

# Biological Diversity Act

Promulgated, State Gazette No. 77/9.08.2002, amended and supplemented, SG No. 88/4.11.2005, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 29/7.04.2006, No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No. 34/25.04.2006, effective 1.01.2008 (\*) (\*\*), amended and supplemented, SG No. 52/29.06.2007, SG No. 64/7.08.2007, SG No. 94/16.11.2007, amended, SG No. 43/29.04.2008, SG No. 19/13.03.2009, effective 10.04.2009, SG No. 80/9.10.2009, amended and supplemented, SG No. 103/29.12.2009, SG No. 62/10.08.2010, effective 10.08.2010, supplemented, SG No. 89/12.11.2010, amended and supplemented, SG No. 19/8.03.2011, effective 9.04.2011, amended, SG No. 33/26.04.2011, effective 27.05.2011, amended and supplemented, SG No. 32/24.04.2012, effective 24.04.2012, SG No. 59/3.08.2012, amended, SG No. 77/9.10.2012, effective 9.10.2012, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 27/15.03.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 98/28.11.2014, effective 28.11.2014, amended, SG No. 61/11.08.2015, amended and supplemented, SG No. 101/22.12.2015, effective 22.12.2015, amended, SG No. 58/26.07.2016

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(\*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(\*\*) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

Text in Bulgarian: Закон за биологичното разнообразие

## Chapter One GENERAL DISPOSITIONS

### Article 1

(1) This Act regulates the relations among the State, the municipalities, and the juristic and natural persons in respect of the conservation and sustainable use of biological diversity in the Republic of Bulgaria.

(2) "Biological diversity" means the variety of all living organisms in all forms of their natural organization, the natural communities and habitats thereof, of the ecosystems and the processes occurring therein.

(3) Biological diversity is an integral part of national wealth, and the conservation thereof is a priority and obligation of central-government and municipal authorities and citizens.

### Article 2

This Act shall have the following purposes:

1. (amended, SG No. 94/2007) conservation of natural habitat types representative of the Republic of Bulgaria and of Europe and habitats of endangered, rare and endemic plant, animal, and fungal species within a National Ecological Network;

2. (amended, SG No. 94/2007) conservation of the protected plant, animal, and fungal species of the flora, fauna, and mycota of the Republic of Bulgaria, as well as of those subject to use and trade;

3. ex-situ conservation of the genetic resources and the diversity of plant and animal species;

4. regulation of the introduction of non-native and the reintroduction of native plant and animal species into the wild;

5. regulation of trade in specimens of endangered species of wild flora and fauna;

6. conservation of centuries-old and remarkable trees.

## **Chapter Two NATIONAL ECOLOGICAL NETWORK**

### **Section I General Dispositions**

#### Article 3

(1) The State shall develop a National Ecological Network which shall comprehend:

1. (supplemented, SG No. 94/2007) special areas of conservation part of the European Ecological Network NATURA 2000, which may incorporate protected areas;
2. protected areas outside special areas of conservation;
3. (repealed, SG No. 88/2005).

(2) (Supplemented, SG No. 88/2005, amended, SG No. 94/2007) CORINE sites, Ramsar sites, Important Plant Areas and Important Bird Areas shall be incorporated into the National Ecological Network on a priority basis.

#### Article 4

The National Ecological Network shall have the following purposes:

1. long-term conservation of biological, geological and landscape diversity;
2. provision of sufficiently spacious and high-quality sites for wild animals to breed, feed and rest, including during the period of migration, moulting and wintering;
3. creation of conditions for genetic exchange between geographically separated populations and species;
4. participation of the Republic of Bulgaria in the European and world ecological networks;
5. containment of the adverse impact of human activities on protected areas.

### **Section II Special Areas of Conservation**

#### Article 5

The special areas of conservation referred to in Item 1 of Article 3 (1) herein shall be intended for maintenance or restoration, at a favourable conservation status, of the natural habitats therein incorporated, as well as of the species within their natural range.

#### Article 6

(1) Special areas of conservation shall be designated for:

1. (supplemented, SG No. 94/2007) conservation of the types of natural habitats referred to in Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and listed in Annex 1 hereto;
2. (amended, SG No. 94/2007) conservation of habitats referred to in Council Directive 92/43/EEC on the

conservation of natural habitats and of wild fauna and flora in respect of the species of animals and plants listed in Annex 2 hereto;

3. (amended, SG No. 94/2007) conservation of habitats referred to in Council Directive 79/409/EEC on the conservation of wild birds in respect of the species of birds listed in Annex 2 hereto;

4. conservation of sites where considerable numbers of birds of species other than those listed in Annex 2 hereto assemble during the period of breeding, moulting, wintering or migration.

(2) (Supplemented, SG No. 94/2007) The natural habitat types in danger of disappearance, as listed in Annex 1 hereto and indicated by an asterisk (\*), shall be priority natural habitat types for conservation.

(3) (Supplemented, SG No. 94/2007) The plant and animal species in danger of extinction, as listed in Annex 2 hereto and indicated by an asterisk (\*), shall be priority species for conservation.

## Article 7

(1) The sites hosting any natural habitat types listed in Annex 1 hereto shall be subjected to assessment on the basis of the following criteria:

1. degree of representativity of the natural habitat type on the site concerned;

2. area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within the boundaries of the Republic of Bulgaria;

3. degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities;

4. global assessment of the value of the site for conservation of the natural habitat type concerned, on the basis of the value of the criteria referred to in Items 1, 2 and 3.

(2) The sites hosting any habitats of species listed in Annex 1 hereto shall be subjected to assessment on the basis of the following criteria:

1. size and density of the population of the species present on the site in relation to the size and density of the populations of the same species present within the Republic of Bulgaria;

2. degree of conservation of the features of the habitat which are important for the species concerned and restoration possibilities;

3. degree of isolation of the population present on the site in relation to the natural range of the species;

4. global assessment of the value of the site for conservation of the species concerned, on the basis of the value of the criteria referred to in Items 1, 2 and 3.

(3) The sites hosting any habitats of bird species listed in Annex 2 hereto shall be subjected to assessment on the basis of the following criteria:

1. size and/or density of the population of the species during nesting, wintering or migration in relation to the size and/or density of the population of the same species present within Europe and within the Republic of Bulgaria;

2. degree of representativity of the habitat of value for the species on the site concerned;

3. global assessment of the value of the site for conservation of the species concerned, on the basis of the value of the criteria referred to in Items 1 and 2.

## **Section III**

# **Designation and Modification of Special Areas of Conservation**

### Article 8

(1) The Ministry of Environment and Water shall ensure the investigation, assessment and preparation of dossiers on the sites referred to in Article 7 herein which shall contain:

1. name;
2. (amended, SG No. 88/2005) conservation subject and objectives of the special area of conservation;
3. (repealed, No. SG 88/2005);
4. (amended, SG No. 62/2010, effective 10.08.2010) standard forms completed with data and evaluations;
5. (supplemented, SG No. 88/2005) mapping material and register of the boundary coordinates of the special area of conservation.

(2) (Amended, SG No. 88/2005) Proposals for designation of any sites subject to investigation under Paragraph (1) may be initiated by state bodies, research and public organizations.

(3) (New, SG No. 88/2005, amended, SG No. 29/2006, amended and supplemented, SG No. 64/2007) The Ministry of Agriculture and Food, the Executive Forestry Agency, the Geodesy, Cartography and Cadastre Agency and the municipalities shall submit to the Ministry of Environment and Water the data referred to in Item 5 of Paragraph (1) against payment only of the costs for making copies of the relevant documentation.

(4) (New, SG No. 52/2007) The Ministry of Environment and Water shall inform the public of the initiation of the investigation provided for in Paragraph (1) and of the organisations that are to carry it out through a notice on its webpage and in at least one daily newspaper.

### Article 9

(Amended, SG No. 88/2005)

In the course of preparation of the dossiers referred to in Article 8 (1) herein and before designation of any special areas of conservation the Ministry of Environment and Water and the Ministry of Agriculture and Forestry shall ensure that national and regional public awareness campaigns for elucidation of the intended use and objectives of the special areas of conservation are carried out.

### Article 10

(1) (Amended, SG No. 88/2005) On the basis of the submitted dossiers referred to in Article 8 (1) the Ministry of Environment and Water shall compile a List of Special Areas of Conservation which, together with the dossiers, shall be tabled for consideration at a meeting of the National Council of Biological Diversity.

(2) (Supplemented, SG No. 88/2005, amended, SG No. 52/2007) The National Council of Biological Diversity shall convene not later than six months of receipt of the documents referred to in Paragraph (1). As a result of its discussions, it shall propose that the Minister of Environment and Water lay the List provided for in Paragraph (1), either in full or in part, before the Council of Ministers for examination, exclusion of certain territories from the list or postponing their examination for the purpose of conducting additional surveys. In case any justified dissenting opinion has been lodged by a member of the Council, the Minister of Environment and Water shall make the final decision in respect of the List to be tabled before the Council of Ministers.

(3) (Amended, SG No. 88/2005, SG No. 52/2007) Within three months after the National Council on Biological Diversity has delivered an opinion, the Minister of Environment and Water shall lay for examination before the Council of

Ministers a List of Special Areas of Conservation pursuant to Paragraph (2), together with any dissenting opinions.

(4) The decision of the Council of Ministers and the list shall be promulgated in the State Gazette.

(5) (New, SG No. 88/2005) The decisions in pursuance of Paragraphs (2) and (4) shall be based solely on the scientific information contained in the dossiers referred to in Article 8 (1) and on the objectives set out in Article 4.

(6) (New, SG No. 52/2007) The Ministry of Environment and Water shall send to the European Commission for approval the List of Special Areas of Conservation referred to in Items 1 and 2 of Article 6 (1) that has been adopted by the Council of Ministers. A financial evaluation of the necessary co-financing to be provided by the European Community for the envisaged measures for conservation and/or restoration of the favourable condition of any natural habitats and species within the special areas of conservation referred to in Article 6 (1) adopted with the decision provided for in Article 4 shall also be sent to the European Commission for approval.

## Article 11

(1) Sites included in the list referred to in Article 10 (4) herein shall be designated as special areas of conservation.

(2) (Amended, SG No. 52/2007, SG No. 62/2010, effective 10.08.2010, SG No. 27/2013) The designation of any special areas of conservation referred to in Items 1 and 2 of Article 6 (1) shall be carried out by the Minister of Environment and Water within six years after the approval of the List of Special Areas of Conservation pursuant to Article 10 (6) has been granted.

(3) (New, SG No. 52/2007) The designation of any special areas of conservation referred to in Items 3 and 4 of Article 6 (1) shall be carried out by the Minister of Environment and Water within one year of promulgation of the decision of the Council of Ministers pursuant to Article 10 (4).

## Article 12

(Amended, SG No. 88/2005)

(1) The Ministry of Environment and Water shall draw up a draft designation order for each and every special area of conservation included in the List referred to in Article 10 (4).

