to the procedure established by this Act.

**Article 126.** (1) Any persons operating sewer networks and treatment facilities shall be obliged to maintain the said networks and facilities in a condition of technical serviceability and operational readiness and to ensure continuously the normal operation thereof.

(2) Upon performance of scheduled routine maintenance work on any facilities referred to in Paragraph (1), as well as if need be to alter the technology of treatment, the obligated persons shall notify the [competent] basin authorities of any such work in writing not later than thirty days prior to commencement of the said work.

(3) (New, SG No. 61/2010) The bypass and emergency connections to the treatment plans

wherefrom discharge into surface waters may be implemented shall be sealed in a closed position by the Regional Inspectorate of Environment and Water. A break of the seals shall be permitted after notifying and obtaining the consent of the Regional Inspectorate of Environment and Water.

**Article 127.** (1) All facilities necessary for the treatment of wastewaters shall be designed, constructed, remodelled and extended simultaneously with the design, construction, remodelling, modernization and extension of any manufacturing enterprises, sewerage of nucleated settlements and other installations generating such waters.

(2) It shall be prohibited to commission any installations and to implement any activity unless treatment facilities have been accepted according to the established procedure, save as where no such facilities are necessary.

(3) (New, SG No. 61/2010) The bypass and emergency connections to the treatment plans shall be designed and secured by closed facilities, and where the said connections discharge into surface waters, they shall be sealed under the terms established by Article 126 (3) herein.

(4) (New, SG No. 44/2020, effective 14.05.2020) Wastewater treatment plants in nucleated settlements, dispersed settlements and resort settlements shall be provided with treatment facilities/installations for decontamination. Decontamination shall be carried out before discharge into surface waters and the Black Sea if the need arises and at the discretion of the bodies of the Ministry of Health. Mandatory decontamination must be carried out before discharge into the Black Sea during the holiday season.

**Article 128.** (Amended, SG No. 81/2000, repealed, SG No. 65/2006).

**Article 129.** (Repealed, SG No. 65/2006).

**Article 130.** (1) Treatment facilities and sewerage systems shall be operated in compliance with the requirements of this Act.

(2) (Supplemented, SG No. 61/2010) Any persons, including water and sewerage utilities, who or which own or use treatment facilities, shall be obliged to perform laboratory analyses and monitoring of the functioning of the said treatment facilities, as well as to preserve the results of any such analysis and monitoring under the terms established by Article 174 herein.

(3) The authority, which has issued the wastewater discharge permit, may establish and alter the conditions for the activities referred to in Paragraph (2).

**Article 131.** (1) (Amended, SG No. 93/2009, effective 25.12.2009) In the event of emergency cases creating prerequisites for water pollution, the owner or the person operating the installation which is the source of pollution, including tailings ponds, slime pits or waste banks, shall be obliged to take the measures necessary to mitigate or eliminate the consequences of the said pollution according to an emergency response plan prepared in advance and to notify forthwith the [competent] Basin Directorates and the authorities of the Ministry of Interior.

(2) (Amended, SG No. 65/2006) Should the waters in any river be polluted accidentally, the [competent] Basin Directorate Director and the bodies of local self-government which have received information about the pollution under Paragraph (1) shall be obliged to warn promptly water users downstream as to the nature of the pollution and the measures which the said users could take to reduce damage resulting from such pollution.

(3) (New, SG No. 44/2020, effective 14.05.2020) In case of accidental pollution with untreated household wastewater or in the case of declared emergency epidemic situation:

1. sludges from wastewater treatment plants in nucleated settlements, dispersed settlements and resort settlements which are used in agriculture shall be applied in the soil after they have stayed at least 30 days outside the treatment facilities;

2. waters used in accordance with Ordinance No 18 of 2009 on the quality of waters for irrigation of farm crops (SG No. 43/2009), when they are polluted with untreated wastewater,

shall be used for irrigation of farm crops at least 48 hours after having been mixed with untreated household wastewater.

**Article 132.** Any persons whereof the economic activity generates wastewaters shall be obliged to construct the treatment facilities necessary in accordance with the requirements for discharge into the water site, where a sewerage system does not exist in the respective area.

**Article 133.** (Repealed, SG No. 65/2006).

**Article 134.** (Supplemented, SG No. 61/2010) In flood plains and littoral lands appurtenant to water reservoirs, it shall be prohibited to:

1. store pesticides, deposit and treat wastes;
2. build stock-breeding farms;
3. construct farm structures and residential buildings;
4. wash and service means of transport and equipment;
5. plant perennial crops with a shallow root system;
6. (new, SG No. 61/2010) the dumping of wastes.

**Article 135.** (1) (Previous text of Article 135, SG No. 61/2010) For the maintenance of water quantity and of the appropriate water quality:

1. the Minister of Environment and Water shall endorse a methodology for determining the minimum permissible streamflow in rivers;

1a. (new, SG No. 65/2006) the Council of Minister shall adopt an Ordinance on the use of surface waters;

2. (amended, SG No. 65/2006, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 12/2017) the Council of Ministers shall adopt an ordinance for the prospecting, use and protection of groundwater;

3. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Environment and Water, the Minister of Health and the Minister of Regional Development and Public Works shall issue an Ordinance on the quality of water intended for human consumption;

4. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Environment and Water, the Minister of Health and the Minister of Regional Development and Public Works shall issue an Ordinance on quality requirements for surface waters intended for drinking and household water supply;

5. (amended, SG No. 65/2006, SG No. 58/2017, effective 18.07.2017) the Minister of Environment and Water, the Minister of Health and the Minister of Agriculture, Food and Forestry shall issue an Ordinance on the protection of waters against pollution caused by nitrates from agricultural sources;

6. (amended, SG No. 65/2006, supplemented, SG No. 98/2018, effective 27.11.2018) the Council of Ministers shall adopt an Ordinance regarding the protection zones for waters intended for household and drinking water supply and for mineral waters intended for household and drinking water supply and for water supply for the production of bottled water, for medical purposes, for preventive care, recreation and sports;

7. (supplemented, SG No. 65/2006, effective 1.03.2007) the Minister of Environment and Water and the Minister of Health shall issue an Ordinance on bathing water quality management;

8. (supplemented, SG No. 81/2000, amended, SG No. 65/2006, SG No. 58/2017, effective 18.07.2017) the Minister of Environment and Water, the Minister of Health and the Minister of Agriculture, Food and Forestry shall issue an Ordinance on the quality of waters for support of fish life and shellfish;

9. (amended, SG No. 65/2006) the Minister of Environment and Water shall issue an

Ordinance on characterization of surface waters;

10. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 58/2015);

11. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Environment and Water, the Minister of Regional Development and Public Works and the Minister of Health shall issue an Ordinance establishing terms and a procedure for discharge of industrial wastewaters into sewerage systems of nucleated settlements;

12. (amended, SG No. 65/2006, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, repealed, SG No. 58/2015);

13. the Minister of Environment and Water shall issue an Ordinance on the issuance of permits for wastewater discharge into water sites and establishment of individual emission limit values for point sources of pollution;

14. (amended, SG No. 65/2006) the Minister of Environment and Water shall issue an Ordinance on water monitoring;

15. (new, SG No. 81/2000, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works shall issue an ordinance establishing terms and a procedure for use of water-supply and sewerage systems;

16. (new, SG No. 81/2000, amended, SG No. 58/2017, effective 18.07.2017) the Minister of Environment and Water and the Minister of Agriculture, Food and Forestry shall issue an Ordinance on the quality of waters for irrigation of farm crops;

17. (new, SG No. 61/2010) the Council of Ministers shall adopt an Ordinance on environmental quality standards for priority substances and certain other pollutants;

18. (new, SG No. 61/2010, repealed, SG No. 58/2015);

19. (new, SG No. 61/2010) the Council of Ministers shall adopt an Ordinance on environmental protection in marine waters;

20. (new, SG No. 61/2010, repealed, SG No. 58/2015);

21. (new, SG No. 61/2010, repealed, SG No. 58/2015).

(2) (New, SG No. 61/2010) For water protection and management, upon assessment of the status and for achievement and maintenance of good status of waters, the requirements of the guidances under the general strategy for implementation of European Union law shall be complied with.

(3) (New, SG No. 61/2010) The guidances referred to in Paragraph (2):

1. shall be adapted by the research institutes with the Bulgarian Academy of Sciences to the natural and economic conditions in Bulgaria;

2. shall be approved by an order of the Minister of Environment and Water not later than six months after the publication of the said guidances in the Water Information System for Europe.

(4) (New, SG No. 61/2010) The guidances referred to in Paragraph (2), the methodologies referred to in Item 1 of Paragraph (1) and the methodologies issued in pursuance of this Act and of the instruments of secondary legislation thereto shall be published on the Internet sites of the Ministry of Environment and Water and of the water management Basin Directorates.

**Article 136.** The ministers specified in Item 11 of Article 135 herein shall issue instructions on the indicators to determine the best available techniques for protection of waters from the activities within the areas of responsibility of the said ministers.

## Chapter Nine

# PROTECTION AGAINST WATER-RELATED DAMAGE AND LOSS

## Section I (New, SG No. 61/2010) General Dispositions

**Article 137.** (1) (Previous text of Article 137, SG No. 61/2010) Protection against water-related damage and loss shall include:

1. protection against flooding;
2. protection against ice accumulation and ice action;
3. protection of river beds and river banks against erosion;
4. protection of shores against the impact of waves;
5. protection against hazardous raising or lowering of the groundwater level;
6. protection of drainage basins against water erosion;
7. protection against artificial discharge of groundwaters;
8. (new, SG No. 61/2010) protection against floods from the sea in coastal areas.

(2) (New, SG No. 61/2010) Flooding may be of the following types:

1. natural flooding, which is primarily caused by melting of ice and snow, by precipitation or by the formation of blockages due to ice run or freezing;
2. technogenic flooding, which is caused by other influences: damage of a hydraulic-engineering facility which may lead to an accident, or prevention of critical situations in a hydraulic-engineering facility.

**Article 138.** (1) Protection covered under Article 137 herein shall be operational and permanent.

(2) (Amended, SG No. 93/2009, effective 25.12.2009, SG No. 53/2014) The operational protection shall be expressed in performing the activities under Article 19, paragraph 1 of the Disaster Relief Act and shall be effected by the Single Rescue System.

(3) (Amended, SG No. 93/2009, effective 25.12.2009, supplemented, SG No. 80/2011, effective 14.10.2011, amended, SG No. 53/2014) The operational protection shall be performed in compliance with the emergency plans under article 138a and the plans for protection in case of disaster under Article 9 of the Disaster Relief Act.

(4) (Amended, SG No. 55/2018) Permanent protection shall include the activities assigned to the contractor entrusted with the obligation to provide public services for protection against water-related damage and loss, and:

1. (supplemented, SG No. 61/2010) construction and maintenance of dikes, river and gorge engineering works and other hydraulic-engineering facilities and protective structures;
2. establishment and maintenance of monitoring, forecasting and warning systems;
3. regulation of the groundwater level in the event of a hazardous raising or lowering thereof;
4. activities for protection of drainage basins against water erosion;
5. maintenance of the hydraulic conductivity of river beds;
6. (new, SG No. 61/2010) construction and maintenance of consolidating and/or shore-protection facilities along the coast for protection against the impact of waves;

7. (new, SG No. 61/2010, supplemented, SG No. 80/2011, effective 14.10.2011, amended and supplemented, SG No. 58/2015, effective 1.01.2016) application of measures to prevent and contain the damage inflicted by natural flooding, conducted in accordance with the flood risk management plans;

8. (new, SG No. 58/2015, effective 1.01.2016) implementation of measures for the maintenance of the dam walls and associated facilities in good working order and ensuring the safe operation thereof;

9. (new, SG No. 58/2015, effective 1.01.2016, amended, SG No. 55/2018) performance of activities for the decommissioning of dam walls and/or associated facilities which are in a pre-emergency status until the technological and structural security thereof is restored or liquidation of such dam walls and/or associated facilities, if the restoration or redevelopment thereof is unfeasible;

10. (new, SG No. 61/2010, renumbered from Item 8, SG No. 58/2015, effective 1.01.2016) maintenance of the conditions for shipping on the River Danube.

(5) (New, SG No. 55/2018) The permanent protection referred to in paragraph 4 shall be carried out:

1. within the limits of the nucleated settlements - by the competent authorities referred to in Article 140, paragraph 1;

2. beyond the limits of the nucleated settlements:

a) in case of provision of public services for protection against water-related damage and loss – by the contractors performing the obligation within the limit of the territories assigned to them;

b) by the competent authorities referred to in Article 140, paragraph 5 in all other cases.

**Article 138a.** (New, SG No. 80/2011, effective 14.10.2011, amended, SG No. 53/2014) (1) (Amended, SG No. 55/2018) The owners or users of water development systems and facilities and of installations referred to in Article 131, paragraph 1 shall prepare emergency response plans pursuant to Article 35 of the Disaster Protection Act, or shall outsource the preparation of those plans to operators, ensuring the implementation of the measures provided for therein. The emergency response plans shall contain:

1. brief technical data on the systems or installations;

2. assessment of the possible reasons for the occurrence of emergencies;

(a) passage of a high wave with security lower than the designed;

(b) seismic effects;

(c) terrorist act;

(d) increased water filtration or leakage, unusual shifts, deformations, cracks, landslides, etc.;

(e) serious failure in another installation;

3. assessment of the maximum possible effects on the facility, the environment and the infrastructure after the event - threatened localities, industrial and other facilities;

4. the measures for limiting and eliminating the effects of the emergencies;

5. the measures for protection of staff;

6. launching the emergency plan, distribution of the obligations and the structures and persons responsible for the implementation of the envisaged measures;

7. the time for the readiness of the structures and persons under item 6 to react;

8. funds and resources required for the implementation of the measures envisaged;

9. action in an emergency;

10. action in case of a failure of an individual installation;

11. physical protection of the facilities and installations and action in case of a terrorist act alert;

12. warning systems and reserve measures for the electricity and communication means;

13. procedure for notifying the executive authorities in case of need to launch the disaster protection plans.

(2) (Amended, SG No. 55/2018) The specific requirements as regards the format and content of the emergency response plans for the dams shall be set out in the Ordinance referred to in Article 141, paragraph 2.

(3) (Amended, SG No. 58/2015, SG No. 55/2018) The regional governors shall appoint commissions which shall, once a year, check the readiness for safe operation of the dams and the associated facilities referred to in Article 141b, paragraph 1, items 1 and 2; for those referred to in Article 141b, paragraph 1, item 3 the checks shall be made once in three years. The Commissions:

1. shall analyse the information provided under Article 141 (6) herein and shall conduct on-site checks of the technical status of dam walls and associated facilities;

2. (amended, SG No. 55/2018) shall check the established organisation for compliance with the requirements and measures envisaged in the emergency response plan;

3. shall check the performance of the activities to ensure the hydraulic conductivity of the river bed at a distance of up to 500 metres from the dam walls;

4. (amended, SG No. 55/2018) shall issue a conclusion on the readiness for safe operation of the dam and the associated facilities in normal, extreme and emergency conditions, based on the opinion of each commission member;

5. (new, SG No. 55/2018) shall, with relation to the conclusion referred to in paragraph 4, issue recommendations to the owners of dams for achieving readiness for safe operation of the dams and the associated facilities in normal, extreme and emergency conditions of operation, including for carrying out repairs and other technical activities for bringing the dam wall and the associated facilities in good working order, setting deadlines for their implementation;

6. (new, SG No. 55/2018) shall draw up an inspection report containing the conclusion referred to in item 4 and the recommendations referred to in item 5, within 14 days of the inspection referred to in item 1, which they shall submit to the regional governor for approval; they shall send a copy of the report to: the owner of the dam, the Fire Safety and Protection of the Population Directorate General at the Ministry of the Interior, the mayor of the municipality in whose territory the dam is located, the chairperson of the State Agency for Metrological and Technical Surveillance, and the Director of the relevant Basin Directorate.

(4) (New, SG No. 58/2015) The commissions referred to in Paragraph (3) shall include representatives of:

1. (effective 1.01.2016 - SG No. 58/2015) the State Agency for Metrological and Technical Surveillance;

2. the Chief Directorate for Fire Safety and Civil Protection of the Ministry of Interior;
3. the competent regional administration;
4. the competent Basin Directorate;
5. (new, SG No. 55/2018) the municipality where the dam is located.

(5) (New, SG No. 58/2015, amended, SG No. 55/2018, SG No. 61/2019, effective 2.08.2019) The persons referred to in Paragraph (4) must hold the professional qualification required for carrying out the activities set out in Paragraph (3) and at least one of them must have higher education resulting in the award of an educational and qualification degree of Master in any of the specialties within the professional field "Architecture, civil engineering and geodesy", related to the design, construction and operation of dam walls and associated facilities.

(6) (New, SG No. 58/2015) The Regional Governor may recruit additionally appropriately qualified experts for participation in the commissions referred to in Paragraph (3).

**Article 138b.** (New, SG No. 80/2011, effective 14.10.2011, amended, SG No. 58/2015, SG No. 55/2018) In the event of a dispute or ambiguity concerning the ownership of a dam, the state-owned company referred to in Article 139a shall implement the organisation and technical operation thereof until the judgment becomes enforceable or until the owner is identified in compliance with the requirements of Article 138b, paragraph 1.

**Article 138c.** (New, SG No. 58/2015) (1) (Supplemented, SG No. 17/2021) If the owner of the dam and associated facilities does not satisfy the requirements for a dam wall operator within the meaning given by this Act, the said owner shall mandatorily assign the stewarding, maintenance and implementation of the technical operation of the dam wall and of the associated facilities to a person satisfying the said requirements. Article 20, Paragraph 5 shall apply when the owner assigns a concession for the dam.

(2) (Amended, SG No. 17/2021) If the tenant of the dam and the associated facilities satisfies the requirements for a dam wall operator, the owner may assign the said concessionaire or tenant the performance of the said functions by the lease agreement.

(3) (Amended, SG No. 55/2018) The operator of a dam wall and of the associated facilities, designated according to the procedure established by Paragraph (1) or (2), shall be bound to render the requisite assistance to the owner for the fulfilment of the obligations thereof under Item 5 of Article 138a (3), Article 141 (1) and Article 190a (2) herein, as well as to perform the activities assigned thereof in accordance with statutory requirements and acting as a prudent administrator.

(4) (Amended, SG No. 55/2018) The dam wall operators shall be bound to take the actions within the competence thereof to comply with the prescriptions given according to the procedure established by Item 5 of Article 138a (3) and Item 3 of Article 190a (1) herein.

(5) The obligations and responsibilities of the dam wall operator, as well as the procedure and manner according to which the said operator will perform the activity thereof, shall be determined in the Ordinance referred to in Article 141 (2) herein.

**Article 139.** (1) (Amended, SG No. 65/2006, SG No. 80/2011, effective 14.10.2011, SG No. 58/2015) The maintenance and repairs of dams, hydraulic-engineering facilities and protective



structures shall be ensured by the owners.

(2) (Amended, SG No. 61/2010, SG No. 58/2015) The persons referred to in Paragraph (1) shall furthermore ensure the maintenance and the hydraulic conductivity of the river bed, dikes, river and gorge engineering works and other hydraulic-engineering facilities and protective structures in accordance with the parameters of the spillway facilities at a distance of up to 500 metres from the dam walls.

(3) Where other persons also benefit from the facilities referred to in Paragraph (1), the said persons shall owe part of the expenses in proportion to the benefits received or anticipated.

(4) Where the building permit for the facilities referred to in Paragraph (1) is issued after the actual establishment of an activity that sustains detriment from the construction and operation of the facilities, the owner of the said facilities shall be obliged to provide indemnity for any detriment inflicted.

**Article 139a.** (New, SG No. 55/2018) (1) The state-owned enterprise "Management and Operation of Dams" shall be incorporated with the status of a state-owned enterprise within the meaning of Article 62, Paragraph (3) of the Commerce Act, hereinafter referred to as SOEMOD.

(2) The state-owned enterprise "Management and Operation of Dams" shall be a legal entity headquartered in Sofia. The enterprise shall not be a commercial corporation and shall not generate and distribute any profit.

(3) The core activity of SOEMOD shall be the complex management of dams – public and private state property.

(4) The state-owned enterprise "Management and Operation of Dams" may carry out other activities ensuring or complementing its core activity.

(5) The state shall consign to SOEMOD property – public and private state property, determined with a decision of the Council of Ministers, for the purpose of implementation of its activities.

(6) (Amended, SG No. 61/2019, effective 2.08.2019) The dams the ownership of which municipalities have transferred free of charge to the State shall be managed by the state-owned enterprise "Management and Operation of Dams".

(7) (Amended, SG No. 61/2019, effective 2.08.2019) Outside the scope of activities of SOEMOD remain the dams which are managed and operated by the National Electric Company EAD, Irrigation Systems EAD, Zeminvest EAD, the water and sewerage operators with state, or state and municipal shareholding.

(8) The activity of SOEMOD for carrying out the tasks related to its main purpose shall be financed by:

1. revenue from operations;
2. State budget transfer;
3. other proceeds determined by a statutory instrument.

(9) The funds referred to in paragraph 8 shall be expended on the operation and upkeep of SOEMOD.

(10) The organisation and the operation of SOEMOD shall be regulated by Rules adopted by the Council of Ministers.

**Article 139b.** (New, SG No. 55/2018) (1) Annually, on or before 1 March, SOEMOD shall submit to the Ministry of Economy a plan for its activities during the current calendar year and an annual report on its activities during the preceding calendar year.

(2) The plan referred to in Paragraph (1) shall include the activities pursuant to Article 139a for the respective year, and shall contain at least the following elements:

1. objectives and expected results;
2. activities to be conducted for achievement of the results, including an investment plan of the Enterprise;
3. plan for management of the resources elaborated on the basis of the forecasted operating expenses and income of the Enterprise.

(3) The Minister of Economy shall approve the plan for the activities of SOEMOD and the annual report referred to in paragraph 1, which shall be publicly available.

(4) The resources for the administrative expenses of SOEMOD shall be approved by the Minister of Economy together with the plan referred to in paragraph 1.

(5) The resources and the operations of SOEMOD shall be included in the consolidated fiscal program as resources and operations of other economically delineated persons under Article 13(4) of the Public Finance Act and shall not be a part of the state budget.

**Article 139c.** (New, SG No. 55/2018) (1) The State-owned Enterprise "Management and Operation of Dams" shall be managed by a Managing Board.

(2) The State-owned Enterprise "Management and Operation of Dams" shall be represented by its Executive Director.

(3) (Amended, SG No. 103/2018, effective 13.12.2018) The Managing Board shall consist of seven members, including the Chairperson.

(4) The following shall be the members of the Managing Board:

1. chairperson – the Minister of Economy or a Deputy Minister designated thereby;
2. a representative of the Ministry of Environment and Water;
3. a representative of the Ministry of Regional Development and Public Works;

4. a representative of the Ministry of Agriculture, Food and Forestry;
5. a representative of the Ministry of Energy;
6. a representative of the National Association of Municipalities in the Republic of Bulgaria (NAMRB);
7. the Executive Director.

(5) The members of the Managing Board and the Executive Director of SOEMOD shall be appointed by the Minister for Economy, on a proposal from the relevant Minister or the Managing Board of NAMRB.

(6) The members of the Managing Board may not perform competitive activities in their own or someone else's name and have contractual relations with other enterprises, companies and associations with a similar object of activities.

(7) The members of the Managing Board may not be:

1. persons who have been convicted for an indictable offence;
2. the spouse or relative by a direct or collateral line of descent or by marriage up to a third degree inclusive to another member of the Managing Board.

(8) The management contract with a member of the Managing Board shall be terminated before its term expires where the person:

1. does not meet the legal requirements;
2. violates or does not meet the requirements provided for in the Act or in the management contract;
3. has filed a request to be dismissed;
4. by decision of the Minister of Economy – with one month's notice;
5. upon withdrawal of the nomination of the representative.

(9) In the cases referred to in Paragraph 7 or in the case of death of a member of the Managing Board, the Minister of Economy shall appoint a new member and shall conclude a contract with him/her.

(10) The Managing Board may adopt decisions if at least half of the members are present in person, or represented by another member of the Managing Board. An attending member may represent more than one absent member. For the purpose of representation, an explicit power of attorney is required on a case-by-case basis.

(11) The decisions of the Managing Board shall be adopted by a simple majority.

(12) The Managing Board may also adopt decisions by non-attendance provided that all members have stated their consent, in writing, with regard to the decision.

**Article 139d.** (New, SG No. 55/2018) The decisions of the Managing Board of SOEMOD on disbursement of financial resources shall be public and shall be published on the internet site of the Ministry of Economy within fourteen days of the adoption of said decisions.

**Article 139e.** (New, SG No. 55/2018, supplemented, SG No. 61/2019, effective 2.08.2019) In carrying out its activities SOEMOD shall have the rights and obligations of owner of the dam walls and the associated facilities, for the dams referred to in Article 138b and the dams consigned under Article 139a, paragraphs 5 and 6.

**Article 140.** (1) The systems referred to in Item 2 of Article 138 (4) herein shall be maintained by the State.

(2) (Amended, SG No. 61/2010, SG No. 80/2011, effective 14.10.2011, SG No. 58/2015) Control over the performance of the activities covered under Article 138 (4) herein shall be exercised by:

1. (effective 1.01.2016 - SG No. 58/2015) the President of the State Agency for Metrological and Technical Surveillance: for the activities referred to in Items 8 and 9;

2. (amended, SG No. 58/2017, effective 18.07.2017) the Minister of Agriculture, Food and Forestry and the Minister of Regional Development and Public Works or by officials empowered thereby: for the activities referred to in Item 1, each within the competence thereof under Article 10 herein;

3. the Minister of Transport, Information Technology and Communications though the Executive Director of the Agency for Exploration and Maintenance of the River Danube or by officials empowered by the Director: for the activities referred to in Item 10;

4. the Basin Directorate Directors or by officials empowered thereby: for the activities referred to in Items 2 to 7.

(3) (Amended, SG No. 61/2010, SG No. 80/2011, effective 14.10.2011, SG No. 51/2016, effective 5.07.2016, SG No. 52/2016) The activities referred to in Item 5 of Article 138 (4) herein whose execution is ensured by Regional Governors and Mayors under Paragraphs 4, 5 and 6 shall also be financed by the Interdepartmental Commission for Recovery and Assistance with the Council of Ministers, provided that they are included in the Annual Plan for Implementation of the National Programme for Disaster Protection, and shall include:

1. (repealed, SG No. 53/2014);
2. removal of trees, stumps, bushes which have grown in the watercourse and all trees that have fallen or are at a risk of falling;
3. protection of river beds against erosion, consolidation of river banks and protection of riverside vegetation;
4. (repealed, SG No. 53/2014);
5. (repealed, SG No. 53/2014);
6. (new, SG No. 52/2016) clearing the river beds from alluvium deposits to ensure their normal hydraulic conductivity.

(4) (New, SG No. 61/2010) Where the clearing of the river beds is within the limits of an urbanized area:

1. (amended, SG No. 80/2011, effective 14.10.2011) the municipality mayor shall appoint, by an order, an interdepartmental commission including representatives of the Chief Directorate of Fire Safety and Protection of the Population at the Ministry of Interior, the competent Basin Directorate, the competent Regional Inspectorate of Environment and Water, the Executive Forest Agency, the municipality, experts in ecology and other technicians;

2. (amended, SG No. 80/2011, effective 14.10.2011) the municipality mayor shall appoint, by an order, an interdepartmental commission including representatives of the Chief Directorate of Fire Safety and Protection of the Population at the Ministry of Interior, the competent Basin Directorate, the competent Regional Inspectorate of Environment and Water, the Executive Forest Agency, the municipality, experts in ecology and other technicians;

3. the interdepartmental commission referred to in Item 1:

(a) shall inspect the sectors designated according to the procedure established by Item 2;

(b) shall determine the types of clearing work and the amount thereof;

(c) shall identify and mark the trees for removal;

(d) shall determine the sectors for afforestation and other consolidating and anti-erosion activities along river banks;

(e) shall draw up a memorandum of ascertainment and shall prepare a programme for planned clearing of the river sectors;

(f) shall accept the cleared sectors by a memorandum;

4. the municipality mayor:

(a) shall approve the memorandum and the programme referred to in Item 3 (e);

(b) shall notify the Regional Governor if a need to clear unchannelized river sectors has been ascertained by the memorandum referred to in Item 3 (e);

(c) shall award a public procurement according to the procedure established by the Public Procurement Act for selection of contractors, for implementation of the programme referred to in Item 3 (e) subdivided into lots; the award contracts shall furthermore specify the places whereto the removed waste is to be transported; an investor control contract shall be concluded for each lot;

(d) shall include the cleared sectors in the programme for stewarding of the municipality.

(5) (New, SG No. 61/2010, amended, SG No. 55/2018) Where the clearing of river beds is beyond the limits of an urbanised area, the activities covered under paragraph 4 shall be organised, coordinated and carried out in accordance with Article 138, paragraph 5. For activities related to the clearing of river beds, planned and organised by the regional administrations, the regional governor:

1. (supplemented, SG No. 80/2011, effective 14.10.2011) shall appoint, by an order, the interdepartmental commission referred to in Item 1 of Paragraph (4) with participation of representatives, where necessary, of the competent regional road administration or the National Railway Infrastructure Company;

2. shall approve the memorandum of ascertainment and the programme referred to in Item 3 (e) of Paragraph (4);

3. (amended, SG No. 80/2011, effective 14.10.2011) shall award a public procurement according to the procedure established by the Public Procurement Act for selection of contractors, for implementation of the programme referred to in Item 3 (e) of Paragraph (4), subdivided into lots; the award contracts shall also specify the places whereto the removed waste is to be transported; an investor control contract shall be concluded for each lot.

(6) (New, SG No. 61/2010, amended and supplemented, SG No. 80/2011, effective 14.10.2011, amended, SG No. 58/2015, amended, SG No. 52/2016) Where the inspection of interdepartmental commissions under Item 1 of Paragraph 4 and Item 1 of Paragraph 5 establishes that for maintenance of the hydraulic conductivity of the river bed alluvium deposits need be extracted, or the plans under Item 2 "c" of Article 151 (2) include measures for ensuring the hydraulic conductivity of river beds due to accumulated alluvium deposits posing a flood risk, the Regional Governor shall:

1. award, according to the procedure established by the Public Procurement Act, the development of a schematic design for the extraction, consulting the technical terms of reference for the public procurement with the competent Basin Directorate Director as to the conformity of the said procurement with this Act and the Ordinance referred to in Item 1a of Article 135 (1) herein;

2. consult the design referred to in Item 1 with the competent Basin Directorate Director and the Regional Inspectorate of Environment and Water, shall award the execution of the said design according to the procedure established by the Public Procurement Act, and shall designate a place for depositing the material extracted;

3. sell the material extracted by auction, announcing a starting bid which may not be lower than the value calculated according to the rate schedule referred to in Article 194 (6) herein; the proceeds from the sale shall remain in the budget of the regional administration and may be spent solely on disaster protection measures.

(7) (New, SG No. 58/2015, amended, SG No. 52/2016) The competent Basin Directorate Director shall issue a water site use permit for extraction of alluvium deposits to the contractor selected under Paragraph (6) in relation to the planned river bed clearing activities. The terms and conditions for issuance of the permit, its content and the content of the technical design for the extraction shall be set out in the ordinance under Item 1a of Article 135 (1).

(8) (New, SG No. 58/2015) The activities referred to in Paragraph (6) shall be financed by the regional administrations.

(9) (New, SG No. 61/2010, renumbered from Paragraph (7), SG No. 58/2015) Any timber removed from the river bed:

1. (amended, SG No. 80/2011, effective 14.10.2011) where fit for use, shall be delivered gratuitously at the disposal of the mayors, who shall provide it gratuitously as firewood to the volunteers referred to in Article 39 of the Disaster Protection Act on the basis of their participation in the prevention or containment of disasters, fires and extraordinary situations and elimination of the consequences thereof, as well as to persons included in the relevant social programmes;

2. where unfit for use, shall be mechanically fragmented and transported to a designated landfill for construction and demolition waste or for household waste.

(10) (New, SG No. 80/2011, effective 14.10.2011, renumbered from Paragraph (8), SG No. 58/2015, supplemented, SG No. 55/2018) The control in respect of the timber harvested and the fitness for use thereof shall be exercised by the contracting authority through the investor control appointed, or by the Executive Forestry Agency in the cases referred to in Paragraph (12).

(11) (New, SG No. 58/2015) In the exercise of control over the performance of the activities referred to in Article 138 (4) herein, the authorities referred to in Paragraph (2) shall give mandatory prescriptions and, where necessary, shall require assistance from the authorities of the Ministry of Interior, from State and municipal bodies and from legal and natural persons.

(12) (New, SG No. 55/2018) The activities for clearing the river beds organised and carried out by the contractor performing the obligation to provide public services for protection against

water-related damage and loss pursuant to Article 138, Paragraph (5), shall be executed within the volumes and areas corresponding to the obligations assigned in accordance with this Act, and shall be controlled and coordinated by the Ministry of Agriculture, Food and Forestry. When carrying out planned or emergency activities related to maintaining the hydraulic conductivity of rivers, gorges and drainage facilities, the contractor shall notify in advance, or in case of an emergency – as soon as practicable, the relevant local units of the regional administration, the basin directorate and, where the clearing includes the removal of vegetation – the Executive Forestry Agency, with regard to which Paragraph (9) shall apply.

**Article 141.** (1) (Amended, SG No. 58/2015, SG No. 55/2018) Any owners of water development systems and hydraulic-engineering works, including of dam walls and/or associated facilities shall be bound to ensure:

1. the maintenance of the said systems and facilities in a condition of technical serviceability;

2. (effective 1.01.2016 - SG No. 58/2015, amended, SG No. 55/2018) the use of measuring and control instruments for monitoring the condition of the said systems and facilities, conforming to the requirements of the Ordinance referred to in Paragraph (2);

3. (effective 1.01.2016 - SG No. 58/2015, amended, SG No. 101/2015, effective 22.12.2015) the use of an information system provided by the State Agency for Metrological and Technical Surveillance, according to an ordinance issued by the Minister of Economy on a motion by the President of the State Agency for Metrological and Technical Surveillance;

4. compliance with the requirements for technical and safe operation of the dam walls and of the associated facilities, as established in the Ordinance referred to in Paragraph (2);

5. regulation of the water levels in the dams for the purpose of reducing the flood risk.

(2) (Amended, SG No. 108/2001, SG No. 65/2006, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 58/2015) The terms and procedure for the implementation of the technical and safe operation of dam walls and of associated facilities and for the exercise of control over the technical condition of the said walls and facilities shall be established by an Ordinance of the Council of Ministers on a motion by the President of the State Agency for Metrological and Technical Surveillance.

(3) (New, SG No. 61/2010, repealed, SG No. 58/2015).

(4) (Renumbered from Paragraph 3, SG No. 61/2010) The obligations referred to in Paragraph (1) shall furthermore apply to any owners of water reservoirs whereof the degree of siltation prevents further use for the intended purpose. In such a case, the owner shall prepare and implement a reclamation project.

(5) (New, SG No. 58/2015) The owners of dam walls and associated facilities shall be bound to notify the President of the State Agency for Metrological and Technical Surveillance in writing:

1. of the designated operator of the dam wall and the associated facilities: prior to the commissioning of newly constructed dam walls and associated facilities;

2. upon each selection or change of the operator of the dam wall and the associated facilities: within seven days from any such change;

3. of the results of the periodic checks conducted according to the procedure established by the Ordinance referred to in Paragraph (2).

(6) (New, SG No. 58/2015) The information referred to in Item 3 of Paragraph (5) shall furthermore be transmitted to the competent Regional Governor for the needs of the commission referred to in Article 138a (3) herein.

**Article 141a.** (New, SG No. 55/2018) (1) Depending on their dimensions – height of the dam wall and reservoir volume, large dams shall be the dams that meet at least one of the following conditions:

1. dams whose wall is higher than 15 metres, measured from the lowest point of the foundation to the top of the dam;

2. any dam between 5 and 15 metres in height impounding a volume of more than 3 million cubic metres.

(2) Small dams shall mean dams which do not meet the requirements referred to in Paragraph (1).

(3) All dams referred to in Paragraphs (1) and (2) shall be subject to control pursuant to this Act and the Ordinance referred to in Article 141, Paragraph (2), with the exception of small dams for which, when they were classified in terms of potential danger, it was found that the loss of structural integrity of their walls creates not threat to human life or critical infrastructure, and which meet at least one of the following conditions:

1. the generated water pressure head is less than 7.0 m and the impounded volume is less than 50 000 cubic metres;

2. the generated water pressure head is less than 2.0 m regardless of the impounded volume;

3. the impounded volume is less than 15 000 cubic metres regardless of the generated water pressure head;

4. its drainage basin is not more than 2.0 square km and its reservoir is not filled through forebays and afterbays, or a pumping station.

(4) The owners shall be responsible for the technical serviceability and safe operation of dams referred to in paragraph 3. They shall not be obliged to assign the management, maintenance and technical operation of the dam wall and the associated facilities to a person meeting the requirements for a dam wall operator.

**Article 141b.** (New, SG No. 55/2018) (1) Dams shall be classified into three hazard potential categories depending on the worst possible consequences of the release of water stored in the dam due to destruction or improper operation of the dam:



1. first high degree of hazard potential;
2. second significant degree of hazard potential;
3. third low degree of hazard potential;

(2) The criteria for classification of the hazard potential referred to in Paragraph (1) shall be laid down in the Ordinance referred to in Article 141, Paragraph (2) by the Interdepartmental Commission appointed by the Council of Ministers and consisting of representatives of the Ministry of Environment and Water, the Ministry of Regional Development and Public Works, the Ministry of Agriculture, Food and Forestry, the Ministry of Energy, the Ministry of Economy, the Ministry of the Interior and of the scientific community directly involved with dam walls and their associated facilities.

(3) The commission referred to in Article 138a, Paragraph (3) shall classify dams in terms of their hazard potential in accordance with the ordinance referred to in Article 141, Paragraph (2).

**Article 142.** (Supplemented, SG No. 81/2000, amended, SG No. 93/2009, effective 25.12.2009) Upon release of waters from hydraulic-engineering facilities during the passage of surge waves, in an emergency or during performance of repair work, the owner or user of the facility affected shall notify the competent municipal administrations, Basin Directorates and the Ministry of Interior authorities in advance, and in the case of transboundary rivers, the Border Police as well.

**Article 143.** For protection against water-related damage and loss, it shall be prohibited to:

1. disturb the natural status of river beds, river banks and flood plains;
2. reduce the hydraulic conductivity of river beds, including by means of barrages and sills, without having the respective licence;
3. use river beds as disposal sites for deposition of wastes, earth and rock mass;
4. perform construction works upstream of river sectors confined to a closed conduit;
5. store or warehouse materials that would increase to a significant extent the destructive power of water in the case of flooding.

**Article 144.** (1) (Previous text of Article 144, SG No. 55/2018) Along dikes, it shall be prohibited to:

1. operate means of transport outside the places designed for that purpose;
2. till and disrupt the surface of the dike;
3. place any posts or signs;
4. plant any trees and bushes;
5. drive livestock across the dikes outside the places designated for that purpose;
6. build wells or fish nursery ponds;
7. dump wastes and other materials and objects.

(2) (New, SG No. 55/2018) Carrying out the activities referred to in Paragraphs (1), (2), (3), (4), (6) and (7) shall be prohibited on dam walls formed by mounding.

**Article 145.** (Amended and supplemented, SG No. 65/2006, amended, SG No. 58/2015) (1) In a risk of flooding which may entail harmful consequences for human life and health, the environment and tangible assets, which may be prevented or mitigated by destruction of the hydraulic-engineering facility or of a part thereof, the owner and the person who stewards the facility shall be bound to render full assistance to the mayor of the municipality within the

territory whereof the facility is located, for carrying out the works on the facility necessary to prevent or mitigate anticipated damage.

(2) The activities referred to in Paragraph (1) shall be carried out by order of the mayor of the municipality concerned, in consultation with the Regional Governor and the head of the territorial unit of the Chief Director of Fire Safety and Civil Protection.

(3) The resources spent on carrying out the activities referred to in Paragraph (1), as well as on rebuilding of dikes, if the said dikes have been demolished according to the procedure established by Paragraph (1), shall be reimbursed by decision of the Interdepartmental Commission for Recovery and Assistance with the Council of Ministers.

(4) (New, SG No. 55/2018) Within 14 days of carrying out the activities referred to in paragraph 1 the mayor of the relevant municipality shall be obliged to notify the Chairperson of the State Agency for Metrological and Technical Surveillance of the demolition of the hydraulic-engineering facility or a part thereof.