(2) Any draft order referred to in Paragraph (1) shall state:

1. the grounds for issuance of the said order;

2. the name and location of the special area of conservation;

3. the assigned use of the special area of conservation;

4. (amended, SG No. 52/2007) the total area, as well as a description of the properties included in the relevant special area of conservation, and/or a coordinate register of the boundaries of the special area of conservation.

5. any bans or restrictions in respect of operations, contradictory to the objectives for protection of the relevant special area of conservation.

(3) The Ministry of Environment and Water shall make aware the public of the elaborated draft order by an announcement published in at least one daily newspaper and the website thereof. The announcement shall specify the venue and conditions for access to the full text of the draft order.

(4) The full text of the draft order shall be published on the Ministry of Environment and Water website and shall be made available at the administrative premises of the Regional Inspectorates of Environment and Water within the territorial jurisdiction of which falls the relevant special area of conservation.

(5) Within one month of the announcement referred to in Paragraph (3) the persons concerned may lodge with the

Minister of Environment and Water any justified written observations, objections and proposals to the draft order only in respect of the bans or restrictions provided for in Item 5 of Paragraph (2).

(6) Within one month of expiration of the period specified in Paragraph (5) the Minister of Environment and Water shall make a final decision on the observations, objections or proposals lodged and shall issue a designation order in respect of the relevant special area of conservation.

(7) The order referred to in Paragraph (6) shall be final and shall not be subject to appeal.

#### Article 13

(Amended, SG No. 19/2011, effective 9.04.2011) Designation of a special conservation area shall not alter the ownership of the land tracts, wooded areas and aquatic areas therein.

#### Article 14

The Protected Areas Act shall apply to any protected areas falling within the boundaries of special conservation areas.

#### Article 15

The Cultural Heritage Act shall apply to any cultural values falling within the boundaries of special conservation areas.

#### Article 16

(1) Special conservation area may be modified by means of:

1. increase of size;
2. decrease of size;
3. declassification;
4. (new, SG No. 88/2005) any modification to the bans or restrictions on the operations;
5. (new, SG No. 62/2010, effective 10.08.2010) any modification to the subject and / or purpose of conservation.

(2) (Amended and supplemented, SG No. 88/2005) Articles 10 and 12 herein shall apply to any modifications covered under Items 1, 2, and 3 of Paragraph (1).

(3) (New, SG No. 88/2005) The provisions of Article 12 shall apply to any modifications covered under Item 4 of Paragraph (1).

(4) (Renumbered from Paragraph (3), SG No. 88/2005) The Minister of Environment and Water shall issue an order in respect of any modification covered under Paragraph (1).

(5) (Renumbered from Paragraph (4), SG No. 88/2005) New special areas of conservation shall be designated according to the procedure established by Articles 8, 10, 11 and 12 herein.

(6) (New, SG No. 62/2010, effective 10.08.2010) Any modification under Item 5 of Paragraph (1) shall be allowed at the occurrence of new data, determined after the designation of a special area under the procedure of Article 12, Paragraph (6) and shall be implemented only after the said modifications have been entered into the standard form of the area referred to in Item 4 of Article 8 (1). The Minister of Environment and Water issues an instruction with the procedure to enter new data into the standard forms under Item 4 of Article 8 (1).

#### Article 17

(Amended, SG No. 88/2005)

Any orders referred to in Article 12 (6) and Article 16 (4) herein shall be promulgated in the State Gazette.

Article 18

(Supplemented, SG No. 94/2007)

The Ministry of Environment and Water and the regional inspectorates of environment and water shall keep public registers in respect of the designated special areas of conservation and the modifications thereof.

Article 19

(1) (Amended, SG No. 88/205, previous Article 19, amended, SG No. 94/2007) In the event of risk of damage to any sites included in the list referred to in Article 10 (2) herein prior to the designation thereof as special areas of conservation, the Minister of Environment and Water shall, by an order promulgated in the State Gazette, prohibit or restrict specific activities in the said sites for a period not exceeding two years, with the exception of sites allocated for national defence and to the armed forces.

(2) (New, SG No. 94/2007) The appeal of the order provided for in Paragraph (1) shall not suspend the enforcement thereof.

## **Section IV (Repealed, SG No. 88/2005) Buffer Zones**

Article 20

(Repealed, SG No. 88/2005).

Article 21

(Repealed, SG No. 88/2005).

Article 22

(Repealed, SG No. 88/2005).

Article 23

(Repealed, SG No. 88/2005).

Article 24

(Repealed, SG No. 88/2005).

Article 25

(Repealed, SG No. 88/2005).

Article 26

(Repealed, SG No. 88/2005).

## **Section V Management Plans and Spatial-Development Plans and Projects**

## Article 27

(Amended, SG No. 88/2005)

Management plans may be elaborated in respect of the special areas of conservation referred to in Item 1 of Article 3 (1) herein.

## Article 28

(Amended, SG No. 94/2007)

(1) The management plans in respect of any special areas of conservation shall be developed and endorsed under the terms and in pursuance of the procedure laid down in an ordinance which shall be adopted by the Council of Ministers.

(2) Such management plans shall be updated every 10 years and, in the case of special areas of conservation encompassing predominantly wetlands, every 5 years.

## Article 29

(1) The management plans referred to in Article 27 herein shall envisage measures intended to prevent the deterioration of conditions in the natural habitat types and in the habitats of species, as well as the endangerment and disturbance of the species for the protection whereof the relevant special areas of conservation have been designated.

(2) The measures referred to in Paragraph (1) shall include:

1. prohibition or restriction of activities contrary to the requirements for conservation of the specific sites subject to protection;
2. preventive action to avoid unforeseeable adverse events;
3. supporting, steering and regulating activities;
4. restoration of natural habitats and habitats of species or of populations of plant and animal species;
5. conduct of scientific research, education and monitoring.

(3) In planning the measures covered under Paragraph (2), to the extent practicable, account shall be taken of:

1. the regional and local characteristics, except such concerning the conservation of biological diversity, as well as social requirements;
2. the sustainable use of renewable resources.

(4) (New, SG No. 94/2007) No new measures likely to result in degradation shall be introduced in special areas of conservation in respect of which co-financing has been provided for under Article 10 (6) and measures have been envisaged pursuant to Paragraph (1), but the implementation thereof has been postponed due to delays in the co-financing.

## Article 30

(1) (Amended and supplemented, SG No. 88/2005, supplemented, SG No. 62/2010, effective 10.08.2010, amended, SG No. 19/2011, effective 9.04.2011) The spatial-development plans, regional plans for the development of wooded areas, forestry plans and programs and the national and regional programmes elaborated according to the procedure established by other acts, shall mandatorily conform to the order provided for in Article 12 (6) and the measures covered under Article 29 herein.

(2) To ensure the links between the special areas of conservation, the plans and projects referred to in Paragraph (1)

shall include measures and activities for conservation of the features of the landscape which, by virtue of their linear and continuous structure or their function as stepping stones, are essential for the migration, dispersal and genetic exchange of plant and animal populations and species.

(3) The principal features of the landscape referred to in Paragraph (2) are:

1. rivers and river banks and water-logged old river beds;
2. natural marshes, lakes, wet meadows and other wetlands;
3. caves, rock edges, faces and dunes;
4. cols and other natural landforms linking separate mountains;
5. field boundary markings, forest shelter belts, dry meadows and pastures;
6. flood plains and riverside vegetation;
7. forests located at an altitude not exceeding 500 metres above sea level.

#### Article 31

(Amended, SG No. 88/2005, effective the date of entry into force

of the Treaty of Accession to the European Union of the Republic

of Bulgaria, SG No. 30/2006, SG No. 52/2007)

(1) (Supplemented, SG No. 62/2010, effective 30.09.2010) Any plans, programmes, projects and building-development proposals that are not directly related or necessary for the management of the special areas of conservation and that, either individually or in interaction with other plans, programmes, projects or building-development proposals, are likely to have a significant negative impact on the special areas of conservation, shall be assessed as to the compatibility thereof with the protection purposes of the relevant special area of conservation.

(2) The assessment under Paragraph (1) shall be carried out in respect of special areas of conservation that have been:

1. examined and approved in principle by the National Council of Biological Diversity, regardless of whether they have been postponed for additional surveys and examination or have been included in the List provided for in Article 10 (3) to be tabled before the Council of Ministers for adoption, or
2. included in the list provided for in Article 10 (4) that has been published in the State Gazette, or
3. designated by an order pursuant to Article 12 (6).

(3) (Repealed, SG No. 60/2010, effective 30.09.2010).

(4) In respect of any plans, programmes, and building-development proposals falling within the scope of the Environmental Protection Act, the assessment provided for in Paragraph (1) shall be carried out through the environmental assessment procedure, or through the environmental impact assessment procedure respectively, in pursuance of the Environmental Protection Act and in observance of the special provisions of this Act and the ordinance provided for in Article 31a.

(5) Outside the cases falling under Paragraph (4), the assessment provided for in Paragraph (1) in respect of any plans, projects, and building-development proposals shall be carried out through the procedure laid down in the ordinance provided for in Article 31a.

(6) In the cases falling under Paragraph (4), while carrying out the mandatory environmental assessment or

environmental impact assessment, as well as while deciding on the necessity of an environmental assessment or an environmental impact assessment to be carried out in accordance with the Environmental Protection Act, and where it finds that the plan, programme, or building-development proposal is not likely to have a significant negative impact on the relevant special area of conservation, the competent authority shall take into account these findings while delivering the decision required under Chapter Six of the Environmental Protection Act.

(7) (Supplemented, SG No. 62/2010, effective 30.09.2010) In the cases falling under Paragraph (5), where it finds that the plan, programme, project, or building-development proposal is not likely to have a significant negative impact on the relevant special area of conservation, the competent authority shall endorse it with a decision, and it may set specific conditions, requirements and measures for protecting the special area of conservation during the implementation of the plan, programme, project, or building-development proposal.

(8) In the cases falling under Paragraph (4), while deciding on the necessity of an environmental assessment or an environmental impact assessment to be carried out in accordance with the Environmental Protection Act, and where it finds that the plan, programme, or building-development proposal is likely to have a significant negative impact on the relevant special area of conservation, the competent authority shall deliver a decision for an environmental assessment or an environmental impact assessment to be carried out.

(9) In the cases falling under Paragraph (8) and where an environmental assessment or an environmental impact assessment should mandatorily be carried out in respect of the plan, programme or building-development proposal and the competent authority finds that these are likely to have a significant negative impact on any special area of conservation, an evaluation of the extent of impact of the plan, programme, or building-development proposal on natural habitats or on habitats of species subject to protection within the relevant special area of conservation shall be included in the environmental assessment or the environmental impact assessment.

(10) In the cases falling under Paragraph (5), where it finds that the plan, programme, project, or building-development proposal is likely to have a significant negative impact on the relevant special area of conservation, the competent authority shall deliver a decision for an evaluation of the extent of impact of the plan, programme, project, or building-development proposal on natural habitats or on habitats of species subject to protection within the relevant special area of conservation to be carried out.