**Article 146.** (1) (Amended and supplemented, SG No. 61/2010, supplemented, SG No. 55/2018) It shall be prohibited to position residential and country-house buildings and farm structures on flood plains of rivers and the servitude of hydraulic-engineering facilities and dam walls.

(2) The Basin Directorates shall inform the authorities issuing building permits for residential and country-house buildings and farm structures of the location and extent of the flood plains of rivers.

## **Section II**

### **(New, SG No. 61/2010)**

### **Preliminary Flood Risk Assessment**

**Article 146a.** (New, SG No. 61/2010) (1) For each basin management district according to Article 152 (1) herein, including the Bulgarian part of the River Danube, a preliminary flood risk assessment shall be undertaken according to the methodology referred to in Item 6 of Article 187 (2) herein.

(2) The assessment referred to in Paragraph (1) shall include:

1. maps of the water basin management districts at the appropriate scale, showing topography and the assigned use of the land, including the borders of:

(a) the river basins and sub-basins;

(b) coastal areas, if any;

2. a description of the floods which have occurred in the past and which had significant adverse consequences for human health, the environment, cultural heritage, the physical infrastructure and economic activity and for which the likelihood of similar future events is still relevant;

3. the flood extent, the conveyance root thereof, and assessment of the adverse consequences they have entailed;

4. an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage, the physical infrastructure and economic activity, taking into account as far as possible:

(a) topography, the position of watercourses and the general hydrological and geo-morphological characteristics thereof, including flood plains as natural retention areas;

(b) the effectiveness of existing man-made flood defence infrastructures (systems and facilities), the position of nucleated settlements, areas of economic activity and long-term developments;

(c) impacts of climate change on the occurrence of floods.

**Article 146b.** (New, SG No. 61/2010) (1) The preliminary flood risk assessment referred to in Article 146a (1) herein shall not be undertaken for river basins or sub-basins where:

1. (effective until 22.12.2010 - SG No. 61/2010) it has been established on the basis of a risk assessment commenced prior to the 22nd day of December 2010 that a potential significant flood risk exists or is likely to occur;

2. (effective until 22.12.2010 - SG No. 61/2010) decisions to prepare flood hazard maps and to establish flood risk management plans, which satisfy the requirements of this Act, were issued prior to the 22nd day of December 2010.

(2) The assessment referred to in Item 1 of Paragraph (1) shall be undertaken by the competent Basin Directorate Director.

(3) The decisions referred to in Item 2 of Paragraph (1) shall be issued by the competent Basin Directorate Director.

**Article 146c.** (New, SG No. 61/2010) In the case of international water management districts, the Republic of Bulgaria shall ensure that exchange of relevant information necessary for the preliminary flood risk assessment take place through the water management Basin Directorate concerned.

**Article 146d.** (New, SG No. 61/2010) (1) The Basin Directorate Director shall undertake the preliminary assessment referred to in Article 146a (1) and shall identify those areas for which:

1. a potential significant flood risk exists;

2. a potential significant flood risk is likely to occur.

(2) The areas referred to in Paragraph (1) shall be identified for each basin management district or for a portion of an international district according to Item 2 (r) of Article 151 (2) herein and shall be endorsed by the Minister of Environment and Water.

## **Section III**

### **(New, SG No. 61/2010)**

## **Flood Hazard Maps and Flood Risk Maps**

**Article 146e.** (New, SG No. 61/2010) (1) The following shall be prepared for the areas identified under Items 1 and 2 of Article 146b (1) and Article 146d (1) herein:

1. flood hazard maps, and

2. flood risk maps.

(2) The preparation of maps according to Paragraph (1) for areas identified under Items 1 and 2 of Article 146b (1) and Article 146d (1) herein which are shared with other Member States shall be subject to prior exchange of information between the States concerned.

**Article 146f.** (New, SG No. 61/2010) (1) Flood hazard maps shall cover the areas which could be flooded upon:

1. floods with a low probability, for which the likely return is greater than or equal to 1,000 years, as well as upon extreme events;

2. floods with a medium probability, for which the likely return is greater than or equal to

100 years;

3. floods with a high probability, for which the likely return is greater than or equal to 20 years, where appropriate.

(2) The following elements shall be shown on the maps for each of the scenarios covered under Paragraph (1):

1. the flood extent;
2. water depths or water level;
3. where appropriate, the flow velocity or the relevant water flow.

(3) The maps referred to in Item 1 of Paragraph (1) shall be prepared for areas exposed to hazard of a flood where flooding is from groundwater sources.

**Article 146g.** (New, SG No. 61/2010) Flood risk maps shall show the adverse consequences associated with each of the scenarios according to Article 146f (1) herein, expressed in terms of the following:

1. approximate number of inhabitants potentially affected;
2. type of economic activity in the area potentially affected;
3. (amended, SG No. 58/2015) installations covered under Annex 4 to Article 117 of the Environmental Protection Act which might cause additional accidental pollution in case of flooding and potentially affected protected water protection zones referred to in Items 1, 2 and 5 of Article 119a (1) herein;
4. other significant sources of pollution not specified in Item 3.

**Article 146h.** (New, SG No. 61/2010) (1) The maps covered under this Section shall be prepared according to the methodology referred to in Item 6 of Article 187 (2) herein, shall be updated and shall be reviewed by the competent Basin Directorate Director.

(2) Flood hazard maps and flood risk maps shall be reviewed and updated every six years simultaneously with the analyses and the review referred to in Item 2 of Article 156h herein.

(3) The preparation of the first flood hazard maps and flood risk maps and the subsequent reviews thereof shall be carried out in such a way that the information they contain is consistent with the information referred to in Items 1, 3 and 4 of Article 157 herein.

## **Section IV**

### **(New, SG No. 61/2010)**

## **Flood Risk Management Plans**

**Article 146i.** (New, SG No. 61/2010) (1) On the basis of the maps referred to in Article 146e herein, flood risk management plans shall be established at the level of the water management basin district for the areas identified under Article 146d (1) herein, as well as for the areas identified under Item 2 of Article 146b (1) herein.

(2) In producing the plans referred to in Paragraph (1), the information and data for the development of the river basin management plans shall be used.

**Article 146j.** (New, SG No. 61/2010) (1) The first flood risk management plans shall contain:

1. (amended, SG No. 58/2015) the conclusions of the preliminary flood risk assessment as required in Section I of this Chapter in the form of a summary map of the basin management district, delineating the areas identified according to Article 146d (1) herein which are the subject of this flood risk management plan;

2. the flood hazard maps and the flood risk maps as prepared according to Section II of this

Chapter and the conclusions that can be drawn from those maps;

3. a description of the objectives of flood risk management, established in accordance with Item 1 of Paragraph (2);

4. a summary of the measures and the prioritisation thereof aiming to achieve the objectives of flood risk management, including the measures taken in accordance with Item 2 of Paragraph (2) and flood related measures taken according to other environmental statutory instruments associated with:

(a) environmental impact assessment and environmental assessment of plans and programmes;

(b) water protection in the event of major industrial accidents;

(c) the river basin management plan and the achievement of the environmental objectives covered under Article 156a herein.

(2) Flood risk management plans shall furthermore include:

1. objectives for:

(a) reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage, the physical infrastructure and economic activity;

(b) reduction of the likelihood of flooding;

2. measures for achieving the objectives covered under Item 1;

3. description of the implementation of the plan.

**Article 146k.** (New, SG No. 61/2010) The description of the implementation of the plan referred to in Item 3 of Article 146j (2) herein shall include:

1. a description of the prioritisation and the way in which progress in implementing the plan will be monitored;

2. a summary of the public information and consultation measures and/or actions taken;

3. a list of competent authorities and, as appropriate, a description of the coordination process within any international river basin district and of the coordination process with the river basin management plan.

**Article 146l.** (New, SG No. 61/2010) (1) In producing flood risk management plans, the following shall be taken into account:

1. the evaluation of costs and benefits;

2. flood extent and flood conveyance routes;

3. areas which have the potential to retain flood water as natural flood plains;

4. the objectives covered under Section III of Chapter Ten herein;

5. soil and water management;

6. spatial planning;

7. land use;

8. conservation of:

(a) nature;

(b) navigation and port-related infrastructure.

9. characteristics of the particular river basin or sub-basin according to the river basin management plans.

(2) Flood risk management plans shall address all aspects of flood risk management, focusing on:

1. flood prevention;

2. flood protection;

3. enhancement of the preparedness for flooding, including flood forecasts;

4. setting up an early warning system.

(3) Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention, as well as the controlled flooding of certain areas in the case of a flood event.

(4) Flood risk management plans may not include measures which, by the extent and impact thereof, significantly increase flood risks upstream or downstream from other States (applicable to international river basins), unless these measures have been coordinated with the State concerned and an agreed solution has been found in accordance with Article 146m herein.

**Article 146m.** (New, SG No. 61/2010) (1) For each river management district or for a part of an international basin management district, there shall be produced one single flood risk management plan.

(2) Where the flood risk management plan is for a part of an international river basin which falls entirely within the territory of the European Union, the said plan shall be coordinated with the Member States concerned in the cases where one single flood risk management plan is not produced for the entire international river basin.

(3) Where the flood risk management plan is for a part of an international river basin which extends beyond the territory of the European Union, the said plan shall be coordinated with the States concerned, if possible, in the cases where one single flood risk management plan is not produced for the entire international river basin.

**Article 146n.** (New, SG No. 61/2010) (1) Flood risk management plans shall be reviewed and updated every six years.

(2) The update of the plan shall contain:

1. any changes or updates since the publication of the previous version of the flood risk management plan, including a summary of the reviews carried out in compliance with this Section;

2. an assessment of the progress made towards the achievement of the objectives according to Item 1 of Article 146 (2) herein;

3. a description of, and an explanation for, any measures foreseen in an earlier version of the flood risk management plan which were planned to be undertaken but have not been taken forward;

4. a description of any additional measures since the publication of the previous version of the flood risk management plan.

(3) The first flood risk management plans shall be produced in coordination with the updating of the river basin management plans under Article 159 herein within the time limit referred to in § 138 (2) of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act (promulgated in the State Gazette No. 65 of 2006; corrected in No. 66 of 2007; amended in No. 22 of 2007, No. 95 of 2009) and shall be integrated thereto.

## **Section V**

**(New, SG No. 61/2010)**

### **Public Information and Consultation**

**Article 146o.** (New, SG No. 61/2010) In producing, reviewing and updating flood risk management plans, as well as in developing the preliminary assessment, the decisions and the assessment referred to in Article 146b herein and the maps covered under Section II of this Chapter, information on the measures planned to be undertaken and the results of the implementation of the said measures that have been achieved shall be made available to the

public.

**Article 146p.** (New, SG No. 61/2010) (1) The following shall be published and shall be made publicly available, including to the water users, and for consultations and written comments for each basin management district:

1. a draft of the preliminary assessment and/or the assessment referred to in Article 146b herein;

2. a draft of the maps covered under Section II of this Chapter and the proposals for modification and updating;

3. a draft of a flood risk management plan, including the measures planned to be undertaken and the results expected of the implementation of the said measures, as well as the results achieved and the proposals to modify and update the measures and the plan.

(2) The information shall be made available to the public as follows:

1. the information referred to in Item 1 of Paragraph (1): three and a half years before the commencement of the period covered by the flood risk management plan;

2. the information referred to in Item 2 of Paragraph (1): two and a half years before the commencement of the period covered by the flood risk management plan;

3. the information referred to in Item 3 of Paragraph (1): within the time limits referred to in Item 3 of Article 168b (2) herein.

(3) The information covered under Paragraph (1) shall be published on the Internet site of the respective Basin Directorate, as well as on the Internet site of the Ministry of Environment and Water.

(4) The notice that the information covered under Paragraph (1) has been made publicly available shall be published in two national daily newspapers and in the electronic mass communication media.

(5) Upon request, access shall be ensured to the documents and information used to develop the relevant drafts covered under Paragraph (1).

**Article 146q.** (New, SG No. 61/2010) (1) The drafts shall be made available to the public for comments:

1. for a period of two months: applicable to the drafts referred to in Items 1 and 2 of Article 146p (1) herein;

2. according to the time limits referred to in Article 168c (1) herein: applicable to the drafts referred to in Item 3 of Article 146p (1) herein.

(2) Within the time limit referred to in Paragraph (1), any person may consult the competent Basin Directorate regarding the documents covered under Article 146p (1) herein and to submit a written comment.

(3) The comments referred to in Paragraph (2) shall constitute an integral part of the documentation attached to flood risk management plans, as well as of the preliminary assessment, of the decisions and assessment referred to in Article 146b herein and of the maps covered under Section II of this Chapter.

**Article 146r.** (New, SG No. 61/2010) (1) The provisions of Articles 146p and 146q herein shall furthermore apply upon a review and/or updating of:

1. the flood risk management plans;

2. the preliminary assessment, the decisions and the assessment referred to in Article 146b herein;

3. the maps covered under Section II of this Chapter.

(2) The likely consequences of climate change for the hazard of floods shall be taken into account in the reviews and/or updating according to Paragraph (1).

# **Chapter Ten**

## **WATER MANAGEMENT**

### **Section I**

#### **General Dispositions**

**Article 147.** (Repealed, SG No. 65/2006).

**Article 148.** (1) Waters shall be managed at the national level and at the basin level.

(2) The river basin districts shall be designated according to the natural position of watersheds dividing the drainage areas of one or several major rivers within the territory of the Republic of Bulgaria.

(3) River basins as designated by this Act do not conform to the administrative divisions of Bulgaria and furthermore provide a basis for environmental management in basin terms.

(4) (New, SG No. 65/2006) Where a basin management district referred to in Paragraph (2) includes a transboundary watercourse, the said district shall pertain to an international basin management district.

(5) (Renumbered from Paragraph (4), SG No. 65/2006) Water development systems shall be managed in technological and basin terms in accordance with the conditions of the water use and water site use permits and for protection of waters and water sites.

**Article 148a.** (New, SG No. 65/2006, amended, SG No. 61/2010) (1) The Republic of Bulgaria shall participate in the development and coordination, jointly with other States, of policies, programmes and strategies for the protection of transboundary waters on the basis of the principles referred to in Item 4 of Article 2a herein.

(2) Jointly with the other states, the Republic of Bulgaria shall ensure:

1. coordination of the production of the single management plans for the international river basins which fall entirely within the territory of the European Union, and ensuring the achievement of good status of waters in the Bulgarian part of the international basin management districts;

2. fulfillment of the requirements of Article 156a to 156g herein and of the programmes of measures within the framework of the international basin management districts.

(3) The provision of Item 1 of Paragraph (2) shall furthermore apply, if possible, where the international river basins extend beyond the territory of the European Union, and if this is found to be impossible, the plan shall be implemented in the Bulgarian part of the international basin management districts.

(4) The implementation of the activities referred to in Paragraphs (1) and (2) may be carried out within the framework of existing structures created by virtue of international agreements, and where necessary upon fulfilment of the requirements of Item 2 of Paragraph (2), with the assistance of the European Commission.

(5) Officials designated on a motion by the Minister of Environment and Water shall represent the Republic of Bulgaria on the international commissions coordinating the activities referred to in Paragraphs (1) and (2).

(6) (Repealed, SG No. 44/2020, effective 14.05.2020).

**Article 149.** (1) (Amended, SG No. 65/2006) Waters, water sites and water development systems and facilities shall be managed on the basis of river basin management plans.

(2) (Amended, SG No. 21/2020, effective 13.03.2020) The plans referred to in Paragraph



(1) shall be open to public inspection and shall be consistent with other plans within the scope of the relevant territorial level, including with the integrated spatial development strategies for level 2 planning regions, spatial-development, forest-management, park-management and other such plans.

(3) (Amended, SG No. 65/2006) Any plans which do not conform to this Act and to the river basin management plans may be modified by the Council of Ministers on a motion by the Minister of Environment and Water.

**Article 149a.** (New, SG No. 65/2006) (1) The following shall be determined upon production of the management plans referred to in Article 149 herein:

1. environmental objectives;
2. waters intended for household and drinking water supply;
3. water protection zones;
4. programmes of measures.

(2) The river basin management plans shall be produced with characterization of the river management district.

## **Section II**

### **Water Management Authorities**

**Article 150.** (Amended, SG No. 65/2006) (1) The state water management policy shall be implemented by the Minister of Environment and Water, and in the cases referred to in Article 148a (1) herein, jointly with the Minister of Foreign Affairs.

(2) The drafts of international treaties, as well as of other international instruments such as declarations, programmes and memoranda, which pertain to waters on Bulgarian territory and the management thereof, shall be coordinated according to the procedure established by the International Treaties Act.

**Article 151.** (1) (New, SG No. 18/2005) The National Assembly shall adopt a National Strategy for Water Sector Management and Development which shall specify the basic objectives, stages, means and methods for the development of the water sector.

(2) (Previous text of Article 151, SG No. 18/2005) For the purposes of management at the national level:

1. the Council of Ministers shall:
  - (a) (repealed, SG No. 65/2006);
  - (b) (supplemented, SG No. 36/2006) grant an extraction concession for mineral waters constituting exclusive state property;
  - (c) (supplemented, SG No. 58/2015) adopt national programmes in the sphere of protection and sustainable use of waters, annual reports and the measures necessary for the implementation of the said programmes;
  - (d) permit use of waters for the purposes of national defence and national security;
  - (e) (amended, SG No. 65/2006) impose restrictions on the use of waters in unforeseeable or exceptional circumstances affecting individual parts of Bulgaria;
  - (f) (amended, SG No. 70/2004, effective 1.01.2005) determine the quantity of mineral waters referred to in Item 2 of Article 14 herein for use by medical-treatment facilities for hospital care on a reasoned motion by the Minister of Health;
  - (g) establish the rate schedules for fees charged on the grounds specified in this Act;
  - (h) (new, SG No. 18/2005) lay a National Strategy for Water Sector Management and Development before the National Assembly for approval;

(i) (new, SG No. 18/2005) adopt sectoral strategies in accordance with the basic objectives stated in the strategy referred to in Paragraph (1);

(j) (new, SG No. 61/2010, supplemented, SG No. 58/2015) adopt the river basin management plans and the flood risk management plans and national programmes for the implementation of the said plans;

2. the Minister of Environment and Water shall:

(a) (amended, SG No. 65/2006) implement the state water management policy;

(b) (amended, SG No. 65/2006) elaborate and lay a National Strategy for Water Sector Management and Development before the Council of Ministers for approval;

(c) (amended, SG No. 61/2010) move to the Council of Ministers for adoption:

(aa) the river basin management plans, and

(bb) the flood risk management plans;

(d) design national programmes in the sphere of protection and sustainable development of waters;

(e) (amended, SG No. 65/2006, SG No. 61/2010) endorse the areas referred to in Article 146d (1) herein;

(f) (amended and supplemented, SG No. 65/2006) issue water withdrawal and/or use permits in the cases provided under this Act, as well as flow regime schedules for withdrawal from the dam complexes and significant dams as listed in Annex 1 hereto;

(g) (supplemented, SG No. 65/2006, repealed, SG No. 61/2010);

(h) make the necessary arrangements, ensure financing, and propose the granting of concessions in the cases provided for in this Act;

(i) (amended, SG No. 65/2006, repealed, SG No. 61/2010);

(j) (amended, SG No. 65/2006) organise and manage water monitoring;

(k) develop the State policy of bilateral and multilateral cooperation in the sphere of use and protection of waters;

(l) (repealed, SG No. 61/2010);

(m) (repealed, SG No. 61/2010);

(n) consult the competent authorities on the initiation of procedures for the granting of concessions for water development systems and facilities constituting public State property;

(o) coordinate the performance of the activities referred to in Article 51 herein;

(p) (new, SG No. 81/2000, amended, SG No. 65/2006) approve the exploitable resources of mineral water occurrences and compile the water balances thereof;

(q) (new, SG No. 65/2006, amended, SG No. 61/2010) consult the implementation of projects by the authorities referred to in Article 10 herein, the regional governors, municipality mayors and scientific organizations related to the use, conservation and protection against water-related damage and loss;

(r) (new, SG No. 65/2006) designate the basin management districts pertaining to an international basin management region;

(s) (new, SG No. 65/2006) designate the sanitary protected areas:

(aa) of withdrawal facilities for mineral waters;

(bb) of withdrawal facilities located within the boundaries of national parks;

(cc) of the dam complexes and significant dams as listed in Annex 1 hereto used for drinking and household water supply;

(dd) in the cases where the sanitary protected area is located on the territory of multiple Basin Directorates;

(t) (new, SG No. 65/2006) designate vulnerable zones for protection of waters against

pollution caused by nitrates from agricultural sources;

(u) (new, SG No. 65/2006) designate vulnerable zones for protection of waters against pollution caused by nutrients;

(v) (new, SG No. 65/2006) determine the list of priority substances and priority hazardous substances;

(w) (new, SG No. 65/2006) endorse methodologies for investigation of waters in the cases where there are no Bulgarian standards, as well as methodologies for water monitoring data analysis;

(x) (new, SG No. 65/2006) establish and maintain a control and information system for the fees under Items 1 to 3 of Article 194 (1) herein;

(y) (new, SG No. 65/2006) coordinate the actions of the authorities referred to in Article 10 herein as regards the use of waters;

(z1) (new, SG No. 65/2006, repealed, SG No. 95/2009, new, SG No. 61/2010) allocate the functions for stewarding and maintenance of the points and stations referred to in Item 2 of Article 13 herein;

(z2) (new, SG No. 65/2006) establish limitations on use of waters and water sites, as well as specific measures for the protection thereof.

(3) (New, SG No. 65/2006) Through the Executive Director of the Executive Environment Agency, the Minister of Environment and Water shall:

1. conduct the laboratory and field tests for determining the status of waters;
2. (supplemented, SG No. 58/2015) implement water monitoring at the national level, including methodological guidance of the monitoring planning and clarification of the results;
3. maintain a geographical information system on waters at the national level;
4. prepare an annual report on the status of waters;
5. (new, SG No. 61/2010, amended, SG No. 103/2018, effective 1.01.2019) publish a periodic Bulletin on the Status of Water Resources in the Republic of Bulgaria on the basis of the monitoring data on the ecological and chemical status of waters and the data on water quantity provided by the National Institute of Meteorology and Hydrology to the Minister of Education and Science;

6. (new, SG No. 61/2010) create and maintain selective databases, maps, registers and a water information system.

(4) (New, SG No. 65/2006) Through the Regional Inspectorates of Environment and Water within the territorial scope thereof, the Minister of Environment and Water shall:

1. implement wastewater monitoring;
2. (supplemented, SG No. 61/2010) control installations generating wastewaters, including the treatment plans of the nucleated settlements, the parameters and implementation of the conditions and requirements in the wastewater discharge permits as issued and the integrated permits issued according to the procedure established by the Environmental Protection Act;
3. control emergency releases of wastewaters;
4. (amended, SG No. 61/2010) maintain a database of the monitoring data, including self-monitoring of the holders of permits as issued, on the quantitative and qualitative characteristics of wastewaters and on control of the status of wastewaters;
5. (supplemented, SG No. 61/2010) maintain up-to-date lists of installations that generate emissions of priority and priority hazardous substances, general and specific pollutants.

(5) (New, SG No. 65/2006) Through the directors of the national park directorates and within the boundaries of a national park, the Minister of Environment and Water shall:

1. control the observance of the prohibitions and restrictions within the boundaries of the

sanitary protected areas;

2. implement observation and control on the environmental media and factors affecting the status of waters.

(6) (New, SG No. 65/2006) The Minister of Environment and Water or an official empowered thereby shall participate in the National Expert Board on Spatial Development and Regional Policy upon consideration of:

1. development-project designs for construction, remodelling and rehabilitation of:

- (a) water-supply and sewerage systems and facilities;
- (b) hydropower and hydraulic engineering systems and facilities;
- (c) dam walls and the facilities appertaining thereto;
- (d) facilities for transfer of waters between river basins;
- (e) facilities for protection against water-related damage and loss;
- (f) ports, inland waterways and underwater dredge deposit areas;

2. (amended, SG No. 82/2012, effective 26.11.2012) spatial-development plans of the territory of the Black Sea coast, which cover beaches and sand dunes, the aquatic areas related thereto, as well as the lakes, lagoons, firths and wetlands adjoining the sea.

**Article 152.** (1) The following water basin management districts are hereby designated:

1. (Amended, SG No. 47/2009, effective 23.06.2009, supplemented, SG No. 61/2010) Danube District, with headquarters in Pleven, covering the drainage areas of the Iskur, the Erma, the Nishava, the Ogosta and the territory west of the Ogosta River, the Vit, the Ossum, the Yantra and the Rusenski Lom and Danube Dobrudzha rivers and the waters of the River Danube;

2. (Amended, SG No. 47/2009, effective 23.06.2009) Black Sea District, with headquarters in Varna, covering the drainage areas of the rivers emptying into the Black Sea between the northern border and the southern border, including the internal marine waters and the territorial sea;

3. (Amended and supplemented, SG No. 47/2009, effective 23.06.2009) East Aegean Sea District, with headquarters in Plovdiv, for the drainage areas of the Toundja, the Maritsa, the Arda and the Byala Reka rivers;

4. (Amended and supplemented, SG No. 47/2009, effective 23.06.2009) West Aegean Sea District, with headquarters in Blagoevgrad, for the drainage areas of the Mesta, the Struma and the Dospat rivers.

(2) (Amended, SG No. 47/2009, effective 23.06.2009) The boundaries of the districts shall follow the watersheds dividing the drainage areas of the rivers within the national territory.

(3) (New, SG No. 65/2006) In the cases where groundwaters do not follow a particular river basin, they shall also be identified by an order of the Minister of Environment and Water and the waters shall be joined to the nearest and most appropriate water basin management district.

(4) (New, SG No. 65/2006) Within the boundaries of each water basin management district, the Minister of Environment and Water may issue an order designating sub-basins for one or more of the rivers referred to in Paragraph (1).

**Article 153.** For the purposes of water basin management, in the districts as designated under Article 152 herein, there shall be established:

- 1. Basin Directorates with the Ministry of Environment and Water;
- 2. Basin Boards.

**Article 154.** (1) Basin Directorates shall be established by an order of the Minister of Environment and Water, which shall be promulgated in the State Gazette.

(2) The operation, organization of work and complement of the Basin Directorates shall be

determined by Rules issued by the Minister of Environment and Water.

(3) (Amended, SG No. 61/2010) The Basin Directorate Director shall implement the state water management policy at the basin level.

(4) (New, SG No. 61/2010) On an annual basis, the Basin Directorate Director shall submit a plan and a report on the operation of the Directorate to the Minister of Environment and Water.

(5) (Renumbered from Paragraph (4), amended, SG No. 61/2010) The operation of the basin directorates shall be coordinated and controlled by the Ministry of Environment and Water.

**Article 155.** (1) (Previous text of Article 155, SG No. 65/2006, amended, SG No. 58/2015) The Director of a Basin Directorate shall implement the State policy at the basin level and, to this end, shall:

1. (amended, SG No. 29/2006, amended and supplemented, SG No. 49/2014) delimit the boundaries of waters and water sites constituting public state property jointly with the technical services of municipalities and the Geodesy, Cartography, and Cadastre Offices;

2. (amended, SG No. 65/2006, SG No. 61/2010) produce:

(a) the river basin management plan;

(b) the preliminary assessment referred to in Article 146b (1) herein, the maps covered under Section III of Chapter Nine herein and the flood risk management plan;

3. issue the permits under this Act;

4. (amended, SG No. 65/2006) plan and participate in the monitoring of waters, summarise and analyse the data, including;

(a) on precipitation and on surface-water and groundwater levels;

(b) on the chemical and ecological status of waters;

(c) on wastewaters;

5. (amended, SG No. 65/2006) maintain selective databases, maps, registers and an information system on waters and keep the registers referred to in Item 1 of Article 182 (1) herein;

6. (amended, SG No. 61/2010) collect fees for the permits;

7. (amended, SG No. 65/2006) design programmes of measures for improvement, protection and maintenance of the status of waters;

8. (amended, SG No. 65/2006, SG No. 98/2010, effective 1.01.2011) determine the surface waters intended for household and drinking water supply in consultation with the directors of the regional health inspectorates;

9. (amended, SG No. 65/2006) determine the waters for support of fish life and shellfish;

10. steward waters constituting exclusive state property wherefor no concession has been granted;

11. (amended, SG No. 65/2006, repealed, SG No. 61/2010);

12. (new, SG No. 65/2006) designate the sanitary protected areas around the household and drinking water supply facilities, excluding those referred to in Item 2 (t) of Article 151 (2) herein;

13. (new, SG No. 65/2006, amended, SG No. 61/2010, repealed, SG No. 58/2015);

14. (new, SG No. 65/2006) compile the water balances, with the exception of the balances of mineral water occurrences;

15. (new, SG No. 65/2006) conduct the public discussion on the river basin management plans;

16. (new, SG No. 65/2006) affix lead seals to the meters measuring the used water quantities from groundwaters and check the readings thereof, as well as the readings of the metering devices for surface waters and for the wastewater discharge facilities;

17. (new, SG No. 65/2006) issue periodic bulletins on the status of waters;

18. (new, SG No. 65/2006) create and maintain specialized database on the control implemented by the Basin Directorate and the control effected under this Act by other persons empowered by the Minister of Environment and Water;

19. (new, SG No. 65/2006, amended, SG No. 61/2010) accept the completed groundwater facilities intended for water withdrawal;

20. (new, SG No. 65/2006, amended and supplemented, SG No. 61/2010) implement cooperation with the competent authorities for basin management and for flood risk management of other States in accordance with the state policy for bilateral and multilateral cooperation and after coordination according to the statutorily established procedure in international river basin management districts;

21. (new, SG No. 61/2010) undertake the assessment of the status of water bodies;

22. (new, SG No. 61/2010) give prescriptions within the limits of the competences vested therein under this Act;

23. (new, SG No. 61/2010, amended, SG No. 12/2017) issue opinions on the eligibility of investment proposals which are subject to the procedure referred to in Chapter VI of the Environmental Protection Act and/or under Article 31 of the Biological Diversity Act for their compliance with the river basin management plan and/or with the plan for flood risk management, with content stipulated in the ordinances under Article 135, paragraph 1, items 1a, 2 and 13; the opinions shall be published on the Internet pages of the basin directorates.

(2) (New, SG No. 65/2006) The Basin Directorate Director or an official empowered thereby shall participate in the regional, municipal or borough spatial development councils whereat he/she shall present a written opinion of the Basin Directorate upon consideration of:

1. development-project designs for construction, remodelling and rehabilitation of:

(a) water-supply and sewerage systems and facilities, including treatment plants for drinking water or for wastewater;

(b) hydro-power and hydraulic-engineering systems and facilities for which permits have been issued according to the procedure established by this Act, including for protection against water-related damage and loss;

2. (amended, SG No. 82/2012, effective 26.11.2012) spatial-development plans for spatial-development areas including ports, beaches and sand dunes and the aquatic areas related thereto.

(3) (New, SG No. 58/2015) The Director of the Water Management Basin Directorate for the Black Sea District shall plan, develop, update and report the implementation of the Marine Strategy and the programme of measures to achieve good status of the marine environment according to the Ordinance referred to in Item 19 of Article 135 (1) herein.

**Article 155a.** (New, SG No. 65/2006) (1) The Minister of Health shall:

1. (effective 12.08.2007 - SG No. 65/2006, supplemented, SG No. 61/2010) permit the use of waters for human consumption in the cases where they do not satisfy the legally established requirements according to a procedure established by the Ordinance referred to in Item 3 of Article 135 (1) herein;

2. (supplemented, SG No. 61/2010, repealed, SG No. 98/2018, effective 27.11.2018);

3. direct the monitoring of the quality of waters used for human consumption and of the mineral waters used for therapy, preventive care, drinking and household use, bottling, hygienic use, sports and recreation and summarise the results at the national level;

4. (supplemented, SG No. 58/2015) issue, or empower an official designated thereby, certificates and integral hydrotherapeutic assessments of mineral waters;

5. coordinate the sanitary protected areas referred to in Item 2 (s) of Article 151 (2) herein;

6. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 98/2018, effective 27.11.2018).

(2) (Amended, SG No. 98/2010, effective 1.01.2011) Use of the waters referred to in Item 1 of Paragraph (1) may also be permitted by directors of regional health inspectorates empowered by the Minister of Health.

(3) (Amended, SG No. 98/2010, effective 1.01.2011) Through the regional health inspectorates, the Minister of Health shall:

1. inform consumers in the cases where deviations in the quality of water under Item 3 of Paragraph (1) are detected, where the said deviations may pose a risk to health;

2. monitor and control the quality of waters under Item 3 of Paragraph (1);

3. create and maintain a database and summarise the results of the monitoring and control implemented;

4. coordinate the sanitary protected areas around the facilities for household and drinking water supply, with the exception of the cases referred to in Item 5 of Paragraph (1);

5. control the observance of the sanitary and hygiene requirements within the boundaries of the sanitary protected areas;

6. make available to the water management Basin Directorates:

(a) periodically, information about the implemented monitoring and control of surface waters intended for household and drinking water supply, and of the bathing waters;

(b) within seven days, information in the cases where deviation in the quality of water used for human consumption is detected, where there is reason to assume that this is due to a changed status of the water body from which the water is abstracted.

(4) (New, SG No. 98/2018, effective 27.11.2018) The procedure for approval of materials, reagents and biocides that come into contact with waters intended for human consumption is laid down in the Ordinance referred to in Item 3 of Article 135 (1) herein.

**Article 156.** (1) A Basin Board shall be a state-cum-public advisory commission assisting the operation of the Basin Directorate.

(2) (Amended, SG No. 65/2006) A Basin Board shall comprise representatives of the state administration, the local administration, the water users and not-for-profit legal entities within the scope of the basin, as well as representatives of research organizations concerned with water issues.

(3) The operation, structure, organization of operations and staff size of the Basin Boards shall be determined by Rules of Organization, issued by the Minister of Environment and Water.

(4) The members of the Basin Boards shall receive no remuneration for the work thereof.

## **Section III**

### **(New, SG No. 65/2006)**

## **Environmental Objectives**

**Article 156a.** (New, SG No. 65/2006) (1) The environmental objectives referred to in Item 1 of Article 149a (1) herein as regards water quantity and quality shall be determined in the case of:

1. surface waters for:

(a) prevention of deterioration in the status of all surface water bodies;

(b) protection, enhancement and restoration of all surface water bodies with the aim of achieving good surface water status;

(c) protection and enhancement of water quality in all artificial and heavily modified water

bodies with the aim of achieving good ecological potential and good surface water chemical status;

(d) prevention, progressive reduction and cessation or phasing out of pollution from emissions, discharges and losses of priority and priority hazardous substances;

2. groundwaters for:

(a) prevention or limitation of the input of pollutants into groundwaters and prevention of the deterioration in the status of all groundwater bodies;

(b) protection, enhancement and restoration of all groundwater bodies, ensuring a balance between water withdrawal and recharge of groundwaters with the aim of achieving good groundwater status;

(c) (amended, SG No. 61/2010) identification and reversal of any significant and sustained upward trend in the concentration of any pollutant in order progressively to reduce groundwater pollution;

3. (new, SG No. 58/2015) the water protection zones referred to in Article 119a herein for achievement of the purposes of the legislation by virtue of which the zone has been designated or declared.

(2) The measures and time limits for achievement of the environmental objectives referred to in Paragraph (1) shall be set out in the river basin management plans.

(3) In the cases where more than one of the objectives covered under Paragraph (1) relates to a water body, the more stringent shall apply.

**Article 156b.** (New, SG No. 65/2006) (1) A surface water body may be designated as artificial or heavily modified where:

1. (supplemented, SG No. 61/2010) the changes to the hydromorphological characteristics of the water body, which would be necessary for achievement of good ecological status, would have significant adverse impacts on:

(a) the environment;

(b) navigation, port facilities and places for recreation and sports;

(c) the activities for the performance of which impoundment is necessary for household and drinking water supply, irrigation or for the production of electricity;

(d) water regulation, flood protection, land drainage;

(e) other equally important sustainable development activities;

2. (supplemented, SG No. 58/2015) the beneficial objectives served by the artificial or heavily modified characteristics of the water body cannot be achieved by other means, which are a significantly better environmental option, for reasons of technical feasibility or disproportionate costs.

(2) (Supplemented, SG No. 61/2010) Designation of the bodies under Paragraph (1), as well as the reasons and grounds for designation of each water body and the updating thereof, shall be effected every six years by the river basin management plans.

**Article 156c.** (New, SG No. 65/2006) The time limits under Article 156a (2) herein may be extended by the updating of the river basin management plans for the phased achievement of the environmental objectives in the cases where no further deterioration occurs in the status of the affected water body and all of the following conditions are met:

1. the competent authority establishes that it is impossible to achieve improvement in the status of water bodies within the timescales set out under Article 156a (2) herein where:

(a) the improvements required can only be achieved in phases exceeding the timescales for reasons of technical feasibility;

(b) the improvement in the status of waters within the timescales is disproportionately



expensive;

(c) natural conditions do not allow timely improvement in the status of the water body;

2. the river basin management plan states;

(a) the extension of the deadline and sets out the reasons therefor;

(b) the measures for phased bringing water bodies to the required status within the period under Item 3, the timetable for the application thereof and the reasons for any significant delay;

3. the extension is limited to a maximum of two further updates of the river basin management plan, except in cases where the natural conditions are such that the objectives cannot be achieved within this period;

4. (amended, SG No. 61/2010) the river basin management plan or the update thereof includes:

(a) a list of the measures which are envisaged as necessary for the gradual achievement of the required status of the water body within the extended time limit;

(b) justification of the reasons for the delay of the implementation of these measures and the expected timeframe for the implementation thereof;

(c) a review of the application of these measures within the preceding plan and a list of all additional measures which must be implemented during the period of the current plan.

**Article 156d.** (New, SG No. 65/2006) The environmental objectives may be less stringent for specific water bodies where the analysis and the review referred to in Items 1 and 2 of Article 156h herein determine that they are so affected by human activity or their natural condition is such that the achievement of the environmental objectives under Article 156a (1) herein is infeasible or disproportionately expensive and where all the following conditions are met:

1. the environmental and socio-economic needs, served by such activity cannot be achieved by such means guaranteeing a significantly better environmental option at comparable costs;

2. there are impacts that could not have been avoided due to the nature of the human activity or pollution and the following have been achieved:

(a) the highest ecological and chemical status possible for surface waters;

(b) the least possible changes to good groundwater status;

3. no further deterioration occurs in the status of waters in the affected water body;

4. the reasons for establishing less stringent environmental objectives are mentioned in the river basin management plan and these objectives are reviewed every six years.

**Article 156e.** (New, SG No. 65/2006, amended, SG No. 61/2010) Temporary deterioration in the status of water bodies shall not be considered a violation of this Act where it is the result of natural causes or unforeseeable or exceptional circumstances, including extreme floods and prolonged droughts, or the result of circumstances due to accidents which could not have been foreseen, in the cases where:

1. (amended, SG No. 61/2010) all practicable steps are taken:

(a) to prevent further deterioration in the status of the water body, and

(b) in order not to compromise the achievement of the objectives of this Act in other water bodies not affected directly by those circumstances;

2. the river basin management plan states the circumstances that can be defined as unforeseeable or exceptional;

3. the measures to be taken under unforeseeable or exceptional circumstances are included in the programme under Section V and will not compromise the restoration of the status of the water body once the said circumstances are over;

4. (supplemented, SG No. 58/2015) the effects of these circumstances are reviewed annually, and in the cases referred to in Item 1 of Article 156c herein, all practicable measures are

taken with the aim of restoring the water body to its status prior to the effects of those circumstances as soon as reasonably practicable;

5. the next update of the river basin management plan includes a summary of the effects of these circumstances, of the measures taken and to be taken in accordance with Items 1 and 4.

**Article 156f.** (New, SG No. 65/2006) (1) (Supplemented, SG No. 61/2010, amended, SG No. 58/2015) There shall be no violation of this Act in the cases of:

1. failure to achieve good ecological status of surface waters or good ecological potential of heavily modified water bodies, or failure to prevent deterioration in their status is the result of a new modification to the physical characteristics of the surface water body;

2. failure to prevent deterioration from high status to good status of a surface water body as a result of new sustainable human development activities with socio-economic effect;

3. failure to achieve good groundwater status, or failure to prevent deterioration in the status of such groundwaters as a result of alterations to the levels of the said waters.

(2) In the cases referred to in Paragraph (1), the following conditions must be met:

1. all practicable steps have been taken to mitigate the adverse impact on the status of the water body;

2. the reasons for the established modifications or deviations have been specifically set out and explained in the river basin management plan and these objectives have been reviewed every six years;

3. the reasons for these modifications or deviations must be of public interest or the benefits therefrom to human health and human safety or to sustainable development must outweigh the benefits to the environment and to society of achieving the objectives under Article 156a (1) herein;

4. for reasons of technical feasibility or disproportionate cost, the beneficial objectives served by these modifications or deviations in the status of the water body cannot be achieved by other means, which are a better environmental option.

(3) (New, SG No. 58/2015) The programmes of measures referred to in Item 1 (a) of Article 156m (2) herein shall plan environmental impact assessment measures for activities that may lead to failure to achieve good status or potential of the water body concerned or to deterioration in the status thereof in connection with:

1. a new modification to the physical characteristics of the surface water bodies;

2. abstraction of surface waters, where:

(a) the sum total of the design water quantity and the water quantities already permitted for abstraction exceed 60 per cent of the permanent freshwater resources, with 95 per cent availability for the respective river basin;

(b) upon the abstraction of the design water quantity and the already permitted other abstractions, there is a risk of failing to guarantee the minimum permissible streamflow into the river during the period of low water of the river;

3. abstraction of groundwaters by means of existing or by means of new withdrawal facilities, where:

(a) the permitted abstraction from the water body exceeds 60 per cent of the available groundwater resources for the preceding year;

(b) the monitoring of levels shows a lowering of the water levels at the monitoring points.

(4) (New, SG No. 58/2015) The programmes of measures referred to in Item 1 (a) of Article 156m (2) herein shall furthermore plan environmental impact assessment measures for:

1. all new activities in water bodies in which the status is lower than good and the activity concerned is the pressure which contributes to this situation, including the construction of dams and hydroelectric power plants, abstraction of surface waters and groundwaters;

2. water bodies for which exceptions under Paragraph (1) have been applied in the preceding river basin management plan.

(5) (New, SG No. 58/2015) In the cases under Paragraphs (3) and (4), where the development proposal falls under the scope of Annex 2 to the Environmental Protection Act, when the need of conduct of an environmental impact assessment is evaluated, the following shall be taken into consideration:

1. the fulfilment of the requirements under Paragraph (2);

2. the alternative solutions under Paragraph (7) for the development proposal concerned.

(6) (New, SG No. 58/2015) The assessment of the cumulative impact of all activities already permitted within the limits of the water body shall be taken into consideration in the cases under Paragraphs (3) and (4) for each development proposal.

(7) (New, SG No. 58/2015) An evaluation of the fulfilment of the requirements under Paragraph (2) shall be included for each development proposal falling within the scope of Paragraphs (3) and (4), including for each alternative solution, and to this end:

1. the proposed measures to mitigate the adverse impact on the status of the water body and other related environmental media shall be considered;

2. the benefit to the public or to human health and safety, or to sustainable development, shall be assessed, and the said benefits shall be compared to the benefits to the environment and to the public from the achievement of good status of waters;

3. the other possible variants for achieving the benefits from the development proposal, which are technically feasible and do not require disproportionate costs and which will not lead to changes or deviations in the status of the water body, shall be assessed, and the reasons for selecting an alternative leading to such changes and deviations shall be justified.

(8) (New, SG No. 58/2015) Where any activities referred to in Paragraphs (3) and (4) do not fall within the scope of Annex 1 and Annex 2 to the Environmental Protection Act, the

assessments under Paragraph (7) shall be conducted within the framework of the environmental assessment of the river basin management plans.

(9) (New, SG No. 58/2015) The specific criteria for conduct of the assessments under Paragraphs (6) to (8) shall be determined by a methodology for application of the exceptions under Articles 156b to 156f herein, approved by the Minister of Environment and Water.

(10) (New, SG No. 58/2015) The assessments referred to in Paragraphs (6) to (8) shall be included in the river basin management plans as a justification of the exceptions applied under Paragraph (1).

**Article 156g.** (New, SG No. 65/2006, amended, SG No. 61/2010) When applying the provisions of Articles 156b to 156f herein:

1. it shall be inadmissible to permanently plan exclusions and compromises in the achievement of good status of other water bodies within the basin management district;

2. steps shall be taken to ensure conformity with the requirements for the application of the other environmental national acts and the environmental acts of the European Union.

(2) The provisions of Articles 156b to 156e herein shall apply:

1. solely to individual water bodies identified in the river basin management plan, subject to the condition that the achievement of the objectives of this Act for other water bodies is not impeded;

2. in such a way as to ensure the observance of the national acts and the acts of the European Union in the sphere of water protection.

## **Section IV**

### **(New, SG No. 65/2006)**

## **Characterization of the Water Basin Management District**

**Article 156h.** (New, SG No. 65/2006) The following shall be undertaken for each water basin management district or for the part of an international district:

1. an analysis of the characteristics thereof,

2. a review of the impact of human activity on the status of surface waters and groundwaters, and

3. (amended, SG No. 47/2009, effective 23.06.2009) an economic analysis of water use under Item 1 of Article 192 (2) herein.

**Article 156i.** (New, SG No. 65/2006) (1) (Supplemented, SG No. 61/2010) The analysis referred to in Item 1 of Article 156h herein shall be undertaken under terms and according to a procedure established by the ordinance referred to in Item 2 of Article 135 (1) herein and the ordinance referred to in Item 9 of Article 135 (1) herein.

(2) The following shall be identified upon undertaking the analysis referred to in Paragraph (1):

1. the surface water bodies and groundwater bodies;

2. the heavily modified and artificial surface water bodies;

3. the types of surface water bodies for each category:

(a) rivers;

(b) lakes;

(c) transitional waters;

(d) coastal waters;

4. (new, SG No. 58/2015) damming facilities which disturb the continuity of the rivers.

**Article 156j.** (New, SG No. 65/2006) The review of the impact referred to in Item 2 of Article 156h herein shall include identification of the water bodies which are at risk of failing to achieve the environmental objectives set.

**Article 156k.** (New, SG No. 65/2006) The information covered under Articles 156h to 156j herein shall be reviewed and, if necessary, shall be updated every six years after the first update.

## **Section V**

### **(New, SG No. 65/2006)**

## **Programmes of Measures for Water Protection and Restoration**

**Article 156l.** (New, SG No. 65/2006) (1) A programme of measures taking into consideration the analyses under Section IV and the objectives under Section III shall be designed for each basin management district and for each part of an international basin management district.

(2) The Minister of Environment and Water may determine measures applicable to all water basin management districts and/or to the parts of the international basin management districts.

**Article 156m.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010) Each programme shall include basic and, where necessary, supplementary measures.

(2) The basic measures shall ensure compliance with the minimum mandatory requirements and shall consist of:

1. (amended, SG No. 61/2010) the measures necessary for the application of this Act, the instruments of secondary legislation on the application thereof and other environmental statutory instruments relevant to waters, including the measures required for:

(a) application of the combined approach to point and diffuse sources, the procedures for environmental impact assessment and for integrated pollution control;

(b) protection of waters intended for human consumption and bathing waters;

(c) protection of birds and habitats;

(d) protection of waters against pollution caused by nitrates, by plant protection chemicals and in major industrial accidents;

(e) treatment of wastewaters generated by nucleated settlements and treatment and recovery of wastewater sludge;

2. the measures that provide application of the principle of fuller recovery of the costs of water services, including resource costs and environmental costs;

3. the measures to promote an efficient and sustainable water use in order to achieve the environmental objectives under Section III;

4. the measures for protection of waters for household and drinking water supply, including the measures to safeguard the quality thereof, with a view to reducing the level of purification treatment required for the production of drinking water;

5. controls over the withdrawals of fresh surface waters and groundwaters, impoundment of fresh surface waters, which shall include:

(a) issuance of water withdrawal permits;

(b) entry of the permits referred to in Littera (a) into the registers referred to in Articles 182

and 183 herein;

(c) periodical review and updating of the controls;

6. (supplemented, SG No. 61/2010) controls of artificial recharge of groundwaters for recharge or augmentation of the resources of the groundwater bodies, which shall include:

(a) (supplemented, SG No. 61/2010) issuance of a permit for artificial recharge of groundwaters, where the water used for artificial recharge may be derived from any surface water body or groundwater body whereof the water quality does not compromise the achievement of the environmental objectives established for the recharged or augmented groundwater body;

(b) (amended, SG No. 61/2010) periodical review and updating of the permit;

7. emission controls by imposing prohibitions on the entry of pollutants from point sources of pollution or requirements for the issuance of permits and periodical review and updating of the controls;

8. imposing prohibitions on the entry of pollutants from diffuse sources of pollution and measures to prevent or control the pollution, including through introduction of requirements in the cases where such are not provided for in national legislation, as well as the periodical review and updating of the controls;

9. (supplemented, SG No. 58/2015) measures for the prevention and reduction of any other significant adverse impacts on the status of waters identified upon the review referred to in Item 2 of Article 156h herein with a view to ensuring that the hydromorphological conditions of the water bodies are consistent with the achievement of the required ecological status or good ecological potential for water bodies designated as artificial or heavily modified, including the issuance and review and, where necessary, the ex officio modification or termination of the surface water withdrawal permits under Article 44 herein and the water site use permits under Article 46 (1) herein;

10. measures for the cessation of pollution of surface waters from priority substances and for progressive reduction of pollution by other substances which would otherwise prevent the achievement of the environmental objectives as set out in Article 156a herein;

11. (amended, SG No. 61/2010) other measures for the prevention of substantial losses of pollutants from technical installations and for the prevention and/or reduction of the impact of accidental pollution incidents as a result of floods that include:

(a) systems to detect or give warning of such events;

(b) all appropriate measures for reduction of the risk to aquatic ecosystems in the case of accidents which could not have been foreseen;

12. (new, SG No. 61/2010) specific measures aimed at achieving good groundwater chemical status and at protecting groundwaters against pollution and deterioration, as specified by the Ordinance referred to in Item 2 of Article 135 (1) herein.

(3) (Amended, SG No. 61/2010) The supplementary measures shall be designed and implemented in addition to the basic measures with the aim of achieving the objectives under Section III and may be:

1. legislative instruments;

2. administrative instruments;

3. economic and/or financial instruments;

4. negotiated environmental agreements;

5. emission controls;

6. codes of good practice;

7. restoration and creation of wetlands areas;

8. water withdrawal controls;

9. demand management measures, including promotion of use of low water requiring technologies in agriculture, industry and households in areas affected by drought;
10. water efficiency and reuse measures in industry;
11. construction projects;
12. desalination plants;
13. rehabilitation or remodelling projects;
14. artificial recharge of groundwaters;
15. educational projects;
16. research, development and demonstration projects;
17. other relevant measures.

(4) In addition to the measures under Paragraphs (2) and (3), the programmes of measures may also contain further measures to provide for additional protection and restoration of waters, including the implementation of international agreements to which the Republic of Bulgaria is a party.

**Article 156n.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010) Where monitoring or other data indicate that the environmental objectives for a particular water body are unlikely to be achieved through the measures provided and/or within the time limit set, additional measures for the said water body shall be planned to achieve these objectives, including:

1. investigation of the causes of the possible failure;
2. (amended, SG No. 58/2015) review and modification of the permits issued as appropriate;
3. review and adjustment of the monitoring programmes as appropriate;
4. (amended, SG No. 61/2010, SG No. 58/2015) where necessary, taking other measures, including establishment of more stringent quality standards than the standards defined in the ordinances referred to in Items 2, 9 and 17 of Article 135 (1) herein, including individual emission limit values according to the procedure established by the Ordinance referred to in Item 13 of Article 135 (1) herein.

(2) Where the causes referred to in Item 1 of Paragraph (1) are the result of exceptional and unforeseeable circumstances, including floods and prolonged droughts, additional measures may not be implemented under the terms established by Article 156e herein.

**Article 156o.** (New, SG No. 65/2006) Implementation of the programmes of measures may not lead, either directly or indirectly, to increased pollution of surface waters and marine waters, as well as of the environment.

**Article 156p.** (New, SG No. 65/2006) (1) The programmes of measures shall be designed within the framework of the river basin management plans;

(2) The programmes shall be reviewed and, if necessary depending on the results achieved, shall be updated every six years.

(3) All new or reviewed measures established under the updated programme shall be made operational within three years after the endorsement thereof.

## **Section VI**

### **(Renumbered from Section III, SG No. 65/2006)**

### **River Basin Management Plans**

### **(Heading amended, SG No. 65/2006)**

**Article 157.** (Amended, SG No. 65/2006) (1) (Previous text of Article 157, SG No.

61/2010) River basin management plans shall be produced for each water basin management district and shall cover the following elements:

1. a general description of the characteristics of the basin management district according to Section IV, including:

(a) for surface waters:

(aa) mapping of the location and boundaries of surface water bodies;

(bb) mapping of the ecoregions and of the surface water body types;

(cc) identification of reference conditions for the surface water body types;

(b) for groundwaters: mapping of the location of groundwater bodies;

2. a summary of significant types of pressure and impact of human activity on the status of surface waters and groundwaters, including:

(a) estimation of point source pollution;

(b) estimation of diffuse source pollution, including a summary of land use;

(c) assessment of the impact on water quantity, including water withdrawals;

(d) analysis of other impacts of human activity on the status of waters;

3. identification and mapping of water protection zones;

4. maps of the monitoring networks established for surface water, groundwater and of the water protection zone networks;

5. presentation in map form of the results of the monitoring concerning:

(a) the ecological and chemical status of surface waters;

(b) the quantitative and chemical status of groundwaters;

(c) the water protection zones;

6. a list of the environmental objectives for surface water and groundwater bodies and the water protection zones, including the cases referred to in Articles 156c to 156f herein and the associated information;

7. (amended, SG No. 47/2009, effective 23.06.2009) a summary of the economic analysis of water use;

8. a summary of the programmes of measures to achieve the environmental objectives, including:

(a) a list of the measures referred to in Item 1 of Article 156m (2) herein;

(b) a report on the practical steps and a list of the measures referred to in Item 1 of Article 156m (2);

(c) a list of the measures referred to in Item 4 of Article 156m (2) herein;

(d) a list of the measures referred to in Items 5 and 6 of Article 156m (2) herein, including reference to the registers of water withdrawal permits and of the cases where the water withdrawal or impoundment have no significant impact on the status of waters;

(e) a list of the measures referred to in Items 7 and 9 of Article 156m (2) herein;

(f) an identification of the cases of authorized direct input of pollutants into groundwaters in accordance with Items 2, 3, 4, 7 and 9 of Article 118a (2) herein;

(g) a list of measures for the prevention of pollution of waters from priority substances;

(h) a list of measures for the prevention or reduction of impact of accidental pollution incidents;

(i) a list of the measures pursuant to Article 156n herein;

(j) a description of the supplementary measures;

(k) a description of the measures referred to in Article 156o herein for the prevention of marine water pollution;

9. a register of all other detailed programmes and plans within the scope of the basin



management district dealing with particular sub-basins, sectors, issues or water types, together with a summary of the contents thereof;

10. a list of the public information and consultation measures, their results and the changes to the plan made as a consequence;

11. designation and address of the competent water management authority's;

12. (supplemented, SG No. 61/2010) contact points and the procedures for obtaining documentation and information under Section VII, as well as details of the programmes of measures and the monitoring data gathered in accordance with the provisions of Section VIII and of the Ordinance referred to in Item 14 of Article 135 (1) herein.

(2) (New, SG No. 61/2010) The Basin Directorate directors shall participate in the production of single international river basin management plans for international river basins falling entirely within the territory of the European Union.

(3) (New, SG No. 61/2010) To achieve the objectives of this Act, where a single plan has not been produced according to Paragraph (2), the Basin Directorate directors shall produce river basin management plans covering those parts of the international basin which fall within their territory.

**Article 158.** (1) (Amended, SG No. 65/2006) Forecasts of water demand for the various economic sectors and for the political units shall be used upon production of river basin management plans.

(2) (Amended, SG No. 61/2010) Central-government departments and public-financed research institutes and water users whose activity has a significant impact on the status of waters shall be obligated to provide gratuitously the relevant information available thereto for:

1. producing and updating the river basin management plans;
2. the flood risk assessment and the flood risk management plans, and
3. the implementation of the relevant measures in the effective plans referred to in Items 1 and 2.

(3) (New, SG No. 61/2010, repealed, SG No. 98/2018, effective 27.11.2018).

**Article 159.** (Amended, SG No. 65/2006) (1) The river basin management plans shall be reviewed and updated every six years:

(2) (Supplemented, SG No. 61/2010) In addition to the information covered under Article 157 (1) herein, the update of the plan shall also contain:

1. a list of any changes or updates since the publication of the previous plan, including a summary of the circumstances covered under Articles 156c to 156f herein;
2. an assessment of the progress made towards the achievement of the environmental objectives including presentation of the monitoring results for the period of the previous plan and an explanation of the reasons for failing to reach any objectives;
3. a list of measures foreseen in the previous plan which have not been undertaken, as well as an explanation of the reasons thereof;
4. a list of the supplementary measures under Article 156n herein, foreseen in the previous plan.

**Article 159a.** (New, SG No. 61/2010) The preliminary risk assessment, the assessment and the decisions referred to in Article 146b herein shall be reviewed and updated every six years.

**Article 160.** (Amended, SG No. 65/2006, SG No. 61/2010) The river basin management plans and the updates thereof shall be adopted by the Council of Ministers on a motion by the Minister of Environment and Water.

**Article 161.** (Repealed, SG No. 65/2006).

**Article 162.** (Repealed, SG No. 65/2006).

**Article 163.** (Repealed, SG No. 65/2006).

**Article 164.** (Repealed, SG No. 65/2006).

**Article 165.** (Repealed, SG No. 65/2006).

**Article 166.** (Repealed, SG No. 65/2006).

**Article 167.** (Repealed, SG No. 65/2006).

**Article 168.** (Repealed, SG No. 65/2006).

## **Section VII**

### **(New, SG No. 65/2006)**

### **Public Information and Consultation**

**Article 168a.** (New, SG No. 65/2006) Upon the production, review and updating of the river basin management plans information shall be provided to the public on the measures planned and the results achieved from the implementation thereof.

**Article 168b.** (New, SG No. 65/2006) (1) The following shall be published and announced to the public, including to the water users, and for consultations and written comments for each basin management district:

1. a timetable and work programme for the production of the river basin management plan and the public discussions to be held;

2. an interim review of the water management issues identified;

3. draft of a river basin management plan.

(2) The information covered under Paragraph (1) shall be made available to the public:

1. under Item 1 - at least three years before the commencement of the period covered by the plan;

2. under Item 2 - at least two years before the commencement of the period covered by the plan;

3. under Item 3 - at least one year before the commencement of the period covered by the plan.

(3) The information covered under Paragraph (1) shall be published on the Internet site of the respective Basin Directorate, as well as on the Internet site of the Ministry of Environment and Water.

(4) The notice that the information covered under Paragraph (1) has been made public shall be published in two national daily newspapers and in the electronic mass communication media.

(5) In the cases referred to in Item 3 of Paragraph (1) and upon request, access shall be given to the documents and the information used to produce the draft river basin management plan.

**Article 168c.** (New, SG No. 65/2006) (1) The documents referred to in Article 168b (1) herein shall be made public for comments for a period of six months.

(2) Within the period referred to in Paragraph (1), any person may consult the respective Basin Directorate as regards the documents under Article 168b (1) herein and may submit a comment in writing.

(3) The comments referred to in Paragraph (2) shall constitute an integral part of the documentation attached to the river basin management plans.

**Article 168d.** (New, SG No. 65/2006) The provisions of Articles 168b and 168c herein shall apply upon updating of the river basin management plan.

## **Section VIII**

**(Renumbered from Section IV, SG No. 65/2006)**  
**Monitoring of Waters and of Water Protection Zones**  
**(Heading amended, SG No. 65/2006)**

**Article 169.** (Amended, SG No. 65/2006) (1) Monitoring of waters and water protection zones shall ensure a coherent and comprehensive review of the status of waters within each basin management district.

(2) The monitoring shall be implemented under programmes approved by the Minister of Environment and Water and developed by the Basin Directorates in accordance with the specificity of the water bodies and the characteristics thereof.

(3) The review referred to in Paragraph (1) and the programmes referred to in Paragraph (2) shall be part of the national environmental monitoring system.

**Article 169a.** (New, SG No. 65/2006) (1) Programmes for surveillance, operational and, where necessary, investigative monitoring, shall be designed for surface water monitoring.

(2) The surface water monitoring programmes shall include:

1. hydrological and morphological observations, including volume, water quantity and water level to determine the ecological and chemical status and ecological potential of the water body;

2. observations concerning the chemical and ecological status and ecological potential.

**Article 169b.** (New, SG No. 65/2006) (1) Programmes for surveillance and operational monitoring shall be designed for groundwater monitoring.

(2) The groundwater monitoring programmes shall cover observations of the chemical and quantitative status of the groundwater body.

**Article 169c.** (New, SG No. 65/2006) (1) For the water protection zones, the programmes referred to in Articles 169a and 169b herein shall be supplemented by observations related to the specificity of the zone as set out in this Act and the instrument of establishment thereof.

(2) The water protection zones characterized as water bodies at risk shall be included in the programmes for operational monitoring of surface waters and groundwaters.

(3) In the cases referred to in Paragraph (1), monitoring shall also be conducted on the factors impacting the status of these water bodies, including the impact of the implementation of programmes of measures.

(4) The monitoring referred to in Paragraph (1) shall continue until the environmental objectives set out in the river basin management plan are achieved for the particular water protection zone.

**Article 170.** (1) (Amended, SG No. 65/2006) Water monitoring networks shall be:

1. (amended, SG No. 61/2010) for precipitation and surface waters, including suspended sediments;

2. for groundwaters;

3. for marine waters;

4. (amended, SG No. 61/2010) a wastewater control and information system;

(2) The networks referred to in Items 1, 2 and 3 of Paragraph (1) shall include monitoring points and/or stations.

(3) (Amended, SG No. 65/2006, supplemented, SG No. 61/2010) The procedure and manner for establishment of the networks and for performance of the activities involving operation, maintenance, communication support and laboratory and information servicing shall

be established by the ordinance referred to in Item 14 of Article 135 (1) herein.

**Article 171.** (1) (Amended, SG No. 65/2006) The Minister of Environment and Water shall organize and direct water monitoring.

(2) (Amended, SG No. 61/2010, supplemented, SG No. 103/2018, effective 1.01.2019) Measurements, field and laboratory studies shall be performed according to monitoring programmes endorsed by the Minister of Environment and Water by the Executive Environment Agency, the Executive Agency for Exploration and Maintenance of the River Danube, the National Institute of Meteorology and Hydrology to the Minister of Education and Science and by the Institute of Oceanology with the Bulgarian Academy of Sciences, with:

1. the Executive Environment Agency carrying out the monitoring of:
  - (a) the chemical and biological status of surface water bodies and the associated measurements of the quantity of the said bodies;
  - (b) the chemical status and the quantitative status of groundwater bodies, where this is envisaged at the points of the groundwater chemical status monitoring network;
2. the National Institute of Meteorology and Hydrology carrying out the monitoring of the quantity of precipitation, groundwaters and surface waters, including the sediment outflow;
3. the Institute of Oceanology carrying out the monitoring of the ecological and chemical status of marine waters;
4. the Executive Agency for Exploration and Maintenance of the River Danube carrying out the monitoring of the water quantity of the River Danube.

(3) (Amended, SG No. 61/2010) The data covered under Paragraph (2) shall be summarized and analyzed for each water basin management district by the Basin Directorates and shall provide a basis for the assessment of the status of water bodies.

(4) (New, SG No. 61/2010) The data covered under Paragraph (2) shall be published, respectively, on the Internet sites of the Environment Executive Agency, the National Institute of Meteorology and Hydrology, the Institute of Oceanology and the Executive Agency for Exploration and Maintenance of the River Danube.

(5) (New, SG No. 61/2010) The assessments referred to in Paragraph (3) shall be published on the Internet sites of the water management Basin Directorates, the Executive Environment Agency and the Ministry of Environment and Water.

(6) (New, SG No. 61/2010, amended, SG No. 103/2018, effective 1.01.2019) The National Institute of Meteorology and Hydrology to the Minister of Education and Science shall furthermore carry out fundamental and applied research, operational activities and development of technologies in the sphere of water-quantity and sediment-outflow monitoring, inter alia:

1. the Institute shall:
  - (a) carry out the observations of precipitation and water quantity;
  - (b) maintain and develop the monitoring networks;
  - (c) process and interpret the data, including the data on suspended sediments;
  - (d) organize the databases;
  - (e) forecast floods and droughts within the national territory;
2. process and control the information, calculate water quantities and sediment transport, and elaborate operational hydrological forecasts;
3. prepare the annual operational assessment of the surface-water and groundwater resources;
4. (amended, SG No. 103/2018, effective 1.01.2019) develop and maintain a system for uniform information exchange at the basin level and the national level between the Ministry of Environment and Water, the Executive Environment Agency, the water management Basin

Directorates and the National Institute of Meteorology and Hydrology to the Minister of Education and Science;

5. provide meteorological forecasts, forecasts of precipitation, snow melting and floods in connection with water management and protection against water-related damage and loss;

6. undertake an assessment of the tendencies and develop scenarios for climate change and the influence thereof on surface-water and groundwater resources at national level;

7. undertake an assessment of water quantity in surface water bodies and groundwater bodies;

8. compile the national water balances and water development balances;

9. provide the information and assessments of water quantity required for:

(a) honouring the commitments of the Republic of Bulgaria to report to the European Environment Agency according to the requirements of the relevant reporting guidances and the procedure for preparation of information, established by an order of the Minister of Environment and Water;

(b) honouring the commitments of the Republic of Bulgaria upon preparation of the national reports under the directives in the sphere of water;

(c) the activities referred to in Items 5 and 6 of Article 151 (3) herein;

10. steward and maintain the water quantity monitoring points and stations referred to in Item 2 of Article 13 herein, including those included in the early warning systems, intended for observation and forecasting of the risk factors which may cause a flood.

(7) (New, SG No. 61/2010) The operational information referred to in Item 1 (a) and Item 5 of Paragraph (6) shall be provided on a daily basis to the Ministry of Environment and Water and to the Basin Directorates.

(8) (New, SG No. 61/2010, supplemented, SG No. 103/2018, effective 1.01.2019) The execution of the activities referred to in Items 2 and 3 of Paragraph (2) by the National Institute of Meteorology and Hydrology to the Minister of Education and Science and the Institute of Oceanology with the Bulgarian Academy of Sciences shall be financed on a target programme basis by the State budget on a motion by the Minister of Environment and Water.

(9) (New, SG No. 61/2010) The Agency for Exploration and Maintenance of the River Danube:

1. shall carry out monitoring of the water quantity in the River Danube, inter alia the Agency shall:

(a) maintain and develop the monitoring network;

(b) maintain a database on the River Danube;

(c) process and control the information, calculate water and sediment quantities and elaborate operational hydrological forecasts;

2. study the hydromorphological and hydrological regime of the River Danube;

3. create selective databases and maps for the River Danube.

**Article 172.** (Amended, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009) The Ministry of Environment and Water and the Ministry of Transport, Information Technology and Communications shall establish and maintain the part of the Water Monitoring Network relating to the River Danube.

**Article 173.** (1) (Supplemented, SG No. 61/2010) Water quantity and quality shall be assessed and forecast by water body and under the criteria established by this Act as follows:

1. at the basin level, by the Basin Directorates;

2. (amended, SG No. 61/2010, SG No. 103/2018, effective 1.01.2019) at the national level, by the Executive Environment Agency and the National Institute of Meteorology and Hydrology

to the Minister of Education and Science.

(2) (Supplemented, SG No. 61/2010) Data, assessments, alteration trends and water quantity and quality forecasts shall be provided to the Ministry of Environment and Water and shall be published in a Bulletin on the Status of Waters of the Republic of Bulgaria.

(3) (New, SG No. 61/2010) The requirements to the assessments and forecasts referred to in Paragraph (1) and to the content and frequency of submission of the data, assessments, alteration trends and forecasts referred to in Paragraph (2) shall be defined by the Ordinance referred to in Item 14 of Article 135 (1) herein.

**Article 174.** (1) (Amended, SG No. 61/2010) The persons whereon rights to water withdrawal or to water site use have been conferred shall be obligated to conduct self-monitoring according to the requirements of the Ordinance referred to in Item 14 of Article 135 (1) herein and the terms and conditions in the permits issued thereto of:

1. water quantity and quality;
2. wastewater quantity and concentration of the pollutants emitted.

(2) The persons referred to in Paragraph (1) shall preserve the information on the measurements taken for a period of six years.

(3) (Amended, SG No. 61/2010) In the implementation of the control functions thereof, the authorities referred to in Items 1 and 4 of Article 52 (1) herein shall have the right of access at any time to the monitoring devices and facilities and to the information referred to in Paragraph (2).

(4) Upon termination of the right to water use and/or to water body use, the information referred to in Paragraph (2) shall be delivered into the custody of the competent Basin Directorate.

(5) (New, SG No. 61/2010) Annually, not later than the 31st day of March, the persons referred to in Paragraph (1) shall provide the [competent] Basin Directorate Director and, in the cases of a permit issued under Item 3 (b) of Article 46 (1) herein and of an integrated permit, the Director of the Regional Inspectorate of Environment and Water as well, with the results of the self-monitoring carried out during the last preceding year within the framework of the report on compliance with the terms and conditions in the permits referred to in Item 14 of Article 48 (1) herein.

**Article 175.** (Amended, SG No. 65/2006) (1) (Redesignated from Article 175, SG No. 61/2010) Any data obtained from observations and assessments as a result of the water monitoring, as well as any such data obtained from self-monitoring, shall provide a basis for the exercise of control and for the imposition of sanctions upon violation of statutory requirements.

(2) (New, SG No. 61/2010) The Basin Directorate directors shall include the self-monitoring data upon undertaking the assessments of the status of water bodies and of the effectiveness of the measures provided for in the river basin management plans which have been implemented.

(3) (New, SG No. 61/2010) The self-monitoring data and the results of the control exercised over the parameters of the authorized water use shall be grounds for determining the fees for water withdrawal, for water site use and for water pollution.

## **Section IX**

### **(Renumbered from Section V, SG No. 65/2006)**

## **Selective Maps, Registers and Information Systems on Waters and on Water Development Systems and Facilities**

## **(Heading amended, SG No. 65/2006, SG No. 103/2013)**

**Article 176.** (Amended, SG No. 65/2006, SG No. 103/2013) (1) The selective maps, registers and information systems shall provide particulars regarding:

1. the ownership of waters and the status of water bodies;
2. the water development systems and facilities.

(2) The maps, registers and information systems referred to in Paragraph (1) shall be kept for the purpose of ensuring the efficient use of waters and maintaining information on water development systems and facilities.

**Article 177.** (1) (Amended, SG No. 65/2006, amended and supplemented, SG No. 103/2013) The particulars recorded in the selective maps, registers and information system on waters shall characterize the status of waters and water bodies in terms of quantitative and qualitative indicators, and the extent whereto the said waters and water bodies have been studied and are used.

(2) The particulars referred to in Paragraph (1) shall be updated in accordance with the monitoring data under Section IV.

(3) (New, SG No. 103/2013) The selective maps, the registers and the information system on water development systems and facilities shall contain particulars regarding the type, ownership, rights to steward, maintain and operate as conferred, technical parameters, etc.

(4) (New, SG No. 103/2013) The particulars referred to in Paragraph (3) shall be updated in accordance with the control exercised over the technical condition of the systems and facilities.

**Article 178.** (Amended, SG No. 65/2006, SG No. 66/2013, effective 26.07.2013, SG No. 103/2013) (1) The selective maps, registers and information systems referred to in Article 176 (1) herein shall be kept by:

1. the Basin Directorate directors: in the cases referred to in Item 1 of Article 176 (1) herein;

2. (amended, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works: in the cases referred to in Item 2 of Article 176 (1) herein.

(2) (Amended, SG No. 98/2014, effective 28.11.2014) The content of the selective maps, the registers and the information system referred to in Item 2 of Article 176 (1) herein, the terms and procedure for the creation and maintenance thereof shall be established by an ordinance of the Minister of Regional Development and Public Works.

**Article 179.** (Amended, SG No. 65/2006, SG No. 103/2013) (1) The maps, registers and information systems referred to in Article 176 (1) herein shall be prepared and maintained by water basin management district and by administrative unit: nucleated settlement, municipality and region.

(2) The maps, registers and information systems referred to in Item 1 of Article 176 (1) herein shall contain:

1. particulars regarding the type of waters;
2. particulars regarding the surface water bodies and the groundwater bodies and:
  - (a) the category thereof;
  - (b) the location thereof;
  - (c) the characteristics thereof;
  - (d) the ownership thereof;
  - (e) the condition thereof;
3. other particulars.

(3) The maps, registers and information systems referred to in Item 2 of Article 176 (1) herein shall contain:

1. particulars regarding the type of facilities;
2. particulars regarding the location thereof;
3. particulars regarding the ownership thereof;
4. particulars regarding the technical characteristics thereof;
5. particulars regarding a utility;
6. other particulars.

**Article 180.** (1) (Amended, SG No. 65/2006) The maps and registers covered under Article 176 (1) herein shall be open to public inspection.

(2) (Amended, SG No. 65/2006) Persons may use particulars from the maps and registers covered under Article 176 (1) herein for a charge.

(3) The fees for the services referred to in Paragraph (2) shall be determined by an act of the Council of Ministers.

**Article 181.** (Amended, SG No. 65/2006) On the basis of the particulars referred to in Article 177 herein, there shall be compiled water development balances and assessments of the status of waters and water sites.

## **Section X**

### **(Renumbered from Section VI, SG No. 65/2006)**

### **Registers**

**Article 182.** (1) Registers under this Section shall be kept by:

1. (amended, SG No. 65/2006) the Basin Directorates for:
  - (a) (amended, SG No. 98/2018, effective 27.11.2018) the permits referred to in Item 4 of Article 52 (1) herein;
  - (b) the water protection zones referred to in Article 119a herein;
  - (c) (supplemented, SG No. 61/2010) the programmes and plans referred to in Item 9 of Article 157 (1) herein;
  - (d) the water withdrawal facilities for groundwaters referred to in Article 118d (3) herein;
  - (e) the facilities referred to in Article 118f (1) herein;
  - (f) (new, SG No. 61/2010) the resources of groundwater bodies;
  - (g) (new, SG No. 61/2010, amended, SG No. 98/2018, effective 27.11.2018) the coordinated notifications for carrying out any of the activities under Article 58 (1) and under Article 44 (3) herein, the prescribed conditions and restrictions;
2. (amended, SG No. 36/2006) the ministers under Items 1, 2 and 3 of Article 10 (1) herein, who conclude the concession agreement;
3. (amended, SG No. 65/2006, supplemented, SG No. 61/2010, amended, SG No. 98/2018, effective 27.11.2018) the municipal administrations referred to in item 2 of Article 41 (3) herein and for the permits issued by the authority referred to in item 3 of Article 52 (1) herein;
4. (new, SG No. 61/2010) the Executive Agency for Exploration and Maintenance of the River Danube: for the permits issued by the authority referred to in Item 2 of Article 52 (1) herein;
5. (new, SG No. 61/2010) the Director General of the National Institute of Meteorology and Hydrology: for the water quantity monitoring points and stations.

(2) The Basin Directorates shall furthermore register any requests for the relevant water



withdrawals and/or [water site] uses.

(3) (New, SG No. 65/2006) The changes of circumstances subject to registration shall be entered in the registers referred to in Paragraph (1).

**Article 183.** (Amended, SG No. 65/2006) The Minister of Environment and Water shall:

1. (amended, SG No. 61/2010) keep a register of the permits referred to in Item 1 of Article 52 (1) herein;

2. keep a register of concessions as granted for waters constituting exclusive state property;

2a. (new, SG No. 65/2006, repealed, SG No. 95/2009);

3. consolidate the registers referred to in Article 182 (1) herein.

**Article 184.** (1) (Supplemented, SG No. 61/2010) All registers under this Section shall be open to public inspection and shall be announced on the Internet sites of the water management Basin Directorates and of the Ministry of Environment and Water.

(2) (Repealed, SG No. 61/2010).

(3) (New, SG No. 61/2010) The content of the registers referred to in Item 1 (a), (b), (d), (e) and (g), Items 3, 4 and 5 of Article 182 (1) and Item 1 of Article 183 (1) herein shall be determined by the ordinances referred to in Items 1a, 2, 6 and 13 of Article 135 (1) herein.

## **Section XI**

### **(Renumbered from Section VII, SG No. 65/2006) Control of Waters, Water Bodies, Water Development Systems and Facilities**

**Article 185.** (1) (Amended, SG No. 61/2010) Control under this section shall be exercised in respect of compliance with statutory requirements, the terms and conditions and the requirements under the permits as issued, the implementation of the programmes of measures included in the river basin management plans, plans and programmes relevant to water and environmental protection.

(2) (Amended, SG No. 61/2010, supplemented, SG No. 12/2017) Control shall be exercised according to the procedure established by this Act, the ordinances referred to in Article 135, items 1a, 2 and 13, and the Environmental Protection Act.

(3) (Repealed, SG No. 61/2010).

**Article 186.** (Supplemented, SG No. 58/2015) Control over the protection of water sites, facilities and systems shall be exercised by the authorities referred to in Article 52 (1) herein in respect of compliance with statutory requirements and plans, and with the conditions and requirements for implementation of water withdrawal or for water site use.

**Article 187.** (1) The Ministry of Environment and Water shall control:

1. (amended, SG No. 65/2006) water quantity and quality;

2. (amended, SG No. 61/2010) compliance with the procedures and requirements of the law upon issuance of the administrative acts provided for in this Act;

3. compliance with the terms and conditions of any concession agreement for waters constituting exclusive state property;

4. (amended, SG No. 61/2010) the application of the state water management policy at the basin level, the implementation and the effect of implementation of the programmes of measures;

5. (amended, SG No. 65/2006) compliance with the prescribed water use regime of dam complexes and significant dams as listed in Annex 1 hereto.

(2) The Minister of Environment and Water shall issue:

1. (amended, SG No. 61/2010) a methodology for assessment of water resources;
2. (amended, SG No. 65/2006) methodologies for drawing up water balances, water development balances and the national water balance;
3. methodologies for the distribution of dam waters and for use of water resources;
4. (repealed, SG No. 61/2010);
5. (new, SG No. 61/2010) a methodology for analysis of costs and benefits, used to assess the measures in flood risk management plans;
6. (new, SG No. 61/2010) a methodology for flood risk assessment and the criteria of significant adverse consequences referred to in Item 2 of Article 146a (2) herein and the potential significant risk referred to in Item 1 of Article 146b (1) herein;
7. (new, SG No. 61/2010) a methodology for determination of the mass load from works generating wastewaters.

**Article 188.** (1) (Amended, SG No. 61/2010) The Basin Directorate Director or persons empowered thereby shall control:

1. (amended, SG No. 65/2006) the status and hydraulic conductivity of river beds and facilities for discharge into receiving waters;
  2. (amended, SG No. 65/2006) implementation of activities in river beds;
  3. the status and proper operation of:
    - (a) the water withdrawal facilities, the surface water and groundwater use facilities, and the water quantity metering facilities;
    - (b) (repealed, SG No. 65/2006);
    - (c) (repealed, SG No. 65/2006);
    - (d) (repealed, SG No. 65/2006);
    - (e) (repealed, SG No. 61/2010);
  4. (amended, SG No. 65/2006, supplemented, SG No. 61/2010, SG No. 58/2015) the compliance with the conditions of the permits issued under this Act with the exception of the water site use permits for wastewater discharge and the water site use permits for extraction of alluvium deposits from the River Danube;
  5. (amended, SG No. 65/2006) water quantity and quality;
  6. the maintenance of the minimum permissible stream flow into the rivers;
  7. (amended, SG No. 65/2006) water self-monitoring;
  8. (repealed, SG No. 61/2010);
  9. (new, SG No. 65/2006) fulfilment of obligations to pay the fees referred to in Items 1 to 3 of Article 194 (1) herein;
  10. (new, SG No. 65/2006) the observance of the prohibitions and restrictions within the boundaries of the sanitary protected areas;
  11. (new, SG No. 65/2006) the implementation of the programmes of measures under Section V;
  12. (new, SG No. 61/2010) the timetable for implementation of public-financed projects for construction of sewer systems;
  13. (new, SG No. 55/2018) the exploitation pattern, the technically feasible flow rates of the facilities and the conditions set out in the order approving the exploitable resources of mineral water deposits constituting exclusive State property which have been allocated to municipalities for management and use.
- (2) (New, SG No. 61/2010) In implementing the activities covered under Paragraph (1), the persons referred to in Paragraph (1) shall have the right to require assistance from the authorities of the Ministry of Interior, from government institutions, organizations, legal and natural persons,

as well as to establish the identity of persons where there is reason to believe that violations under this Act have been committed, through demanding presentation of an identity document of the person, obtaining information from citizens of established identity who know the person, or in another manner appropriate for the collection of reliable data.

(3) (Renumbered from Paragraph (2), SG No. 61/2010) Information on the results of the control activities performed under Paragraph (1) shall be transmitted to the Ministry of Environment and Water on a monthly basis.