(11) (Supplemented, SG No. 32/2012, effective 24.04.2012) The evaluation provided for in Paragraph (10) shall be finalised by a decision of the Minister of Environment and Water or of the Director of the relevant Regional Inspectorate of Environment and Water. If, within a period of five years reckoned from the date of issue of the decision, the contracting authority does not undertake any activities on implementing the building-development proposal or project or approving the plan or programme, the decision provided for in Item 1 of Paragraph (12) shall automatically be cancelled.

(12) With the decision provided for in Paragraph (11) the relevant competent authority shall:

1. endorse the plan, programme, project or building-development proposal referred to in Paragraph (5) and set specific conditions, requirement and measures for protecting the special area of conservation in the course of implementation of the plan, programme, project, or building-development proposal;

2. not endorse the plan, programme, project or building-development proposal referred to in Paragraph (5) providing justification for such action.

(13) In case of objective impossibility to collect sufficient information necessary for conducting the evaluation provided for in Paragraph (10) or in case of ambiguity with respect to the extent of damage to the special area of conservation, the competent authority shall terminate the procedure notifying the contracting authority of this fact.

(14) (Supplemented, SG No. 62/2010, effective 30.09.2010) In the cases falling under Paragraph (7) and Item 1 of Paragraph (12), the conditions, requirements, and measures set forth in the decision of the competent authority shall be binding to the contracting authority of the building-development proposal, plan, project, or programme and to the relevant competent authorities entrusted with their approval pursuant to other acts.

(15) The provisions of Articles 13 and 14 shall also apply to the cases falling under Paragraph (4).

(16) (New, SG No. 32/2012, effective 24.04.2012, amended, SG No. 27/2013) The effective decision under Paragraph (7) or Item 1 of Paragraph (12) shall be a mandatory requirement for the approval of the plan, project, programme or building-development proposal by the relevant competent authorities in accordance with other acts.

(17) (Renumbered from Item 16, SG No. 32/2012, effective 24.04.2012) In the cases falling under Item 2 of Paragraph (12) and Paragraph (13), the building-development proposal, plan, project, or programme may not be approved by the relevant competent authorities in accordance with other acts. In these cases, any procedures initiated shall be terminated.

(18) (Renumbered from Item 17, SG No. 32/2012, effective 24.04.2012) In the cases falling under Paragraph (5), within seven days of the date of issue of any decision under Articles 7, 10, 11, or 13, the competent authority shall make it available to the contracting authority and publish it on its website.

(19) (Renumbered from Item 18, SG No. 32/2012, effective 24.04.2012) The decisions of the competent authority shall be subject to appeal in pursuance of the Administrative Procedure Code.

(20) (Renumbered from Item 19, SG No. 32/2012, effective 24.04.2012) The contracting authority of the plan, programme, project or building-development proposal shall be liable to pay a fee for the assessment under Paragraph (1) to be carried out in amount set in a tariff adopted by the Council of Ministers.

(21) (Amended, SG No. 103/2009, SG No. 62/2010, effective 30.09.2012, renumbered from Item 20, SG No. 32/2012, effective 24.04.2012) In the cases falling under Paragraphs (9) and (10), the evaluation of the extent of impact of the plan, programme, project or building-development proposal on the natural habitats and on habitats of species subject to protection within the relevant special area of conservation shall be delegated by the contracting authority to a team of experts with experience in the field of conservation of habitats and / or species and at least one of them shall have educational degree in one of the specialties in the biological sciences professional stream. The experts shall meet the following requirements:

1. shall have completed higher education with a master's degree;
2. shall have a minimum of five-year experience in the relevant speciality;
3. shall carry out or have experience in scientific research and/or expert activities, including drawing up expert reports, written consultations, or environmental analyses and other documents in the field of conservation of habitats and species included in Annexes 1 and 2 hereto;
4. shall be familiar with the current Bulgarian and European legislation in the environment protection field and shall go by and comply with these requirements and with the existing methodological documentation in their activity in connection with the assessments under Paragraphs (9) and (10);
5. shall have no personal interest in the implementation of the respective plan, project, programme, or building-development proposal, subject to the compatibility assessment procedure;
6. shall not be related parties within the meaning of the Commerce Act;
7. shall have no relations with the contracting authority or the competent authority that may give rise to any justified doubts about their impartiality;

(22) (New, SG No. 62/2010, effective 30.09.2010, renumbered from Item 21, amended, SG No. 32/2012, effective 24.04.2012) The competent authority, at its own discretion or upon request by the contracting authority, may request that the team under Paragraph (21) comprises experts with specific competence in line with the specifics of the plan, programme, project, or building-development proposal.

(23) (New, SG No. 32/2012, effective 24.04.2012) The decision under

Paragraph (7) shall lose its legal effect where, within a period of five years of its issue, the contracting authority fails to undertake any activities to have the building development proposal implemented or the plan or programme approved.

(24) (New, SG No. 27/2013) The competent body shall cancel the procedure if it would establish that the plan, programme, project or investment proposal would affect land properties within the lines of zone "A", zone "B" or in urbanized territories of settlements after the lines of zone "A" within the meaning of the Black Sea Coastal Areas Organization Act, in which sand dunes exist, except in the cases under Article 17a of the said Act.

#### Article 31a

(New, SG No. 88/2005)

(1) The terms and procedure for carrying out the assessment provided for in Article 31 shall be established by a regulation adopted by the Council of Ministers.

(2) (Amended, SG No. 52/2007) The regulation referred to in Paragraph (1) shall mandatorily lay down the following:

1. (supplemented, SG No. 62/2010, effective 10.08.2010) the peculiarities compatibility with the environmental assessment procedures and environmental impact assessment procedures in the cases falling under Article 31 (4);

2. the criteria for appointing the competent authority;

3. the plans, programmes, projects and building-development proposals referred to in Article 31 (1);

4. the requirements towards the scope and contents of the information necessary to carry out the assessment, including that necessary for any alternative solutions;

5. the requirements towards the scope, contents and format for presenting the assessment, as well as the procedure for carrying out the latter;

6. the criteria for indicating in the assessment the type and extent of impact or damage to the special area of conservation resulting from the realization of the relevant plan, programme or building-development proposal;

7. the procedural stages, including any requirements for consultations and public participation;

8. the requirements towards the format and contents of the decision;

9. the procedure for issuing any decision in respect of the assessment and the controls on the implementation thereof;

10. (new, SG No. 62/2010, effective 10.08.2010) the terms and procedure for issuing any decision for termination of the compatibility assessment procedure.

#### Article 32

(Amended, SG No. 88/2005)

(1) (Amended, SG No. 52/2007) The competent authority shall endorse under Item 1 of Article 31 (12) any plan, programme, project, or building- development proposal only where the findings of the evaluation provided for in Article 31 (10) are to the effect that the subject of protection within the special area of conservation will not be adversely affected to a considerable extent.

(2) The extent of damage referred to in Paragraph (1) shall be evaluated at least as a ratio between the area of habitats subject to protection that is to be affected and the area thereof within the relevant special area of conservation and within the overall network of special areas of conservation.

(3) (New, SG No. 52/2007) The requirements of Paragraphs (1) and (2) shall also apply to the cases where the assessment provided for in Article 31 (1) is carried out through environmental assessment and/or environmental impact assessment in pursuance of the Environmental Protection Act.

## Article 33

(1) (Supplemented, SG No. 88/2005) A derogation from the provision of Article 32 (1) herein shall be admissible solely by reasons of overriding public interest and in the absence of an alternative solution.

(2) (Supplemented, SG No. 52/2007) If the special area of conservation hosts a priority natural habitat type and/or a habitat of a priority species, the only considerations which may be raised for making the exception referred to in Paragraph (1) are those relating to human health or public safety, or to beneficial consequences for the environment, and where there are no such considerations, a derogation pursuant to Paragraph (1) may be granted only upon receipt of a positive opinion from the European Commission.

## Article 34

(1) (Amended, SG No. 52/2007) In the cases falling under Article 33, the contracting authority of any plan, programme, project, or building-development proposal shall take compensatory measures necessary to ensure that the coherence of the National Ecological Network is protected, before the implementation of the relevant plan, programme, project, or building-development proposal.

(2) The measures referred to in Paragraph (1) shall consist in conservation or restoration of the same natural habitat type or habitat of the same plant or animal species:

1. in another place within the deteriorated special area of conservation;
2. in an extension of the same, or an extension of another special area of conservation;
3. in a new special area of conservation.

(3) (Amended, SG No. 52/2007) The expenditures on implementation of the measures referred to in Paragraph (1) shall be assumed by the contracting authority of the plan, programme, project, or building-development proposal.

## Article 34a

(New, SG No. 52/2007)

In the cases falling under Article 33, the Ministry of Environment and Water shall notify the European Commission of any derogations from the provisions of Article 32 (1) granted and of any compensatory measures taken under Article 34.

# **Chapter Three**

## **CONSERVATION OF PLANT, ANIMAL, AND FUNGAL SPECIES**

### **(Title amended, SG No. 94/2007)**

## **Section I**

### **General Dispositions**

## Article 35

(Amended, SG No. 94/2007) The plant, animal, and fungal species of wild flora, fauna, and mycota of the Republic of Bulgaria shall be conserved in-situ by means of:

1. conservation of the habitats thereof in the National Ecological Network;
2. placing the species under a regime of protection or of regulated use;
3. maintenance or restoration of the conditions in the habitats which correspond to the ecological requirements of the relevant species;

4. elaboration and application of action plans for species facing a varying degree of threat;
5. reintroduction into the wild of extinct species and repopulation of rare and endangered species;
6. control and regulation of non-native species which are or could be introduced, whether deliberately or accidentally, into the wild and which threaten native species.

#### Article 35a

(New, SG No. 94/2007)

The conservation of any habitats of animal, plant, and fungal species listed in Annex 2a hereto, as well as of the species listed in Annex 3 hereto shall be carried out by means of protected areas designated in pursuance of the Protected Areas Act.

#### Article 36

In addition to the measures covered under Article 35 herein, measures shall furthermore be applied for ex-situ conservation of the plant and animal species of wild flora and fauna and storing genetic material under strictly controlled conditions.

## **Section II Protected Plant and Animal Species**

#### Article 37

The wild animal and plant species listed in Annex 3 hereto shall be designated as protected for the entire territory of Bulgaria.

#### Article 38

(1) The following shall be prohibited in respect of the animal species listed in Annex 3 hereto:

1. all forms of deliberate capture or killing of specimens by whatever devices, means, or methods;
2. hunting and disturbance, particularly during the period of breeding, rearing, wintering and migration;
3. destruction or taking of eggs, even where abandoned; destruction of, damage to, or removal of nests;
4. damage to, or destruction of, breeding, resting or staging places;
5. taking of found dead specimens;
6. (supplemented, SG No. 94/2007) possession, keeping, movement, transport, export, trade and offering for sale or exchange of specimens taken in the wild;
7. stuffing, possession, exhibition to the public, movement, transport, export, trade and offering for sale or exchange of stuffed specimens.

(2) The prohibitions referred to in Items 1, 2, 6 and 7 of Paragraph (1) shall apply to all stages of life of the animals.

#### Article 39

(1) (Amended, SG No. 88/2005) Any person, who has found a specimen in helpless condition or a dead specimen, or who has unintentionally injured or killed a specimen of any animal species listed in Annex 3 hereto, shall be bound, while

complying with the provision of Item 5 of Article 38 (1) herein, to notify the nearest regional authority of the Ministry of Environment and Water or the National Forestry Directorate within three days.

(2) (Amended, SG No. 88/2005) At the discretion of the regional authority referred to in Paragraph (1) and depending on the condition thereof, any such specimen:

1. shall be returned to the wild in an appropriate region;

2. (supplemented, SG No. 88/2005) shall be transmitted for treatment or care to a rescue centre, veterinary clinic or a zoo;

3. (amended, SG No. 88/2005) shall be provided to a scientific organisation or a school or to a natural history museum for study or augmentation of teaching collections;

4. shall be left where the said specimen was found or killed.

(3) (Supplemented, SG No. 88/2005, amended, SG No. 19/2011, effective 9.04.2011) A memorandum shall be drawn up on the disposal of the specimen under Paragraph (2), and the said memorandum shall be forwarded to the Ministry of Environment and Water within 10 days of drawing up thereof and in the cases where it has been drawn up by the regional structure of the National Forestry Directorate a copy thereof shall be made and circulated among the regional inspectorates of environment and water.

#### Article 40

(1) The following shall be prohibited in respect of any plant species listed in Annex 3 hereto:

1. picking, collecting, cutting, uprooting or any other manner of destruction of specimens in their natural range in the wild;

2. (supplemented, SG No. 94/2007) possession, keeping, movement, transport, export, trade and offering for sale or exchange of specimens taken in the wild.

(2) The prohibitions covered under Paragraph (1) shall apply to all stages of life of the plants.

## **Section III**

### **Regulated Use of Plant and Animal Species**

#### Article 41

(1) The wild animal and plant species listed in Annex 4 hereto shall be placed under a regime of protection and regulated use in the wild.

(2) Depending on the status of the populations and the biological requirements of the individual species listed in Annex 4 hereto, the regimes and conditions of use shall comprehend:

1. regulations regarding access to certain regions;

2. temporary or local prohibition of use of the species or exploitation of certain populations;

3. time periods, rules and methods of use;

4. establishment of a system of licences or of quotas for use of specimens;

5. terms of purchase, sale, possession, offering for sale or transportation for the purpose of sale or export of specimens or parts thereof;

6. terms for raising in captivity and breeding of animal and plant species under strictly controlled conditions.

(3) The following shall be prohibited in respect of the bird species listed in Annex 4 hereto:

1. hunting and disturbance during the breeding and rearing season, as well as during the return of migratory birds to the rearing places;
2. destruction or, damage to, or removal of nests;
3. destruction, as well as the taking and keeping of eggs, even where abandoned.

Article 41a

(New, SG No. 94/2007)

(1) The bans under Item 7 of Article 38 (1) other than the ban on the trade shall not apply to specimens of the species listed in Annex 4 hereto and indicated by the symbol "+" which have been obtained legally on the territory of the relevant Member State of the European Union in pursuance of its national legislation.

(2) A copy of the document certifying the acquisition of any specimen referred to in Paragraph (1) and issued by the competent authority of the country in which the acquisition took place shall be submitted to the regional environment and water inspectorate within one month of the issuance thereof.

Article 42

(1) (Supplemented, SG No. 88/2005, amended, SG No. 64/2007, SG No. 80/2009) The regimes and conditions under Article 41 (2) herein, applicable to fish, aquatic animals and game species listed in Annex 4 hereto, shall be established by joint orders of the Minister of Agriculture and Food and the Minister of Environment and Water, and the said orders shall be promulgated in the State Gazette.

(2) In respect of the rest of the animal and plant species listed in Annex 4 hereto, the regimes and conditions for conservation and use under Article 41 (2) herein shall be established by orders of the Minister of Environment and Water, and the said orders shall be promulgated in the State Gazette.

Article 43

The orders referred to in Article 42 herein shall be issued after discussion with the central-government departments, public organizations and branch organizations of users concerned and, in the cases of a regional or local prohibition of use, also with the competent regional governors and municipality mayors.

## **Section IIIa** **(New, SG No. 88/2005)** **Bans on the Import of Specimens of Animal Species**

Article 43a

(New, SG No. 88/2005)

(1) (Supplemented, SG No. 62/2010, effective 10.08.2010) The import for commercial purposes to the territory of the Republic of Bulgaria of seal pup skins of the species listed in Annex 4 hereto and products derived therefrom, with the exception of those acquired through traditional hunting of Inuit people, shall be prohibited.

(2) (Amended, SG No. 62/2010, effective 10.08.2010, supplemented, SG No. 101/2015, effective 22.12.2015) The import and trade in products of seal species, outside the species specified by Paragraph (1), shall be carried out pursuant to Regulation (EC) No. 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal

products (OJ L 286/36 of 31 October 2009), hereinafter referred to as "Regulation (EC) No. 1007/2009", and Commission Regulation (EU) No. 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No. 1007/2009 of the European Parliament and of the Council on trade in seal products (OJ, L 216/1 of 17 August 2010), hereinafter referred to as "Regulation (EU) No. 737/2010".

(3) (Amended, SG No. 62/2010, effective 10.08.2010) The import of the products referred to in Paragraph (1), acquired through traditional hunting of Inuit people, shall be allowed upon production of an import clearance granted by the Minister of Environment and Water or a person authorised by him.

(4) Any person willing to be granted a clearance shall lodge an application with the Minister of Environment and Water specifying the following therein:

1. name/corporate name and address/seat of business of the applicant;
2. the addresses of the consignee and the consignor;
3. the type and quantity of specimens;
4. the country of origin;
5. the purpose of import.

(5) The following shall accompany the application referred to in Paragraph (4):

1. a document certifying the origin of the skin or the product, as the case may be;
2. a copy of the applicant's ID;
3. (amended, SG No. 34/2006) certificate reflecting current status of entry in the Commercial Register.

Article 43b

(New, SG No. 88/2005)

In conformity with all conditions laid down in Article 43a (4) and (5), the clearance referred to in Article 43a (3) shall be granted within five working days of receipt of the application referred to in Article 43a (4).

## **Section IV**

### **Prohibited Methods, Devices and Means of Capture and Killing**

Article 44

(1) Upon capture or killing of specimens of any species listed in Annex 4 hereto, the use of any indiscriminate devices, means and methods listed in Annex 5 hereto shall be prohibited.

(2) The prohibition under Paragraph (1) shall furthermore apply to any animal species listed in Annex 3 hereto and to any bird species referred to in Article 45 herein in the cases of exemption authorized according to the procedure established by Article 49 herein.

## **Section V**

### **Conservation of Wild Birds**

Article 45

All bird species other than such listed in Annexes 3 and 4 hereto, naturally occurring in the wild state within the

territory of the Republic of Bulgaria, shall be subject to conservation and control with a view to the maintenance of the populations thereof at a favourable conservation status.

#### Article 46

The following shall be prohibited in respect of the birds referred to in Article 45 herein:

1. capture or killing of specimens by whatever devices, means, or methods;
2. keeping of specimens;
3. destruction of, damage to, or removal of nests;
4. destruction, as well as the taking and keeping of eggs, even where abandoned;
5. disturbance, particularly during the period of breeding and rearing.

#### Article 47

(1) Keeping for commercial purposes, transporting for commercial purposes, offering for sale and sale of live or dead birds or any readily recognizable part or derivative of such birds shall be prohibited in respect of all wild bird species other than such listed in Annex 3 herein.

(2) Paragraph (1) shall not apply to the bird species specified in Annex 6 hereto, and the activities covered under Paragraph (1) may be carried out solely upon proof that the birds were lawfully killed, captured or acquired in another lawful manner.

#### Article 47a

(New, SG No. 94/2007)

In respect of the species of birds referred to in Article 35 the Minister of Environment and Water shall develop:

1. a national list of species in danger of extinction, taking into account their geographical distribution;
2. a listing and ecological description of areas particularly important for migratory species along their migratory routes and as wintering and nesting grounds;
3. a listing of data on the population levels of migratory species as shown by their migratory routes and by the wintering and nesting grounds;
4. a listing of data on the population levels of migratory species as shown by ringing;
5. an assessment of the influence of methods of taking wild birds on population levels;
6. ecological methods for preventing the type of damage caused by birds;
7. a list of species to be used as indicators of pollution;
8. an analysis of the adverse effect of chemical pollution on population levels of bird species.

## **Section VI Exemptions**

#### Article 48

(1) Exemptions from the prohibitions imposed under Articles 38, 40, Article 41 (3), Articles 44, 46 and Article 47 (1) herein shall be admissible solely in the absence of an alternative solution and subject to the condition that the exemption is not detrimental to the populations of the affected species in the natural range thereof and the said populations are in a favourable conservation status.

(2) Any exemption referred to in Paragraph (1) shall be granted in the following cases:

1. (amended, SG No. 88/2005) in the interests of protection of species of wild flora and fauna and for conservation of natural habitats;

2. (supplemented, SG No. 88/2005) to prevent serious damage to crops, livestock, forests, water, fisheries, game-breeding holdings, and other forms of property;

3. (amended, SG No. 88/2005, SG No. 94/2007) in the interests of public health and safety;

3a. (new, SG No. 94/2007) for other reasons of overriding public interest, including reasons of social or economical nature or resulting in extremely favourable consequences for the environment;

4. (new, SG No. 88/2005) in the interests of air safety;

5. (renumbered from Item 4, supplemented, SG No. 88/2005, amended, SG No. 94/2007) for the purposes of research and education, for the introduction or reintroduction of species and artificial propagation of plants.

(3) In the cases covered under Paragraph (2), where any species listed in Annex 3 hereto are affected, exemptions shall be admissible solely in respect of a limited number of specimens.

(4) (New, SG No. 94/2007) The exemptions provided for in Item 3a of Paragraph (2) shall not apply to wild birds.

#### Article 49

(1) Any exemption referred to in Article 48 herein shall require written authorization from:

1. (supplemented, SG No. 103/2009, SG No. 89/2010) the Minister of Environment and Water or a Deputy Minister authorised by him - in respect of any species listed in Annex 3 hereto, excluding the bear;

2. (new, SG No. 89/2010) The Minister of Agriculture and Food - concerning the bear;

3. (amended, SG No. 64/2007, supplemented, SG No. 103/2009, renumbered form Item 2, SG No. 89/2010, amended, SG No. 59/2012) the Executive Director of the Executive Forestry Agency - in respect of game species listed in Annex 4 hereto, after consultation with the Minister of Environment and Water or a Deputy Minister authorised by him;

4. (new, SG No. 59/2012) the Minister of Agriculture and Food - for the fish listed in Annex 4 hereto, following coordination with the Minister of Environment and Water;

5. (supplemented, SG No. 103/2009, renumbered form Item 3, SG No. 89/2010, renumbered from Item 4, SG No. 59/2012) the Minister of Environment and Water or a Deputy Minister authorised by him - in respect of the rest of the species listed in Annex 4 hereto and in respect of any birds referred to in Article 45 herein.