(4) (New, SG No. 61/2010) The information referred to in Paragraph (3) shall contain all circumstances and data established upon the checks conducted and the prescriptions given and shall be prepared in standard forms approved by the Minister of Environment and Water.

(5) (New, SG No. 61/2010) The information referred to in Paragraph (3) shall be published on the Internet sites of the Basin Directorates and of the Ministry of Environment and Water.

**Article 189.** The Minister of Health shall control:

1. the quality of waters intended for drinking and household uses;
2. the quality of mineral waters intended for drinking, or used for preventive care, therapy and hygienic uses, including the quality of bottled mineral waters in the distributive trade network;
3. the quality of waters intended for bathing.

**Article 190.** (1) (Amended, SG No. 108/2001, SG No. 65/2006, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017) The Minister of Regional Development and Public Works, the Minister of Agriculture, Food and Forestry, and the Minister of Energy shall control the status of water sites and water development systems and facilities within the respective competences thereof.

(2) (Amended, SG No. 93/2009, effective 25.12.2009, SG No. 58/2015) The Minister of Transport, Information Technology and Communications shall control the use of internal marine waters and the territorial sea waters and of the waters of the River Danube for transportation purposes.

(3) (Amended, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009, SG No. 61/2010, SG No. 80/2011, effective 14.10.2011, repealed, SG No. 53/2014).

(4) (New, SG No. 58/2015, effective 1.01.2016) The President of the State Agency for Metrological and Technical Surveillance or officials empowered thereby shall control the execution of:

1. the prescriptions of the commissions under Article 138a (3) herein;
2. the measures for ensuring the good working order of the dam walls and associated facilities and for the safe operation thereof;
3. activities for decommissioning and/or liquidation of dam walls and associated facilities;
4. (repealed, SG No. 55/2018).

(5) (New, SG No. 58/2015, effective 1.01.2016) The Executive Director of the Agency for Exploration and Maintenance of the River Danube shall control compliance with the terms and conditions in the water site use permits for extraction of alluvium deposits from the River Danube.

**Article 190a.** (New, SG No. 58/2015, effective 1.01.2016) (1) The President of the State

Agency for Metrological and Technical Surveillance or officials empowered thereby under Article 190 (4) herein shall have the right:

1. to unobstructed access to the dam walls and associated facilities controlled thereby;
2. to require the necessary data, reports, explanations and other information;
3. (amended and supplemented, SG No. 55/2018) to give mandatory prescriptions to the owners of dam walls and/or of associated facilities in conformity with the powers vested therein under this Act and the ordinance referred to in Article 141, paragraph 2, including for taking measures and actions to clarify the technical condition and the conditions for operation of the sites controlled, with the exception of dams listed in Annex No. 1 to Article 13, item 1 for decreasing water volumes, of which the relevant basin directorate shall be notified, as well as to set a deadline for compliance with the said prescriptions;
4. to draw up written statements ascertaining administrative violations in conformity with the powers vested therein under this Act.

(2) (New, SG No. 55/2018) The owners of dam walls and the associated facilities shall be required to fulfil the prescriptions referred to in paragraph 1, item 3 and in Article 138a, paragraph 3, item 5.

(3) (Renumbered from Paragraph (2), SG No. 55/2018) The owners, tenants, concessionaires and operators of dam walls and of associated facilities shall be bound to render the requisite assistance to the control authorities referred to in Paragraph (1) in the execution of the powers vested therein under this Act. In case of failure to afford access to the dam walls and associated facilities controlled, access to the said walls and facilities shall be afforded with the assistance of the authorities of the Ministry of Interior.

(4) (Renumbered from Paragraph (3), amended, SG No. 55/2018) The owners who have been given prescriptions shall notify the President of the State Agency for Metrological and Technical Surveillance in writing of compliance with the said prescriptions by the deadline set for this compliance.

**Article 190b.** (New, SG No. 58/2015, effective 1.01.2016) (1) The control authorities referred to in Article 190 (4) herein shall draw up a memorandum on the results of the check, attaching thereto the documents and explanations collected, and the content of the said memorandum shall be determined in the Ordinance referred to in Article 141 (2) herein.

(2) (Amended, SG No. 55/2018) The memorandum shall be drawn up within 14 days of the check and shall be sent to the owner of the dam wall and the associated facilities.

(3) (Amended, SG No. 55/2018) A copy of the memorandum shall be sent to the operator of the dam wall and the associated facilities and to the regional governor exercising competence over the location thereof.

**Article 190c.** (New, SG No. 55/2018) (1) The Chairperson of the State Agency for Metrological and Technical Surveillance shall issue a permit for decommissioning or liquidation of dams and their associated facilities at the request of the owners, based on the reasoned opinion

of the interdepartmental expert board and in accordance with the terms and conditions of the ordinance referred to in Article 141, Paragraph (2).

(2) The permit referred to in Paragraph (1) above shall be a necessary condition for approval of the design and for the issuance of a building permit according to the procedure established by the Spatial Development Act.

(3) The refusal of the Chairperson of the State Agency for Metrological and Technical Surveillance to issue a permit for decommissioning or liquidation of the dam and the associated facilities shall be subject to appeal pursuant to the Administrative Procedure Code.

**Article 191.** (1) (Previous text of Article 191, SG No. 65/2006) The Municipality Mayor shall control:

1. (amended, SG No. 65/2006) the construction, maintenance and proper operation of sewer networks and domestic wastewater treatment plants;

2. the construction, maintenance and operation of water development systems referred to in Item 4 of Article 19 herein;

3. the construction and registration of wells for individual withdrawal of groundwaters within the territory of the municipality;

4. (new, SG No. 98/2018, effective 27.11.2018) the maintenance and observance of the prohibitions and restrictions within the boundaries of the sanitary protected areas of mineral waters constituting public municipal property;

(2) (New, SG No. 65/2006) The performance of the activities covered under Paragraph (1) shall be controlled by the regional governors.

(3) (New, SG No. 80/2011, effective 14.10.2011) The Regional Governors shall control the technical condition of the hydraulic-engineering facilities constituting state property within the territory of the respective region.

## **Chapter Eleven**

# **FINANCIAL ARRANGEMENTS AND ECONOMIC REGULATION**

**Article 192.** (Amended, SG No. 65/2006) (1) (Amended, SG No. 58/2015) Economic regulation shall be based on the following principles:

1. recovery of the costs for water services, including environmental and resource costs;

2. the polluter-pays principle.

(2) The following shall be done for the purposes of economic regulation:

1. (amended, SG No. 47/2009, effective 23.06.2009) conduct of an economic analysis of water use;

2. implementation of a pricing policy providing adequate incentives for consumers to use waters efficiently with a view to achieving the environmental objectives;

3. (new, SG No. 58/2015) fixing fees for water withdrawal, for water site use and for pollution, as an element of the recovery of the resource and environmental costs and ensuring the contribution of the various water users to the recovery of the costs for water services.

(3) (New, SG No. 58/2015) The principles covered under Paragraph (1) shall be applied also taking into consideration the economic analysis referred to in Item 1 of Paragraph (2), conducted according to Article 192a herein.

**Article 192a.** (New, SG No. 65/2006) (1) The economic analysis referred to in Item 1 of Article 192 (2) herein shall be conducted for each water basin management district and shall contain.

1. an assessment of the contribution of the different water users, disaggregated into at least industry, agriculture and households categories, to the recovery of the costs of water services;

2. enough information in sufficient detail about the recovery of the costs of water services, taking account of long-term forecasts of supply and demand for waters and, where necessary, including:

(a) estimates of the volume, prices and costs associated with water services;

(b) estimates and forecasts of relevant investments;

3. judgment about the most cost-effective combination of measures to be included in the programme referred to in Section V.

(2) Upon determination of the volume of information covered under Paragraph (1), the costs of collection of respective data shall also be taken into consideration.

**Article 192b.** (New, SG No. 65/2006, supplemented, SG No. 58/2015) The pricing policy referred to in Item 2 of Article 192 (2) herein, the fees referred to in Item 3 of Article 192 (2) herein and the assessment referred to in Item 1 of Article 192a (1) herein shall reckon with the social and economic effect, as well as the environment protection effect of the recovery of the costs, as well as the geographical and climatic conditions in the respective regions.

**Article 192c.** (New, SG No. 65/2006) (1) (Previous text of Article 192c, SG No. 61/2010) The measures for ensuring the pricing policy referred to in Item 2 of Article 192 (2) herein and the contribution of water users under Item 1 of Article 192a (1) herein shall be included in the river basin management plans.

(2) (New, SG No. 61/2010) An adequate contribution of the different water users, disaggregated into at least industry, households and agriculture, to the recovery of the costs of water services shall be ensured on the basis of the economic analysis of water use and taking account of the "polluter pays" principle.

**Article 193.** (Amended, SG No. 69/2003, SG No. 18/2005, effective 1.06.2005, SG No. 65/2006) Social relations related to water supply and sewerage services shall be settled under the Water-Supply and Sewerage Services Regulation Act in compliance with the requirements of this Act.

**Article 194.** (Amended, SG No. 81/2000, supplemented, SG No. 34/2001, amended and supplemented, SG No. 94/2005, amended, SG No. 65/2006) (1) The following shall be paid for the right to use waters:

1. a fee for water withdrawal of:

(a) surface waters;

(b) groundwaters;

(c) mineral waters;

2. a fee for use of a water site for:

(a) (amended, SG No. 58/2015) extraction of alluvium deposits from the River Danube and the water reservoirs;

(b) (repealed, SG No. 36/2008);

(c) (repealed, SG No. 61/2010);

(d) (new, SG No. 58/2015) disturbance of the continuity of a river by the facilities referred to in Item 4 of Article 156i (2) herein;

3. (amended, SG No. 58/2015) a fee for pollution:

(a) for wastewater discharge into surface waters;

(b) for input of pollutants into groundwaters;

(c) (amended, SG No. 98/2018, effective 27.11.2018, SG No. 25/2019) by diffuse sources from agriculture, including from fertilisers and plant protection products, grazing of livestock and aquaculture;

4. (amended, SG No. 96/2017, effective 1.01.2018) amount of concession remuneration.

(2) (Amended, SG No. 58/2015) The fee referred to in Item 1 (a) and (b) of Paragraph (1) shall be fixed on the basis of the volume of water withdrawn and the relevant consumption standards determined in the Ordinance referred to in Article 117a herein.

(3) The fee for withdrawal of mineral waters shall be determined on the basis of the permitted volume of water and the temperature of the mineral water.

(4) (Amended, SG No. 58/2015) The fee referred to in Item 2 of Paragraph (1) shall be fixed on the basis of:

1. permitted volume of withdrawal: in the cases referred to in Littera (a);

2. the height of the damming facility: in the cases referred to in Littera (d).

(5) (Amended, SG No. 61/2010, SG No. 58/2015) The fees referred to in Item 3 of Paragraph (1) shall be fixed:

1. under Littera (a) for pollution from:

(a) sewerage systems of nucleated settlements, dispersed settlements and resorts settlements: on the basis of the annual water quantity invoiced by the water and sewerage utility for the consumers using the service of removal of wastewater in cubic metres, with adjustment coefficients for the type of receiving waters, the number of discharges and the level of treatment;

(b) industrial generating biodegradable industrial wastewaters and from other works generating household wastewaters only: on the basis of the annual quantity of wastewaters discharged into the surface water site with the adjustment coefficients referred to in Littera (a);

(c) industrial enterprises in cases other than such covered under Littera (b): as a sum total of:

(aa) the fee fixed on the basis of the annual load of chemical oxygen demand for the industrial wastewaters discharged into the surface water site, with adjustment coefficients depending on the number of priority hazardous, priority and specific substances, and

(bb) the fee for household wastewaters, fixed on the basis of the annual quantity of household wastewaters discharged into the surface water site;

(d) non-household industrial wastewaters which are discharged into sewerage systems of nucleated settlements, dispersed settlements and resort settlements: on the basis of the quantity, substances and indicators of the wastewaters, according to a written contract with the water and sewerage utility, with the adjustment coefficients referred to in Sub-Littera (aa) of Littera (c);

2. under Littera (b): on the basis of the annual quantity of waters removed and of the concentration of typical pollutants for which maximum permissible values are established in the permit;

3. (amended, SG No. 58/2017, effective 18.07.2017) under Littera (c): by an Ordinance of the Council of Ministers, on a motion by the Minister of Agriculture, Food and Forestry, in consultation with the Minister of Environment and Water, which shall establish the amount, procedure and manner for calculation and payment of the fees.

(6) (Supplemented, SG No. 61/2010) The fee referred to in Items 1 to 3 of Paragraph (1), the manner and procedure for the calculation and payment thereof, shall be determined by a rate schedule of the Council of Ministers.

(7) (New, SG No. 58/2015) The fees referred to in Paragraph (5):

1. Item 1:

(a) Littera (a) shall be included in the recognized annual costs forming the required annual revenues of water and sewerage utilities;

(b) Littera (d) shall not be included in the recognized annual costs forming the required annual revenues of water and sewerage utilities but shall be paid individually by the consumers through the water and sewerage utility providing the service of removal of wastewaters;

2. (amended, SG No. 98/2018, effective 27.11.2018) item 3 shall be paid:

a) individually by the owner or user of the holding – for the fees for diffuse pollution from livestock and aquaculture;

b) by the person that places fertilisers and plant protection products on the market.

(8) (New, SG No. 58/2015) If the holder of the permit constructs and operates a continuous automated monitoring system and where the readings of the system are validated by the control authority, the fee referred to in Item 3 (a) of Paragraph (1) shall be fixed on the basis of the actual loads from the pollutants.

(9) (New, SG No. 58/2015) For recovery of the environmental and resource costs, an adjustment coefficient shall be fixed for an increase of:

1. the water withdrawal fee: in case of self-contained water supply (by means of own water withdrawal facilities);

2. the fee for pollution:

(a) in water bodies whereof the chemical or ecological status is lower than good;

(b) in water protection zones;

(c) upon discharge into the losing, karst-induced and ponor-forming streams, as well as into the small and medium-sized rivers, specified in the Ordinance referred to in Item 9 of Article 135 (1) herein.

(10) (New, SG No. 58/2015) The fee referred to in Item 2 (d) of Paragraph (1) shall be due until the commissioning of a facility ensuring the continuity of the river.

(11) (Renumbered from Paragraph (7), amended, SG No. 58/2015) A fee under Paragraph (1) shall not be paid in the cases:

1. referred to in Article 43 (2) herein;

2. of fire extinguishing;

3. where withdrawal is for the purpose of drainage;

4. (new, SG No. 36/2008, amended, SG No. 98/2018, effective 27.11.2018, SG No. 25/2019) of water withdrawal for aquacultures in accordance with Article 44 and use for aquacultures in accordance with Article 46(1)(2) of a water site for aquaculture and activities related thereto;

5. (new, SG No. 61/2010) under Item 2 of Article 58 (1) herein;

6. (new, SG No. 58/2015) diffuse source pollution from agriculture upon:

(a) livestock breeding to meet own household needs, with a number of the various species of livestock according to the Ordinance referred to in Article 137 (10) of the Veterinary Practices Act;

(b) (amended, SG No. 98/2018, effective 27.11.2018, SG No. 25/2019) organic livestock breeding;

7. (new, SG No. 58/2015) for water withdrawal for the purpose of setting up new, restoring and/or maintaining habitats and/or habitats of species, including wetlands, in areas which are part of the National Ecological Network within the meaning given by Article 3 of the Biological Diversity Act, in which the maintenance and/or improvement of the water regime is an important factor of the protection thereof; in such cases, it shall be inadmissible to use the water abstracted



for an activity of practising an occupation or craft and making a profit;

8. (new, SG No. 58/2015) for extraction of alluvium deposits in the cases referred to in Article 140 herein.

(12) (New, SG No. 36/2008, renumbered from Paragraph (8), SG No. 58/2015) The fees for water withdrawal and water site use shall not be paid upon fish resources management awarded according to the procedure established by Article 15a of the Fisheries and Aquaculture Act.

(13) (New, SG No. 61/2010, renumbered from Paragraph (9), SG No. 58/2015) Where the competent authorities establish that damages impeding the exercise of the right to water withdrawal as conferred have occurred in the status of the delivery system to the work where the mineral water is used, and that the system is not owned by the holder of the permit, the fee for water withdrawal shall be determined on the basis of the volume of water withdrawn, the terms established by Article 194a (1) herein and the temperature of the mineral water for the period commencing on the date of ascertainment of the damage and ending with the restoration of the delivery system, but not longer than one year for the period of validity of the permit.

**Article 194a.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010, supplemented, SG No. 25/2019) The volume of water withdrawn or the volume of wastewaters shall be measured by means of metering devices meeting statutory requirements, with exception of the cases under Paragraph (5).

(2) (Amended, SG No. 61/2010) In the cases of damage of the metering devices, the quantities authorized in the permit shall be taken into account for calculation of the fee referred to in Item 3 of Article 194 (1) herein.

(3) In the cases of damage of the devices referred to in Paragraph (1), the holder of the water withdrawal permit shall be obligated to immediately notify the control authority and to repair the damage within one month.

(4) (New, SG No. 61/2010) Should it be technically impossible to install, maintain and control metering devices to surface-water and groundwater sources, and this technical impossibility has been established by a bilateral memorandum between the permit-issuing authority and the user, it shall be admissible to install the said devices on the pipe charging the pressure head reservoir or on the delivery water conduit, upon direct release of the flow into the water-supply system of the nucleated settlement.

(5) (New, SG No. 25/2019) The installation of metering devices referred to in Paragraph (1) in the case of water withdrawal from a surface water body for aquaculture and related activities shall not be mandatory where at least one of the following conditions is met:

1. the water is returned in the same river basin;
2. an instrument issued by the controlling authority has established that it is technically impossible to install, maintain or control a metering device.

(6) (New, SG No. 25/2019) In the cases set out in Paragraph (5) the water volume abstracted in the course of the water withdrawal shall be deemed equal to the volume set out in the permit issued.

**Article 194b.** (New, SG No. 61/2010) (1) (Amended and supplemented, SG No. 98/2018, effective 27.11.2018) Annually, by the 31st day of January of the next succeeding year, the holders of permits, including integrated permits issued according to the procedure established by the Environmental Protection Act, shall determine and declare the fee due completed in a

standard form endorsed by the Minister of Environment and Water and announced on the Internet sites of the Basin Directorates and of the Ministry of Environment and Water. The standard form shall contain the data according to the rate schedule referred to in Article 194 (6) herein, on the basis of which the fees shall be determined.

(2) (Amended, SG No. 98/2018, effective 27.11.2018) The obligation under the declaration under which the obligated person has calculated the due fee shall be paid by the 15th of February.

(3) The [competent] Basin Directorate Director shall verify the information referred to in Paragraph (1) and the conformity thereof with:

1. the results of self-monitoring;
2. the readings of the metering devices, and
3. the results of the control exercised during the year.

(4) (Amended, SG No. 98/2018, effective 27.11.2018) (1) Where any non-conformities with the information under Paragraph (3), which affect the base and the amount of the specified fee, are ascertained in the declaration under Paragraph (1) herein, the Basin Directorate Director shall issue an instrument on ascertainment of a public State receivable rectifying the declaration. The said instrument shall be communicated to the obligated person.

(5) (Amended, SG No. 98/2018, effective 27.11.2018) The declaration and ascertainment of the obligation shall be done under the Tax and Social Insurance Procedure Code.

(6) (Amended, SG No. 98/2018, effective 27.11.2018) The instrument on ascertainment of a public State receivable may be appealed under the Administrative Procedure Code.

**Article 195.** (Amended, SG No. 36/2006, SG No. 65/2006, SG No. 47/2009, effective 23.06.2009, SG No. 96/2017, effective 1.01.2018) The concessionaire shall pay the grantor concession remuneration for mineral water extraction.

**Article 195a.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010) The fees referred to in Items 1 to 3 of Article 194 (1) herein, as well as the fines and pecuniary penalties under this Act, imposed by the authorities referred to in Article 201 (2) herein, shall be credited to the on-budget account of the Basin Directorate indicated in:

1. the permit whereunder the right to use waters is conferred;
2. the penalty decree.

(2) (New, SG No. 61/2010) The fees referred to in Items 1 and 2 of Article 194 (1) herein for any waters and water sites constituting public property shall be credited to the on-budget account of the municipality specified in the permit whereunder the right to use waters is conferred.

(3) (Renumbered from Paragraph 2, SG No. 61/2010) Upon each payment, the holder of the permit shall send the permit-issuing authority a copy of the payment document.

(4) (New, SG No. 61/2010) The fees for the issuance of permits referred to in Article 50 (2) herein shall be credited to the on-budget account of:

1. the Basin Directorate: where the Basin Directorate Director is competent to issue the permit;
2. the Ministry of Environment and Water: where the Minister of Environment and Water is competent to issue the permit;
3. the Executive Agency for Exploration and Maintenance of the River Danube: where the request is for the issuance of a water site use permit for extraction of alluvium deposits from the River Danube;
4. the municipality: where the request is for the issuance of a permit for mineral water constituting public municipal property or mineral water constituting exclusive state property, where the occurrence has been allocated to the municipality for stewarding, use and management,

as well as in the cases of issuance of a water withdrawal permit or a permit for use of a water site constituting municipal property.

**Article 195b.** (New, SG No. 65/2006) (1) (Amended, SG No. 61/2010) The receivables for fees not paid according to the procedure established by Article 195a (1) of this Act shall be determined by an instrument on ascertainment of a public state receivable issued by the Basin Directorate directors according to the procedure established by Article 166 of the Tax and Social-Insurance Procedure Code.

(2) The instrument referred to in Paragraph (1) shall be drawn up on the basis of written evidence, including:

1. statements of the accounts to which the fees are credited;
2. payment documents and other accounting documents issued by the water users;
3. an invitation to the person to voluntary compliance;
4. memoranda of ascertainment on the control over fulfilment of the obligation as exercised.

**Article 195c.** (New, SG No. 65/2006) (1) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) Fees under this Act that have not been paid when due shall be collected coercively with interest and costs by the National Revenue Agency according to the procedure established by the Tax and Social-Insurance Procedure Code.

(2) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) The sums collected by the National Revenue Agency shall be credited the account stated in the request for the collection of the said sums.

**Article 196.** (1) (Amended, SG No. 91/2002, previous text of Article 196, SG No. 65/2006) The following shall be credited to the Enterprise for Management of Environmental Protection Activities:

1. (amended, SG No. 65/2006) the fees for water withdrawal, for use of water site and for pollution;
2. (repealed, SG No. 65/2006);
3. (repealed, SG No. 65/2006);
4. the proceeds from the recovery of costs according to Article 199 herein;
5. (supplemented, SG No. 65/2006) the fines or the pecuniary penalties imposed for violation of the provisions of this Act by the authorities referred to in Article 201 (2) herein;
6. (repealed, SG No. 91/2002);
7. financial resources provided under international agreements and programmes;
8. donations from resident and non-resident natural and legal persons;
9. interest income;
10. indemnities recovered from natural and legal persons for detriment inflicted thereby under Article 202 herein;
11. other revenue accruing in pursuance of a statutory instrument.

(2) (New, SG No. 65/2006) The fees referred to in Item 1 of Paragraph (1) and the fines and pecuniary penalties referred to in Item 5 of Paragraph (1) shall be credited to the Enterprise for Management of Environmental Protection Activities by means of a transfer from the on-budget accounts of the Basin Directorates or of the Ministry of Environment and Water.

**Article 197.** (1) (Amended, SG No. 91/2002) The resources covered under Article 196 herein shall be expended on:

1. (amended, SG No. 65/2006) the construction of the networks and the implementation of programmes for water monitoring under Section VIII of Chapter Ten;
2. (amended, SG No. 65/2006, supplemented, SG No. 61/2010) the production and

updating of the river basin management plans under Article 149 (1) herein and the floor risk management plans under Article 146i (1) herein;

3. (amended, SG No. 65/2006) activities comprehending control of waters, water sites, and water development systems and facilities according to Section XI of Chapter Ten herein;

4. investigations and applied scientific research on topics within the scope of this Act;

5. direct financing or co-financing of capital expenditure on the acquisition of tangible fixed assets, acquisition of intangible fixed assets and on overhaul related to the activities and measures within the scope of this Act;

6. direct financing or co-financing of activities or measures within the scope of this Act which do not qualify as capital expenditure;

7. construction of facilities for improvement of drinking and household water supply of the community, and for removal and for treatment of domestic wastewater;

8. (new, SG No. 61/2010) implementation of the measures arising from implementation of Community law in the sphere of water, including the reporting requirements;

9. (renumbered from Item 8, SG No. 61/2010) payment for services of scientific and engineering nature, expert opinions and assessments commissioned by the authorities referred to in Items 2 and 3 of Article 52 (1) herein;

10. (renumbered from Item 9, SG No. 61/2010) contribution towards the maintenance costs of Basin Directorates, as well as towards costs associated with logistical support and the day-to-day operation of Basin Boards;

11. (new, SG No. 65/2006, renumbered from Item 9a, SG No. 61/2010) exploration for and stewarding of mineral waters under Item 2 of Article 14 herein;

12. (renumbered from Item 10, SG No. 61/2010) other activities related to the attainment of purposes covered under Article 2 herein.

(2) (Amended, SG No. 91/2002) The resources covered under Article 196 herein shall be expended according to the Rules of Operation of the Enterprise for Management of Environmental Protection Activities.

**Article 198.** (1) Financing of any projects, water sites and measures within the scope of this Act with state budget resources may furthermore be provided by means of allocation of action grants.

(2) Any projects, water sites and measures of local importance shall furthermore be financed with municipal budget resources or with municipal off-budget resources.

## **Chapter Eleven "a"**

**(New, SG No. 47/2009, effective 24.09.2009)**

# **MANAGEMENT, PLANNING AND CONSTRUCTION OF WATER-SUPPLY AND SEWERAGE SYSTEMS. SINGLE INFORMATION SYSTEM ON WATER-SUPPLY AND SEWERAGE SERVICES. REGISTRATION OF WATER SUPPLY AND SEWERAGE ASSOCIATIONS AND OF WATER AND SEWERAGE UTILITIES**

## **Section I**

## **(New, SG No. 47/2009, effective 24.09.2009)**

# **Management of Water-Supply and Sewerage Systems**

**Article 198a.** (New, SG No. 47/2009, effective 24.09.2009) (1) For the needs of the management, planning and construction of water-supply and sewerage systems and for the provision of water-supply and sewerage services, the national territory shall be divided into geographically defined areas.

(2) The boundaries of a geographically defined area may be changed depending on the incorporation of municipalities therein or the separation of municipalities therefrom.

(3) The decisions on a change in the boundaries of the geographically defined area shall be adopted by the general meeting of the water supply and sewerage association or by the Municipal Council.

(4) A geographically defined area shall cease to exist when the municipalities therein are incorporated into another geographically defined area.

(5) The decisions on cessation of the existence of a geographically defined area and on the incorporation of municipalities from the said area into another geographically defined area shall be adopted by the general meeting of the water supply and sewerage association or by the Municipal Council.

**Article 198b.** (New, SG No. 47/2009, effective 24.09.2009) The management of water-supply and sewerage systems shall be implemented by:

1. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works, who shall coordinate the management of water-supply and sewerage systems at the national level;

2. the water supply and sewerage association in which the State and one or multiple municipalities participate: when the ownership of the water-supply systems within the boundaries of the geographically defined area is shared between the State and the municipalities or between several municipalities;

3. the Municipal Council: where water-supply and sewerage systems owned by a single municipality fall within the boundaries of the geographically defined area.

**Article 198c.** (New, SG No. 47/2009, effective 24.09.2009) (1) The water-supply and sewerage association referred to in Item 2 of Article 198b herein shall be a legal person with a seat and an address at the regional administration of the geographically defined area concerned.

(2) The water-supply and sewerage association shall not be a commercial corporation, shall not form and shall not distribute profit.

(3) The water-supply and sewerage association shall be managed by:

1. a general meeting, which shall consist of representatives of the State and the municipality/municipalities, designated under Article 198f (1) to (3) herein;

2. a chairperson, who shall be a representative of the State.

(4) Through the general meeting, the water-supply and sewerage association shall:

1. (amended, SG No. 96/2017, effective 1.01.2018) send representatives to the commission which conducts the concessionaire selection procedure according to the procedure established by this Act, or select a water and sewerage operator according to the procedure established by the Concessions Act;

2. (amended, SG No. 103/2013) adopt a decision on conclusion of the contract on behalf and for the account of the owner of the water-supply and sewerage system with the water and sewerage utility commissioning the activities involving the provision of the water-supply and

sewerage service and the maintenance of the water-supply and sewerage systems, including the assumption of financial obligations by water and sewerage utilities, and control the performance under the said contract;

3. produce and adopt the regional master plan of the water-supply and sewerage systems and facilities and the master plans for the water-supply and sewerage systems of the geographically defined area concerned of agglomerations with a p.e. of more than 10,000;

4. elaborate and adopt a long-term and a short-term investment programme to the regional master plan of the water-supply and sewerage systems and facilities and the long-term investment programme to the master plan for the water-supply and sewerage systems and facilities of the geographically defined area concerned of agglomerations with a p.e. of more than 10,000;

5. coordinate the business plan of the water and sewerage utility;

6. (amended, SG No. 96/2017, effective 1.01.2018) distribute among the owners the proceeds from the water and sewerage utility under the contract for provision of water-supply and sewerage services, according to the percentage ratio of the votes of the said owners, where there are multiple owners of the water-supply and sewerage systems;

7. adopt decisions on a change in the boundaries of the geographically defined area;

8. adopt a decision on cessation of the existence of the geographically defined area and the incorporation of the municipalities therein into another geographically defined area;

9. draft and adopt the annual budget thereof;

10. adopt the annual activity report thereof.

(5) The chairperson of the water-supply and sewerage association shall:

1. organize and direct the operation of the association and represent the association;

2. sign the contract with the water and sewerage utility and other contracts on behalf of the water-supply and sewerage association;

3. organize the implementations of the decisions of the general meeting of the water-supply and sewerage association;

4. endorse the staffing schedule, conclude, modify and terminate the employment contracts of the employees of the water-supply and sewerage association;

5. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) annually, not later than the end of January, submit to the Minister of Regional Development and Public Works a report on the activity of the water-supply and sewerage association for the last preceding year;

6. organize the control over the performance of the contracts with the water and sewerage utilities;

7. perform other functions as well, assigned thereto by the rules of organization and operation of the water-supply and sewerage association referred to in Article 198f (7) herein.

(6) The sessions of the general meeting of the water-supply and sewerage association shall be convened by the chairperson of the association.

(7) (Amended, SG No. 103/2013, SG No. 58/2015) For the valid transaction of business at a session, the representatives of the State and the municipalities holding not less than two-thirds of all votes shall have to be present thereat.

(8) Where the State and multiple municipalities participate in a particular water supply and sewerage association, the State shall be entitled to 35 per cent of the votes, and all municipalities shall apportion amongst themselves 65 per cent of the votes in proportion to the number of residents thereof.

(9) (Amended, SG No. 58/2015) The decisions of the general meeting of the water supply and sewerage association shall be adopted by a majority of three-quarters of the votes of those

present under Paragraph (7), with the exception of the decisions on a change in the boundaries of the geographically defined area, which shall be adopted unanimously.

(10) Where the State and a single municipality participate in a particular water-supply and sewerage association, the decisions shall be adopted unanimously.

(11) The operation of the water-supply and sewerage associations shall be assisted by employees appointed according to the procedure established by the Labour Code.

(12) The resources required for the operation of the water-supply and sewerage association shall be provided by the State and the municipalities according to the percentage ratio of the votes thereof.

(13) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The resources referred to in Paragraph (12) shall be for the account of the budget of the Ministry of Regional Development and Public Works and of the budgets of the municipalities.

**Article 198d.** (New, SG No. 47/2009, effective 24.09.2009) In the cases referred to in Item 3 of Article 198b herein, the Municipal Council shall:

1. (amended, SG No. 96/2017, effective 1.01.2018) designate the water and sewerage utility according to the procedure established by this Act;

2. adopt a decision on conclusion of the contract with the water and sewerage utility commissioning the activities involving the provision of the water-supply and sewerage service and maintenance of the water-supply and sewerage systems, including the assumption of financial obligations;

3. control the fulfilment of the obligations of the water and sewerage utility according to the contract;

4. produce and adopt the regional master plan of the water-supply and sewerage systems and facilities and the master plan for the water-supply and sewerage systems of the geographically defined area concerned of agglomerations with a p.e. of more than 10,000;

5. elaborate and adopt the long-term investment programme to the regional master plan of the water-supply and sewerage systems and facilities and the long-term investment programme to the master plan for the water-supply and sewerage systems and facilities of the geographically defined area concerned of agglomerations with a p.e. of more than 10,000;

6. coordinate the business plan of the water and sewerage utility;

7. adopt decisions on a change in the boundaries of the geographically defined area.

**Article 198e.** (New, SG No. 47/2009, effective 24.09.2009) (1) The water-supply and sewerage association or the Municipal Council may obligate the water and sewerage utility to assume financial obligations ensuring resources for development of the water-supply and sewerage systems where:

1. such a possibility is provided for in the contract with the water and sewerage utility;

2. the resources are to be used for financing projects under the approved investment programme to the regional master plans or under the master plans of agglomerations of a p.e. of more than 10,000;

3. the financial position of the water and sewerage utility allows the assumption and service of the obligations;

4. the assumption of the obligations will not affect adversely the social affordability of the price of the water-supply and sewerage service.

(2) (Amended, SG No. 17/2015, effective 6.03.2015) The intention that the water and sewerage utility assume financial resources ensuring resources for development of the water-supply and sewerage systems shall be included in the business plan of the utility and shall

be approved by the EWRC.

(3) (Amended, SG No. 17/2015, effective 6.03.2015) Until the approval by the EWRC of the business plan with the obligations included therein, the water and sewerage utility shall not assume financial obligations under Paragraph (1).

(4) (Amended, SG No. 96/2017, effective 1.01.2018) The proceeds under the contract for provision of water-supply and sewerage shall be invested by the owners in the maintenance, modernisation and extension of the water-supply and sewerage systems of the geographically defined area concerned.

**Article 198f.** (New, SG No. 47/2009, effective 24.09.2009) (1) One representative of the State and one representative of each municipality incorporated into the geographically defined area shall participate in the water-supply and sewerage association.

(2) The representative of the State in the water-supply and sewerage association shall be:

1. the Regional Governor of the administrative region whereto the geographically defined area belongs;

2. the Regional Governor of the administrative region within the territory whereof the larger part of the geographically defined area is located: where the geographically defined area concerned belongs to multiple administrative regions.

(3) The representative of the municipality in the water-supply and sewerage association shall be the municipality mayor, and where the mayor is unable to participate, the Municipal Council shall designate another representative.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Before each session of the general meeting of the water-supply and sewerage association, the Regional Governor shall coordinate with the Minister of Regional Development and Public Works and the Minister of Environment and Water, each according to the competences thereof, the position of the State on the items on the agenda and shall be mandated to present the said position.

(5) The position and the mandate of the representative of the municipality at the sessions of the general meeting of the water-supply and sewerage association shall be coordinated according to a procedure established by the Municipal Council.

(6) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) After each session of the general meeting of the water-supply and sewerage association, the Regional Governor shall inform in writing the Minister of Regional Development and Public Works, the Minister of Environment and Water and the municipal councils of the matters discussed and the decisions adopted.

(7) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The organization and operation of the water-supply and sewerage associations shall be determined by rules issued by the Minister of Regional Development and Public Works after consultation with the Minister of Environment and Water.

**Article 198g.** (New, SG No. 47/2009, effective 24.09.2009, amended, SG No. 103/2013) The allocation of the management of the water-supply and sewerage systems constituting public state property and, respectively, public municipal property, to the water-supply and sewerage association in the geographically defined area concerned shall follow the procedure established by this Act.

**Article 198h.** (New, SG No. 47/2009, effective 24.09.2009) The water-supply and sewerage association or the Municipal Council shall have the right to access at no charge to the information systems and documents of other state bodies and bodies of local self-government, as well as of all institutions and authorities maintaining registers and information systems provided for in a law,



where the data of the information systems and the documents concern regulation of water-supply and sewerage services and the ownership of water-supply and sewerage systems.

## **Section II**

### **(New, SG No. 47/2009, effective 24.09.2009)**

## **Planning of Development of Water-Supply and Sewerage Systems**

**Article 198i.** (New, SG No. 47/2009, effective 24.09.2009) (1) The development of water-supply and sewerage systems and facilities shall be planned by means of:

1. regional master plans of water supply and sewerage, and
2. master plans for water supply and sewerage of agglomerations of a p.e. of more than 10,000.

(2) For one geographically defined area, there can be only one regional master plan and as many as necessary master plans of agglomerations.

(3) The plans referred to in Paragraph (1) shall be prepared for a period of 25 years.

(4) The regional master plan shall cover the entire geographically defined area and shall contain as a minimum:

1. an analysis of the status and needs of the water-supply and sewerage systems and facilities of the area concerned;

2. an analysis of the price and quality of the water-supply and sewerage services provided in the geographically defined area and a forecast of the development of the water-supply and sewerage service for the purpose of satisfying consumer demand, reducing water losses and ensuring a good quality of the service at a socially affordable price;

3. objectives and priorities of the development of the water-supply and sewerage systems and facilities in the geographically defined area wherethrough compliance is achieved with Community law and with the programmes of measures for the collection, removal and treatment of wastewaters from the urbanized areas planned in the respective river basin management plan;

4. nucleated settlements with a p.e. of more than 10,000, for which master plans of agglomerations are prepared, and a timetable for the adoption of the said plans;

5. a long-term investment programme for implementation of the plan and a short-term investment programme for the first five-year period.

(5) The master plans of agglomerations shall be limited to the agglomeration concerned and shall contain as a minimum:

1. an analysis of the status and needs of the water-supply and sewerage systems and facilities in the agglomeration concerned;

2. an analysis of the price and quality of the water-supply and sewerage services provided in the geographically defined area for the purpose of satisfying consumer demand, reducing water losses and ensuring a good quality of the service at a socially affordable price;

3. objectives and priorities for development of the water-supply and sewerage systems and facilities in the agglomeration, wherethrough compliance is achieved with Community law and with the programmes of measures for the collection, removal and treatment of wastewaters from the urbanized areas planned in the respective river basin management plan;

4. a long-term investment programme for implementation of the plan and a short-term investment programme for the first five-year period.

(6) The master plans of agglomerations within a geographically defined area shall be

prepared in accordance with the regional master plan.

**Article 198j.** (New, SG No. 47/2009, effective 24.09.2009) (1) The regional master plans and the master plans of agglomerations shall be prepared by the water-supply and sewerage association or by the Municipal Council.

(2) The regional master plans and the master plans of agglomerations referred to in Paragraph (1) shall be reviewed and analyzed and, where necessary, shall be updated at intervals not longer than five years, according to the procedure established by this Act.

**Article 198k.** (New, SG No. 47/2009, effective 24.09.2009) Before the adoption thereof, the regional master plans, the master plans of agglomerations and the investment programmes thereto:

1. shall be subject to environmental assessment according to the procedure established by the Environmental Protection Act;

2. shall be examined by and cleared with the competent water management Basin Directorate and, where covering the territory of multiple water management Basin Directorates, with the Minister of Environment and Water;

3. shall be coordinated with the regional development councils, and where the geographically defined area belongs to the territory of multiple administrative regions, with each regional development council.

**Article 198l.** (New, SG No. 47/2009, effective 24.09.2009) (1) (Amended, SG No. 58/2015) The principle that a uniform price is charged for the water-supply and sewerage service within the geographically defined area shall be respected upon preparation of the long-term investment programmes for implementation of the regional master plans and the master plans of agglomerations.

(2) (New, SG No. 58/2015) The principle referred to in Paragraph (1) shall be respected mandatorily for the prices of the water-supply and sewerage services of supplying water to consumers and/or to other water and sewerage utilities and removal of wastewaters. The price of the water-supply and sewerage service of treatment of wastewaters may be fixed differentially for a group of consumers depending on the degree of pollution according to the procedure established by the Water-Supply and Sewerage Services Regulation Act and the instruments on the application thereof.

(3) (Renumbered from Paragraph (2), SG No. 58/2015) The projects set in the investment programme shall correspond to the objectives, priorities and forecasts in the respective regional master plan or in the respective master plan of an agglomeration and to the programmes of measures in the respective river basin management plan.

**Article 198m.** (New, SG No. 47/2009, effective 24.09.2009) (1) The water and sewerage utility shall prepare a business plan on the basis of the investment programmes to the regional master plans and the master plans of agglomerations.

(2) The business plan of the water and sewerage utility concerned shall be cleared with the water-supply and sewerage association or by the Municipal Council. In case of any non-conformity with the master plans, the investment programmes and the commissioning contracts, the water-supply and sewerage association or the Municipal Council shall return the said business plan for further development with a reasoned opinion and directions.

(3) The business plans of water and sewerage utilities shall be approved according to the procedure established by the Water-Supply and Sewerage Services Regulation Act.

### **Section III**

**(New, SG No. 47/2009, effective 24.09.2009)**

# **Construction of Water-Supply and Sewerage Systems**

**Article 198n.** (New, SG No. 47/2009, effective 24.09.2009) (1) The State and the municipalities shall commission the construction of water-supply and sewerage systems and facilities constituting public state or public municipal property in accordance with the regional master plans and the master plans of agglomerations and the investment programmes thereto. The water and sewerage utilities may commission the construction of water-supply and sewerage systems and facilities if commissioned to do so by the contract for performance of water-supply and sewerage services.

(2) Municipalities may furthermore construct water-supply and sewerage works which conform to the municipal development plan but do not conform to the plans and programmes referred to in Paragraph (1), and the additional costs of the stewarding, maintenance and operation of the said works shall not be included in the prices of water-supply and sewerage services which the water and sewerage utility forms in the geographically defined area. These additional costs shall be borne by the consumers of the water-supply and sewerage services which are provided through the completed work, with the water and sewerage utilities forming separate prices.

(3) The project development design and the construction of water-supply and sewerage systems and facilities shall be performed in accordance with the specific water-supply and sewerage schemes to the spatial-development plans under Section III of Chapter Seven of the Spatial Development Act.

(4) Upon construction of water-supply and sewerage systems and facilities under Paragraph (1), the conditions for building development of the lots may not be degraded and the established manner of permanent use may not be impeded. An exception shall be admissible according to the Spatial Development Act where a technically feasible alternative is unavailable or where another technical solution is apparently economically unfeasible.

(5) The construction of a water-supply and sewerage system or of parts thereof affecting or passing through installations related to national security shall be permissible only as an exception and if there is a justified need.

(6) The exception referred to in Paragraph (5) shall be permitted by order of the head of the central-government department whereto the affected installation is allocated for management. The order shall furthermore establish the procedure for access to the installation during the investigation, design and construction of the water-supply and sewerage system or of parts thereof.

(7) Upon the commissioning of the water-supply and sewerage system referred to in Paragraph (5), the heads of the central-government department whereto the affected installation is allocated for management and of the water and sewerage utility shall determine the access regime for the water and sewerage utility which shall be mandatory upon performance of the activities involving management and maintenance of the water-supply and sewerage system or of the part thereof located within the perimeter of the installation.

(8) The design, construction, commissioning and maintenance of water-supply and sewerage systems shall be implemented under the terms and according to the procedure established by the Spatial Development Act and by this Act.

## **Section IV**

**(New, SG No. 47/2009, effective 24.09.2009)**

## **Provision of Water-Supply and Sewerage Services. Stewarding, Maintenance and Operation of Water-Supply and Sewerage Systems**

**Article 198o.** (New, SG No. 47/2009, effective 24.09.2009) (1) The water-supply and sewerage systems and facilities shall be stewarded, maintained and operated, and water-supply and sewerage services shall be provided to consumers for pay, by water and sewerage utilities according to the procedure established by this Act and by the Water-Supply and Sewerage Services Regulation Act.

(2) Within the boundaries of a geographically defined area, only one water and sewerage utility may implement the activities referred to in Paragraph (1), with the exception of the cases referred to in Paragraph (6).

(3) One water and sewerage utility may implement the activities referred to in Paragraph (1) in multiple geographically defined areas.

(4) The water supply and sewerage association, acting through the chairperson thereof, or the Municipal Council, acting through the municipality mayor, shall confer the right to perform the activities referred to in Paragraph (1) on the water and sewerage utility concerned through commissioning according to the procedure established by this Act and by the Concessions Act for the sites referred to in Items 5 to 7 of Article 13 (1) and Item 4 (a) and (b) of Article 19 (1) and Article 19 (2) herein.

(5) The water and sewerage utility shall be a merchant, a legal-person state-owned or a municipal enterprise, which has concluded a contract with the chairperson of the water supply and sewerage association or with the municipality mayor according to a decision of the Municipal Council on management, maintenance and operation of the water-supply and sewerage systems and provision of water-supply and sewerage services within the boundaries of one or more geographically defined areas, with the provision of water-supply and sewerage services being the core activity thereof.

(6) The merchants, the legal-person state-owned or municipal enterprises, which provide services involving the supply and treatment of water for human consumption, for public needs, for manufacturing, industrial and other activities of a commercial nature or activities involving the treatment and removal of wastewater and which do not service the entire geographically defined area but individual consumers, shall implement these services according to the requirements of this Act and the Water-Supply and Sewerage Services Regulation Act. In respect of these consumers, they shall be considered water and sewerage utilities.

(7) The requirements and criteria for the water and sewerage utilities shall be specified by an Ordinance of the Council of Ministers.

(8) The Ordinance referred to in Paragraph (7) shall furthermore specify the professional and qualification requirements to the technical staff of the water and sewerage utilities, as well as the terms and procedure for conduct of the training of the said staff.

**Article 198p.** (New, SG No. 47/2009, effective 24.09.2009) (1) (Supplemented, SG No. 103/2013) The activities referred to in Article 198o (1) herein shall be commissioned by a contract according to the procedure established by this Act or according to the procedure established by the Concessions Act.

(2) (Amended, SG No. 96/2017, effective 1.01.2018) The complement of the commission for conduct of the concessionaire selection procedure for the water supply and sewerage

associations shall include the chairperson of the water supply and sewerage association and representatives elected by the general meeting.

(3) (Amended, SG No. 103/2013) The water and sewerage utilities shall recognize in the balance sheet (statement of financial position) thereof the property rights conferred thereon by the contracts referred to in Paragraph (1) to the water-supply and sewerage systems and facilities constituting public property allocated thereto and shall charge depreciation according to the procedure established by the Accountancy Act. These depreciation charges shall be reinvested in the water-supply and sewerage systems in accordance with the approved investment programmes to the business plans endorsed to the said utilities.

(4) (Amended, SG No. 103/2013) The water and sewerage facility shall fulfil the obligations thereof under the contract referred to in Paragraph (1) until such time as the new water and sewerage facility selected commences provision of the water-supply and sewerage service.

(5) (New, SG No. 103/2013) The contract referred to in Paragraph (1) shall specify as a minimum:

1. the scope of the activities and responsibilities of the water and sewerage utility for the provision of water-supply and sewerage services;

2. the obligations of the water and sewerage utility for the operation, maintenance and reconstruction of the water-supply and sewerage systems and facilities;

3. the investment obligations of the water and sewerage utility for the construction of new water-supply and sewerage systems and facilities;

4. the terms and procedure for providing to the water and sewerage utility for operation of the water-supply and sewerage systems and facilities that are newly constructed and due to be constructed in the geographically defined area;

5. the procedure for making the water-supply and sewerage systems and facilities available for operation to the water and sewerage utility;

6. the procedure for delivery of the water-supply and sewerage systems and facilities by the water and sewerage utility after termination of the contract;

7. the criteria and benchmarks for exercise of control over the operation of the water-supply and sewerage utility;

8. the period of validity of the contract;

9. the responsibilities of the parties upon non-fulfilment of the obligations under the contract;

10. the grounds and the procedure for termination of the contract;

11. (amended, SG No. 17/2015, effective 6.03.2015) the terms and procedure for assumption and extinction of financial obligations by the water and sewerage utility operating in the geographically defined area concerned and which are included in the business plan of the said utility as approved by the EWRC;

12. the conditions whereunder the water and sewerage utility continues the operation thereof in accordance with the business plan endorsed thereto and the general conditions for the provision of water-supply and sewerage services.

(6) (New, SG No. 103/2013) The water and sewerage utility of the geographically defined area concerned shall accept for operation the water-supply and sewerage systems and facilities with the respective documentation necessary for the operation thereof.

## **Section V**

**(New, SG No. 47/2009, effective 24.09.2009)**

# **Single Information System on Water-Supply and Sewerage Services. Register of Water Supply and Sewerage Associations and of Water and Sewerage Utilities**

**Article 198q.** (New, SG No. 47/2009, effective 24.09.2009, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) To ensure publicity and transparency upon the implementation of the activity involving the provision of water-supply and sewerage services, the Ministry of Regional Development and Public Works shall create and maintain:

1. a Single Information System on Water-Supply and Sewerage Services, and
2. a Register of the water supply and sewerage associations and of the water and sewerage utilities.

**Article 198r.** (New, SG No. 47/2009, effective 24.09.2009, amended, SG No. 15/2016) Unified Information System for Water-Supply and Sewerage Services provides:

1. public access of consumers to information on the development and regulation of water-supply and sewerage services in Bulgaria, as well as information on the prices of the services of the water and sewerage utilities, on the benchmarks for reduction of water losses and on the other key benchmarks approved with the business plans of the water and sewerage utilities;
2. information on the state bodies, the water-supply and sewerage associations, the municipalities and the water and sewerage utilities in connection with the implementation of this Act and the development of the water-supply and sewerage sector;
3. a possibility to search the business plans.

**Article 198s.** (New, SG No. 47/2009, effective 24.09.2009) (1) The water-supply and sewerage associations and the water and sewerage utilities shall be entered in the Register referred to in Item 2 of Article 198r herein by geographically defined area.

(2) The Register referred to in Paragraph (1) shall contain information on:

1. the geographically defined areas:
  - (a) scope and boundaries;
  - (b) (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the decision of the Minister of Regional Development and Public Works on designation of the geographically defined area, as promulgated in the State Gazette;
  - (c) the decisions on a change in the geographically defined area;
  - (d) the water supply and sewerage association operating in the geographically defined area: designation and address;
  - (e) the water and sewerage utility operating in the geographically defined area: designation and address;
2. the water supply and sewerage associations:
  - (a) address and registered office;
  - (b) management bodies;
3. the water and sewerage utilities:
  - (a) business name: designation, registered office and address of the place of management, registration of the water and sewerage utility according to the registration law thereof;
  - (b) management bodies, representation and persons representing the utility;
  - (c) staff size and qualification of employees;

- (d) a copy of the contract for performance of activities;
- (e) water-supply and sewerage services provided: disaggregated by type, location and number of consumers, including price of water-supply and sewerage services;
- (f) the annual financial statements for the last preceding year;
- (g) the sanctions imposed on the water and sewerage utility by the control authorities;
- (h) other particulars specified by the Ordinance referred to in Article 198v herein;
- 4. the persons referred to in Article 198o (6) herein operating in the geographically defined area: designation, registered office and address, management bodies;
- 5. other particulars specified by the Ordinance referred to in Article 198v herein.

**Article 198t.** (New, SG No. 47/2009, effective 24.09.2009) (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Water and sewerage utilities shall submit an application for entry into the register to the Minister of Regional Development and Public Works, completed in a standard form endorsed by the Ordinance referred to in Article 198v herein.

(2) A water and sewerage utility shall be expunged from the register upon:

1. dissolution of the legal person of the utility where a state-owned or a municipal enterprise;
2. discontinuance of the activity involving the provision of water-supply and sewerage services after the termination of the contract;
3. an effective judgment on initiation of bankruptcy proceedings;
4. other circumstances specified in the Ordinance referred to in Article 198v herein.

(3) The water and sewerage utility shall be obligated to apply for entry of any change in a circumstance subject to entry into the register within fourteen days after the occurrence of any such change.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Expungement from the register shall be effected by the Minister of Regional Development and Public Works.

**Article 198u.** (New, SG No. 47/2009, effective 24.09.2009) The Single Information System and the Register shall be open to public inspection, and access thereto shall be provided via the Internet.

**Article 198v.** (New, SG No. 47/2009, effective 24.09.2009, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and procedure for the creation and maintenance of the Single Information System and of the Register referred to in Article 198q herein shall be established by an Ordinance of the Minister of Regional Development and Public Works.

## **Chapter Twelve**

# **ADMINISTRATIVE PENALTY LIABILITY AND CIVIL LIABILITY**

**Article 199.** (1) The Minister of Environment and Water may order coercive administrative measures in the cases of:

1. (amended, SG No. 65/2006) emergency and disaster situations caused by acts or omissions of water users in the course of water withdrawal and/or water site use and operation of water development systems and facilities;
2. (amended, SG No. 65/2006) occurrence of an immediate danger of environmental

pollution, damage or loss, personal injury or loss of human life, or of pollution, damage or loss of property owned by the State, municipalities, natural or legal persons as a result of acts or omissions of water users;

3. (new, SG No. 65/2006) withdrawal of mineral waters without a permit issued or a concession granted.

(2) Any order referred to in Paragraph (1) shall specify the reasoning and the amount of costs required for performance of the requisite activities and measures.

(3) The costs shall be payable by the persons who or which are obliged by virtue of the law or of the permit held thereby to perform the activities and measures referred to in Paragraph (2).

(4) (Amended, SG No. 91/2002) The costs under this Article may be paid in advance using resources from the Enterprise for Management of Environmental Protection Activities, and, upon the entry into effect of the order referred to in Paragraph (1), the obligated person must reimburse such costs.

(5) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) Should the obligated person fail to effect such reimbursement, the receivable shall be subject to enforced execution according to the procedure established by the National Revenue Agency Act.

(6) (Supplemented, SG No. 77/2018, effective 1.01.2019) Any order referred to in Paragraph (1) shall be appealable by the affected parties before the relative administrative court according to the procedure established by the Administrative Procedure Code.

**Article 199a.** (New, SG No. 81/2000) (1) Upon application of coercive administrative measures, the Minister of Environment and Water shall:

1. terminate the water withdrawal and/or water site use;
2. suspend the activities resulting in water pollution or in disturbance of river beds or river banks;
3. suspend the activities resulting in prejudice of the public interest and/or acquired rights.

(2) (Amended, SG No. 65/2006) Coercive administrative measures shall be applied by officials authorized by the Minister of Environment and Water by means of:

1. (amended, SG No. 65/2006) affixation of lead seals to water withdrawal facilities;
2. affixation of paper tapes in order to deny access to sites whereof the activity pollutes waters;
3. affixation of lead seals in order to prevent the operation of machinery and plant through which river beds or river banks are disrupted.

**Article 199b.** (New, SG No. 58/2015, effective 1.01.2016) (1) (Amended, SG No. 55/2018) The Chairperson of the State Agency for Metrological and Technical Surveillance or an official empowered thereby shall implement a coercive administrative measure by issuing an order for temporary decommissioning of the dam walls and their associated installations until they are brought into a condition meeting the technical standards.

(2) (Amended, SG No. 55/2018) The coercive administrative measure shall be implemented in case of immediate danger of loss of human life, damage or destruction of property and/or the environment, where the danger resulted from the action or inaction of the dam owner, operator, concessionaire, or tenant.

(3) (New, SG No. 55/2018) The temporary decommissioning of dams and their associated facilities shall be carried out through the complete emptying of the dam reservoir by:

1. the concessionaire, where a concession for the dam has been granted;



2. (amended, SG No. 17/2021) the tenant, where the dam has been assigned for lease;

3. the owner, in case of absence of the circumstances referred to in items 1 and 2 above.

(4) (New, SG No. 55/2018) The order referred to in paragraph 1 above shall determine the liable person and the costs of implementation of the measure.

(5) (New, SG No. 55/2018) In case of non-compliance with the order implementing a coercive administrative measure, the temporary decommissioning of the dam and its associated facilities shall be carried out by the regional governor exercising competence over the location thereof.

(6) (New, SG No. 55/2018) The costs for the implementation of the coercive administrative measure shall be borne by the persons referred to in paragraph 3. In the cases referred to in paragraph 5, if the liable person fails reimburse such costs, the receivable shall be subject to enforced collection according to the procedure established by the National Revenue Agency Act.

(7) (Renumbered from Paragraph (3), SG No. 55/2018) The coercive administrative measures referred to in Paragraph (1) for the dams covered under Annex 1 to Item 1 of Article 13 herein shall be applied by a decision of the Council of Ministers.

(8) (Renumbered from Paragraph (4), amended, SG No. 55/2018) The acts referred to in paragraphs 1 and 7 shall be appealable by the affected parties according to the procedure established by the Administrative Procedure Code. Contesting of the acts under Paragraphs (1) and (7) shall not stay the enforcement thereof.

**Article 200.** (1) Unless liable to a severer punishment, any natural or legal person shall be punishable by a fine or a pecuniary penalty [of the following amount], respectively, if any such person:

1. (amended, SG No. 65/2006) uses waters without the appropriate legal grounds or in departure from the conditions provided for in the permit or contract:

(a) of a quantity under 1 litre per second: BGN 150 or exceeding this amount but not exceeding BGN 1,000;

(b) of a quantity from 1 litre per second to 10 litres per second: BGN 500 or exceeding this amount but not exceeding BGN 5,000;

(c) of a quantity from 10 litres per second to 100 litres per second: BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

(d) (amended, SG No. 61/2010) of a quantity over 100 litres per second: BGN 10,000 or exceeding this amount but not exceeding BGN 25,000;

2. (amended, SG No. 65/2006) uses water sites, water development facilities and systems or constructs such sites, facilities and systems without the appropriate legal grounds or in departure from the conditions provided for in the permit: BGN 2,000 or exceeding this amount but not exceeding BGN 10,000;

3. pollutes waters, disturbs river beds or river banks in violation of the prohibitions contained in Articles 132, 134, 143 and 144 herein: BGN 5,000 or exceeding this amount but not exceeding BGN 15,000;

4. (amended, SG No. 61/2010) breaches the rules for declaring, reporting and controlling

implementation of the authorized water withdrawal or water site use: BGN 150 or exceeding this amount but not exceeding BGN 1,000;

5. damages water development facilities and hydrometric facilities and devices or disrupts the proper operation and the established modes of operation thereof: BGN 500 or exceeding this amount but not exceeding BGN 5,000;

6. (amended, SG No. 65/2006) discharge wastewaters into water sites or into the sewerage system in violation of emission limit values and requirements: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000;

7. uses riparian lands or littoral lands appurtenant to water sites or land tracts within the flood plains for any purpose other than the assigned purpose: BGN 2,000 or exceeding this amount but not exceeding BGN 10,000;

8. withholds information regarding emergency situations in water sites: BGN 500 or exceeding this amount but not exceeding BGN 5,000;

9. conceals design documentation about the sites which may affect the natural status of waters: BGN 5,000 or exceeding this amount but not exceeding BGN 10,000;

10. denies access to control authorities for the purpose of conducting measurements and analyses: BGN 150 or exceeding this amount but not exceeding BGN 500;

11. destroys or tampers with data and information: BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

12. (amended, SG No. 65/2006) fails to fulfil an obligation to notify the competent authorities regarding any circumstances relevant to the protection of waters and protection against water-related damage and loss: BGN 200 or exceeding this amount but not exceeding BGN 2,000;

13. damages or destroys monitoring points or stations of the national monitoring networks: BGN 10,000 or exceeding this amount but not exceeding BGN 25,000;

13a. (new, SG No. 55/2018) damages or destroys elements of the control and measuring systems of the dams – from BGN 10,000 to BGN 25,000;

14. fails to fulfil the obligation to announce any restrictions and prohibitions referred to in Article 42 herein: BGN 200 or exceeding this amount but not exceeding BGN 2,000;

15. (repealed, SG No. 53/2014);

16. distributes bottled mineral water in the distributive trade network without the required certificate: BGN 10,000 or exceeding this amount but not exceeding BGN 25,000;

17. (new, SG No. 65/2006) implements water withdrawal for economic needs or discharge of wastewaters without an installed and sealed metering device: BGN 500 or exceeding this amount but not exceeding BGN 5,000;

18. (new, SG No. 65/2006) obstructs the control authorities in the execution of their obligations under this Act: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000;

19. (new, SG No. 65/2006) violates the protection regimes determined within the boundaries of the sanitary protected areas: BGN 2,000 or exceeding this amount but not exceeding BGN 10,000;

20. (new, SG No. 65/2006) fails to maintain the protective facilities and the marking of the sanitary protected areas: BGN 500 or exceeding this amount but not exceeding BGN 1,000;

21. (new, SG No. 65/2006) builds or uses a construction building beyond the objectives of the right to use waters as conferred at a distance of 50 metres from the watercourse: BGN 2,000 or exceeding this amount but not exceeding BGN 10,000;

22. (new, SG No. 65/2006) deploys floating and underwater structures at a distance of less than 1,000 metres from dam walls and the associated facilities: BGN 10,000 or exceeding this

amount but not exceeding BGN 25,000;

23. (new, SG No. 65/2006, amended, SG No. 58/2015, effective 1.01.2016) extracts alluvium deposits from water sites using mechanical equipment and without a permit: BGN 20,000 or exceeding this amount but not exceeding BGN 50,000;

24. (new, SG No. 65/2006, amended, SG No. 58/2015, effective 1.01.2016) violates the prohibitions referred to in Article 118a (1) and Article 118c (1) herein: BGN 2,000 or exceeding this amount but not exceeding BGN 10,000;

25. (new, SG No. 65/2006) fails to implement measures provided for in the programmes under Section V of Chapter Ten herein: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000;

26. (new, SG No. 65/2006) operates water withdrawal facilities for household and drinking water supply or for mineral waters without an established sanitary protected area: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

27. (new, SG No. 65/2006, amended and supplemented, SG No. 61/2010) exceeds the authorized water quantities from dam complexes and significant dams or fails to observe the maximum volume set in the schedules referred to in Article 53 (1) herein: BGN 1,500 or exceeding this amount but not exceeding BGN 5,000;

28. (new, SG No. 65/2006) fails to mothball or fails to liquidate water withdrawal facilities for groundwaters that are not used: BGN 300 or exceeding this amount but not exceeding BGN 1,000;

29. (new, SG No. 65/2006) fails to conduct self-monitoring of water quantity and/or quality: BGN 500 or exceeding this amount but not exceeding BGN 5,000;

30. (new, SG No. 65/2006) fails to repair the damage of the metering devices within the time limit under Article 194a (3) herein: BGN 2,000 or exceeding this amount but not exceeding BGN 5,000;

31. (new, SG No. 65/2006) fails to comply with or suffers another not to comply with the prescriptions of control authorities: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000;

32. (new, SG No. 65/2006) obstructs the exercise of rights conferred according to the procedure established by this Act: BGN 2,000 or exceeding this amount but not exceeding BGN 5,000;

33. (new, SG No. 65/2006) fails to fulfil the obligations thereof under Article 44 (4) and (5) herein: BGN 300 or exceeding this amount but not exceeding BGN 500;

34. (new, SG No. 65/2006, supplemented, SG No. 61/2010) supplies water for human consumption of a quality not conforming to the requirements of the Ordinance referred to in Item 3 of Article 135 (1) herein: BGN 5,000 or exceeding this amount but not exceeding BGN 15,000;

35. (new, SG No. 65/2006) fails to conduct monitoring of the quality of water for human consumption and/or fails to submit the monitoring data to the authorities under Articles 155a and 189 herein: BGN 1,000 or exceeding this amount but not exceeding BGN 5,000;

36. (new, SG No. 65/2006) fails to inform consumers in the cases where deviations in the quality of water for human consumption have been established, where the said deviations may pose a health risk: BGN 10,000 or exceeding this amount but not exceeding BGN 25,000;

37. (new, SG No. 65/2006) supplies water for human consumption in the cases referred to in Article 48 (3) herein without a permit issued under Item 1 of Article 155a (1) herein: BGN 10,000 or exceeding this amount but not exceeding BGN 25,000;

38. (new, SG No. 58/2015, effective 1.01.2016) fails to fulfil an obligation under Article 141 (1) herein: BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

39. (new, SG No. 58/2015, effective 1.01.2016, amended, SG No. 55/2018) fails to fulfil a prescription under Article 138a, Paragraph (3), item 5, or an obligation under Article 190a, Paragraph (2): BGN 1,000 to BGN 20,000;

40. (new, SG No. 58/2015, effective 1.01.2016, amended, SG No. 55/2018) fails to comply with an order under Article 199b (1) and (7) herein: BGN 10,000;

41. (new, SG No. 58/2015, effective 1.01.2016) fails to fulfil the obligation thereof under Article 138c (1) herein: BGN 10,000 or exceeding this amount but not exceeding BGN 50,000;

42. (new, SG No. 55/2018) for not fulfilling obligations under the ordinance referred to in Article 141, Paragraph (1), item 3 or Article 141, Paragraph (2): from BGN 200 to BGN 1,000;

43. (renumbered from Item 17, amended, SG No. 65/2006, renumbered from Item 38, SG No. 58/2015, effective 1.01.2016, renumbered from Item 42, SG No. 55/2018) in any other case of violation of any prohibitions or failure to fulfil any obligations under this Act: BGN 500 or exceeding this amount but not exceeding BGN 2,000.

(2) The sanction referred to in Paragraph (1) shall furthermore be imposed on any natural person or any representative of a legal person who has ordered or assigned the performance of steps covered under Paragraph (1), where any such act itself constitutes an administrative violation.

(3) Where any violation referred to in Items 2, 3, 7 and 13 of Paragraph (1) constitutes performance of construction, the fine or penalty shall be BGN 10,000 or exceeding this amount but not exceeding BGN 25,000.

(4) The fine or penalty for any repeated violation referred to in Paragraphs (1) and (2) shall be BGN 1,000 or exceeding this amount but not exceeding BGN 50,000.

**Article 200a.** (New, SG No. 65/2006) (1) (Amended and supplemented, SG No. 61/2010) Any official, who suffers the connecting of new consumers discharging wastewaters to the sewerage systems of nucleated settlements, dispersed and resort settlements in the cases where the said sewerage system cannot ensure the removal and treatment of the wastewaters prior to a modification of the wastewater discharge permits as issued or to the issuance of new such permits and prior to the construction or extension of the facilities necessary for wastewater treatment, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 15,000.

(2) Any official, who fails to fulfil the obligations thereof under this Act or suffers another not to fulfil the obligations thereof under this Act, except in the cases referred to in Paragraph (1), shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000.

(3) Any official, who violates any mandatory provisions of statutory instruments on the application of this Act, shall be liable to a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000.

**Article 200b.** (New, SG No. 65/2006, repealed, SG No. 77/2012, effective 9.10.2012).

**Article 201.** (1) (Amended and supplemented, SG No. 65/2006, supplemented, SG No. 58/2015) The written statements ascertaining any violation covered under Article 200 (1) herein, with the exception of the violations referred to in Item 16 and Items 34 to 41, shall be drawn up by officials empowered by the Minister of Environment and Water or by the Basin Directorate directors.

(2) (Amended, SG No. 81/2000, amended and supplemented, SG No. 65/2006, supplemented, SG No. 58/2015) The penalty decrees under Paragraph (1) hereto shall be issued by the Minister of Environment and Water or officials thereby empowered, or by the Basin Directorate directors.

(3) (Amended, SG No. 65/2006) Written statements on any violations covered under Items 2, 5 and 7 of Article 200 (1) herein may furthermore be drawn up by officials empowered by the

authorities referred to in Article 190 (1) and (2) herein.

(4) (Supplemented, SG No. 81/2000, amended, SG No. 108/2001, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 14/2015, SG No. 58/2017, effective 18.07.2017) The penalty decrees referred to in Paragraph (3) shall be issued by the Minister of Regional Development and Public Works, the Minister of Agriculture, Food and Forestry, the Minister of Transport, Information Technology and Communications and the Minister of Energy or by officials empowered by the competent minister.

(5) (Amended, SG No. 65/2006, repealed, SG No. 53/2014).

(6) (Amended, SG No. 65/2006, SG No. 93/2009, effective 25.12.2009, repealed, SG No. 53/2014).

(7) (Amended, SG No. 65/2006, SG No. 70/2008) Written statements on any violations covered under Item 16 and Items 33 to 37 of Article 200 (1) herein, as well as under Items 18 to 20 of Article 200 (1) herein in the case of exercise of control under Item 5 of Article 155a (3) herein, shall be drawn by officials specified in the Health Act.

(8) (Supplemented, SG No. 81/2000, amended, SG No. 65/2006, SG No. 98/2010, effective 1.01.2011) The penalty decrees referred to in Paragraph (7) shall be issued by the director of the regional health inspectorate.

(9) (New, SG No. 80/2011, effective 14.10.2011) Written statements on violations in the exercise of the powers referred to in Article 191 (3) shall be drawn up by officials empowered by the competent Regional Governor.

(10) (New, SG No. 80/2011, effective 14.10.2011) The penalty decrees under Paragraph (9) shall be issued by the competent Regional Governor.

(11) (New, SG No. 58/2015, effective 1.01.2016, amended, SG No. 55/2018) The written statements for the offences referred to in Article 200, Paragraph (1), items 13a, 18, 22 and 43 in the cases of exercising control as per Article 190, Paragraph (4), and items 38 - 42 shall be drawn up by officials authorised by the Chairperson of the State Agency for Metrological and Technical Surveillance.

(12) (New, SG No. 58/2015, effective 1.01.2016) The penalty decrees under Paragraph (11) shall be issued by the President of the State Agency for Metrological and Technical Surveillance or by officials empowered thereby.

(13) (Renumbered from Paragraph (9), SG No. 80/2011, effective 14.10.2011, renumbered from Paragraph (11), SG No. 58/2015) The ascertainment of violations, the issuance, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

**Article 202.** (1) Any person shall be obliged to cure any detriment culpably inflicted thereby on any other persons in violation of effective provisions regarding water use and protection and of the conditions provided for in the permits as issued.

(2) Liability for any detriment referred to in Paragraph (1) shall not exempt the person from payment for the water withdrawal, as well as from incurrence of the costs associated with restoration of the status quo ante.

(3) In the case of damage to the flora and fauna in water sites constituting public state property, the following shall be competent to bring action for cure of the detriment:

1. the Minister of Environment and Water, should the damage have occurred within the territory of multiple administrative regions;

2. the [competent] Regional Governor, should the damage have occurred within the territory of multiple municipalities;

3. the [competent] Municipality Mayor, should the damage have occurred within the territory of a single municipality.

(4) (Amended, SG No. 59/2007) Action under Paragraphs (2) and (3) may furthermore be brought by any non-profit organization whereof the objects are environmental protection. In such a case, the court shall apply ex officio Article 26 (4) of the Code of Civil Procedure.

**Article 202a.** (New, SG No. 65/2006) The fines and pecuniary penalties shall be credited to the account of the control authority named in the written statement whereunder they are imposed.

**Article 203.** (New, SG No. 81/2000, amended, SG No. 84/2003, SG No. 59/2007) Any water consumers and water users and any users of wastewater removal and treatment services and other services provided for in this Act, who or which are defaulting debtors, shall be held liable for the obligations thereof, with the provider of the service having the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure regardless of the amount of the obligation.

## SUPPLEMENTARY PROVISIONS

§ 1. (1) Within the meaning given by this Act:

1. "hydrological regime" shall be a totality of characteristics of the qualitative and quantitative status of waters in water bodies and the behaviour of the said status in time and space;

2. (supplemented, SG No. 65/2006) "water balance" shall be the correlation between precipitation, run-off flow, evaporation and seepage, which characterizes the quantitative status of waters by river basin or by water site;

3. "water resources" shall be the surface waters and groundwaters located in the water sites, which are used or can be used;

4. "water development balance" shall be the correlation between the available water resources and the water needs by time and place, which is prepared for the purpose of identifying the possibilities to satisfy the demand for water;

5. "water development relations" shall be the relations which have arisen in the course of the activities of persons associated with the use, restoration and protection of waters and water sites;

6. (amended, SG No. 65/2006, SG No. 58/2015) "aquifer" shall be a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or abstraction of significant quantities of groundwater;

7. "water withdrawal" shall comprehend all activities involving the drawing of waters from water sites;

8. "return flow" shall be the portion of waters provided for use which is returned back into water sites;

9. "permissible extraction" shall be the extraction within the permissible lowering of the water level, permissible temperature changes, permissible water quality, and permissible environmental impact;

10. (amended, SG No. 61/2010) "exploitable mineral water resources" shall be the permissible and technically feasible average annual extraction of mineral waters;

11. (amended, SG No. 65/2006) "individual emission limit values" shall be the values of the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, laid down in the wastewater discharge permit in application of the combined approach, which may not be exceeded during any given period of time;

12. (amended, SG No. 65/2006) "pollution" shall be any direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may:

(a) be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending thereon;

(b) result in damage to material property;

(c) impair or interfere with the legitimate uses of the environment;

13. "bowels of the earth" shall be the part of the earth's crust which is accessible for human activity;

14. "springs" shall be the naturally ascending or descending flow of groundwaters emerging at the earth's surface, with or without pressure head;

15. (repealed, SG No. 65/2006);

16. (amended, SG No. 65/2006, SG No. 61/2010) "flood plains of rivers" shall be the land tracts which are overflowed:

(a) within the boundaries of river engineering works in nucleated settlements and between the river and the dikes: where dikes exist;

(b) (supplemented, SG No. 58/2015) should the mean multiannual run-off flow at a 5 per cent availability or recurrence of once in twenty years: applicable to river sectors where no river engineering works or protective facilities are constructed;

17. (amended, SG No. 65/2006, SG No. 58/2015, SG No. 17/2021) "mineral waters" shall be the waters listed in Annex 2 to this Act, and in all other cases, those in respect whereof the Ministry of Health has issued a certificate and/or has conducted an integral hydrotherapeutic assessment;

18. (amended, SG No. 65/2006) "water monitoring" shall comprehend measurements, observations and assessments for the purpose of determination of the status of waters;

19. "waste banks" shall be process wastes amassed as a result of exploration, extraction and/or primary processing of subsoil resources, with the exception of tailings ponds and slime pits;

20. (amended, SG No. 65/2006) "unforeseeable or exceptional" shall comprehend emergency situations caused by natural disasters and accidents the onset of which may not be predicted and the consequences of which cannot be prevented;

21. (amended, SG No. 65/2006) "mean water level" shall be the water surface level corresponding to the mean multiannual run-off flowing through the river bed.

22. "repeated violation" shall be any violation which is committed within one year after the entry into effect of a penalty decree whereby the offender was penalized for a violation of the same kind;

23. (amended, SG No. 65/2006) "surface waters" shall be inland waters, except groundwater, transitional waters and coastal marine waters, except in respect of chemical status, for which they shall also include internal marine waters and territorial sea waters;

24. (amended, SG No. 65/2006) "groundwaters" shall be all waters located below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

25. "water site use" shall be any activity in a water site which, without involving a withdrawal of the waters thereof, may potentially affect the regime of the said waters;

26. (amended, SG No. 61/2010) "littoral lands appurtenant to water reservoirs" shall be land tracts which are overflowed at the highest water level of the water reservoir designated for overflow of a water quantity of rated availability.

27. "riparian lands" shall be land tracts of the river beds which are overflowed at the mean water level;

28. (amended, SG No. 65/2006) "river basin" shall be the area of land from which all surface run-off flows through a sequence of streams, rivers and lakes into the sea at a single river mouth, estuary or delta;

29. (amended, SG No. 65/2006) "transboundary waters" shall be surface waters or groundwaters that cross the border between the Republic of Bulgaria and one or more neighbouring States;

30. "water management" shall include the activities involving the use, protection and restoration of waters, as well as the activities involving protection against water-related damage and loss;

31. (amended, SG No. 65/2006) "mouth" shall be any place where a water flow discharges in another water flow, lake or the sea;

32. (new, SG No. 42/2003, amended, SG No. 47/2009, effective 23.06.2009) "water-supply system" shall be a totality of facilities for the extraction of natural waters, their treatment and/or decontamination until attainment of the requisite quality, and their storage, transfer, distribution and supply to the corporeal immovables of consumers;

33. (new, SG No. 42/2003, amended, SG No. 47/2009, effective 23.06.2009) "sewerage system" shall be a totality of sewer branches, street sewer networks in the urbanized areas, main collector sewers and treatment plants or treatment facilities wherethrough the wastewaters and/or the rain waters are removed from the corporeal immovables of consumers, are treated and, where necessary, decontaminated until attainment of the requisite quality, and are discharged into the relevant water site;

34. (new, SG No. 65/2006) "water site" shall be a permanent or temporary concentration of waters with the respective boundaries, volume and hydrological regime in the bowels of the earth and in natural or artificially created terrestrial relief forms together with the land tracts appurtenant thereto.

35. (new, SG No. 65/2006) "inland waters" shall be all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured;

36. (new, SG No. 65/2006) "water intended for human consumption" shall be surface or groundwater, either in its natural status or after treatment, intended for drinking, cooking or other household purposes, supplied through a water-conduit system or from a tank truck, in bottles, cans or other packaging, as well as the waters used for the manufacture of food, medicinal or cosmetic products or substances intended for human consumption in case the quality of the water may affect the quality of the products in their finished form;

37. (new, SG No. 65/2006) "water body" shall be a discrete and significant part of surface or groundwaters;

38. (new, SG No. 65/2006, amended, SG No. 61/2010) "good ecological status" shall be the status of a surface body water so classified in accordance with the ordinances referred to in Item 9 and 14 of Article 136 (1) herein;

39. (new, SG No. 65/2006, amended, SG No. 61/2010) "good quantitative status of groundwaters" shall be the status of a groundwater body defined under the terms established by the Ordinance referred to in Item 2 of Article 135 (1) herein;

40. (new, SG No. 65/2006) "good surface water status" shall be the status achieved by a surface water body when both the ecological status and the chemical status of the water body are at least "good".

41. (new, SG No. 65/2006) "good groundwater status" shall be the status achieved by a groundwater body when both the quantitative status and the chemical status of the water body are



at least "good".