(2) Any authorization referred to in Paragraph (1) shall specify the species, the number of specimens, the time and the place, the devices, means and methods, the manner of disposal of the specimen and other conditions whereunder the exemption is granted, as well as the authority or the person entrusted with the exercise of control over compliance with the said conditions.

#### Article 50

(Repealed, SG No. 88/2005)

## Article 51

(Amended, SG No. 64/2007, SG No. 80/2009)

The terms and a procedure for the issuance of authorizations under Article 49 (1) herein shall be established by a regulation endorsed by the Minister of Environment and Waters and the Minister of Agriculture and Food.

## **Section VII**

### **Action Plans for Plant and Animal Species**

## Article 52

Action plans for plant and animal species shall mandatorily be elaborated where it is ascertained that:

1. the species is endangered on an international scale and the conservation thereof requires measures within the entire natural range thereof;
2. the conservation status of the population of the species in the Republic of Bulgaria or in individual regions is not favourable;
3. a non-native species, which has been introduced into the wild, has an adverse impact on the conditions of the natural habitats or on the conservation status of native species of wild flora and fauna.

## Article 53

Under the terms established by Article 52 herein, action plans shall be elaborated on a priority basis in respect of:

1. any priority species listed in Annex 2 hereto;
2. any protected plant and animal species listed in Annex 3 hereto;
3. any species subject to regulated use listed in Annex 4 hereto;
4. any species subject to reintroduction into the wild.

## Article 54

(1) (Previous Article 54, SG No. 88/2005) The action plans shall comprehend the following:

1. a description of the biological characteristics and ecological requirements of the species;
2. an evaluation of the distribution and conservation status of the populations of the species, as well as of the conditions of the natural habitats thereof;
3. data on the threats and limiting factors;
4. measures for recovery, maintenance and other conservation measures in respect of the species, including ex-situ measures, as far as appropriate;
5. measures for recovery and maintenance of the habitats of the species covered by the plan;
6. measures to monitor and control compliance and the effect of public activities;
7. budget and time schedule for implementation of the activities.

(2) (New, SG No. 88/2005) The action plans may cover two or more of the species referred to in Article 53,

provided they:

1. have similar requirements towards the habitat;
2. require one and the same measures for protection thereof.

Article 55

(1) Preparation of action plans may be commissioned by:

1. the Minister of Environment and Water;
2. the Executive Director of the Executive Forestry Agency or the heads of other state bodies concerned;
3. non-governmental organizations.

(2) The authorities and organizations covered under Items 2 and 3 of Paragraph (1) shall consult the Ministry of Environment on the terms of reference and the drafts of the action plans.

Article 56

(1) The action plans shall be laid before the National Council of Biological Diversity for consideration.

(2) The action plans shall be endorsed by the relevant competent authority referred to in Article 49 (1) following a favourable decision of the National Council of Biological Diversity.

Article 57

(Amended, SG No. 64/2007, SG No. 80/2009)

The terms and a procedure for elaboration of action plans for species shall be established by a regulation issued by the Minister of Environment and Water and the Minister of Agriculture and Food.

## **Section VIII**

### **Ex-situ Conservation of Plant and Animal Species**

Article 58

(1) Ex-situ conservation of species shall include:

1. (supplemented, SG No. 94/2007) raising and breeding of animals and plants under controlled conditions in vivariums, zoos or botanical gardens, arboretums, live specimen collections, and in centres for breeding and raising protected species;

2. creation of banks for seeds, pollen, gametes, embryos, tissue and cell cultures and other collections for conservation of plant and animal genetic resources under special conditions.

(2) The actions covered under Paragraph (1) shall not include application of techniques and methods leading to genetic modification.

Article 59

Conservation covered under Article 58 (1) herein shall be applied on a priority basis to species and other taxa which are:

1. in immediate danger of extinction in the natural habitats thereof at local, national or international level;

2. of special economic interest;
3. wild ancestors of plant cultivars or primitive animal breeds;
4. suitable for use in reintroduction into the wild;
5. of specific interest to science - endemic, relict, etc.;
6. suitable to attract public interest to the problems of conservation of biological diversity.

#### Article 60

(1) Conservation covered under Article 58 (1) herein may be implemented by research organizations, juristic and natural persons.

(2) The organizations and persons referred to in Paragraph (1) shall be obligated:

1. to document the samples/species, as well as the origin thereof;
2. to label and mark the samples/species, where possible;
3. to gather and maintain information on specific characteristics of the status of the collections, as well as of the methods and techniques of the raising and maintenance thereof;
4. to organize or participate in scientific and other research relevant to the conservation and raising of the species, including such associated with the reintroduction of wild species into the wild;
5. to provide propagules of endangered species for restoration or reintroduction into the wild;
6. to provide, on a negotiated basis, propagules of endangered species for the purpose of creation of plantations for cultivated breeding of plants and farms for the breeding of animals;
7. to exchange information with other institutions of similar mission and purposes;
8. to provide public access to the collections and provide information to the public relating to the species collected, the natural habitats thereof and conservation of biological diversity;
9. to promote public education and awareness;
10. to provide the information as shall be necessary for updating and keeping of the registers referred to in Article 63 herein.

(3) (Supplemented, SG No. 94/2007) In addition to the obligations referred to in Paragraph (2), zoos and centres for raising and breeding protected species of animals shall be obligated to:

1. accommodate the animals under conditions which satisfy the biological, conservation and propagation requirements thereof;
2. provide species-specific enrichment of the enclosures;
3. maintain a high standard of animal husbandry with preventive and curative veterinary care and nutrition;
4. take the necessary measures to prevent the escape of animals in order to avoid possible ecological threats to indigenous species.

#### Article 61

(1) (Supplemented, SG No. 94/2007) The minimum requirements and conditions whereunder animals are raised in zoos and in centres for raising and breeding protected species of animals shall be laid down by an ordinance issued by the Minister of Environment and Water.

(2) In case of application of the coercive measure referred to in Item 3 of Article 122 (1) herein, the Ministry of Environment and Water shall order the placement of the animals in other zoos or in sites ensuring the conditions established by the regulation referred to in Paragraph (1) and covered under Article 60 (2) and (3) herein.

#### Article 62

(1) Zoos shall operate on the basis of a licence granted by the Ministry of Environment and Water, under terms and according to a procedure established by a regulation issued by the Minister of Environment and Water.

(2) Any licence referred to in Paragraph (1) shall be granted solely upon compliance with the requirements of Article 60 (2) and (3) herein and the requirements of the regulation referred to in Article 61 (1) herein.

(3) Should it be ascertained that any zoo operates without a licence or in violation of the requirements and conditions whereunder the licence was granted, the Minister of Environment and Water shall:

1. prescribe measures and determine a time period not exceeding two years wherewithin the requirements must be complied with, and/or

2. impose the coercive measure referred to in Item 3 of Article 122 (1) herein.

(4) Upon non-compliance with the prescriptions within the time period determined under Item 3 of Paragraph (1), the Minister of Environment and Water shall impose the coercive measure referred to in Item 3 and/or Item 4 of Article 122 (1) herein.

#### Article 62a

(New, SG No. 88/2005, supplemented, SG No. 94/2007, amended, SG No. 80/2009)

The Minister of Environment and Water and the Minister of Agriculture and Food may, by an order promulgated in the State Gazette, prohibit the import, breeding and keeping outside zoos, centres for keeping and breeding protected species of animals, and rescue centres of native or introduced species of wild animals that pose a hazard to humans or are unsuitable for keeping as pets and of endangered species of animals of world-wide conservation concern.

#### Article 62b

(New, SG No. 94/2007)

Any centres for keeping and breeding protected species of animals shall be subject to registration with the Ministry of Environment and Water.

#### Article 63

(1) The Ministry of Environment and Water shall keep a register of the organizations and persons owning and maintaining collections of wild species of Bulgarian or alien flora and fauna.

(2) The Ministry of Agriculture and Forestry shall keep an official register of the organizations and persons owning and maintaining collections of wild tree and bush species or game species of Bulgarian or alien flora and fauna.

#### Article 64

The specialized organizations, which create and maintain "national collections," shall be designated by an act of the Council of Ministers where:

1. they implement and/or coordinate activities comprehended under national or international programmes associated with genetic resources;

2. the collections are intended for conservation and maintenance of significant taxonomic diversity of world flora and fauna, including wild relatives of cultivated plants or primitive breeds and/or constitute strategic resources because of the significant diversity of species, varieties, breeds, forms, lines, including such of local origin and/or indicator species in respect of international obligations assumed by the Republic of Bulgaria.

#### Article 65

The terms and a procedure for augmentation, maintenance and servicing of collections, with the exception of such appertaining to natural persons, shall be established by acts issued by the heads of the organizations and the juristic persons referred to in Article 60 (1) herein.

#### Article 66

(1) The State shall own the genetic resources of the natural flora and fauna of the Republic of Bulgaria.

(2) Access to the resources shall be provided in compliance with the provisions of this Act and, where subject to patents and other intellectual property rights, such access shall be provided in compliance with the provisions of legislation specific to this sphere.

(3) Genetic resources may be provided for use to other States on the basis of advance agreement in writing on the terms and manner of sharing the benefits arising from such transfer under mutually advantageous terms including:

1. citation of the natural origin of the material;

2. provision by the State user of results of research and technologies obtained from, related to, or derived from the said resources;

3. recovery of part of the resources obtained in use of the material, as well as of derivatives or studies for commercial purposes;

4. participation in joint scientific studies.

(4) Gratuitous provision of genetic resources may be agreed where the said resources are intended for non-commercial purposes: scientific research, education, conservation of biological diversity, or public health.

(5) Provision of materials for use to third parties shall require the written consent of the owner in compliance with the provisions of Paragraphs (2), (3) and (4).

(6) The terms and a procedure for provision of access to genetic resources shall be established by a regulation adopted by the Council of Ministers.

## **Section IX**

### **Introduction of Non-Native and Reintroduction of Native Animal and Plant Species into the Wild**

#### Article 67

(1) (Amended, SG No. 88/2005, SG No. 94/2007) Introduction into the wild, as well as import, breeding and keeping of non-native animal, plant, and fungal species, including subspecies and varieties, shall be admitted provided that this is not detrimental to any natural habitats in the natural range thereof or to any native species of wild flora, fauna, and mycota or to any populations thereof.

(2) (Amended, SG No. 101/2015, effective 22.12.2015) The activities referred to in Paragraph (1) shall be authorized on the basis of an elaborated programme and if the following conditions are met:

1. a positive conclusion of conducted scientific investigation commissioned by the respective competent authority under paragraph 3, including a risk assessment, taking into account the items described in Article 5, paragraph 1, letters "a", "b", "d", "e", "f", "g" and "h" of Regulation (EU) No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ, L 317/35 of November 4, 2014), hereinafter referred to as "Regulation (EU) No. 1143/2014", and as far as possible, those described in letter "c" of the same paragraph;

2. an effective act of a procedure performed under Chapter Six of the Environmental Protection Act and/or Article 31 of this Act;

3. a positive decision of the National Council on Biodiversity.