42. (new, SG No. 65/2006) "good surface water chemical status" shall be the chemical status of a surface water body in which concentrations of pollutants do not exceed the established environmental quality standards;

43. (new, SG No. 65/2006, amended, SG No. 61/2010) "good groundwater chemical status" shall be the chemical status of a groundwater body which meets all the conditions set out in the Ordinance referred to in Item 2 of Article 135 (1) herein;

44. (new, SG No. 65/2006, amended, SG No. 61/2010) "good ecological potential" shall be the status of a heavily modified or an artificial water body, so classified in accordance with the ordinances referred to in Items 9 and 14 of Article 135 (1) herein;

45. (new, SG No. 65/2006) "lake" shall be a natural water body with standing surface waters formed in an indented terrestrial relief form;

46. (new, SG No. 65/2006) "environmental quality standard" shall be the concentration of particular pollutants or group of pollutants in water, sediment or biota which should not be exceeded in order to protect human health and the environment;

47. (new, SG No. 65/2006, amended, SG No. 61/2010) "ecological status of surface water bodies" shall be an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with the ordinances referred to in Items 9 and 14 of Article 135 (1) herein;

48. (new, SG No. 65/2006) "emission standard" shall be the values of the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during any given period of time;

49. (new, SG No. 56/2006) "emission controls" shall be a specific emission limitation by specifying emission standards or by specifying limits or conditions on the impacts, nature or other characteristics of emissions or operating conditions which affect emissions;

50. (new, SG No. 65/2006, amended, SG No. 61/2010) "pollutant" shall be any substance liable to cause pollution, and in particular the substances listed in the Ordinance referred to in Item 9 of Article 135 (1) herein;

51. (new, SG No. 65/2006) "artificial water body" shall be a surface water body created as a result of human activity;

52. (new, SG No. 65/2006) "quantitative status of groundwaters" shall be an expression of the degree to which water withdrawal or natural draining of groundwaters affects the groundwater body;

53. (new, SG No. 65/2006) "combined approach" shall be controls of the discharge of wastewaters into surface water bodies through the simultaneous application of the best available techniques and/or emission standards at the wastewater source, on the one hand, and the requirements to achieve the objectives of water quality in the surface water body receiving the wastewaters, on the other hand, in the case of diffuse sources of pollution the controls shall also include, as appropriate, the best environmental practices;

54. (new, SG No. 65/2006, amended, SG No. 61/2010) "coastal marine waters" shall be the surface waters on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of the territorial sea is measured, extending where appropriate to the outer limit of transitional waters;

55. (new, SG No. 65/2006, amended, SG No. 61/2010) "available groundwater resources" shall be the long-term average rate of overall recharge of the groundwater body less the long-term annual rate of flow required to achieve the environmental objectives referred to in Item 1 of Article 156a herein for surface waters associated with the groundwater body, so as to avoid any

significant diminution in the ecological status of such waters, as well as to avoid any significant damage to terrestrial ecosystems associated therewith;

56. (new, SG No. 65/2006, amended, SG No. 58/2015) "natural groundwater resources" shall be the long-term average annual average value of the total recharge of the groundwater body;

57. (new, SG No. 65/2006) "indirect input of pollutants into groundwaters" shall be the input of pollutants into groundwaters by percolation throughout the soil or subsoil;

58. (new, SG No. 65/2006) "hazardous substances" shall be substances or groups of substances that are classified as toxic, persistent and liable to bio-accumulate, and other substances or groups of substances which give rise to an equivalent level of concern;

59. (new, SG No. 65/2006, amended, SG No. 61/2010) "surface water body" shall be a discrete and significant element of surface waters, such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, transitional waters or a stretch of coastal waters;

60. (new, SG No. 65/2006) "sub-basin" shall be the area of land from which all surface run-off flows through a series of streams, rivers or lakes to a particular point in a watercourse;

61. (new, SG No. 65/2006) "groundwater body" shall be a distinct volume of groundwater within an aquifer or aquifers, characterised by a definite groundwater status;

62. (new, SG No. 65/2006, amended, SG No. 61/2010) "pollution threshold value of groundwater" shall be the concentration of a pollutant, a group of pollutants or an indicator of pollution whereof the permanent excess poses a risk of failing to achieve good groundwater chemical status;

63. (new, SG No. 65/2006) "freshwaters" shall be waters which in their natural form have a low salt content and which may be used for drinking and household water supply;

64. (new, SG No. 65/2006) "transitional waters" shall be surface water bodies in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows;

65. (new, SG No. 65/2006) "direct input of pollutants into groundwaters" shall be the input of pollutants into groundwaters without percolation throughout the soil or subsoil;

66. (new, SG No. 65/2006) "basin management district" shall be the area of land or sea made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters;

67. (new, SG No. 65/2006) "river" shall be an inland water flowing for the most part on the surface of the earth but which may flow underground for part of its course;

68. (new, SG No. 65/2006) "priority substances" shall be substances that pose a significant risk to or via the aquatic environment are toxic to human beings and ecotoxic to aquatic ecosystems and the associated terrestrial ecosystems and which have been identified in accordance with Article 16 and Annex X to Directive 2000/60/EC of the European Parliament and of the Council;

69. (new, SG No. 65/2006) "self-contained drinking and household water supply" shall be the water supply of discrete public and economic sites wherein people permanently or temporarily reside or work and/or food, medicinal or cosmetic products are manufactured, by means of individual own water withdrawal facilities beyond the water-supply systems of nucleated settlements and dispersed settlements;

70. (new, SG No. 65/2006) "heavily modified water body" shall be a surface water body which, as a result of physical alterations by human activity, is substantially changed in character;

71. (new, SG No. 65/2006) "own needs of citizens" shall be the needs of water for household purposes, as well as for watering animals and for irrigation within the limits of an own

corporeal immovable, with the exception of the needs of water for performance of economic activity and practising an occupation or craft;

72. (new, SG No. 65/2006) "surface water status" shall be a general expression of the status of a surface water body determined by the poorer of its ecological status and its chemical status;

73. (new, SG No. 65/2006) "groundwater status" shall be a general expression of the status of a groundwater body determined by the poorer of its quantitative status and chemical status;

74. (new, SG No. 65/2006) "water services" shall be all services which provide, for households, public institutions or any economic activity, through water withdrawal, impoundment, storage, treatment and distribution of surface waters or groundwaters, as well as waste-water collection, removal and treatment through treatment facilities which subsequently discharge into surface water bodies;

75. (new, SG No. 65/2006) "significant quantities of groundwaters" shall be water quantities for which it is technically possible to be abstracted from the aquifer and which constitute interest for practical use;

76. (new, SG No. 65/2006) "groundwater quality standard" shall be the environmental quality standard expressed in terms of the concentration of a particular pollutant or group of pollutants or an indicator for the pollution of groundwater, which should not be exceeded in order to protect human health and the environment;

77. (new, SG No. 65/2006, amended, SG No. 58/2015) "significant and sustained upward trend" shall be any statistically significant increase of concentration of a pollutant, group of pollutants or indicator of pollution in groundwaters for which it was determined that the trends needs to be reversed in accordance with Item 2 (c) of Article 156a (1) herein;

78. (new, SG No. 65/2006) "mothballed groundwater withdrawal facility" shall be a facility for which abstraction has been temporarily discontinued, which is not equipped for operation, but remains capable of its future operation;

79. (new, SG No. 65/2006) "liquidated groundwater withdrawal facility" shall be a facility for which the capability of natural or artificial water flow has been terminated completely;

80. (new, SG No. 65/2006, amended and supplemented, SG No. 47/2009, effective 23.06.2009, amended, SG No. 61/2010) "water use" shall be water services together with any other human activity related to water withdrawal, water site use and land use which, upon characterisation of the water bodies, carried out under the terms established by the ordinances referred to in Items 2 and 9 of Article 135 (1) herein, has been found to have a significant impact on the status of waters, and which is taken into account in carrying out the economic analysis referred to in Item 1 of Article 192 (2) herein;

81. (new, SG No. 65/2006) "river bed" shall be a terrestrial relief feature along which a surface water course is formed temporarily or constantly and which comprises a river channel and the flood plains;

82. (new, SG No. 47/2009, effective 23.06.2009) "water-conduit network" shall be an element of the water-supply system in the urbanized area, consisting of conduits and the adjoining facilities thereof for distribution and transfer of water to consumers;

83. (new, SG No. 47/2009, effective 23.06.2009) "sewer network" shall be an element of the sewerage system in the urbanized area, consisting of conduits and the adjoining facilities thereof for removal of wastewater from consumers to the main collector sewers outside the urbanized areas;

84. (new, SG No. 47/2009, effective 23.06.2009, amended, SG No. 61/2010) "incidentally discovered mineral water" shall be a mineral water discovered unexpectedly upon a groundwater investigation or upon construction of a water withdrawal facility for a different purpose,

performed on the basis of a permit issued according to the procedure established by this Act;

85. (new, SG No. 47/2009, effective 23.06.2009) "regional water and sewerage utility" shall be a water and sewerage utility operating in the territory of multiple municipalities;

86. (new, SG No. 47/2009, effective 23.06.2009) "municipal water and sewerage utility" shall be a water and sewerage utility operating in the territory of a single municipality.

87. (new, SG No. 61/2010) "flood" shall be the temporary covering by water of land not normally covered by water, including from rivers, mountain torrents and floods from the sea in coastal areas; flooding of land from sewerage systems shall not be flood within the meaning given by this Act;

88. (new, SG No. 61/2010) "flood risk" shall be the combination of the probability of a flood event and the potential adverse consequences for human health, the environment, cultural heritage, the physical infrastructure and economic activity associated with a flood event;

89. (new, SG No. 61/2010) "alluvium deposits" shall be a dynamic renewable reserve of the sediment transport deposited in the river bed during high water, of a grain size exceeding 0.1 millimetres, composed of insoluble mineral and rock particles;

90. (new, SG No. 61/2010) "hazard of a flood" shall be the probability of certain areas being covered by water; those areas which, upon the occurrence of a flood of the specified probability remain under water, are exposed to hazard of a flood;

91. (new, SG No. 61/2010) "sites, including sewerage systems of nucleated settlements, dispersed settlements and resort settlements, for which a permit under Item 3 (a) of Article 46 (1) herein is required" shall be those sites for which an investigation, development-project design and construction, in whole or in part, of the sewerage system are necessary and upon lack of an existing discharge of wastewaters into surface waters;

92. (new, SG No. 61/2010, amended, SG No. 58/2015) "sites, including sewerage systems of nucleated settlements, dispersed settlements and resort settlements, for which a permit under Item 3 (b) of Article 46 (1) herein is required" shall be those sites which, after the requisite treatment, discharge wastewaters at one or more places into surface waters; the requisite treatment of wastewaters from the sewerage systems of nucleated settlements, dispersed settlements and resort settlements shall be implemented within the time limits specified in the Ordinance referred to in Item 13 of Article 135 (1) herein and in accordance with the river basin management plans and the programmes of measures;

93. (new, SG No. 58/2015) "household" shall be the spouses, the de facto co-habitants, as well as the children and relatives thereof if living therewith;

94. (new, SG No. 58/2015, amended, SG No. 55/2018) "dam" shall be a water development system including the water site, the dam wall, the facilities and the collecting derivations, as well as the land on which they are built;

95. (new, SG No. 58/2015) "dam wall operator" shall be a natural person who is a hydraulic engineer or a legal person which has at its disposal an employee who is a hydraulic engineer for the implementation of the activities of stewarding, maintenance and operation of dam walls and of associated facilities, assigned thereto by the owner;

95a. (new, SG No. 55/2018) "structural integrity of dam walls" shall be their quality of remaining with undistorted connectivity as such and within the systems of their associated facilities – as shape, load bearing capacity, support conditions, intended purpose and constructional arrangements – under the designed loads and impacts, without being destroyed or significantly altered, without damage to the links between them and without changes to any of the designed computational construction models; preserving the structural integrity of the dam wall and its associated facilities ensures its fitness for operation, i.e. it fulfils its purpose and prevents

the uncontrolled discharge of water from the reservoir and/or disruption of the designed operational parameters of the dam;

95b. (new, SG No. 55/2018) "disruption of the structural integrity of the dam wall and the associated facilities" shall mean the lack of compliance of the system of the dam wall and its associated facilities with the designed construction models for the elements in this system; this shall be a disruption of the system's ability to perform its intended purpose, respectively a hazard of uncontrolled discharge of water from the reservoir and/or disruption of the designed operational parameters of the dam;

95c. (new, SG No. 55/2018) "critical infrastructure" shall have the meaning under § 1, item 15 of the supplementary provisions of the Disaster Protection Act;

96. (new, SG No. 58/2015) "pressure on the status of water" shall be any human activity which may have an adverse impact on the status of waters;

97. (new, SG No. 58/2015) "water protection zone" shall be the drainage area of the surface water body or the area of land above the groundwater body;

98. (new, SG No. 58/2015) "mineral water occurrence" shall be a groundwater body or part thereof, containing mineral waters of a homogeneous chemical composition and properties;

99. (new, SG No. 58/2015) "diffuse source pollution" shall be pollution resulting from human activity other than wastewater discharge into surface waters and/or input of pollutants into groundwaters, concentrated in a single identifiable point;

100. (new, SG No. 98/2018, effective 27.11.2018) "mine waters" are the waters that flow to the surface from existing or liquidated mining sites, including geotechnological extraction through mining or drilling operations;

101. (new, SG No. 44/2020, effective 14.05.2020) "chemicals necessary for the treatment of drinking and waste water in the processes for their treatment" shall be are flocculants, coagulants, biocides used for decontamination/disinfection and other chemicals intended for drinking water treatment plants/installations and wastewater treatment plants.

(2) (Supplemented, SG No. 65/2006) The definitions of the terms "internal marine waters", "territorial sea" and "continental shelf" in this Act shall have the meanings as stipulated in the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act.

**§ 2.** In cases where this Act requires notification or announcement and where no express rules or the application of an expressly established procedure is provided for this, any such notification or announcement, as the case may be, shall follow the procedure established by the Code of Civil Procedure.

**§ 2a.** (New, SG No. 65/2006) Water protection zones shall be protected in accordance with the standards and objectives set down in the act on the establishment of the respective zone.

**§ 2b.** (New, SG No. 65/2006) (1) The Minister of Environment and Water shall send the European Commission and all Member States concerned:

1. copies of the management plans referred to in Article 157 herein and their subsequent updates covering:

(a) the river basins falling entirely within the territory of the Republic of Bulgaria;

(b) the part of the international basin management district located within the territory of the Republic of Bulgaria;

2. a summary report undertaken upon production of the first river basin management plans of:

(a) the analyses and the review of the impact referred to in Article 156h herein;

(b) the monitoring programmes referred to in Article 169 (2) herein;

3. an interim report describing progress in the implementation of the planned programmes

of measures.

(2) The plans referred to in Item 1 of Paragraph (1) shall be sent within three months after the publication thereof.

(3) The review referred to in Item 2 of Paragraph (1) shall be sent within three months after the completion thereof.

(4) The information referred to in Item 3 of Paragraph (1) shall be sent not later than three years after the publication of the plans referred to Paragraph (1).

(5) (New, SG No. 61/2010) The Minister of Environment and Water shall send the European Commission:

1. the preliminary flood risk assessment;
2. the flood hazard maps and the flood risk maps;
3. the flood risk management plans;
4. the reviewed and updated assessments, maps and plans.

(6) (New, SG No. 61/2010) The preliminary assessment referred to in Item 1 of Paragraph (5) and the maps referred to in Item 2 of Paragraph (5) shall be sent within three months after the completion thereof.

(7) (New, SG No. 61/2010) The plans referred to in Item 3 of Paragraph (5) shall be sent within three months after the publication thereof.

(8) (New, SG No. 61/2010) The time limits referred to in Paragraphs (6) and (7) shall furthermore apply to the reviewed and updated assessments, maps and plans.

**§ 2c.** (New, SG No. 95/2009, effective 1.01.2007, amended, SG No. 61/2010, SG No. 58/2015) This Act transposes the requirements of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ, L 288/27 of 6 November 2007) and Articles 11 and 12 of Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ, L 348/84 of 24 December 2008).

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 3.** (Amended, SG No. 61/2010) (1) The achievement and maintenance of good environmental status in the marine environment shall be regulated by the Ordinance referred to in Item 19 of Article 135 (1) herein,

(2) The protection of the coastal waters, the internal marine waters and the territorial sea against pollution from sources other than such located on the coast shall be regulated by the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act.

**§ 4.** (1) The ministers and the heads of central-government departments, who exercise the rights of ownership in any wholly State-owned commercial corporations or to interests and shares in any commercial corporations wherein the State is a member or shareholder, shall undertake the steps necessary to reduce the capital of the said corporations by the value of any items of property referred to in Items 1 and 3 of Article 13 of this Act after revaluation.

(2) Within six months after the entry of this Act into force, any items of property referred to in Item 1 of Article 13 herein shall be ceded for use to the wholly State-owned commercial corporations and to the State-owned enterprises within the meaning given by Article 62 (3) of the

Commerce Act, whereof the capital has been reduced under Paragraph (1). The right to use shall terminate upon transfer of any interests in the corporations referred to in this Paragraph.

(3) Any commercial corporations, with the exception of such referred to in Paragraph (2), with respect whereof the provision of Paragraph (1) has been applied, shall be granted a concession for the items of property referred to in Item 1 of Article 13 herein in accordance with the provisions of this Act and according to the procedure established by the Concessions Act, without an auction or a competitive bidding procedure.

(4) (Amended, SG No. 81/2000, SG No. 105/2006, SG No. 95/2015, effective 1.01.2016) Depreciation shall be charged for any fixed assets of the items of property referred to in Paragraph (3) and on any other water development systems and facilities wherefor a concession has been created in accordance with the applicable accounting standards in compliance with Chapter Four of the Accountancy Act.

(5) Until execution of the provisions under Paragraphs (2) and (3), the items of property shall be stewarded by the corporations referred to in Paragraph (1) whereof the capital has been reduced.

(6) (Amended, SG No. 80/2011, effective 14.10.2011, supplemented, SG No. 26/2014) In cases where no concession is granted for any items of property referred to in Item 3 of Article 13 (1) herein, the said items of property shall be maintained by the commercial corporations which manage them or the capital of which has been reduced according to the procedure established by Paragraph (1) by the value of the said items of property after revaluation. The corporation, whereon a public service obligation is imposed by the Act to provide protection against water-related damage and loss within the entire national territory by means of a network organized and managed by the said corporation, shall receive compensation from the state budget where the public service obligation to provide protection against water-related damage and loss leads to net expenditures and represents an unfair financial burden on the said corporation.

(7) (New, SG No. 26/2014) The amount of the unfair financial burden shall be determined on the basis of the net expenditures, calculated according to a methodology adopted by the Council of Ministers.

(8) (New, SG No. 26/2014) The amount of compensation may not exceed the amount of the unfair financial burden created by providing the public service of protection against water-related damage and loss.

(9) (Renumbered from Paragraph (7), SG No. 26/2014, amended, SG No. 58/2015, SG No. 58/2017, effective 18.07.2017) Upon privatization of any commercial corporation whereof the capital incorporates any dams, with the exception of such referred to in Item 1 of Article 13 herein and Item 4 (c) of Article 19 herein, the Minister of Agriculture, Food and Forestry shall undertake the steps necessary for the reduction of the capital of any such corporations by the value of the said dams after revaluation.

(10) (Renumbered from Paragraph (8), SG No. 26/2014, amended, (\*)SG No. 61/2015) Within two years after the entry of this Act into force, any owners referred to in Article 16 herein, who or which have not been indemnified for any land and forests whereon water development facilities have been built, shall be indemnified according to the procedure established by the Agricultural Land Ownership and Use Act and the Act Restoring Ownership in Forests and Forest Stock Land Tracts.

**§ 4a.** (New, SG No. 26/2014) (1) (Amended, SG No. 58/2017, effective 18.07.2017) The public service obligation to provide protection against water-related damage and loss shall be imposed on Irrigation Systems EAD by a contract with the Minister of Agriculture, Food and Forestry.

(2) (Amended, SG No. 58/2017, effective 18.07.2017) The financial resources for compensation of the unfair financial burden created by providing the public service of protection against water-related damage and loss shall be granted to Irrigation Systems EAD according to Article 2, paragraph 1 (a) of Commission Decision of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ, L 7/3 of 11 January 2012). The said resources shall be granted and accounted for on the budget of the Ministry of Agriculture, Food and Forestry.

(3) (Amended, SG No. 58/2017, effective 18.07.2017) After conclusion of the contract referred to in Paragraph (1), the financial resources for compensation of the unfair financial burden created by providing the public service of protection against water-related damage and loss shall be granted to Irrigation Systems EAD in advance for the current year on the budget of the Ministry of Agriculture, Food and Forestry.

(4) (Amended, SG No. 58/2017, effective 18.07.2017) The Minister of Agriculture, Food and Forestry shall project the requisite advance financial resources referred to in Paragraph (3) in the three-year budget forecasts and the draft budgets of the Ministry of Agriculture, Food and Forestry.

**§ 4b.** (New, SG No. 26/2014) (1) (Amended, SG No. 58/2017, effective 18.07.2017) The corporation whereon the public service obligation to provide protection against water-related damage and loss is incumbent shall present a report to a commission designated by an order of the Minister of Agriculture, Food and Forestry on the expenditures incurred upon providing the public service of protection against water-related damage and loss for the preceding year together with the requisite evidence not later than the 31st day of March of the current year.

(2) (Amended, SG No. 95/2016) The documents related to the calculation of the net expenditures on the provision of the public service of protection against water-related damage and loss shall be made available to the commission referred to in Paragraph (1) and shall be verified by a registered auditor according to the Independent Financial Audit Act.

(3) Within three months after the submission of the report referred to in Paragraph (1), the commission shall rule by a decision regarding:

1. the existence of an unfair financial burden created by providing the public service of protection against water-related damage and loss;

2. the amount of the compensation due for the preceding year to the corporation whereon the public service obligation to provide protection against water-related damage and loss is imposed;

3. a comparison between the amount of the unfairly sustained financial burden and the financial resources granted in advance for the respective period.

(4) Within the time limit referred to in Paragraph (3), the commission may request the applicant to present additional information and evidence within seven days.

(5) (Amended, SG No. 58/2017, effective 18.07.2017) In the course of the budget procedure, the Minister of Agriculture, Food and Forestry shall present the decision referred to in Paragraph (3) and the materials attached thereto to the Minister of Finance.

(6) Where the expenditures referred to in Paragraph (1) incurred for the next preceding year exceed the amount of the financial resources granted in advance under § 4a (3) herein for the same year, the Minister of Finance shall include the amount of the excess with the advance resources estimated for the next succeeding year in the draft State Budget of the Republic of Bulgaria Act.

(7) Where the expenditures referred to in Paragraph (1) incurred for the preceding year are



less than the financial resources granted in advance under § 4a (3) herein for the same year, the advance resources planned for the succeeding budget year shall be reduced by the difference.

**§ 4c.** (New, SG No. 55/2018) (1) The repairs and reconstructions of dams which are state or municipal property, with the exception of those for which a concession has been granted and the concession agreement provides that repair and reconstruction works shall be carried out by the concessionaire, may be outsourced to a commercial corporation with one hundred percent state shareholding, designated by the Council of Ministers.

(2) The Council of Ministers, on a proposal by the Chairperson of the State Agency for Metrological and Technical Surveillance, shall approve a list of dam walls and associated facilities referred to in Paragraph (1) for which overhaul or reconstruction need to be carried out.

(3) For the dams approved by the list referred to in Paragraph (2), depending on the loss of structural integrity of the dam walls or their associated facilities, the expert board with the commercial corporation shall determine the type and volume of activities under Paragraph (1) which need to be carried out to ensure the safety, durability and efficiency of the dam walls and the associated facilities, and the environmental protection.

(4) The repairs and reconstructions of dams which are state property and have been outsourced for management and operation to the National Electric Company EAD, Irrigation Systems EAD, Zeminvest EAD, the water and sewerage operators with state, or state and municipal shareholding, may be carried out by the commercial corporation referred to in paragraph 1 in case of insufficient funding and upon request by these companies.

(5) Municipalities shall reimburse the enterprise referred to in paragraph 1 the costs of repairs and reconstructions of dams which are municipal property, unless where the right to ownership over these dams has been transferred to the state free of charge by resolution of the municipal council.

(6) In the cases referred to in paragraph 4, the cost of repairs and reconstructions of dams which are state property shall be reimbursed by the company managing and operating these dams (National Electric Company EAD, Irrigation Systems EAD, Zeminvest EAD, the water and sewerage operators with state, or state and municipal shareholding) to the commercial corporation referred to in paragraph 1.

**§ 5.** (1) The mineral water of the water sources listed in Items 74 and 83 of Annex 2 to Item 2 of Article 14 herein is hereby allocated for gratuitous use by Sofia Municipality for a period of fifteen years.

(2) In the use of the mineral water of the said water sources, Sofia Municipality shall be obliged:

1. to steward and maintain the facilities in a condition of serviceability, to ensure the use of the mineral water without prejudice to the public interest and in the best interest of the community;

2. to perform steps for the prevention of any mineral water-related damage or loss to the underground infrastructure and the neighbouring buildings;

3. to exercise control as shall be necessary over the quality of the mineral water intended for common use and use for individual tapping by the community through submission of information to the Ministry of Environment and Water annually.

**§ 6.** (1) Within three months after the entry of this Act into force, state property registration certificates shall be drawn in respect of any items of property referred to in Items 2 and 4 of Article 13 herein according to the procedure established by the State Property Act.

(2) The Council of Ministers shall allocate any items of property referred to in Paragraph (1) to the Ministry of Environment and Water for performance of the functions of the said Ministry

according to the procedure established by Article 13 [sic, actually Article 15 - Translator's Note] (3) of the State Property Act.

**§ 7.** (1) In cases where a concession has already been granted for any item of public municipal property under this Act, or where the rights to any such item of property have been transferred to third parties, or where contracts have been concluded for the use of any such items of property, the rights shall be brought into conformity in compliance with the procedure established by Article 20 of this Act.

(2) Where the rights to any item of public municipal property referred to in Paragraph (1) incorporate a right to use any waters constituting public state property, the persons concerned must apply for the issuance of a water use permit for the said waters according to the procedure established by this Act within six months after the entry of this Act into force.

**§ 8.** (1) In cases where rights to use mineral waters constituting exclusive state property have been conferred, the pre-existing permits shall be brought into conformity with this Act and with the Concessions Act when the conditions of Article 47 (1) of this Act are fulfilled, and in all other cases a procedure for the issuance of a new permit shall be initiated at the request of the authority referred to in Item 2 of Article 52 (1) of this Act or of any person concerned.

(2) Any concession agreements granting a specific right to use mineral waters conferring exclusive state property shall be re-executed in accordance with the provisions of this Act within one year after the entry of this Act into force.

(3) (New, SG No. 81/2000) An interim mineral water use permit with a period of validity not exceeding one year shall be issued for mineral waters in sites functioning upon the entry of this Act into force which meet statutory requirements and in respect of which an application has been submitted for initiation of a procedure for the granting of a concession.

(4) (New, SG No. 81/2000) The holder of any permit referred to in Paragraph (3) shall pay a fee for the authorized water quantity to the amount of BGN 5 per cubic metre in respect of bottling of mineral water and BGN 2 per cubic metre in respect of production of hydro-geothermal energy.

(5) (New, SG No. 81/2000) The permit referred to in Paragraph (3) shall not be considered as an advantage upon the conduct of the competitive bidding procedure for selection of a concessionaire.

**§ 9.** Where waters are used in pursuance of permits as issued or without legal grounds, the fees provided for by this Act shall be payable by the water user as from the entry into effect of the rate schedules provided for by this Act, regardless of the stage of the procedure for the issuance or re-execution of the permit of the said user.

**§ 10.** (1) Any pre-existing permits shall be brought into conformity with the requirements of the law as follows:

1. for water withdrawal:

(a) in excess of 1 cubic metre per second, for surface waters;

(b) in excess of 30 litres per second, for groundwaters, within one year after the entry of this Act into force, and in all other cases, within three years thereafter;

2. for wastewater discharge in excess of 5,000 cubic metres diurnally, within one year after the entry of this Act into force, and in all other cases, within two years thereafter.

(2) The register of permits as issued shall be compiled within one year after the promulgation of this Act.

(3) (New, SG No. 94/2005) The pre-existing rights and water withdrawal permits and water site use permits for production of aquaculture shall be brought into conformity with the requirements of the law ex officio, under terms that are identical with or more favourable than the

terms acquired by the instrument of the creation of the said rights.

**§ 11.** Any pending proceedings related to water withdrawal or water site use, water-supply systems and facilities shall be completed under this Act.

**§ 12.** (1) For the purposes of compiling a water development cadastre, information to the Ministry of Environment and Water shall be submitted by:

1. (amended, SG No. 58/2017, effective 18.07.2017) the Ministry of Agriculture, Food and Forestry, in respect of any irrigation and land-reclamation systems and facilities, irrigation dams, including such formerly owned by cooperative farms and agroindustrial complexes, fish nursery ponds for artificial fish breeding;

2. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) the Ministry of Regional Development and Public Works, in respect of any water-supply systems, drinking water sources, collector sewers and drinking and waste-water treatment plants;

3. (amended, SG No. 108/2001) the Ministry of Economy and Energy Resources, in respect of all hydro-power projects;

4. the municipalities:

(a) for all items of property in respect of which municipal property registration certificates have been drawn according to the Municipal Property Act;

(b) for any irrigation and land-reclamation systems and facilities, irrigation dams, including such formerly owned by cooperative farms and agroindustrial complexes, fish nursery ponds for artificial fish breeding;

(c) for any groundwater withdrawal systems and facilities, drainage or drying systems and facilities, systems and facilities for artificial recharge of groundwaters, and systems and facilities for removal of wastewaters containing hazardous substances into the bowels of the earth as constructed within the territory of the municipalities prior to the entry of this Act into force, regardless of the ownership, operational status and use of the said systems and facilities.

(2) The information referred to in Paragraph (1) shall be submitted within one year after the entry of this Act into force.

**§ 13.** (1) Basin Directorates shall be established within two years after the entry of this Act into force.

(2) Until the establishment of Basin Directorates, the functions thereof, with the exception of such referred to in Item 3 of Article 155 herein, shall be performed by one of the Regional Inspectorates of Environment and Water within the extent of the relevant basin, as designated by an order of the Minister of Environment and Water.

(3) Until the establishment of the Basin Directorates, water withdrawal and/or water use permits under this Act shall be issued by the Minister of Environment and Water.

(4) The Basin Boards shall be established within six months after establishment of the relevant Basin Directorate.

**§ 14.** (1) River basin management plans shall be produced within five years after the entry of this Act into force.

(2) Until the plans referred to in Paragraph (1) are produced, master schemes for water use shall be elaborated, on the basis of which water withdrawal permits shall be issued.

(3) The schemes referred to in Paragraph (2) shall be elaborated within one year after the promulgation of this Act.

**§ 15.** (1) Owners of any land tracts wherein abandoned wells are located shall be obliged to clean the said wells and bring the said wells in a serviceable condition, or to liquidate the said wells, within one year after the entry of this Act into force.

(2) The rights referred to in Article 112 herein in respect of previously constructed water leading facilities shall be settled within two years after the entry of this Act into force.

**§ 16.** (1) Within three months after the entry of this Act into force, any mineral waters covered under Annex 2 to Item 2 of Article 14 herein, in respect of which municipal property registration certificates have been drawn prior to the entry of this Act into force, shall be stricken off the registration books according to the procedure established by the Municipal Property Act.

(2) Within three months after the entry of this Act into force, the municipal administrations shall be obliged to design a standard form for the registration of wells located within the territory of the municipality, stating particulars of the corporeal immovable wherein the well is located, the forename, patronymic and surname of the owner of the said immovable, the year of construction of the well as declared by the owner, the purposes wherefor the water is used, and the method of extraction of the said water.

(3) Within six months after the entry of this Act into force, owners or users of any corporeal immovables wherein wells as constructed are located shall be obliged to register the said wells, stating particulars of the corporeal immovable wherein the well is located, the forename, patronymic and surname of the owner of the said item of realty, the year of construction of the well, the purposes wherefor the water is used, and the method of extraction of the said water. Annually, the municipalities shall submit a copy of the register as compiled to the Ministry of Environment and Water.

**§ 17.** Until adoption of the National Water Development Plan, the Minister of Environment and Water shall design national programmes for construction, extension, remodelling and updating of water use and protection facilities and/or systems and shall lay the said programmes before the Council of Ministers for adoption.

**§ 18.** Until passage of a law regulating the operation of the Ministry of Emergency Situations for protection of waters in emergency and for protection against water-related damage and loss:

1. the Minister of Defence shall determine the contents of the emergency response plans referred to in Article 131 (1) herein and Article 138 (3) herein;

2. the owners or users of water sites shall be obliged to ensure the human and logistical resources necessary for the implementation of the said emergency response plans, to maintain the roads and the lines of communication to the water bodies, dikes and water development systems in a serviceable condition;

3. the [competent] Regional Governors shall appoint commissions for annual inspection of the technical and operational status of potentially hazardous water sites.

**§ 19.** (Amended, SG No. 74/2002, SG No. 69/2003) The provision of Article 193 (3) herein shall enter into force five years after the promulgation of this Act.

**§ 20.** The statutory instruments of secondary legislation provided for in this Act shall be issued within one year after the promulgation of the said Act.

**§ 21.** In Paragraph (1) of Article 58 of the Maritime Space of the Republic of Bulgaria Act (promulgated in the State Gazette No. 55 of 1987; amended in Nos. 11 and 26 of 1998 and in No. 23 of 1999), the words "and from coastal sources" shall be deleted.

**§ 22.** The Prevention of Water and Soil Pollution Act (promulgated in the State Gazette No. 84 of 1963, amended and supplemented in No. 26 of 1968, No. 29 of 1969, No. 95 of 1975, No. 3 of 1977, No. 1 of 1978, No. 26 of 1988, No. 86 of 1991, No. 100 of 1992, No. 45 of 1996, No. 85 of 1997 and No. 11 of 1998) shall be amended and supplemented as follows:

1. In the title of the Act, the words "Water and" shall be deleted.

2. In Article 1, the words "waters and" shall be deleted.

3. Articles 2 and 3 shall be amended to read as follows:

"2. 'Soil pollution' shall mean such deterioration of the composition, qualities and properties of soils as shall render them unfit [for use by] or dangerous to humans, animals and plants.

3. The ministries, central-government departments and municipalities shall implement measures to prevent soil pollution.

The Minister of Environment and Water shall exercise control over the prevention of soil pollution.

The Minister of Health shall exercise sanitary control over the status of the soil. In consultation with the Minister of Environment and Water, the said Minister shall issue sanitary standards and rules which shall be mandatory for all central-government departments, organizations and persons.

In the exercise of the control referred to in Paragraphs (1), (2) and (3), the Ministry of Environment and Water and the Ministry of Health shall recruit technically competent authorities and persons from other central-government departments.

The Minister of Agriculture, Forestry and Agrarian Reform, with the assistance of the Agricultural Academy, shall issue standards and rules relating to the protection of livestock and agricultural crops which shall be mandatory for all central-government departments, organizations and persons, and shall exercise supervision over the application of the said standards and rules."

4. Article 4 shall be repealed.

5. Articles 8 to 13 incl. shall be repealed.

6. In Article 15, the words "The people's councils" shall be replaced by "The municipalities".

7. Article 17 shall be repealed.

8. In Article 20, Littera (a) shall be repealed.

9. Article 20a shall be amended as follows:

(a) In Paragraph (1), the words "the Ministry of Agriculture and Forestry or by the municipal people's councils, and where the violation involves pollution of marine waters, by authorities of the Ministry of Environment and Water or of the Ministry of Transport" shall be replaced by "the Ministry of Agriculture, Forestry and Agrarian Reform or by the municipalities";

(b) Paragraph (2) shall be amended to read as follows:

"The penalty decrees shall be issued by the Minister of Environment and Water."

10. In Article 21, the words "the Minister of Public Health and Social Welfare" shall be replaced by "the Minister of Health," and the words "waters or" shall be deleted.

11. Article 23 shall be amended as follows:

(a) Paragraph (1) shall be amended to read as follows:

"In respect of all pre-existing industrial enterprises, livestock farms and other such entities, as well as in respect of individual facilities polluting the soil with solid and liquid pollutants, waste treatment facilities shall mandatorily be built on resources provided for in the state budget and in the municipal budgets, as well as in the long-term and annual plans of enterprises and other organizations.";

(b) In Paragraph (2), the words "the Ministry of the Economy and Planning" shall be deleted, and the words "the Ministry of Environment and Water and the Ministry of Public Health and Social Welfare" shall be replaced by "the Minister of Environment and Water and the Minister of Health."

12. In the Act, the words "the Ministry of Public Health and Social Welfare" and "the Minister of Public Health and Social Welfare" shall be replaced passim by "the Ministry of Health" and "the Minister of Health," respectively, and the words, "the Ministry of Agriculture and Forestry" and "the Minister of Agriculture and Forestry" shall be replaced passim by "the Ministry of Agriculture, Forestry and Agrarian Reform" and "the Minister of Agriculture, Forestry and Agrarian Reform," respectively.

§ 23. The Municipal Property Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, No. 55 of 1997, Nos. 22 and 93 of 1998, and Nos. 23 and 56 of 1999) shall be amended and supplemented as follows:

1. In Paragraph (1) of Article 2:

(a) Item 2 shall be amended to read as follows:

"2. the waters, water sites, water development systems and facilities as designated by statute;"

(b) in Item 3, the words, "the inland waters, the adjoining beaches, and" shall be deleted.

2. In Article 57:

(a) in Item 4, the words "the aquatic area of inland waters" shall be replaced by "any water site constituting municipal property";

(b) the following new item shall be added:

"5. the mineral waters constituting public municipal property."

§ 24. In the Concessions Act (promulgated in the State Gazette No. 92 of 1995; [modified by] Constitutional Court Judgment No. 2 of 1996, [promulgated in] No. 16 of 1996; amended in No. 44 of 1996, Nos. 61 and 123 of 1997, No. 93 of 1998, Nos. 23 and 56 of 1999), Item 7 of Paragraph (1) of Article 4 shall be amended to read as follows:

"7. the waters, including the mineral waters, constituting exclusive state property;"

§ 25. The Public Health Act (promulgated in the State Gazette No. 88 of 1973; corrected in No. 92 of 1973; amended and supplemented in No. 63 of 1976, No. 28 of 1983, No. 66 of 1985, No. 27 of 1986, No. 89 of 1988, Nos. 87 and 99 of 1989, No. 15 of 1991; corrected in No. 24 of 1991; amended in No. 64 of 1993, No. 31 of 1994, No. 36 of 1995, Nos. 12, 87 and 124 of 1997, Nos. 21, 70, 71 and 93 of 1998, Nos. 30 and 62 of 1999) shall be amended and supplemented as follows:

1. In Article 46:

(a) in Paragraph (1), after the words "The mineral waters", there shall be inserted "in the resorts designated under this Act";

(b) Paragraph (2) shall be repealed.

2. In Paragraphs (1) and (2) of Article 47, the words "mineral waters and" shall be deleted.

3. In Paragraph (1) of Article 48, the words "mineral waters" shall be deleted.

4. In the Supplementary Provisions, § 3 and 4 shall be repealed.

§ 26. In the State Property Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, Nos. 55, 61 and 117 of 1997, Nos. 93 and 124 of 1998), the words "mineral springs" in Paragraph (7) of Article 68 shall be replaced by "mineral waters constituting exclusive state property".

§ 27. In the Environmental Protection Act (promulgated in the State Gazette No. 86 of 1991; corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 and 86 of 1997, No. 62 of 1998, No. 12 of 1999), there shall be inserted the following new article:

Article 4a. "(1) The Council of Ministers shall adopt an Ordinance Establishing the Terms and a Procedure for Implementation of the Protocol on Environmental Protection to the Antarctic

Treaty ([promulgated in the] State Gazette No. 69 of 1998).

(2) Performance of any activity in the Antarctic in violation of the provisions of the Ordinance referred to in Paragraph (1) shall constitute a violation under Article 32 herein, and for the purposes of administrative penalty proceedings, Article 35 herein shall apply."

§ 28. The Water Act (promulgated in the State Gazette No. 29 of 1969; amended in No. 3 of 1977, No. 36 of 1979, No. 44 of 1984, No. 36 of 1986, No. 24 of 1987, No. 85 of 1997; corrected in No. 87 of 1997) is hereby superseded.

§ 29. Until the issuance of such statutory instruments of secondary legislation as are provided for in this Act, the statutory instruments of secondary legislation issued for the application of the Water Act [as superseded] shall remain temporarily in force.

§ 30. This Act shall enter into force six months after the promulgation thereof in the State Gazette.

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TRANSITIONAL AND FINAL PROVISIONS  
to the Transactions in Compensation Instruments Act  
(SG No. 47/2002, effective 11.06.2002)

.....  
§ 5. Solely the persons who have so requested prior to the entry of this Act into force shall be eligible to receive an indemnity under Article 31 (3) of the Water Act and under Article 35 (2) of the Agricultural Land Ownership and Use Act.

§ 6. Within one month after the promulgation of this Act in the State Gazette, the Council of Ministers shall adopt the ordinances referred to in Article 4 (2) and Article 5 (4) herein.

§ 7. This Act shall enter into force one month after the promulgation thereof in the State Gazette, with the exception of § 6, which shall enter into force as from the day of promulgation thereof.

TRANSITIONAL AND FINAL PROVISIONS  
to the Environmental Protection Act  
(SG No. 91/2002)

.....  
§ 18. (1) The provisions of Articles 60 to 64, Items 1 and 4 of § 12, and § 14 to 17 incl. herein shall enter into force as from the 1st day of January 2003.

(2) Until the entry into force of the provisions referred to in Paragraph (1), the activity of the National Environmental Protection Fund shall be implemented in accordance with the provisions of § 9 and Annex 7 to § 9 of the 2002 State Budget of the Republic of Bulgaria Act.

TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend and Supplement the Water Act  
(SG No. 42/2003, supplemented, SG No. 6/2004)

§ 3. (1) (Supplemented, SG No. 6/2004) Any contracts whereof the subject matter is use of water-supply and sewerage systems, facilities and tangible fixed assets, which have been concluded by any commercial corporations wherein the State holds not less than 50 per cent of the capital, shall be terminated as from the entry of this Act into force.

(2) Within twenty days after the entry of this Act into force, the assets referred to in Paragraph (1) shall be delivered to the owner which has allocated the said assets for use.

(3) In the event of failure to fulfil the obligation referred to in Paragraph (2), the corporations referred to in Paragraph (1) may move for the issuance of a writ of execution for coercive enforcement for delivery of the assets referred to in Paragraph (1) on the basis of the

documents whereunder the said assets have been allocated for use.

(4) The owner shall be obligated to ensure the operation and maintenance of the water-supply and sewerage systems and the uninterrupted delivery of water to the community, as well as the removal and treatment of wastewater, as from the date of receipt of the assets referred to in Paragraph (1).

§ 4. (1) The owners of any privatized wastewater treatment plants, up to which delivery facilities have been constructed and which are technically and technologically capable of treating the domestic sewage and industrial sewage from the nucleated settlements in the municipality where the said plants are located, shall be obligated to ensure the treatment of the said wastewaters for a charge within one month after the entry of this Act into force.

(2) Within the time limit referred to in Paragraph (1), the Council of Ministers, acting on a motion by the Minister of Regional Development and Public Works, shall fix by a rate schedule the amounts of the fee for treatment of the wastewaters from the nucleated settlements under Paragraph (1).

(3) Within the time limit referred to in Paragraph (1), any persons operating the sewerage system of nucleated settlements under Paragraph (1) shall be obligated:

1. to remove the wastewater to the treatment plants;
2. to include the fee referred to in Paragraph (2) as part of the price of the service provided thereby;
3. to deliver the fees collected monthly under Item 2 to the owners of the treatment plants.