(3) The activities referred to in Paragraph (1) shall require written authorization granted by:

1. the Executive Director of the Executive Forestry Agency - in respect of any tree, bush and game species;

2. the Minister of Environment and Water - in respect of all other species.

(4) (Amended, SG No. 88/2005) The authorities covered under Paragraph (3) may by an order, promulgated in the State Gazette, prohibit the following:

1. (amended and supplemented, SG No. 94/2007) introduction into the wild of any non-native species, including subspecies and varieties, that would threaten natural habitats or native species of wild flora, fauna, and mycota;

2. (amended, SG No. 94/2007) the import, breeding and keeping of non-native animal, plant, and fungal species, including subspecies and varieties, if their accidental release into the wild would threaten the existence of native species of wild flora, fauna, and mycota.

#### Article 67a

(New, SG No. 88/2005, supplemented, SG No. 94/2007)

The Ministry of Environment and Water shall organise and manage the activities for elimination of non-native species, including subspecies and varieties, introduced into the country that would threaten natural habitats or native species of wild flora and fauna.

#### Article 68

(1) (Supplemented, SG No. 101/2015, effective 22.12.2015) Native animal and plant species, and restoration of lost populations or support and stabilization of populations in poor status shall be reintroduced into the wild in a manner that would contribute to a sustained restoration of the said species to a favourable conservation status.

(2) The activities referred to in Paragraph (1) shall require written authorization granted by the relevant competent authority covered under Article 67 (3) herein in consultation with the central-government departments concerned and after having obtained the opinion of the general public in the region regarding a reintroduction of the species.

(3) (New, SG No. 101/2015, effective 22.12.2015) The activities under paragraph 1 shall be carried out using specimens and/or genetic material from wild species originating from the same population, or from population, which is genetically closest to the restored population, after a favourable opinion of a scientific body.

#### Article 69

(Amended, SG No. 80/2009)

The terms and a procedure for granting of authorizations under Article 67 (3) and Article 68 (2) herein and for obtaining the opinion of the general public shall be established by regulations issued, respectively, by the Minister of Environment and Water and by the Minister of Agriculture and Food.

## **Chapter Four**

# **TRADE IN ENDANGERED SPECIES OF WILD FLORA AND FAUNA. PREVENTION AND MANAGEMENT OF THE INTRODUCTION AND SPREAD OF INVASIVE ALIEN SPECIES**

**(Title supplemented, SG No. 101/2015, effective 22.12.2015)**

### **Section I**

## **General Dispositions**

#### Article 70

(Amended, SG No. 94/2007, SG No. 101/2015, effective 22.12.2015)

The provisions of this Chapter shall apply to:

1. specimens of the species listed in Annexes A, B, C, and D to Article 3 of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61/1 of 3 March 1997), hereinafter referred to as "Regulation 338/97";
2. specimens of the species designated under Article 4, paragraph 1 of Regulation (EU) No. 1143/2014.

#### Article 71

(1) (Amended, SG No. 94/2007) The Ministry of Environment and Water shall be the Management Authority in charge of application of the requirements of Regulation 338/97.

(2) The Minister of Environment and Water shall issue a designation order for the places performing the functions of rescue centres under Item 1 of Article 104 (1) herein.

(3) The operation of the rescue centres referred to in Paragraph (2) shall be regulated by rules endorsed by the Minister of Environment and Water.

(4) (New, SG No. 88/2005) The Minister of Environment and Water shall cancel the order referred to in Paragraph (2) where he finds that:

1. during the stay of the specimens at the rescue centre due care is not provided, and as a consequence a hazard to their general condition or survival occurs;
2. repeated infringements in the course of operation of the rescue centre;
3. repeated non-compliance with the rules of procedure of the rescue centres referred to in Paragraph (3).

(5) (New, SG No. 88/2005) Repeated infringements within the meaning of Items 2 and 3 of Paragraph (4) shall mean three or more violations of the acts and the secondary legislation concerning their implementation committed over a period of two years.

#### Article 72

(1) (Amended, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015) The Bulgarian Academy

of Sciences, with the specialized institutes, full-time research personnel and associate experts thereof, shall be the Scientific Authority for the purposes of application of Regulation 338/97 and Regulation (EU) No. 1143/2014.

(2) (Amended, SG No. 88/2005, SG No. 94/2007) The authority referred to in Paragraph (1) shall propose to the Minister of Environment and Water a list of the experts that are to perform any functions under Article 84 and Article 87 (1) herein. The experts proposed shall declare in writing that they have no personal interest in the import or export of wild species.

(3) The list referred to in Paragraph (2) shall indicate the names, addresses and contact information, the competence and the area of practice of the experts.

(4) (New, SG No. 88/2005) Only persons, who have a degree in the relevant speciality acquired in a higher education school and have performed any of the following activities related to flora and fauna conservation for at least three years may be included in the List referred to in Paragraph (2):

1. teaching activity with higher education schools or research activities;
2. ex situ keeping of wild species in zoos and botanical gardens;
3. control activity for flora and fauna conservation.

(5) (New, SG No. 88/2005, amended, SG No. 94/2007) The Minister of Environment and Water or a person empowered by him shall list the experts referred to in Paragraph (2) into an official register by entering the details provided for in Paragraph (3) or shall refuse registration providing valid reasons and notify in writing the authority referred to in Paragraph (1) within 15 days.

(6) (New, SG No. 88/2005) Within 15 days of the listing provided for in Paragraph (5) the Minister of Environment and Water shall grant a certificate for listing into the register by name.

(7) (New, SG No. 88/2005) The certificate referred to in Paragraph (6) shall be valid for a period of 5 years.

(8) (New, SG No. 88/2005) Experts shall be excluded from the register, if in respect of them it has been proven that during their practice for taxonomic determination of species they:

1. have provided incorrect identification three times;
2. have submitted incorrect declaration under Paragraph (2) and this has been proven in pursuance of the relevant procedure.

(9) (New, SG No. 88/2005) In the cases falling under Paragraph (8) the Minister of Environment and Water shall withdraw the certificate referred to in Paragraph (6).

(10) (New, SG No. 88/2005, amended, SG No. 94/2007) The procedure for carrying out the checks provided for in Article 84 and of the identifications provided for in Article 87 (1), as well as the remuneration of experts, shall be laid down in an order of the Minister of Environment and Water.

## **Section II**

# **Transboundary Movement from and to the Republic of Bulgaria**

Article 73

(Amended, SG No. 94/2007)

(1) (Supplemented, SG No. 101/2015, effective 22.12.2015, amended, SG No. 58/2016) The import and export of specimens of the species referred to in Article 70 herein shall be carried out in pursuance of the requirements laid down in Regulation 338/97, in Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the

implementation of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein, hereinafter referred to as "Regulation 865/2006", in Regulation (EU) No. 1143/2014, in this Act, in customs legislation, in the Veterinary Practices Act, and in the Plant Protection Act.

(2) The transportation of live animals of the species referred to in Paragraph (1) shall be carried out in accordance with the guidelines for transportation of live animals, published by the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973 (ratified by a decision of the Great National Assembly, SG No.103/1990) (SG No. 6/1992), hereinafter referred to as "the Convention", and, in the case of air transport, according to the Regulations established by Appendix A of Resolution 620 of the International Air Transport Association (IATA).

#### Article 74

(Repealed, SG No. 94/2007)

#### Article 75

(Supplemented, SG No. 88/2005, repealed, No. 94/2007)

#### Article 76

(Amended and supplemented, SG No. 88/2005, repealed, No. 94/2007)

#### Article 77

(Repealed, SG No. 94/2007)

#### Article 78

(Amended, SG No. 88/2005, repealed, No. 94/2007)

#### Article 79

(Repealed, SG No. 94/2007)

#### Article 80

(Amended, SG No. 94/2007)

Any person applying for the permits and certificates referred to in Article 4 (1) and (2), Article 5 (1) and (4), Article 8 (3), and Article 9 (1) of Regulation 338/97 and in Article 30 (1) and Article 37 (1) of Regulation 865/2006 shall lodge a written application with the Minister of Environment and Water in accordance with the requirements laid down in Articles 20, 26, 34, 41 and 50 of Regulation 865/2006.

#### Article 81

(Amended, SG No. 88/2005, SG No. 34/2006, SG No. 94/2007)

The following shall be attached to the application provided for in Article 20 of Regulation 865/2006:

1. an up-to-date certificate of entry into the Trade Register in the case of Bulgarian legal persons;
2. a document certifying the legal status of the applicant issued in accordance with the relevant national legislation not later than three months before receipt of the application in the case of foreign legal persons;
3. address and details of the conditions whereunder the imported live specimens will be kept.

## Article 82

(Supplemented, SG No. 88/2005, amended, SG No. 34/2006, SG No. 94/2007)

(1) The following shall be attached to the application referred to in Articles 26, 34, 41 and 50 of Regulation 865/2006:

1. document of origin in the cases where the specimen is not subject to registration under Article 90 herein;
2. document of registration under Article 91 or Article 96 (1) herein;
3. details on the applicant's identity;
4. an up-to-date certificate of entry into the Trade Register in the case of Bulgarian legal persons;
5. a document certifying the legal status of the applicant issued in accordance with the relevant national legislation not later than three months before receipt of the application in the case of foreign legal persons;
6. in the case of export of specimens born and bred in captivity, a brief description of the genus or cultivar clearly showing the origin of the individual specimens that form the axis of the relevant genus or cultivar and the generation number of the offspring.

(2) The requirements laid down in Item 4 of Paragraph (1) shall not apply to the cases falling under Article 96 (1) herein.

(3) In respect of any species listed in Annex 4 hereto that fall under Annexes A, B and C of Regulation 338/97, copies of the following documents shall be attached to the application provided for in Paragraph (1).

1. hunting permit in the name of the hunter;
2. registration under Article 110 (1) of the Rules on the implementation of the Hunting and Game Protection Act (promulgated, SG No. 58/2001; No. 43/2002 - Supreme Administrative Court Decision No. 3722/2002; amended, SG No. 41 and 101/2003; No. 10/2004 - Supreme Administrative Court Decision No. 654/2004; amended, SG No. 62/2007) or statement of payment under Item 2 of Article 112 (1) of said Rules.

## Article 83

(Amended and supplemented, SG No. 88/2005, amended, SG No. 94/2007)

(1) Within five days of receipt of the application referred to in Article 80 for the issuance of an import or export permit, or a re-export certificate, for specimens of the species listed in Annexes A and B of Regulation 338/97, the Minister of Environment and Water, or an official empowered by him, shall request observations from the Scientific Authority referred to in Article 72 herein.

(2) For the export of specimens of the species listed in Annex 4 hereto that fall under Annexes A, B and C of Regulation 338/97, the observations referred to in Paragraph (1) shall be requested only once and shall be valid for the whole hunting period.