#### FINAL PROVISIONS

to the Act to Amend and Supplement the Code of Civil Procedure  
(SG No. 84/2003)

.....  
§ 18. This Act shall enter into force as from the day of promulgation in the State Gazette of the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 1980 and of the Hague Convention on the Civil Aspects of International Child Abduction, respectively, with the exception of § 2, 3, 4, 5, § 8 (in the part regarding Article 423a (1), § 12, 15, 16 and 17, whereas § 10 shall enter into force on the day of entry into force of the Act to Amend and Supplement the Code of Civil Procedure (State Gazette No. 105 of 2002).

#### TRANSITIONAL AND FINAL PROVISIONS

to the Water-Supply and Sewerage Services Regulation Act  
(SG No. 18/2005)

.....  
§ 7. (1) This Act shall enter into force as from the 20th day of January 2005.

(2) Item 3 of § 6 herein (regarding the repeal of Article 193 (3) of the Water Act) shall enter into force as from the 1st day of June 2005.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Administrative Procedure Code  
(SG No. 30/2006, effective 12.07.2006)

.....  
§ 31. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005), the words "the Administrative Procedure Act" shall be replaced passim by "the Administrative Procedure Code".  
.....



## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Water Act  
(SG No. 65/2006, effective 11.08.2006, corrected, SG No. 66/2006,  
amended, SG No. 22/2007, effective 11.02.2007, amended and  
supplemented, SG No. 95/2009, effective 11.08.2006,  
amended, SG No. 98/2018, effective 11.08.2006)

§ 120. In the Act:

1. The words "water use", "the water use" and "water uses" shall be replaced passim by "water withdrawal", "the water withdrawal" and "the water withdrawals", respectively.

2. The words "the Minister of Industry" and "the Ministry of Industry" shall be replaced passim by "the Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism", the words "the Minister of Agriculture, Forestry and Agrarian Reform" and "the Ministry of Agriculture, Forestry and Agrarian Reform" shall be replaced passim by "the Minister of Agriculture and Forestry" and "the Ministry of Agriculture and Forestry", and the words "Civil Defence" shall be replaced passim by "the Ministry of State Policy on Disasters and Accidents", respectively.

3. The words "channel" and "channels" shall be replaced passim by "bed" and "beds".

4. The words "the qualities" shall be replaced passim by "the quality".

§ 121. The procedures for the issuance of permits initiated prior to the entry of this Act into force shall be completed according to the hitherto effective procedure.

§ 122. (1) Within three months after the entry into force of this Act, the owners of any groundwater withdrawal facilities for which rights to use the waters have not been conferred shall submit at the competent Basin Directorate an application for entry of any such facilities into the register referred to in Article 118d [of the Water Act].

(2) The following shall be attached to the application referred to in Paragraph (1):

(a) a document of ownership of the corporeal immovable wherein the water withdrawal facility is located;

(b) coordinates of the facility;

(c) information about the depth and the structure of the facility;

(d) information regarding equipment of the facility for operation;

(e) a declaration concerning the year of construction thereof;

(f) information regarding the purpose for which the water withdrawn is used;

(g) a document attesting to payment of a fine or a pecuniary penalty under Item 2 of Article 200 (1) [of the Water Act].

(3) In the cases where the facility is not equipped for operation, the documents attached to the application under Paragraph (1) shall furthermore include a declaration of the intentions of the owner regarding the mothballing or liquidation of the facility.

(4) Within one month after submission of the application, the Basin Directorate shall verify the documents covered under Paragraphs (2) and (3) and shall:

1. check the constructed facilities and the equipment thereof;

2. assess the need of mothballing or liquidation of the facility.

(5) Within seven days after the check referred to in Paragraph (4), the facility shall be entered in the register.

§ 123. (1) (Amended, SG No. 22/2007) Owners of corporeal immovables, who, prior to the entry into force of this Act have commenced the construction of or have constructed wells under Article 44 (4) and (5) [of the Water Act] which are not registered, shall submit an application for registration to the competent Basin Directorate within twelve months.

(2) Within three months after the entry of this Act into force, the municipality mayors shall deliver to the competent Basin Directorate the register of wells under Article 44 (4) [of the Water Act] compiled under Article 25 as hereby repealed.

§ 124. (1) Until the entry into force of the provision of § 48 herein in its part regarding Item 1 of Article 118a (1) [of the Water Act], any direct input of hazardous substances into groundwaters shall be prohibited and any direct input of harmful substances into groundwaters shall be restricted under terms and according to a procedure established by the ordinance referred to in Item 2 of Article 135 [of the Water Act].

(2) The list of hazardous and harmful substances referred to in Paragraph (1) shall be determined in the ordinance referred to in Item 2 of Article 135 [of the Water Act].

§ 125. Until the issuance of the methodology referred to in Item 1 of Article 135 [of the Water Act], the minimum permissible streamflow in rivers shall be set at 10 per cent of the mean multiannual run-off, but not less than the minimum average monthly water quantity with a 95 per cent availability at the point of each facility for regulation of the streamflow or for water withdrawal.

.....  
§ 136. The water monitoring programmes under Section VIII of Chapter Ten [of the Water Act] shall be designed and the implementation thereof shall commence not later than the 22nd day of December 2006.

§ 137. (1) The programmes of measures for water protection and restoration under Section V of Chapter Ten [of the Water Act] shall be designed until the 22nd day of December 2006, and the implementation thereof shall commence not later than the 22nd day of December 2012.

(2) The programmes referred to in Paragraph (1) shall be subject to review and, where necessary, shall be updated not later than the 22nd day of December 2015.

§ 138. (1) The river basin management plans shall be produced and made public until the 22nd day of December 2008, and shall be published not later than the 22nd day of December 2009.

(2) The plans referred to in Paragraph (1) shall be reviewed and updated not later than the 22nd day of December 2015.

§ 139. The measures for ensuring the pricing policy referred to in Item 2 of Article 192 (2) [of the Water Act] and the contribution of water users referred to in Item 1 of Article 192a (1) [of the Water Act] shall be implemented until 2010.

§ 140. The measures referred to in Items 7 and 8 of Article 156n (2) [of the Water Act], related to the application of the combined approach as regards point and diffusion sources of pollution, shall be developed and applied not later than the 22nd day of December 2012.

§ 141. The analyses and review referred to Article 156h [of the Water Act] shall be reviewed and, where necessary, updated not later than the 22nd day of December 2013.

§ 142. (1) The environmental objectives and ensuring good surface water and groundwater status, a good ecological potential of artificial and heavily modified water bodies, as well as good chemical status of the surface waters therein, shall be achieved not later than the 22nd day of December 2015.

(2) Conformity with all standards and objectives for the water protection zones shall be achieved not later than the 22nd day of December 2015, except in the cases where the instrument by virtue of which the zone is designated does not provide for a longer period.

§ 143. The time limit for cessation of discharges, emissions and losses from technical installations of priority hazardous substances in surface waters under Item 1 of Article 118 (2) [of the Water Act] shall be determined by the timetable referred to in paragraph 6 of Article 16 of

Directive 2000/60/EC of the European Parliament and the Council.

§ 144. (1) Within six months after the entry of this Act into force, the ordinances referred to in Items 2, 3, 5 and 13 of Article 135 [of the Water Act] shall be brought into conformity with the requirements of this Act.

(2) (Amended, SG No. 95/2009, effective 11.08.2006) The ordinances referred to in Items 1a, 9 and 14 of Article 135 [of the Water Act] shall be issued within six months after the entry of this Act into force.

(3) (Corrected, SG No. 66/2006) The ordinance referred to in Item 7 of Article 135 [of the Water Act] shall be issued within six months after entry into force of Item 5 in § 60 herein.

(4) Until the issuance of the ordinance referred to in Paragraph (3), Ordinance No. 11 on the Quality of Bathing Water (State Gazette No. 25 of 2002) shall apply.

§ 144a. (New, SG No. 95/2009) (1) (Amended, SG No. 98/2018, effective 11.08.2006) Until the adoption of the Ordinance referred to in Article 135 (6) [of the Water Act]:

1. the boundaries and protection regimes of sanitary protection zones around the facilities intended for drinking and household water supply and for mineral waters and for their construction, designation and operation, shall be determined in accordance with Ordinance No 3 of 16 October 2000 on the terms and conditions for exploration, design, validation and operation of sanitary protection zones around the water sources and the facilities for drinking and household water supply and around mineral water sources used for treatment, preventive care, drinking and hygienic needs (SG No. 88/2000);

2. the boundaries and regimes of the middle and outer belt of the sanitary protected areas of the mineral water deposits established prior by the 28th day of January 2000 shall not apply, and the boundary of the innermost belt, where the said belt is intended for protection of the water withdrawal facility, shall be preserved.

(2) Within the innermost belt of the zones and within the time limit referred to in Paragraph (1), it shall be prohibited to carry out activities and prohibitions and restrictions other than such established under this Act shall not apply.

(3) The measures specified in the River Basin Management Plans shall apply within the areas determined as water protection zones in the water bodies and delimited as sanitary protected areas of the withdrawal facilities for mineral waters.

§ 145. This Act shall enter into force as from the day of promulgation thereof in the State Gazette with the exception of the provisions of.

1. Item 3 of § 18 herein, which shall enter into force one year after the entry of this Act into force;

2. § 48 herein - in the part regarding the provision of Item 1 of Article 118a (1) [of the Water Act], which shall enter into force as from the 22nd day of December 2013;

3. Item 5 of § 60 herein, which shall enter into force as from the 1st day of March 2007;

4. § 73 herein - in the part regarding the provision of Item 1 of Article 155a (1) [of the Water Act], which shall enter into force one year after the entry into force of this Act.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Fisheries and Aquaculture Act  
(SG No. 36/2008)

.....  
§ 96. The Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006;

corrected in No. 66 of 2006; amended in Nos. 105 and 108 of 2006 and No. 59 of 2007) shall be amended and supplemented as follows:

.....  
2. In the Act, the words "the Minister of Agriculture and Forestry" and "the Ministry of Agriculture and Forestry" shall be replaced passim by "the Minister of Agriculture and Food Supply" and "the Ministry of Agriculture and Food Supply", respectively.

.....  
**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the Environmental Protection Act  
(SG No. 52/2008)

.....  
§ 39. The Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006; corrected in No. 66 of 2006; amended in Nos. 105 and 108 of 2006, Nos. 22 and 59 of 2007 and No. 36 of 2008) shall be amended as follows:

.....  
2. In the Act, the words "the Ministry of Agriculture and Food Supply", "the Minister of Agriculture and Food Supply", "the Ministry of State Policy on Disasters and Accidents" and "the Minister of State Policy on Disasters and Accidents" shall be replaced passim by "the Ministry of Agriculture and Food", "the Minister of Agriculture and Food", "the Ministry of State Policy on Disasters and Accidents" and "the Minister of State Policy on Disasters and Accidents", respectively.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the Water Act  
(SG No. 47/2009, effective 23.06.2009,  
amended and supplemented, SG No. 95/2009,  
SG No. 58/2015, SG No. 55/2018)

§ 28. (1) To bring the concession agreements concluded prior to the entry into force of this Act in conformity with the requirements referred to in Article 47 (9) [of the Water Act], the concessionaire may submit an application to the authority who signed the concession agreement within one month after the entry into force of this Act, which shall be a peremptive period. By the application, the concessionaire shall declare the quantity of total annual exploitable resources which the concessionaire wishes to be allocated thereto, and a timeframe for the phased absorption of the said resources according to Item 3 of Article 47 (10) herein.

(2) To bring the concession agreements concluded prior to the entry into force of this Act into conformity with the requirements referred to in Article 47 (9) and (10) [of the Water Act], within three months after expiry of the time limit referred to in Paragraph (1), the authority who signed the concession agreement shall lay before the Council of Ministers or before the Municipal Council, as the case may be, a draft decision to grant consent that the concession agreement be amended and supplemented.

(3) The exploitable resources shall be determined in accordance with the orders of the Minister of Environment and Water approving the exploitable resources, which are in force upon the entry into force of this Act. Impairment of any acquired rights, within the meaning given by Article 49 (3) [of the Water Act], upon an increase of the resources shall be inadmissible.

(4) Where an application has not been submitted within the time limit referred to in Paragraph (1), within the time limit referred to in Paragraph (2) the authority who signed the

concession agreement shall lay before the Council of Ministers or before the Municipal Council, as the case may be, a draft decision to grant consent that the concession agreement be amended and supplemented so as to bring the said agreement in conformity with Items 1, 2 and 4 of Article 47 (10) [of the Water Act].

(5) When the concessionaire fails to conclude a supplementary agreement within six months after adoption of the decisions referred to in Paragraph (2) or (4), the concession agreement shall be terminated ex lege, effective the date of expiry of the said time limit.

(6) The periods for which an extraction concession for mineral water is granted, as fixed in the concession agreements concluded prior to the entry into force of this Act, may be extended by mutual agreement of the parties. Within one month after the entry into force of this Act, which shall be a peremptive period, the concessionaires shall approach the authority who signed the concession agreement with a proposal in writing for extension of the period of the concession. The aggregate period for which a concession is granted may not be longer than thirty-five years. The conditions for an extension of the period shall be included in the decisions referred to in Paragraphs (2) and (4).

(7) Where multiple concession agreements for a particular water withdrawal facility have been concluded prior to the entry into force of this Act, the aggregate exploitable resources referred to in Article 47 (9) [of the Water Act] for each of the said agreements shall be determined by dividing the exploitable resources of the said facility among all concessionaires in proportion to the aggregate exploitable resources determined under the concession agreements at the time of entry into force of this Act.

(8) (Amended, SG No. 95/2009, effective 23.06.2009) Any concession agreements under any extraction concession granting procedures for mineral water, which have commenced but have not been completed upon the entry into force of this Act, shall be concluded in accordance with Article 47 (10) [of the Water Act].

§ 29. (Effective 24.09.2009 - SG No. 47/2009) (1) (Amended, SG No. 95/2009, effective 24.09.2009) Within a time limit not exceeding six months after the entry into force of this Act, the management bodies of the water and sewerage utilities which are commercial corporations in the capital whereof the State and/or a municipality holds a participating interest shall prepare lists of the water-supply and sewerage systems and facilities referred to in Items 5 to 7 of Article 13 (1) and Item 4 (a), (b) and (c) of Article 19 (1) and Article 19 (2) [of the Water Act] which are assets of the said corporations.

(2) Within the time limit referred to in Paragraph (1), the regional governors and the municipality mayors shall prepare lists of the water-supply and sewerage systems and facilities and of parts thereof referred to in Items 5 to 7 of Article 13 (1) and Item 4 (a), (b) and (c) of Article 19 (1) and Article 19 (2) [of the Water Act] which are not included in the assets of the corporations as at the date of entry into force of this Act.

(3) (Supplemented, SG No. 95/2009, effective 24.09.2009) The water-supply and sewerage systems and facilities, whereof the ownership and/or construction is undocumented, shall be described in the lists by type, location and book value. The lists referred to in Paragraphs (1) and (2) shall be sent to the Minister of Regional Development and Public Works who, within six months after receipt of the said lists, shall draw up and consult with the municipalities memoranda on distribution of the assets between the State and the municipalities in pursuance of Items 5 to 7 of Article 13 (1) and Item 4 (a), (b) and (c) of Article 19 (1) and Article 19 (2) [of the Water Act].

(4) (Amended and supplemented, SG No. 95/2009, effective 24.09.2009) The Minister of Regional Development and Public Works and the municipalities exercise the rights of ownership

in wholly state-owned or wholly municipal-owned commercial corporations or to interests and shares in commercial corporations referred to in Paragraph (1) wherein the State or the municipality is a member or shareholder, shall take the steps necessary for the reduction of the capital of the said corporations by the value of the assets referred to in Paragraph (1) within three months after receipt of the memoranda on distribution referred to in Paragraph (3).

(5) The assets referred to in Paragraph (1) shall be public state property or public municipal property, as the case may be, as from the entry of the decision on reduction of the capital.

(6) Property and assets constituting public state and/or public municipal property shall be written off the balance sheet of the water and sewerage utilities which are commercial corporations for the account of the capital of the said corporations and shall not affect the financial result thereof arrived at according to the procedure established by the Corporate Income Tax Act, with Article 161 of the Corporate Income Tax Act applying only to the assets which do not constitute public state and/or public municipal property.

(7) Value added tax according to the procedure established by the Value Added Tax Act shall not be due on the value of the property and assets referred to in Paragraph (6).

(8) The property and the assets allocated to the corporations in liquidation or in bankruptcy proceedings, constituting public state and/or public municipal property, shall not be subject to realization according to the procedure established by Article 268 (1) of the Commerce Act, shall not be included in the bankruptcy estate under Article 614 (1) of the Commerce Act, and shall not be realized within the meaning given by Article 716 of the Commerce Act.

§ 30. (Effective 24.09.2009 - SG No. 47/2009) (1) The activities referred to in Article 198o (1) [of the Water Act] shall be commissioned by means of conclusion of a contract between the chairperson of the water supply and sewerage association according to a resolution of the general meeting of the said association or the municipality mayor according to a resolution of the Municipal Council and the water and sewerage utility operating in the geographically defined area concerned at the date of entry into force of this Act.

(2) The contract referred to in Paragraph (1) shall specify as a minimum:

1. the scope of the activities and responsibilities of the water and sewerage utility for the provision of water-supply and sewerage services;
2. the obligations of the water and sewerage utility for the operation, maintenance and reconstruction of the water-supply and sewerage systems and facilities;
3. the investment obligations of the water and sewerage utility for the construction of new water-supply and sewerage systems and facilities;
4. the terms and procedure for providing to the water and sewerage utility for operation of the water-supply and sewerage systems and facilities that are newly constructed and due to be constructed in the geographically defined area;
5. the procedure for making available for operation the water-supply and sewerage systems and facilities to the water and sewerage utility;
6. the procedure for delivery of the water-supply and sewerage systems and facilities by the water and sewerage utility after termination of the contract;
7. the criteria and benchmarks for exercise of control over the operation of the water-supply and sewerage utility;
8. the period of validity of the contract;
9. the responsibilities of the parties upon non-fulfilment of the obligations under the contract;
10. the grounds and the procedure for early termination of the contract;
11. the terms and procedure for assumption and extinction of financial obligations by the

water and sewerage utility operating in the geographically defined area concerned at the date of the entry into force of this Act and which are included in the business plan of the said utility as approved by the SEWRC.

(3) The period of the contract referred to in Paragraph (1) may not be longer than:

1. ten years, if the said contract does not obligate the water and sewerage utility to build new water-supply and sewerage infrastructure;
2. fifteen years, if the said contract obligates the water and sewerage utility to build new water-supply and sewerage infrastructure.

(4) Water and sewerage utilities shall continue the operation thereof in accordance with the business plans as approved and the general conditions of the contracts between the water and sewerage utility concerned and consumers for the provision of water-supply and sewerage services.

(5) The water and sewerage utilities in the geographically defined area concerned shall take delivery for operation of the water-supply and sewerage systems and facilities with the relevant documentation necessary for the operation thereof.

(6) The utilities designated according to the procedure established by Paragraph (1) shall charge depreciation according to the procedure established by Article 15 of the Accountancy Act for the assets which are water-supply and sewerage systems and facilities constituting state and/or public municipal property, which have been allocated thereto for stewarding and management. These depreciation charges shall be reinvested in the water-supply and sewerage systems in accordance with the business plan of the water and sewerage utility.

(7) The contract referred to in Paragraph (1) shall be terminated when:

1. the period of validity thereof has expired;
2. a natural person or a legal person has acquired shares or participating interests in the commercial corporation of the water and sewerage utility;
3. the general meeting of the water supply and sewerage association or the Municipal Council has adopted a resolution on termination of the contract with the water and sewerage utility;
4. a judgment on the initiation of bankruptcy proceedings has become enforceable;
5. other grounds, stipulated in the contract, come into existence.

(8) The water and sewerage utility shall fulfil the obligations thereof under the contract referred to in Paragraph (1) until such time as the new water and sewerage facility selected commences provision of the water-supply and sewerage service.

(9) The concession agreements commissioning activities involving management, maintenance and operation of water-supply and sewerage services and provision of water-supply and sewerage services, which have been concluded prior to the entry into force of this Act, shall subsist until the termination of the said agreements.

(10) Upon selection of a new water and sewerage utility, the employment relationships of the factory and office workers of the hitherto contracted water and sewerage utility shall be settled according to the procedure established by Articles 123 and 123a of the Labour Code.

§ 31. (1) (Supplemented, SG No. 58/2015) The dam complexes and the significant dams, including the reservoirs thereof up to the higher water level and the forebays and afterbays thereof, as listed according to Annex 1 [to the Water Act], shall be stewarded by wholly state-owned legal persons or by legal persons co-owned by the State and a municipality wherein the State holds a majority interest or by commercial corporations whereof the capital is owned by other commercial corporations in the capital whereof the State holds a participating interest.

(2) (Amended, SG No. 55/2018) The terms and procedure for the allocation for stewarding

and management of the dams constituting public State property, as listed in Annex 1 [to the Water Act], shall be established by the Council of Ministers on a joint motion by the Minister of Environment and Water, the Minister of Regional Development and Public Works, the Minister of Agriculture, Food and Forestry, and the Minister of Energy.

(3) (New, SG No. 55/2018) The dams referred to in paragraph 1 shall be outsourced for management and operation by an act of the Council of Ministers.

(4) (New, SG No. 55/2018) Upon privatisation of commercial corporations or parts of such companies, the capital or assets of which include dams, the relevant competent Minister shall take the necessary actions for removing them from the capital, respectively for writing them off the assets.

§ 32. (Effective 24.09.2009 - SG No. 47/2009, repealed, SG No. 58/2015).

§ 33. (Effective 24.09.2009 - SG No. 47/2009) The Single Information System on Water-Supply and Sewerage Services and the Register of water supply and sewerage associations and water and sewerage utilities shall be created within three months after the adoption of the Ordinance referred to in Article 198v [of the Water Act].

§ 34. (Effective 24.09.2009 - SG No. 47/2009) (1) The geographically defined area shall cover the territory of the regional and municipal water and sewerage utilities operating until the entry into force of this Act.

(2) The geographically defined areas established by this Act shall be announced by a decision of the Minister of Regional Development and Public Works within three months after the entry thereof into effect.

(3) The decision referred to in Paragraph (1) shall specify the extent of each separate geographically defined area and the boundaries thereof.

(4) The decision referred to in Paragraph (1) shall be promulgated in the State Gazette.

§ 35. (Effective 24.09.2009 - SG No. 47/2009) The water supply and sewerage associations shall be incorporated within three months after the entry into force of this Act.

§ 36. (Effective 24.09.2009 - SG No. 47/2009) (1) For the purposes of apportioning the votes in each water supply and sewerage association among the municipalities, the number of residents of the municipalities shall be determined by permanent address as at the date of the latest official population census in the Republic of Bulgaria.

(2) If a successive census finds a change in the number of residents of a particular municipality, the votes in the water supply and sewerage association among the municipalities shall be reapportioned in accordance with the current data.

(3) The reapportionment shall be effected at the first session of the general meeting of the water supply and sewerage association after the announcement of the official census data.

(4) Upon a reapportionment of the votes under Paragraph (3), the proportion of the financial resources provided through the budgets of the municipalities for maintenance of the water supply and sewerage association shall be updated during the year next succeeding the year of the announcement of the official census data.

§ 37. (1) The regional master plans of the water-supply and sewerage systems and facilities and the master plans for the water-supply and sewerage systems of agglomerations with a p.e. of more than 10,000 shall be produced and adopted within two years after the entry into force of this Act.

(2) The investment programmes to the regional master plans of the water-supply and sewerage systems and facilities and the master plans for the water-supply and sewerage systems



of agglomerations with a p.e. of more than 10,000 shall be prepared and adopted within three years after the entry into force of this Act.

(3) Until the adoption of the regional master plans and the master plans of agglomerations, the water-supply and sewerage systems and facilities shall be constructed according to the hitherto effective procedure.

§ 38. The regional master plans and the master plans of agglomerations with a p.e. of more than 10,000, whereof the preparation is in progress at the date of entry into force of this Act, shall be coordinated and approved according to the procedure established in this Act.

§ 39. Should any documentation necessary for the delivery and operation of the water-supply and sewerage systems and facilities be missing, the owners of the said systems and facilities and the water and sewerage utility shall restore the said documentation within one year after the absence is ascertained.

.....  
§ 45. The statutory instruments of secondary legislation, provided for in this Act, shall be issued within three months after the entry of this Act into force.

§ 46. This Act shall enter into force as from the day of promulgation thereof in the State Gazette, with the exception of § 26, 29, 30, 32 to 36 and 40 herein, which shall enter into force three months after the promulgation of this Act.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Tourism Act  
(SG No. 82/2009, effective 16.10.2009)

.....  
§ 22. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36, 65, 66, 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 and No. 12, 32, 35 and 47 of 2009) the words "Minister of Economy and Energy" and "Ministry of Economy and Energy" shall be replaced passim by "Minister of Economy, Energy and Tourism" and "Ministry of Economy, Energy and Tourism", respectively.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Water Act  
(SG No. 95/2009)

§ 11. The Ordinance referred to in Item 6 of Article 135 [of the Water Act] shall be adopted not later than the 31st day of March 2010.

.....  
§ 13. § 8 herein shall enter into force on the 1st day of January 2007, § 9 and 12 shall enter into force on the 11th day of August 2006, Item 1 of § 10 herein shall enter into force on the 23rd day of June 2009, and Item 2 of § 10 herein shall enter into force on the 24th day of September 2009.

#### ACT to Amend and Supplement the Water Act

(SG No. 61/2010, amended and supplemented, SG No. 55/2018)

.....  
§ 132. In the remaining texts of the Act:

1. The words "the authority referred to in Item 3 of Article 52 (1) herein" shall be replaced by "the authority referred to in Item 4 of Article 52 (1) herein".

2. The words "the authority referred to in Items 2 and 3 of Article 52 (1) herein" shall be

replaced by "the authority referred to in Article 52 (1) herein".

#### Transitional and Final Provisions

§ 133. (Effective 1.01.2011 - SG No. 61/2010) (1) (Supplemented, SG No. 55/2018) The Minister of Environment and Water may allocate gratuitously the mineral waters of the deposits or sections thereof as listed in Annex 2 to Item 2 of Article 14 [of the Water Act] for management and use for a period of twenty-five years to the municipalities concerned, for which:

1. extraction concessions for mineral water have not been granted, and requests for the granting of concessions for mineral waters have not been submitted;

2. water withdrawal permits for drinking and household water supply to more than one municipality have not been provided;

3. permits for use of more than 51 per cent of the approved exploitable resources of the occurrence have not been provided.

(2) (New, SG No. 55/2018) For the sections of mineral water deposits under items 31, 99, 100, 101 and 102 of Annex No. 2 to Article 14, item 2:

1. the boundaries shall be outlined in accordance with the administrative borders of the relevant municipality;

2. the exploitable resources of mineral waters in the section of the body of groundwater and the technically feasible flow of the water abstraction facilities, shall be determined, provided that:

- a) the sum of the resources in the separate sections may not exceed the resources of the mineral water deposit;

- b) the resources and the technically feasible flow of the water abstraction facilities are calculated taking into account a specific reduction, equal to zero, at the borders of the respective section;

3. a buffer zone is outlined, based on a reasoned decision, along the administrative border of the municipality in which it shall not be permitted to build new water abstraction facilities that might affect compliance with the requirement referred to in item 2.

(3) (Renumbered from Paragraph (2), supplemented, SG No. 55/2018) A list of the deposits and sections thereof referred to in paragraph 1 shall be published annually not later than the 31st day of December on the Internet site of the Ministry of Environment and Water.

(4) (Renumbered from Paragraph (3), amended, SG No. 55/2018) The allocation of the mineral waters under Paragraph (31) shall be effected not later than the 31st day of January of the next succeeding year after submission of an application in writing by the competent municipality mayor on the basis of a resolution of the Municipal Council.

(5) (Renumbered from Paragraph (4), amended, SG No. 55/2018) Within fourteen days after submission of the application referred to in Paragraph (4), the Minister of Environment and Water shall allocate the mineral water deposit to the municipality concerned by a decision. The decision shall be published on the Internet site of the Ministry of Environment and Water.

(6) (New, SG No. 55/2018) When mineral water deposits or separate sections of mineral water deposits listed in Annex No. 2 to Article 14, item 2 and defined as water bodies in the River basin management plans (RBMP) are allocated, the decision referred to in paragraph 5 shall contain specific requirements, including:

1. parity between the available resources of the body of groundwater and the exploitable resources of the mineral water deposit;

2. collecting, maintaining, and providing to the relevant basin directorate the information needed for the purposes of RBMP;

3. implementation at designated points of the planned monitoring of the quantity and chemical status of the body of groundwater;

4. implementation of the measures provided for in RBMP as regards the water body;

5. determination of the proportion of the natural and available resources of the body of groundwater, which is allocated to the municipality;

6. determination of the admissible decreases in the water level so as not to create a risk for decreasing the water levels:

a) in sections located in adjacent municipalities;

b) and change of the location of the boundary between the mineral water deposit and adjacent water bodies with water temperature lower than or equal to 20° C;

7. restrictions on the construction of new water abstraction facilities which might impede compliance with the conditions referred to in item 6 along the boundary with adjacent municipalities and with adjacent bodies of groundwater.

(7) (Renumbered from Paragraph (5), SG No. 55/2018) The municipality mayor shall steward the mineral waters allocated under Paragraph (1) in accordance with the requirements defined in the Ordinance referred to in Item 2 of Article 135 (1) [of the Water Act].

(8) (Repealed, renumbered from Paragraph (6), SG No. 55/2018) The municipalities shall have the right to use gratuitously the information on the deposits of mineral waters allocated to the municipality concerned which is available at the Ministry of Environment and Water.

(9) (Renumbered from Paragraph (7), SG No. 55/2018) For use of the mineral waters referred to in Paragraph (1):

1. the Municipal Council shall determine by a resolution:

(a) according to the procedure established by Article 41 [of the Water Act], the common withdrawal of mineral water from the occurrences referred to in Paragraph (1) for drinking and tapping by the community, where the composition and properties of the mineral water are suitable for the use thereof for such a purpose;

(b) whether the request for the issuance of a mineral water use permit is consistent with the policy and development plan of the municipality and whether a water withdrawal permit is to be issued or an extraction concession for mineral water is to be granted;

(c) whether the mineral water of a particular occurrence be allocated for use gratuitously or

after payment of a fee fixed by a rate schedule adopted by the Municipal Council;

2. the municipality mayor:

(a) shall steward and shall maintain the facilities in a condition of serviceability in accordance with the requirements of the Ordinance referred to in Item 2 of Article 135 (1) [of the Water Act];

(b) shall ensure the use of the mineral water without impairment of the public interests and in the interest of the community:

(c) (supplemented, SG No. 55/2018) shall issue the water abstraction permits referred to in Item 3, Littera "a" of Article 52 (1) [of the Water Act];

(d) (new, SG No. 55/2018) shall amend, prolong, reissue, suspend or revoke permits issued before the allocation of the mineral water deposit for management and use by the municipality;

(e) (new, SG No. 55/2018) shall control:

aa) for compliance with the parameters and conditions contained in the issued permits for water abstraction from the mineral water deposit or a section thereof;

bb) the maintenance and compliance with the prohibitions in the belts and zones for protection of the mineral water deposit or a section thereof;

(f) (new, SG No. 55/2018) shall collect the fees for abstraction of mineral waters;

(g) (new, SG No. 55/2018) shall spend the fees collected for abstraction of mineral water from the deposits or sections thereof referred to in Paragraph (1) for the purposes referred to in Paragraph (15), item 2;

(h) (previous Littera "d", amended, SG No. 55/2018) shall send copies of the administrative acts issued under "c" and "d" above and of the memorandums of ascertainment for control carried out in accordance with "e" above, to the Ministry of Environment and Water, and shall publish them on the website of the respective municipality;

(i) (previous Littera "e", amended, SG No. 55/2018) shall each year, no later than 31 March submit:

aa) to the Minister of Environment and Water a report on the use of the mineral waters, including: a balance of the resources of each deposit/section; a balance disaggregated by water abstraction facility, showing the endorsed technically feasible rate of each facility, the rate of each facility allocated for use and the unused rate of each facility, a list of the water users with data of the volumes of mineral water authorised and actually used during the previous year, and the water abstraction fees paid;

bb) the director of the relevant basin directorate – a list of water users with data on the

authorised and actually used volumes of mineral water during the previous year, and water abstraction fees paid, and information on measures implemented in the territory of the municipality – where the mineral water deposit is defined as a water body in the relevant river basin management plan.

(10) (Renumbered from Paragraph (9), amended, SG No. 55/2018) For mineral water deposits outsourced for management and use to municipalities, the water abstraction fees:

1. shall be determined by a rate schedule adopted by the Municipal Council, and:

(a) in determining the amount of fees the principle of reimbursement of costs shall apply;

(b) for mineral water deposits in which separate sections are delineated, the fees for the relevant purposes of water abstraction shall be the same in the individual sections; in the event that the municipalities do not reach agreement regarding the amount of fees, the rate schedule referred to in Article 194, Paragraph (6) shall apply;

(c) for mineral water deposits defined as water bodies in the river basin management plans:

aa) water abstraction purposes shall be determined in accordance with the water services defined in the economic analysis of water use under Article 192, Paragraph (2), item 1;

bb) the amount of fees shall take into account the specified target level of reimbursement of costs for the relevant service in the river basin management plans;

2. shall be credited to the account of the municipality concerned, which shall be published on the Internet site of the said municipality.

(11) (Renumbered from Paragraph (10), amended, SG No. 55/2018) The mayor of the municipality shall amend ex officio the permits issued before the mineral water deposit was allocated for management and use to the municipality, as regards the setting of rules and obligations for payment of water abstraction fees.

(12) (New, SG No. 55/2018) The mayor of the municipality shall set the rules and obligations for the payment of water abstraction fees in the permits issued and in the permits amended under Paragraph (11) for the duration of the allocation of the mineral water deposit for management and use to the municipality, as determined by the decision referred to in Paragraph (5).

(13) (Renumbered from Paragraph (11), supplemented, SG No. 55/2018) The [competent] Basin Directorate Director shall not consider any applications for the issuance of permits for mineral water withdrawal from the deposits and sections thereof included in the list referred to in Paragraph (3) submitted during the period commencing on the 1st day of January and ending on the 15th day of February.

(14) (Renumbered from Paragraph (12), amended, SG No. 55/2018) Within fourteen days after rendition of the decision referred to in Paragraph (4), the [competent] Basin Directorate

Director shall transmit ex officio the documents submitted under Paragraph (13) to the competent municipality mayor.

(15) (Renumbered from Paragraph (13), amended, SG No. 55/2018) The funds collected from the fees for water abstraction under paragraph 10:

1. shall be booked as revenue in the municipal budgets;

2. shall be expended for:

- a) protection and efficient use of mineral water;

- b) implementation of measures planned in RBMP to achieve and maintain good quantitative and chemical status of the water body on the territory of the municipality – where the mineral water deposit is defined as a water body in the relevant river management plan.

(16) (Renumbered from Paragraph (14), amended, SG No. 55/2018) The right to management and use of the mineral waters under Paragraph (1) shall be extinguished upon:

1. non-exercise of the said right for a period of five years;

2. expiry of the period; under Paragraph (1).

(17) (New, SG No. 55/2018) Upon expiry of the right of management and use of the mineral waters under Paragraph (1), the director of the basin directorate shall amend ex officio the permits for abstraction of mineral waters from the relevant deposit, specifically the part setting out the rules and obligations for the payment of water abstraction fees.

§ 134. (1) Within two months after the entry into force of this Act, the water quantity monitoring points and stations, stewarded by the water management Basin Directorate, including those included in the early warning systems, intended for observation and forecasts of risk factors that may cause a flood, shall be delivered for stewarding and maintenance to the National Institute of Meteorology and Hydrology with the Bulgarian Academy of Sciences by an order of the Minister of Environment and Water.

(2) Within the time limit referred to in Paragraph (1), the Director of the Executive Agency for Exploration and Maintenance of the River Danube shall provide information on the River Danube quantity monitoring points to the National Institute of Meteorology and Hydrology with the Bulgarian Academy of Sciences.

(3) Within six months after the entry into force of this Act, the Director of the National Institute of Meteorology and Hydrology with the Bulgarian Academy of Sciences shall compile a register and shall provide the said register and the documentation on the water quantity monitoring points and stations to the Minister of Environment and Water, including:

1. on the points and stations observed as at the entry into force of the Act;

2. on the points and stations closed after 1990;

3. the points and stations delivered by the Basin Directorates;

4. the points and stations observed by the Executive Agency for Exploration and Maintenance of the River Danube.

(4) Within fourteen months after the entry into force of this Act, public state property

registration certificates shall be drawn in respect of the points and stations referred to in Paragraph (1) according to the procedure established by the State Property Act by the Regional Governors exercising competence over the location thereof.

§ 135. (1) Any permits issued according to the procedure established by this Act during the period commencing on the 28th day of January 2000 and ending on the 30th day of July 2001 by an official who acted publicly as an authority under Item 2 of Article 52 [of the Water Act] without lawfully possessing this capacity shall give rise to all legal consequences of validly issued permits as from the entry into force of this Act, if the following conditions are fulfilled:

1. the period of validity of the permit has not expired;
2. the rights conferred by the permit are enjoyed as at the date of entry into force of this Act, and
3. all terms and conditions in the permit are fulfilled within the time limit set therein;
4. annually, the fees due for water use or for water site use have been paid within the time limit set and in full amount.

(2) Fulfilment of the conditions referred to in Items 2, 3 and 4 of Paragraph (1) shall be established through:

1. a check by the Basin Directorate Director or by an official empowered thereby: in the cases referred to in Items 2 and 3 of Paragraph (1);
2. payment documents and statements of the accounts of:
  - (a) the National Environmental Protection Fund: until the 31st day of December 2003;
  - (b) the Enterprise for Management of Environmental Protection Activities: as from the 1st day of January 2004.

(3) The provisions of Paragraphs (1) and (2) shall not apply to any permits which have been declared null according to a judicial procedure.

§ 136. Items 1 and 2 of Article 146b (1) [of the Water Act] shall apply until the 22nd day of December 2010.

§ 137. (1) The preliminary flood risk assessment under Article 146a [of the Water Act] shall be undertaken until the 22nd day of December 2011.

(2) The assessment referred to in Paragraph (1) or the assessment and the decisions referred to in Article 146b [of the Water Act] shall be reviewed and updated until the 22nd day of December 2018 and every six years thereafter.

§ 138. (1) The maps referred to in Article 146e (1) [of the Water Act] shall be prepared until the 22nd day of December 2013.

(2) The maps referred to in Paragraph (1) shall be reviewed and updated until the 22nd day of December 2019 and every six years thereafter.

§ 139. (1) The management plans referred to in Article 146i [of the Water Act] shall be prepared and published until the 22nd day of December 2015.

(2) The plans referred to in Paragraph (1) shall be reviewed and updated until the 22nd day of December 2021 and every six years thereafter.

§ 140. (1) Until the adoption of the Ordinance referred to in Article 117a (2) [of the Water Act], the justification of the water volumes applied for shall be elaborated on the basis of quantities defined by other statutory instruments for the relevant purpose.

(2) In the cases under Paragraph (1), the justification of the required water volumes shall furthermore cite the title of the relevant statutory instrument.

(3) Where there are no statutorily prescribed quantities for a particular purpose of water use, the justification referred to in Paragraph (1) shall be carried out according to the technological requirements for the particular purpose, attaching the technical specifications of the

facilities on the basis of which the appropriate quantity has been determined.

§ 141. (1) Until the adoption of the ordinances referred to in Items 1a, 2, 6 and 13 of Article 135 (1) [of the Water Act], the content of the registers referred to in Items 1 (a), (b), (d), (e) and (f), 2, 3 and 4 of Article 184 (1) and Item 1 of Article 183 [of the Water Act] shall be determined by an order of the Minister of Environment and Water.

(2) The design categories of surface waters, assigned by an order of the Minister of Environment and Water, shall be in effect until adoption of the ordinances referred to in Items 17 and 18 of Article 135 (1) [of the Water Act].

§ 142. The provisions of Article 118 (1) and (5) and Item 2 (v) of Article 151 (2) [of the Water Act] shall apply until the entry into force of the Ordinance referred to in Item 17 of Article 135 (1) [of the Water Act].

§ 143. (1) Until the installation of metering devices according to the requirements of Article 194a (1) [of the Water Act] and where the holder of the permit is a water and sewerage utility, the fee for water withdrawal referred to in Item 1 of Article 194 (1) [of the Water Act] shall be fixed on the basis of the sum total of the maximum hourly quantities for which the removing water conduits and the facilities thereof have been dimensioned by design downstream from the groundwater withdrawal and/or downstream from the surface water catchment.

(2) Until construction of the treatment plants of nucleated settlements with a population equivalent of more than 2,000, the fee for pollution referred to in Item 3 (a) of Article 194 (1) [of the Water Act] shall be calculated annually on the basis of the authorized annual water quantity and the individual emission limit values specified in the permit.