(3) The observations referred to in Paragraph (1) shall not be required in respect of specimens that are subject to a national quota published by the Convention Secretariat.

## Article 84

(1) The Scientific Authority shall present advice to the Ministry of Environment and Water within fifteen days after receipt of the request referred to in Article 83 (1) herein.

(2) Should an on site examination be necessary, the said examination shall be conducted by an expert of the list referred to in Article 72 (2) herein.

## Article 85

(Amended, SG No. 94/2007)

The Minister of Environment and Water or an official empowered by him shall issue the permits and certificates referred to in Article 80 herein within five working days of receipt of the observations provided for in Article 84 (1) in accordance with the requirements laid down in Regulation 338/97, in Regulation 865/2006 and in this Act.

## **Section III Customs Supervision and Control**

### Article 86

(Supplemented, SG No. 94/2007, amended, SG No. 101/2015, effective 22.12.2015)

The customs authorities shall exercise customs supervision and control on import and export of specimens of species covered under Articles 43a and 70 herein to and from the customs territory of the Republic of Bulgaria in accordance with this Act, the customs legislation, and the requirements laid down in:

1. Regulation (EC) 338/97 and in Regulation (EC) 865/2006;
2. Regulation (EC) No. 1007/2009 and Regulation (EU) No. 737/2010;
3. Regulation (EC) No. 1143/2014.

### Article 87

(1) (Previous Article 87, SG No. 88/2005, amended, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015) During the checks of consignments of any specimens referred to in Article 70, item 1 herein, the customs authorities shall require the border veterinary and phytosanitary service to establish, within two hours of the start of the check, whether the specimens tally with the particulars stated in the accompanying documents in accordance with the requirements laid down in Regulation 338/97 and in Regulation 865/2006. In case such identification cannot be performed, the customs authorities shall approach a relevant expert appearing on the list referred to in Article 72 (2) herein for identification of the specimens, and the expert shall be bound to report to the border point within six hours after call-out.

(2) (New, SG No. 88/2005, amended, SG No. 94/2007) The customs authorities shall provide premises for temporary accommodation of the live specimens concerned until the expert examination referred to in Paragraph (1) is completed.

### Article 88

(Supplemented, SG No. 94/2007)

Upon ascertainment of any violation of the requirements laid down in this Act and Regulation 338/97 or where any such violation is suspected, the customs authorities shall impound the specimens and the corporeal movables which have served for commission of the violation, and shall immediately notify the Ministry of Environment and Water or the competent regional inspectorate of environment and water, which shall ensure the placement of the specimens under suitable conditions at rescue centres.

### Article 89

The competent regional inspectorates of environment and water and rescue centres shall offer the customs authorities full cooperation for clarification of the cases under Article 88 herein and for making a decision thereon.

# Section IV

## Registration

### Article 90

(Amended, SG No. 88/2005, SG No. 94/2007)

(1) All specimens of the vertebrate species listed in Annexes A and B of Regulation 338/97 shall be subject to registration, except for the following:

1. food products derived therefrom;
2. the species subject to the Hunting and Game Protection Act;
3. any colour mutations of bird species that do not have the natural colouration of wild forms;
4. any small leather articles;
5. fish;
6. any specimens of species referred to in Article 75, Item 5, Letter "a" of Regulation 865/2006.

(2) Specimens of any species listed in Annexes A and B of Regulation 338/97, in respect of which an original import permit has been issued or a re-export certificate issued by a third country has been produced, shall be registered ex officio by the regional environment and water inspectorates without the owner having to make any representations according to the procedure laid down in Article 92 herein.

(3) Within seven days of receipt of the documents referred to in Paragraph (2) the Ministry of Environment and Water shall communicate copies thereof to the relevant regional environment and water inspectorate for registration.

### Article 91

(1) (Previous Article 91, amended, SG No. 88/2005) Registration shall be effected by means of a registration card issued by the relevant regional inspectorate of environment and water exercising competence over the permanent address of the owner of the specimen, where the said owner shall be a natural person, or over the registered office or the address of the place of management, as the case may be, where the said owner shall be a juristic person.

(2) (New, SG No. 88/2005) The registration card referred to in Paragraph (1) may be of two types:

1. for registration of individual specimens;
2. for registration of a group of specimens.

(3) (New, SG No. 88/2005, amended, SG No. 94/2007) The card referred to in Item 2 of Paragraph (2) shall be used only in respect of groups of specimens of the species listed in Annexes A and B of Regulation 338/97 where no individual marking is possible.

(4) (New, SG No. 94/2007) No registration card shall be issued where a certificate has been issued in the name of the owner in pursuance of Item 3 of Article 8 and Article 9 (2), Letter "b" of Regulation 338/97.

### Article 92

(1) (Supplemented, SG No. 88/2005, amended, SG No. 94/2007) For the purpose of registration under Article 91 herein, within fifteen days upon acquisition of the specimen or within forty days upon obtaining an offspring from the species referred to in Annexes A and B of Regulation 338/97, the owner shall lodge an application with the regional inspectorate of environment and water, stating the following therein:

1. (supplemented, SG No. 34/2006, amended, SG No. 94/2007) personal details in the case of natural persons; company name, seat of business, address, and BULSTAT or Personal ID Code for traders in the case of Bulgarian legal persons; and a document certifying the applicant's legal status issued in accordance with the relevant national legislation not later than three months before receipt of the application in the case of foreign legal persons;

2. particulars of the specimen, namely type and status (live, dead, part thereof or derivative);

3. address whereat the specimen is to be kept: applicable to the acquisition of live specimens;

4. manner of acquisition: imported, purchased, exchanged, donated, bred in captivity, found.

(2) (Amended, SG No. 94/2007) The following, as the case may be, shall be attached to any application referred to in Paragraph (1):

1. documents certifying the legal origin of the specimen, such as:

a) an original document of registration, issued by the relevant regional environment and water inspectorate in the case of purchase of any specimen registered under Article 91 (1) herein or a copy of the registration card in the case of registration under Article 91 (2);

b) a document of registration from another Member State of the European Union where the latter requires such registration;

c) an original valid certificate for the specimens issued in the name of the seller in accordance with Item 3 of Article 8 of Regulation 338/97 and a document certifying the sale of the specimen;

d) a copy of an export or re-export certificate under CITES issued by a third country;

e) an invoice under Article 102b (3), Letter "k" herein;

f) an original permit or other document for taking the specimen from the wild or the killing thereof, as provided for in a regulatory act and evidencing the lawfulness of acquisition of the specimen concerned;

2. information on the manner of marking the specimen and the mark number;

3. number of the activity registered under Article 97 (1) and (2) herein.

## Article 93

(Amended, SG No. 88/2005)

The regional inspectorates of environment and water shall issue the document of registration referred to in Article 91 herein within five working days of receipt of the documentation referred to in Article 90 (3) herein and within twenty working days where a check is necessary to ascertain the species or the circumstances relating to the acquisition of the specimen in the cases where any application referred to in Article 92 herein has been lodged.

## Article 94

(1) (Amended, SG No. 88/2005) The owner of any registered specimen shall be bound to notify the regional inspectorate of environment and water in writing in the event of:

1. (amended, SG No. 88/2005) any change of the circumstances relating to the specimen, such as change of ownership, change of address of the place where the specimen is kept, death, destruction, theft or loss of the specimen;

2. destruction, damage, loss or theft of the document of registration of the specimen.

(2) The regional inspectorates of environment and water:

1. (supplemented, SG No. 88/2005) shall record any changes covered under Paragraph (1) in the register referred to in Article 95 herein and in the document of registration referred to in Article 91;

2. (supplemented, SG No. 88/2005) shall issue a new document of registration in the cases falling under Items 1 and 2 of Paragraph (1);

3. shall notify the Ministry of Environment and Water of the cases of theft or loss of a specimen or of a document of registration.

#### Article 95

The regional inspectorates of environment and water shall keep a register of the specimens referred to in Article 90 herein.

#### Article 96

(1) (Amended, SG No. 94/2007) The registration of any specimens referred to in Article 90 herein shall not apply to collections at zoos, museums, universities, institutes affiliated to the Bulgarian Academy of Sciences and other research and academic institutes.

(2) (Supplemented, SG No. 88/2005) The entities covered under Paragraph (1) shall present a list of the specimens in stock as per species at the Ministry of Environment and Water and the relevant regional inspectorate of environment and water, and at the beginning of each current year shall supply information on any changes which have occurred during the preceding year.

(3) (New, SG No. 88/2005) The list referred to in Paragraph (2) shall contain the following:

1. (amended, SG No. 94/2007) the species of the animal, indicated in Bulgarian and in Latin;

2. (amended, SG No. 94/2007) details of the specimen, such as species and condition (live, dead, taxidermic, part or a product);

3. manner of acquisition - imported, purchased, exchanged, donated, bred in captivity, left in pursuance of a writ according to Paragraph (2) of Article 39.

4. the number and type of the document by which the specimen was obtained;

5. the registration card number in the case of registration in pursuance of Article 91.

(4) (New, SG No. 88/2005, amended, SG No. 94/2007) No permits and certificates as provided for in Article 80 herein or labels as provided for in Item 2 of Article 52 of Regulation 865/2006 shall be issued in respect of any persons referred to in Paragraph (1) who have not met their obligation under Paragraph (2).

#### Article 97

(1) (Supplemented, SG No. 34/2006, amended, SG No. 94/2007) Any natural and legal persons with court or commercial registration in the Republic of Bulgaria shall be entitled to register, through the Ministry of Environment and Water, the following activities with the Convention Secretariat:

1. (new, SG No. 94/2007) breeding and keeping for commercial purposes specimens of any species listed in Annex I of the Convention;

2. (new, SG No. 94/2007) manufacturing, processing, packing, re-packing, export, and re-export of products derived from sturgeons.

(2) For the purpose of registration under Paragraph (1), the persons shall submit an application to the Ministry of Environment and Water, stating therein:

1. (new, SG No. 88/2005, supplemented, SG No. 34/2006) name and Standard Public Registry Personal Number, in the case of natural persons, and corporate name, seat of business and BULSTAT Code, in the case of juristic persons or Standard Identification Code for traders;

2. (renumbered from Item 1, SG No. 88/2005) the address whereat the operation shall be carried out;

3. (renumbered from Item 2, SG No. 88/2005) the scientific name of the species and the conditions of the propagation and breeding thereof;

4. (renumbered from Item 3, SG No. 88/2005) proof of lawful acquisition of the propagules.

5. (new, SG No. 94/2007) registration of the persons referred to in Item 2 of Paragraph (1) herein under the Fisheries and Aquaculture Act.

#### Article 97a

(New, SG No. 94/2007)

(1) Any legal persons referred to in Article 97 (1) may apply for registration in order to avail themselves of the simplified procedures provided for in Articles 18 and 19 of Regulation 865/2007.