(3) Water and sewerage utilities shall install metering devices not later than three years after the entry into force of this Act.

§ 144. (1) Within one year after the entry into force of this Act, the owners of any groundwater facilities intended for water withdrawal, which are used or can be used for water withdrawal for the purposes of economic or non-economic activities and for which rights to use the waters have not been conferred, shall submit to the competent Basin Directorate an application for entry of any such facilities, with the exception of those for own needs, into the register referred to in Article 118d [of the Water Act].

(2) The following shall be attached to the application referred to in Paragraph (1):

1. a document of ownership of the corporeal immovable wherein the water withdrawal facility is located;

2. geographical and geodetic coordinates of the facility;

3. information about the depth and structure of the facility;

4. information regarding equipment of the facility for operation;

5. a declaration concerning the year of construction thereof;

6. information regarding the purpose for which the water withdrawn is used;

7. a document attesting to payment of a fee to the amount of BGN 250.

(3) In the cases where the facility is not equipped for operation, the documents attached to the application under Paragraph (1) shall furthermore include a declaration of the intentions of the owner regarding the mothballing or liquidation of the facility.

(4) Within one month after submission of the application, the Basin Directorate shall verify the documents covered under Paragraphs (2) and (3) and shall:

1. check the constructed facilities and the equipment thereof;

2. assess the need of mothballing or liquidation of the facility.

(5) Within seven days after the check referred to in Paragraph (4), the facility shall be entered in the register referred to in Article 118d [of the Water Act].



§ 145. (1) Any permit issuance proceedings initiated prior to the entry into force of this Act shall be completed by the authorities which accepted the applications for issuance of permits, in compliance with the conditions and prohibitions under this Act.

(2) Within three months after the entry into force of this Act, the Basin Directorate directors shall provide the mayors of the municipalities concerned with copies of the water withdrawal permits for waters constituting public municipal property and of the water site use permits for water sites constituting public municipal property, which have been issued prior to the entry of this Act into force, together with a copy of the documentation on the basis of which the said permits have been issued.

§ 146. (1) Any permits for extraction of alluvium deposits, issued prior to the entry into force of this Act, shall be reissued upon fulfilment of the requirements of this Act within one year after the entry into force of this Act.

(2) Any permits issued prior to the entry into force of this Act other than those referred to in Paragraph (1) shall be brought into conformity with the requirements of this Act upon the earliest modification or extension of the said permits.

.....  
§ 152. (1) The ordinances referred to in Items 2, 5, 9, 13 and 14 of Article 135 (1) [of the Water Act] shall be brought into conformity with the requirements of this Act within six months after the entry into force of this Act.

(2) The ordinances referred to in Items 1a, 6, 17, 18, 19, 20 and 21 of Article 135 (1) [of the Water Act] shall be issued within six months after the entry into force of this Act.

(3) The Ordinance referred to in Article 158 (3) [of the Water Act] shall be issued within one year after the entry into force of this Act.

(4) The guidances referred to in Article 135 (2) [of the Water Act] shall be prepared and published within six months after the entry into force of this Act.

§ 153. The provision of § 133 herein shall enter into force as from the 1st day of January 2011.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Public-Private Partnership Act

(SG No. 45/2012, effective 1.01.2013)

.....  
§ 16. This Act shall enter into force on 1 January 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which enter into force on 1 September 2012.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

.....  
§ 55. In the Water Act (promulgated, SG No. 67/1999, amended, SG No. 81/2000, SG No. 34, 41 and 108/2001, SG No. 47, 74 and 91/2002, SG No. 42, 69, 84 and 107/2003, SG No. 6 and 70/2004, SG No. 18, 77 and 94/2005, SG No. 29, 30, 36, 65, 66, 105 and 108/2006, SG No. 22 and 59/2007, SG No. 36, 52 and 70/2008 and SG No. 12, 32, 35, 47, 82, 93, 95 and 103/2009, SG No. 61 and 98/2010, SG No. 19, 28, 35 and 80/2011, SG No. 45, 77 and 82/2012) the words "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works" shall be replaced passim by "Minister of Regional Development", "the Minister of Regional Development" and "the Ministry of Regional Development", respectively.

§ 117. This Act shall enter into force as from the day of the promulgation thereof in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Water Act

(SG No. 103/2013, amended and supplemented, SG No. 58/2015)

§ 9. (1) Within a time limit not exceeding four months after the entry into force of this Act, the management bodies of the water and sewerage utilities which are commercial corporations in the capital whereof the State and/or a municipality holds a participating interest shall prepare lists of the water-supply and sewerage systems and facilities covered under Articles 13, 15 and 19 [of the Water Act], located within the geographically defined area, which are assets of the said corporations, and shall transmit the said lists to the Minister of Regional Development.

(2) Within the time limit referred to in Paragraph (1), the regional governors and the municipality mayors shall prepare lists of the water-supply and sewerage systems and facilities and of parts thereof covered under Articles 13, 15 and 19 [of the Water Act], located within the geographically defined area, which are not included in the assets of the corporations referred to in Paragraph (1) as at the day of entry into force of this Act, and shall transmit the said lists to the Minister of Regional Development.

(3) The lists referred to in Paragraphs (1) and (2) shall be prepared in a standard form endorsed by the Minister of Regional Development. At the request of the Minister of Regional Development, documents related to the construction and ownership of the water-supply and sewerage systems and facilities shall be attached to the said lists.

(4) Within three months after receipt of the lists referred to in Paragraphs (1) and (2), the Minister of Regional Development shall draw up and transmit for coordination with the municipalities memoranda on distribution between the State and the municipality of the ownership of the assets located within the geographically defined area.

(5) The municipalities may present opinions on the distribution of the ownership of the assets within two months after receipt of the memoranda referred to in Paragraph (4). After the expiry of this time limit, the Minister of Regional Development shall transmit to the municipalities and the regional governors the final memoranda. The final memoranda shall have probative value for the distribution of the ownership of the assets between the State and municipalities until proved otherwise.

(6) The Minister of Regional Development and the municipalities exercising the right of ownership in any wholly state-owned or wholly municipal-owned commercial corporations or to interests and shares in any commercial corporations referred to in Paragraph (1) wherein the State or the municipality is a member of shareholder, shall undertake the steps necessary for writing the assets referred to in Paragraph (1) and the value of the said assets off the balance sheet of the corporations within two months after the drawing up and, respectively, the receipt of the final memoranda referred to in Paragraph (5).

(7) Property and assets constituting public state and/or public municipal property shall be written off the balance sheet of the water and sewerage utilities which are commercial corporations for the account of the equity capital of the said corporations, with the exception of the registered (authorized) capital, as well as for the account of government donations (financing) received, where the respective assets have been received under contracts of gift (financing) and this does not affect the tax financial result of the said corporations arrived at according to the procedure established by the Corporate Income Tax Act, with Article 161 of the Corporate Income Tax Act applying only to the assets which do not constitute public state and/or public municipal property.

(8) (Supplemented, SG No. 58/2015) In the cases referred to in Item 2 of Article 198b [of the Water Act], the Minister of Regional Development shall transmit to the water supply and sewerage association copies of the final memoranda on distribution of ownership under Paragraph (5) immediately after the said memoranda are drawn up or after the water supply and sewerage association within the geographically defined area is incorporated, if such an association has not been incorporated by the date of drawing up of the final memoranda. In such cases, the water supply and sewerage systems and facilities constituting public State and public municipal property shall pass under the management of the water-supply and sewerage association of the geographically defined area concerned as from the date of receipt of the final memoranda by the water-supply and sewerage association or, respectively, after the write-off of the said systems and facilities according to the procedure established by Paragraph (7). The water-supply and sewerage systems constituting public State property shall be posted to the balance sheet of the regional administrations of the geographically defined areas concerned.

(9) In the cases referred to in Item 3 of Article 198b [of the Water Act], the water supply and sewerage systems and facilities constituting public municipal property shall pass under the management of the municipal councils as from the date of receipt of the final memoranda by the water-supply and sewerage association or, respectively, after the write-off of the said systems and facilities according to the procedure established by Paragraph (7).

(10) In the cases referred to in Item 2 of Article 198b [of the Water Act], the owner of the water supply and sewerage systems and facilities constituting public state and public municipal property which have been constructed or commissioned after the drawing up of the memoranda on distribution of the assets under Paragraphs (1) and (2) shall immediately notify the water supply and sewerage association of the date of commissioning of the said systems and facilities and shall transmit copies of the documents related to the construction and ownership of the said systems and facilities to the said association. In such case, the water supply and sewerage systems and facilities constituting public state and public municipal property shall pass under the management of the water-supply and sewerage association of the geographically defined area concerned as from the date of receipt of the notification and the documents.

(11) Until the conclusion of a contract according to the procedure established by Article 198o (4) [of the Water Act], the assets referred to in Paragraphs (8) to (10) shall continue to be stewarded, maintained and operated according to the hitherto effective procedure by water and sewerage utilities operating within the geographically defined area within the meaning given by § 34 of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act ([promulgated in the] State Gazette No. 47 of 2009; amended in No. 95 of 2009) by the day of entry into force of this Act.

(12) The write-off of the property and assets under Paragraph (6) shall not be a supply of goods or services within the meaning given by Article 10 of the Value Added Tax Act.

(13) The property and the assets allocated to the corporations in liquidation or in bankruptcy proceedings, constituting public state and/or public municipal property, shall not be subject to realization according to the procedure established by Article 268 (1) of the Commerce Act, shall not be included in the bankruptcy estate under Article 614 (1) of the Commerce Act, and shall not be realized within the meaning given by Article 716 of the Commerce Act.

§ 10. (1) The concession agreements commissioning activities involving management, maintenance and operation of water-supply and sewerage services and provision of water-supply and sewerage services, which have been concluded prior to the entry into force of this Act, shall subsist until the termination of the said agreements. The change of ownership of the water development systems and facilities wherefor a concession has been granted shall not affect the

rights and obligations conferred in respect of such items of property upon the concessionaires and the concession grantors. Upon change in the rights of ownership to the water development systems and facilities wherefor a concession has been granted, the concession grantor shall continue to execute the rights and obligations under the concession agreement on behalf of the new owner until the termination of the said agreement.

(2) The functions of a water supply and sewerage association for the management of the water supply and sewerage systems and facilities intended for water supply of the Sofia Municipality, regardless of the ownership and the territories wherein the said systems and facilities are located or wherethrough the said systems and facilities pass, shall be implemented by the Municipal Council of the Sofia Municipality.

§ 11. The first regional master plans of the water supply and sewerage systems and facilities and the investment programmes thereto, referred to in Items 3 and 4 of Article 198c (4) and Items 4 and 5 of Article 198d [of the Water Act], shall be created for the geographically defined areas within the meaning given by § 34 of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act ([promulgated in the] State Gazette No. 47 of 2009; amended in No. 95 of 2009) and shall be adopted by the Minister of Regional Development after consultations with the persons referred to in Items 2 and 3 of Article 198b [of the Water Act]. The persons referred to in Items 2 and 3 of Article 198b [of the Water Act] may give an opinion on the first regional master plans of the water supply and sewerage systems and facilities and the investment programmes thereto, referred to in Items 3 and 4 of Article 198c (4) and Items 4 and 5 of Article 198d [of the Water Act], within two months after receipt of the said plans. The steps referred to in Article 198k [of the Water Act] shall be performed by the Minister of Regional Development.

§ 12. In the municipalities in whose territory there are dams constituting public municipal property for which contracts for the stewarding, maintenance and operation thereof have not been concluded, acting on a motion by the municipality mayor, the Municipal Council shall adopt a resolution on:

1. establishment of a municipal enterprise for implementation of the said activities, or
2. (supplemented, SG No. 58/2015) initiation of a procedure for selection of a dam wall operator whereto the stewarding, maintenance and operation of the said dams is to be commissioned by means of leasing the said dams or granting a concession for the said dams.

.....  
§ 14. (1) (Amended, SG No. 58/2015) The present regulatory period within the meaning given by Article 10 (1) of the Water-Supply and Sewerage Services Regulation Act shall be extended until the 31st day of December 2016. The next regulatory period shall start on the 1st day of January 2017.

(2) The business plans for the present regulatory period, which have been approved until the entry into force of this Act, shall remain in effect.

(3) Within three months after the entry into force of this Act, the water and sewerage utilities shall supplement the business plans thereof under Paragraph (2) with a view to extending the present regulatory period under Paragraph (1). The supplements to the business plans shall be approved according to the procedure established by Article 11 of the Water-Supply and Sewerage Services Regulation Act.

(4) Within the time limit referred to in Paragraph (3), the water and sewerage utilities may request a review of the prices endorsed in connection with the supplements to the business plans.

(5) (Amended, SG No. 58/2015) In the cases referred to in Paragraphs (3) and (4), the water and sewerage utilities shall follow the directions of the commission referred to in Item 4 of

Article 6 (1) and Article 16 of the Water-Supply and Sewerage Services Regulation Act.

**TRANSITIONAL AND FINAL PROVISIONS**

to the Act to Amend and Supplement the Water Act

(SG No. 26/2014)

§ 2. The financial resources representing a financial burden unfairly sustained by Irrigation Systems EAD for public services provided during the 2011-2013 period shall be refunded to the corporation on the budget of the Ministry of Agriculture and Food for the account of the resources provided for in Article 1 (2), row 4.1.1 and 4.1.2 of the 2014 State Budget of the Republic of Bulgaria Act, not later than the 31st day of March 2014.

§ 3. The advance financial resources necessary according to forecast estimates made in advance by the Ministry of Agriculture and Food for the provision of the public service of protection against water-related damage and loss for 2014 shall be granted to Irrigation Systems EAD after conclusion of the contract referred to in § 4a (1) herein according to the procedure established by Article 1 (2), row 4.1.1 and 4.1.2 of the 2014 State Budget of the Republic of Bulgaria Act, not later than the 31st day of March 2014.

§ 4. The Council of Ministers shall adopt the methodology referred to in § 4 (7) of the Transitional and Final Provisions [of the Water Act] within three months after the entry into force of this Act.

**TRANSITIONAL AND CONCLUDING PROVISIONS**

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

.....  
§ 55. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36, 65, 66, 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 and No. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, Nos. 61 and 98 of 2010, Nos. 19, 28, 35 and 80 of 2011, Nos. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49 and 53 of 2014) the words "Minister of Regional Development", "the Minister of Regional Development" and "the Ministry of Regional Development" shall be replaced passim by "Minister of Regional Development and Public Works", "the Minister of Regional Development and Public Works" and "the Ministry of Regional Development and Public Works", respectively.

.....  
**TRANSITIONAL AND CONCLUDING PROVISIONS**

to the Act to Amend and Supplement the Energy Act

(SG No. 17/2015, effective 6.03.2015)

.....  
§ 49. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36, 65, 66, 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 and No. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, Nos. 61 and 98 of 2010, Nos. 19, 28, 35 and 80 of 2011, Nos. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49, 53 and 98 of 2014 and Nos. 12 and 14 of 2015) shall be amendeded as follows:

.....  
2. Everywhere in the text the abbreviation "SEWRC" shall be replaced by "EWRC".  
.....

## ACT

to Amend and Supplement the Water Act

(SG No. 58/2015, amended, SG No. 17/2019, effective 1.08.2016)

.....  
§ 61. In the rest of the text of the Act the words "and micro-dams" and "and the micro-dams" shall be deleted.

### Transitional and Final Provisions

§ 62. (1) The Ordinance referred to in Article 141 (2) and the methodology referred to in Article 156f (9) [of the Water Act] shall be issued within six months from the entry into force of this Act.

(2) The ordinances referred to in Items 1a, 2, 7, 11 and 13 of Article 135 (1) [of the Water Act] and the rate schedule for the fees for water withdrawal, for water site use and for pollution under Article 194 (6) [of the Water Act] shall be brought into conformity with this Act within one year from the entry into force of the said Act.

(3) Until the ordinances referred to in Items 7 and 13 of Article 135 (1) [of the Water Act] are brought into conformity with this Act, the repealed ordinances referred to in Items 10 and 12 of Article 135 (1) [of the Water Act] shall apply, insofar as they do not come into conflict with this Act.

(4) (Amended, SG No. 17/2019, effective 1.08.2016) Until 31 December 2016 the fees for water withdrawal, for water site use and for pollution shall be calculated and paid according to the hitherto effective procedure and in the hitherto effective amounts. As of 1 January 2017 the fees for water withdrawal, for water site use and for pollution shall be calculated and paid according to the new procedure and in the new amounts set out in the rate schedule referred to in Article 194(6) herein.

§ 63. The water site use permits for extraction of alluvium deposits, with the exception of those for the River Danube and the water reservoirs, which have been issued until the entry into force of this Act, shall retain the validity thereof and shall be terminated after the expiry of the period for which they have been issued, without applying Article 78 (2) [of the Water Act].

§ 64. Any procedures for an alteration of the ownership of sites under § 32 of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act (promulgated in the State Gazette No. 47 of 2009; amended in No. 95 of 2009), which have commenced prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

§ 65. (1) Land tracts constituting public State property and/or public municipal property shall be written off the balance sheet of the water and sewerage utilities which are commercial corporations under Articles 15 and 19 [of the Water Act] within six months after the establishment of the sanitary protected areas around the water withdrawal facilities for household and drinking water supply.

(2) Within six months from the establishment of the sanitary protected areas, the water and sewerage utilities shall take all steps as a matter of law and as a matter of fact for the write-off under Paragraph (1), including, if necessary, shall undertake accounting and regulatory procedures for the separation of Belt I of the sanitary protected areas according to the order of the competent authority, and shall transmit to the Minister of Regional Development and Public

Works a list indicating and identifying the land tracts constituting Belt I of the sanitary protected area which are located within the geographically defined area.

(3) Memoranda in a standard form, endorsed by the Minister of Regional Development and Public Works, shall be signed on the distribution between the State and the municipalities of the ownership of the land tracts of Belt I of the sanitary protected areas. The memoranda on distribution shall be annexed to the memoranda referred to in § 9 of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act (State Gazette No. 103 of 2013).

(4) The provisions of § 9 of the Transitional and Final Provisions of the Act to Amend and Supplement the Water Act (State Gazette No. 103 of 2013) shall apply, *mutatis mutandis*, to the distribution and write-off of the land tracts constituting public property.

§ 66. All dams within the national territory shall be brought into conformity with the requirement of Article 138c (1) [of the Water Act] within one year from the entry into force of this Act.

§ 67. The owners of any commissioned dam walls and associated facilities shall notify in writing the President of the State Agency for Metrological and Technical Surveillance of the operating dam wall operator within 14 days from the entry into force of this Act.

.....  
§ 69. A fee for diffuse source pollution from agriculture shall be owed as from the 1st day of January 2017.

§ 70. § 26, Item 2 of § 27 herein regarding Item 1 of Article 138a (4) [of the Water Act], Item 1 of § 31 herein regarding Item 1 of Article 140 (2) [of the Water Act], Item 1 of § 32 herein regarding Items 2 and 3 of Article 141 (1) [of the Water Act], Item 2 of § 48, § 49, 55, 56 and Item 3 of § 57 regarding Article 201 (11) and (12) of the Water Act shall enter into force as from the 1st day of January 2016.

**TRANSITIONAL AND FINAL PROVISIONS**  
to the Act to Amend and Supplement the  
Agricultural Land Ownership And Use Act  
(SG No. 61/2015)

.....  
(\* ) § 20. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006, corrected, SG No. 66 of 2006, amended, SG No. 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 and No. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, Nos. 61 and 98 of 2010, Nos. 19, 28, 35 and 80 of 2011, Nos. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49, 53 and 98 of 2014 and SG Nos 12, 14 and 17 of 2015) everywhere in the text the word "ползуването" shall be replaced by "ползването". (This amendment concerns new spelling of a Bulgarian word which does not affect the English version.)

.....  
**FINAL PROVISIONS**  
to the Bulgarian Food Safety Agency Act  
(SG No. 58/2017, effective 18.07.2017)

.....  
§ 11. In the Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of

2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006, SG No. 66 of 2006, amended, SG No. 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008 and No. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, Nos. 61 and 98 of 2010, Nos. 19, 28, 35 and 80 of 2011, Nos. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49, 53 and 98 of 2014, Nos. 12, 14, 17, 58, 61, 95 and 101 of 2015, Nos. 15, 51, 52 and 95 of 2016 and No. 12 of 2017), the words "Ministry of Agriculture and Food", "the Minister of Agriculture and Food" and "Minister of Agriculture and Food" shall be replaced by "Ministry of Agriculture, Food and Forestry", "the Minister of Agriculture, Food and Forestry" and "Minister of Agriculture, Food and Forestry".

.....  
**TRANSITIONAL AND FINAL PROVISIONS**

to the Concessions Act

(SG No. 96/2017, effective 1.01.2018)

.....  
§ 9. The Water Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 81 of 2000, Nos. 34, 41 and 108 of 2001, Nos. 47, 74 and 91 of 2002, Nos. 42, 69, 84 and 107 of 2003, Nos. 6 and 70 of 2004, Nos. 18, 77 and 94 of 2005, Nos. 29, 30, 36 and 65 of 2006; corrected in No. 66 of 2006; amended in Nos. 105 and 108 of 2006, Nos. 22 and 59 of 2007, Nos. 36, 52 and 70 of 2008, Nos. 12, 32, 35, 47, 82, 93, 95 and 103 of 2009, Nos. 61 and 98 of 2010, Nos. 19, 28, 35 and 80 of 2011, Nos. 45, 77 and 82 of 2012, Nos. 66 and 103 of 2013, Nos. 26, 49, 53 and 98 of 2014, Nos. 12, 14, 17, 58, 61, 95 and 101 of 2015, Nos. 15, 51, 52 and 95 of 2016 and Nos. 12 and 58 of 2017) shall be amended and supplement as follows:

.....  
§ 10. The provision of Item 4 of Article 118g (1) of the Water Act shall not apply to water withdrawal for any hydroelectric power plants which were commissioned by the 9th day of August 2010.

.....  
**FINAL PROVISIONS**

to the Act to Amend and Supplement the Water Act

(SG No. 55/2018, supplemented, SG No. 61/2019, effective 7.07.2018)

.....  
§ 32. The Ordinance referred to in Article 141, Paragraph (2) shall be brought in line with the provisions of this Act within 6 months of the entry into force thereof.

§ 33. (Supplemented, SG No. 61/2019, effective 7.07.2018) Within three months of the entry into force of this Act the mayors of municipalities shall submit to the Ministry of Economy a reasoned proposal for the change of ownership of dams that constitute public municipal property in the presence of a decision of the relevant municipal council for transfer of ownership to the State free of charge.

**TRANSITIONAL AND FINAL PROVISION**

of Act to Amend and Supplement the Environmental Protection Act

(SG No. 98/2018, effective 27.11.2018)

.....  
§ 41. (1) Within two years after the entry into force of this Act, the owners of any groundwater withdrawal facilities constructed by 28 January 2000, and of water withdrawal facilities constructed by 23 December 2016, which have not been issued building permits and which have not been entered in the register referred to in Article 118d (3) of the Water Act, should submit at the competent Basin Directorate an application for entry.



(2) The following shall be attached to the application referred to in Paragraph (1):

1. the documentation under item 3 of Article 118d (5) of the Water Act;
2. information regarding the equipment of the facility for operation;
3. a declaration concerning the year of construction of the facility;
4. a declaration of the intentions of the owner regarding the use or mothballing of the facility;
5. a copy of a document attesting to payment of a fee in accordance with the tariff under Article 72 of the Environmental Protection Act.

(3) The entry shall be effected if the water withdrawal facility:

1. reveals only one water body;
2. has a structure that prevents mixing of water from several water bodies or the penetration of water from the surface into the water body through the behind-pipe space of the facility, and
3. is fit for operation.

(4) Within two months from the submission of the application, the Basin Directorate Director shall verify the documents under Paragraph (2) and if the requirements of Paragraph (3) have been met, he/she shall enter the facility in the respective register under Article 118d (3) of the Water Act.

(5) Where the requirements of Paragraph (3) have not been met, the Basin Directorate Director shall refuse entry in the relevant register under Article 118d (3) of the Water Act and shall prescribe the liquidation of the facility.

(6) The authorisation of water withdrawal from facilities registered under Paragraph (1) shall be carried out under the terms and conditions of the Water Act.

(7) Within two years after the entry into force of this Act, the owners of wells satisfying the own needs of the citizens, which are located within the boundaries of nucleated and resort settlement for which until the entry into force of this Act no applications for entry in the register have been submitted under item 5 of Article 118d (3) of the Water Act, should submit at the competent Basin Directorate an application for entry in the register, which contains the information for registration of a well, as defined in the Ordinance referred to in item 2 of Article 135 (1) of the Water Act.

§ 42. The water withdrawal facilities for groundwaters constructed by 23 December 2016, for which no construction papers have been issued, are tolerable constructions under the Spatial Development Act and are not subject to removal and prohibition of use when they are entered in a register under Article 118d (3) of the Water Act.

§ 43. The Ordinance referred to in item 6 of Article 135 of the Water Act shall be adopted and shall enter into force by the 31st of December 2019.

.....  
§ 49. The Act shall come into effect from the date of its promulgation in the State Gazette, with the exception of:

1. Items 1 and 3 of § 3 herein concerning Item 9 of Article 94 (1) and Article 94 (4), Item 2 of § 4, § 5, 6, Item 2 of § 7, § 8, 10 to 12, Item 2 of § 15, § 16, 17, 21 to 26, 30 and 31 herein, which shall enter into force nine months after the promulgation of the said Act;

2. Paragraph 40, Item 24 which shall enter into force as of 11 January 2006.

#### TRANSITIONAL AND FINAL PROVISIONS

to the 2019 State Budget of the Republic of Bulgaria Act  
(SG No. 103/2018, effective 1.01.2019)

.....  
§ 21. This Act shall enter into force as from the 1st day of January 2019, with the exception

of § 9, item 1, § 16 and § 17 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette, and of § 18 herein, which shall enter into force as from the 20th day of May 2019.

#### FINAL PROVISIONS

to the Act to Amend and Supplement the Protection Against  
the Harmful Impact of Chemical Substances and Mixtures Act  
(SG No. 17/2019, effective 26.02.2019)

.....  
§ 5. This Act shall enter into force on the day of its promulgation in the State Gazette,  
except for § 4, which shall enter into force as of 1st August 2016.

#### TRANSITIONAL AND FINAL PROVISIONS

Act to Amend and Supplement the Water Act  
(SG No. 61/2019, effective 2.08.2019)

§ 7. (1) Within one month of the entry into force of this Act the Minister of Economy shall provide to the relevant regional governors all proposals submitted to the Ministry of Economy before the entry into force of the Act by mayors of municipalities for the change of ownership of dams following a decision of the relevant municipal council for transfer of ownership to the State free of charge.

(2) The regional governor shall apply Article 19b to the proposals referred to in item 1.

.....  
§ 11. The Act shall come into force from the date of its promulgation in the State Gazette, with the exception of § 6 which shall come into force from 7 July 2018.

#### **Annex 1**

to Item 1 of Article 13  
(Supplemented, SG No. 36/2008,  
amended and supplemented, SG No. 61/2010,  
amended, SG No. 98/2018,  
effective 27.11.2018)

#### List of Dam Complexes and Significant Dams

1. Alexander Stamboliiski
2. Asenovets
3. Aheloi
4. Batak
5. Beglika
- 5a. (New, SG No. 61/2010) Beli Iskur
6. Beli Lom
7. Belmeken
8. Borovitsa
9. Vucha
10. Georgi Traikov
11. Golyam Beglik
12. Gorni Dubnik
13. Domlyan
14. Dospat
15. Dyakovo
16. (Repealed, SG No. 61/2010)
17. Zhrebchevo

18. Ivailovgrad
19. Iskur
20. Yovkovtsi
21. Kalin
22. Kamchia
23. Karagyol
24. Kokalyane
25. Koprinka
26. Krichim
27. Koula
28. Kurdjali
29. Malko Sharkovo
30. Ognyanovo
31. Ogosta
32. Pancharevo
33. Poroj
34. Pchelina
35. Pyassuchnik
36. Rabisha
37. Rozov Kladenets
38. Sopot
39. Srechenska Bara
40. Stouden Kladenets
41. Stoudena
42. Suedinenie
43. Ticha
44. Topolnitsa
45. Toshkov Chark
46. Trakiets
47. Hristo Smirnenski (Yantra)
- 47a. (New, SG No. 61/2010) Tsankov Kamuk
48. Chaira
49. Shiroka Polyana
50. Yasna Polyana
51. Yastrebinio
52. (New, SG No. 36/2008, repealed, SG No. 98/2018, effective 27.11.2018)

## **Annex 2**

to Item 2 of Article 14

(Amended and supplemented, SG No. 55/2018)

### **List of Mineral Water Occurrences Constituting Exclusive State Property**

1. Aytos: (town of) Aytos, Aytos Municipality, Bourgas Region
2. Banite village of Banite, Banite Municipality, Smolyan Region
3. Bankya: (town of) Bankya, (Sofia Municipality,) Sofia City Region
4. Banya: village of Banya, Panagyurishte Municipality, Pazardjik Region
5. Banya: village of Banya, Karlovo Municipality, Plovdiv Region

6. Banya: village of Banya, Nova Zagora Municipality, Sliven Region
7. Bedenski Bani: village of Beden, Devin Municipality, Smolyan Region
8. Belovo: (town of) Belovo, Belovo Municipality, Pazardjik Region
9. Belchinski Bani: village of Belchin, Samokov Municipality, Sofia Region
10. Blagoevgrad: (city of) Blagoevgrad, Blagoevgrad Municipality, Blagoevgrad Region
11. Blagoevgrad-Strouma River: village of Zeleni Dol, Blagoevgrad Municipality, Blagoevgrad Region
12. Bratsigovo: (town of) Bratsigovo, Bratsigovo Municipality, Pazardjik Region
13. (Amended, SG No. 55/2018) Bourgas mineral baths: Bourgas, Bourgas Municipality, Bourgas region
14. Burziya: village of Burziya, Berkovitsa Municipality, Montana Region
15. Varvara: village of Varvara, Septemvri Municipality, Pazardjik Region
16. Velingrad-Kamenitsa: (town of) Velingrad, Velingrad Municipality, Pazardjik Region
17. Velingrad-Ludjene: (town of) Velingrad, Velingrad Municipality, Pazardjik Region
18. Velingrad-Chepino: (town of) Velingrad, Velingrad Municipality, Pazardjik Region
19. Voneshta Voda: village of Voneshta Voda, Veliko Turnovo Municipality, Veliko Turnovo Region
20. Vurshets: (town of) Vurshets, Vurshets Municipality, Montana Region
21. Gouliina Banya: village of Banya, Razlog Municipality, Blagoevgrad Region
22. Devin: (town of) Devin, Devin Municipality, Smolyan Region
23. Djebel: (town of) Djebel, Djebel Municipality, Kurdjali Region
24. Dobrinishte: village of Dobrinishte, Bansko Municipality, Blagoevgrad Region
25. Dolna Banya: (town of) Dolna Banya, Dolna Banya Municipality, Sofia Region
26. Dolni Rakovets: village of Dolni Rakovets, Radomir Municipality, Pernik Region
27. Draginovo: village of Draginovo, Velingrad Municipality, Pazardjik Region
28. Eleshnitsa-Sveta Varvara Locality-Mesta River: village of Banya, Razlog Municipality, Blagoevgrad Region
29. Zamfirovo: village of Zamfirovo, Berkovitsa Municipality, Montana Region
30. (Supplemented, SG No. 55/2018) Izvorishte: Bourgas Region, Bourgas Municipality, village of Izvorishte and Bourgas
31. (Amended, SG No. 55/2018) Kazichene – Ravno pole, with sections:
  - (a) Kazichene – Sofia Region, Sofia Municipality;
  - (b) village of Ravno Pole, Sofia Region, Elin Pelin Municipality
32. Kamenar: village of Kamenar, Pomorie Municipality, Bourgas Region
33. Katountsi: village of Katountsi, Sandanski Municipality, Blagoevgrad Region
34. Kirkovo: village of Kirkovo, Kirkovo Municipality, Kurdjali Region
35. (Amended, SG No. 55/2018) Kiten: village of Kiten, Primorsko Municipality, Bourgas Region
36. Kostenets: village of Kostenets, Kostenets Municipality, Sofia Region
37. Krasnovo: village of Krasnovo, Hissarya Municipality, Plovdiv Region
38. Kroushouna: village of Kroushouna, Letnitsa Municipality, Lovech Region
39. Kyustendil: (city of) Kyustendil, Kyustendil Municipality, Kyustendil Region
40. Levounovo: village of Levounovo, Sandanski Municipality, Blagoevgrad Region
41. Marash: village of Marash, Shoumen Municipality, Shoumen Region
42. Marikostinovo: village of Marikostinovo, Petrich Municipality, Blagoevgrad Region
43. Medovo: village of Medovo, Pomorie Municipality, Bourgas Region

44. Merichleri: (town of) Merichleri, Dimitrovgrad Municipality, Haskovo Region
45. Mihalkovo: village of Mihalkovo, Devin Municipality, Smolyan Region
46. (Amended, SG No. 55/2018) Momin Prohod: (town of) Momin Prohod, Kostenets Municipality, Sofia Region
47. Nevestino-Barishteto: village of Nevestino, Nevestino Municipality, Kyustendil Region
48. Nevestino-Topilata: village of Nevestino, Nevestino Municipality, Kyustendil Region
49. Narechenski Mineralni Bani: village of Narechenski Bani, Asenovgrad Municipality, Plovdiv Region
50. Obedinenie: village of Obedinenie, Polski Trumbesh Municipality, Veliko Turnovo Region
51. Ovoshtnik: village of Ovoshtnik, Kazanluk Municipality, Stara Zagora Region
52. Ovcha Mogila: Ovcha Mogila village, Svishtov Municipality, Veliko Turnovo Region
53. (Amended, SG No. 55/2018) Ognyanovo-Gurmen: village of Marchevo and village of Ognyanovo, Gurmen Municipality, Blagoevgrad Region
54. Pavel Banya: (town of) Pavel Banya, Pavel Banya Municipality, Stara Zagora Region
55. Pesnopoi: village of Pesnopoi, Kaloyanovo Municipality, Plovdiv Region
56. Polikraishte: village of Polikraishte, Gorna Oryahovitsa Municipality, Veliko Turnovo Region
57. Polski Trumbesh: (town of) Polski Trumbesh, Polski Trumbesh Municipality, Veliko Turnovo Region
58. Polyanovo: village of Polyanovo, Aytos Municipality, Bourgas Region
59. Provadia: (town of) Provadia, Provadia Municipality, Varna Region
60. Pchelinski Bani: village of Pchelin, Kostenets Municipality, Sofia Region
61. Ressen: village of Ressen, Veliko Turnovo Municipality, Veliko Turnovo Region
62. Roudartsi: village of Roudartsi, Pernik Municipality, Pernik Region
63. (Amended, SG No. 55/2018) Roudnik: Bourgas, Bourgas Municipality, Bourgas Region
64. (Amended, SG No. 55/2018) Roupite-Kozhouh Locality: village of Roupite, Petrich Municipality, Blagoevgrad Region
65. Razhena: village of Razhena, Kazanluk Municipality, Stara Zagora Region
66. Sandanski (town of) Sandanski, Sandanski Municipality, Blagoevgrad Region
67. Sapareva Banya: (town of) Sapareva Banya, Sapareva Banya Municipality, Kyustendil Region
68. Svishtov: (town of) Svishtov, Svishtov Municipality, Veliko Turnovo Region
69. Simeonovgrad: (town of) Simeonovgrad, Simeonovgrad Municipality, Haskovo Region
70. Simitli: (town of) Simitli, Simitli Municipality, Blagoevgrad Region
71. Slatina: village of Slatina, Berkovitsa Municipality, Montana Region
72. (Amended, SG No. 55/2018) Slivenski Mineralni Bani: village of Zlati Voivoda, Sliven Municipality, Sliven Region
73. Slunchev Bryag: (town of) Nessebur, Nessebur Municipality, Bourgas Region
74. Sofia-Batalova Vodenitsa: (city of Sofia, Sofia Municipality,) Sofia City Region
75. Sofia-Gorna Banya: (city of Sofia, Sofia Municipality,) Sofia City Region
76. Sofia-Zheleznitsa: village of Zheleznitsa, (Sofia Municipality,) Sofia City Region
77. Sofia-Knyazhevo: (city of Sofia, Sofia Municipality,) Sofia City Region
78. Sofia-Lozenets: (city of Sofia, Sofia Municipality,) Sofia City Region
79. Sofia-Nadezhda: (city of Sofia, Sofia Municipality,) Sofia City Region
80. Sofia-Ovcha Koupel: (city of Sofia, Sofia Municipality,) Sofia City Region
81. Sofia-Pancharevo: village of Pancharevo, (Sofia Municipality,) Sofia City Region

82. Sofia-Svoboda: (city of Sofia, Sofia Municipality,) Sofia City Region
83. Sofia-Centre: (city of Sofia, Sofia Municipality,) Sofia City Region
84. Starozagorski Mineralni Bani: village of Starozagorski Bani, Stara Zagora Municipality, Stara Zagora Region
85. Stefan Karadjovo: village of Stefan Karadjovo, Bolyarovo Municipality, Yambol Region
86. Straldja: (town of) Staldja, Straldja Municipality, Yambol Region
87. Strelcha: (town of) Strelcha, Strelcha Municipality, Pazardjik Region
88. Sudievo: village of Sudievo, Aytos Municipality, Bourgas Region
89. Troyan: village of Troyan, Simeonovgrad Municipality, Haskovo Region
90. (Amended, SG No. 55/2018) Turgovishte-Boaza: village of Paydushko, Turgovishte Municipality, Turgovishte Region
91. Harmanli: (town of) Harmanli, Harmanli Municipality, Haskovo Region
92. Haskovski Mineralni Bani: village of Mineralni Bani, Mineralni Bani Municipality, Haskovo Region
93. Hissarya: (town of) Hissarya, Hissarya Municipality, Plovdiv Region
94. Hotovo: village of Hotovo, Sandanski Municipality, Blagoevgrad Region
95. Chiflik: village of Chiflik, Troyan Municipality, Lovech Region
96. Chirpan: (town of) Chirpan, Chirpan Municipality, Stara Zagora Region
97. Shipkovo: village of Shipkovo, Troyan Municipality, Lovech Region
98. Yagoda: village of Yagoda, Muglitzh Municipality, Stara Zagora Region
99. (Amended, SG No. 55/2018) Lower Kamchia Area: iodine-bromine waters with sections:
  - (a) Shkorpilovtsi-Novo Oryahovo-Dolni Chiflik-Staro Oryahovo: Dolni Chiflik Municipality, Varna Region;
  - (b) Avren: Avren Municipality, Varna Region
100. (Amended, SG No. 55/2018) Northeastern Bulgaria District: groundwaters of the Malm-Valanginian aquifer of a temperature exceeding 20°C with sections:
  - (a) Varna: Varna municipality, Varna Region;
  - (b) Aksakovo: Aksakovo Municipality, Varna Region;
  - (c) Suvorovo: Suvorovo Municipality, Varna Region;
  - (d) Beloslav: Beloslav Municipality, Varna Region;
  - (e) Avren: Avren Municipality, Varna Region;
  - (f) Balchik: Balchik Municipality, Dobrich Region;
  - (g) Kavarna: Kavarna Municipality, Dobrich Region;
  - (h) Shabla: Shabla Municipality, Dobrich Region;
  - (i) Shumen: Shumen Municipality, Shumen Region
101. (Amended, SG No. 55/2018) Varna Basin District: groundwaters of the Eocene aquifer of a temperature exceeding 20°C with sections:
  - (a) Varna: Varna municipality, Varna Region;
  - (b) Balchik: Balchik Municipality, Dobrich Region
102. (Amended, SG No. 55/2018) Sofia Basin District: groundwaters of the preNeozoic base and the Neogene sedimentary complex, of a temperature exceeding 20°C with sections:
  - (a) Sofia: Sofia Municipality, Sofia Region – mineral waters in Triassic rocks;
  - (b) Sofia: Sofia Municipality, Sofia Region – mineral waters in Cretaceous rocks;
  - (c) Sofia: Sofia Municipality, Sofia Region – mineral waters in Neogene sedimentary complex;
  - (d) Sofia – Iztok: Sofia Municipality, Sofia Region – mineral waters in Neogene sedimentary complex;

- (e) Kostinbrod: Kostinbrod Municipality, Sofia Region - mineral waters in Jurassic rocks;
- (f) Kostinbrod: Kostinbrod Municipality, Sofia Region - mineral waters in Cretaceous rocks;
- (g) Bojurishte: Bojurishte Municipality, Sofia Region - mineral waters in Cretaceous rocks.