(2) For the registration provided for in Paragraph (1), the persons shall lodge an application with the Minister of Environment and Water stating the following therein:

1. name, seat of business and BULSTAT, or Personal ID Code in the case of traders;

2. the scientific name of the species in respect of which the simplified procedure will be used;

3. evidence of the lawful acquisition of the propagules.

(3) The Minister of Environment and Water shall authorise the persons referred to in Paragraph (1) to enter the specific information in the permits pursuant to Article 18 (1), Letter "c" and Article 19 (1), Letter "d" of Regulation 865/2006.

#### Article 98

(1) Within fifteen days after receipt of the application, the Ministry of Environment and Water shall conduct a check of the particulars covered under Article 97 (2) herein and shall request advice from the Scientific Authority according to the procedure established by Article 83 herein.

(2) Depending on the check and acting on the advice referred to in Paragraph (1), the Ministry of Environment and Water shall:

1. transmit documentation for registration of the operation with the Secretariat according to the requirements of the Convention;

2. (new, SG No. 94/2007) notify the applicant in writing of the activity's registration number;

3. (renumbered from Item 2, supplemented, SG No. 94/2007) notify the applicant in writing within thirty days, where the registration referred to in Item 1 has been refused.

#### Article 99

(Amended, SG No. 88/2005)

In the case of winding up a registered operation, the persons referred to in Article 97 (1) herein shall be bound to notify the Ministry of Environment and Water that shall transmit information to the Convention Secretariat for deletion of the registration.

#### Article 99a

(New, SG No. 94/2007)

(1) Any scientific institutions that exchange specimens with other scientific institutions may be registered with the Convention Secretariat for the purpose of availing themselves of the exemptions provided for in Article 7 (6) of the Convention.

(2) For the registration referred to in Paragraph (1), the scientific institutions shall lodge an application with the Ministry of Environment and Water containing the institution's name, seat of business, and address, and the following, as the case may be:

1. decision of the General Assembly of the Bulgarian Academy of Sciences on the establishment of specialised scientific units in accordance with the Bulgarian Academy of Sciences Act and its Statutes;
2. decision of the National Assembly on the establishment of a higher education school in accordance with the Higher Education Act;
3. decision on the establishment of a museum according to the Cultural Heritage Act.

(3) Within ten days of receipt of the application provided for in Paragraph (2), the Ministry of Environment and Water shall notify the applicant of the registration number and register him with the Convention Secretariat.

(4) Where specimens are moved for the purposes of scientific exchange between the persons referred to in Paragraph (1), labels shall be used as provided for in Article 52 (2) of Regulation 865/2006.

## **Section V**

### **Trade on the Territory of the Republic of Bulgaria**

#### **(Title amended, SG No. 94/2007)**

#### Article 100

(Amended and supplemented, SG No. 88/2005, amended, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015)

The trade on the territory of the Republic of Bulgaria in specimens of any species referred to in Article 70, item 1 shall be carried out in compliance with the provisions of this Act and of Article 8 of Regulation 338/97.

#### Article 101

(Supplemented, SG No. 88/2005, repealed, SG No. 94/2007).

#### Article 102

(1) (Amended, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015) Any commercial transactions with specimens not registered under Article 90 herein, as well as with specimens of any species referred to in Article 70, item 1 herein whose lawful origin cannot be evidenced, shall be prohibited.

(2) (Amended, SG No. 88/2005, supplemented, SG No. 94/2007) Upon sale of any specimens registered under Article 91 herein, the seller shall provide the buyer with the following, as the case may be:

1. the original registration card referred to in Item 1 of Article 91 (2);
2. a copy of the registration card referred to in Item 2 of article 91 (2);
3. (new, SG No. 94/2007) a certificate under Article 8 (1) of Regulation 338/97, whereas for specimens imported in the European Community the accompanying original export certificates under CITES, re-export certificates, or certificates of origin issued by a third country shall also be produced.

(3) (New, SG No. 88/2005) The original registration card referred to in Item 2 of Paragraph (2) after exhaustion of the quantity specified therein shall be returned to the regional inspectorate of environment and water that issued it.

(4) (New, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015) Where a specimen of any species referred to in Article 70, item 1 herein is sold, the traders shall be bound to issue an invoice wherein they shall mandatorily enter the number and type of the documents referred to in Article 102b (2) and (3) herein, as well as the number and type of marking of the specimen, where applicable.

#### Article 102a

(New, SG No. 88/2005)

(1) (Amended, SG No. 94/2007) Any owners of specimens of the species listed in Annexes A and B of Regulation 338/97, shall mandatorily mark or label these according to the species and the condition of the specimen, while the marking of live specimens shall not affect their health status.

(2) (Amended, SG No. 94/2007) Labelling and marking of specimens of the species referred to in Paragraph (1) shall be laid down in an ordinance of the Minister of Environment and Water and the Minister of Agriculture and Food.

#### Article 102b

(New, SG No. 94/2007)

(1) (Supplemented, SG No. 101/2015, effective 22.12.2015) Any persons who conclude commercial transactions with specimens of the species referred to in Article 70, item 1 herein shall be bound to have and produce at the request of the control authorities a document certifying the lawful origin thereof.

(2) In the cases of registration under Article 90 herein, the person referred to in Paragraph (1) shall produce a registration card issued in pursuance of Article 91 herein.

(3) Save the cases falling under Paragraph (2), the persons referred to in Paragraph (1) shall produce the following, as the case may be:

- a) a copy of a permit or re-export certificate under CITES issued by a third country;
- b) a copy of a phytosanitary certificate issued by a third country where the Convention provides for such a certificate to be used in lieu of a certificate under CITES;
- c) a copy of an import certificate under Article 4 (1) and (2) of Regulation 338/97;
- d) a certificate under Item 3 of Article 8 of Regulation 338/97;
- e) a document certifying the lawful origin of the specimens concerned pursuant to Annex B of Regulation 338/97, where these have been obtained on the territory of the European Community;
- f) a permit under Article 49 in respect of the species listed in Annexes 3 and 4 hereto;
- g) an evaluation statement under Item 3 of Article 110 (1) of the Rules on the Implementation of the Hunting and

Game Protection Act or a payment statement under Item 2 of Article 112 (1) of said Rules;

h) documents required under the Fisheries and Aquaculture Act, if the specimens have been obtained through fishing;

i) a copy of a document certifying registration of the activity as provided for in Article 97 (1) herein;

j) an invoice for the purchase of any captive bred or artificially propagated specimens where the trader is not the producer, and, in all other cases, a statement from the producer that the specimens sold have been bred in captivity or propagated artificially;

k) the document provided for in Article 108 herein;

(4) In the cases falling under Paragraph (3), Letter "c", the documents provided for in Paragraph (3), Litterae "a" or "b" herein shall mandatorily be produced.

(5) Where the documentation referred to in Paragraphs (2) and (3) has not been produced, the controlling authority shall seize the specimens and send these to a rescue centre pursuant to Article 71 (2) while requesting the seller to produce the relevant documents within 10 days of the check, and:

1. where the documents have not been produced within the ten day period, the specimens shall be forfeited to the state;

2. where the documents referred to in Paragraph (1) have been produced, the specimens shall be returned to the owner after he pays the cost incurred by the rescue centre.

## **Section VI**

### **Disposal of Confiscated Specimens**

#### Article 103

(1) (Previous Article 103, SG No. 94/2007) Disposal of specimens of any species covered under Article 70 herein, which have been forfeited in favour of the State under Article 129 (1) herein, shall be effected by the Minister of Environment and Water.

(2) (New, SG No. 94/2007) Paragraph (1) shall also apply to the cases where specimens have been forfeited to the state in accordance with the requirements laid down in the Customs Act, the Veterinary Practices Act and the Plant Protection Act.

(3) (New, SG No. 94/2007) Paragraph (2) shall not apply to the cases where a valid document as provided for in Article 80 herein has been produced.

#### Article 104

(1) (Supplemented, SG No. 88/2005) Until entry into force of the penalty decree on confiscation of the specimens, the Minister of Environment and Water or a person authorised by him shall order:

1. (supplemented, SG No. 101/2015, effective 22.12.2015) placement of the live specimens in expressly designated rescue centres for the species under Article 70, item 1 herein;

2. (amended and supplemented, SG No. 101/2015, effective 22.12.2015) storage in appropriate places of dead specimens, food products and medicinal products, or specimens under Article 70, item 2.

(2) Any alien specimens, which have not passed through customs formalities, shall be placed under a customs warehousing procedure.

#### Article 105

(1) The specimens shall be returned to the owner upon revocation of the penalty decree through a judicial procedure within seven days after the effective date of the judgment of court.

(2) Within fifteen days after the effective date of the judgment of court dismissing an appeal against a penalty decree on confiscation of the specimens after assignment to a customs-approved treatment or use, the Minister of Environment and Water shall dispose of the said specimens according to Article 106 herein.

#### Article 106

(1) Upon confiscation of any live specimens, the Minister of Environment and Water shall order:

1. (repealed, SG No. 94/2007);

2. (amended, SG No. 94/2007, supplemented, SG No. 101/2015, effective 22.12.2015) the return of the specimens concerned to the country of export in the cases under Article 16 (3), Letter "b" of Regulation 338/97 and the species under Article 70, item 2;

3. (supplemented, SG No. 101/2015, effective 22.12.2015) the placement of the said specimens in a zoo or a botanical garden or in rescue centres in the country or in other countries - members of CITES, where there are suitable conditions for growing thereof;

4. the release of the said specimens into the wild, where the said specimens have been taken from natural habitats within the boundaries of Bulgaria, in case there are no obvious obstacles to the survival thereof;

5. the sale of the said specimens.

6. (new, SG No. 101/2015, effective 22.12.2015) granting them national or international organizations or institutions carrying out programs for reintroduction in countries where the species is naturally distributed;

7. (new, SG No. 101/2015, effective 22.12.2015) destruction of specimens if they are types under Article 70, item 2.

(2) Upon confiscation of any dead specimens, the Minister of Environment and Water shall order:

1. the gratuitous provision of the said specimens to higher schools or to centres training personnel in application of the Convention, for augmentation of teaching collections;

2. the gratuitous provision of the said specimens to natural science museums or, where of aesthetic value, to art museums;

3. the sale of the said specimens;

4. (new, SG No. 88/2005) the destruction of the said specimens.

(3) Upon confiscation of any food products or medicinal products, the Minister of Environment and Water shall order:

1. the return of the said products to the State of export;

2. the provision of the said products to higher schools or to centres training personnel in application of the Convention, for augmentation of teaching collections;

3. the destruction of the said products.

#### Article 107

(1) (Amended and supplemented, SG No. 94/2007, amended, SG No. 15/2013, effective 1.01.2014) The expenditures as shall be incurred in connection with the advice and checks referred to in Article 84 and Article 87 (1) herein

and with the orders under Item 1 of Article 102b (5) and Article 104 herein in case of application of Article 105 (1) herein shall be for the account of the budget of the Ministry of Environment and Water.

(2) The expenditures covered under Paragraph (1) shall be recovered in the budget of the Ministry of Environment and Water from the proceeds from sale in the cases under Article 106 herein.

(3) (Supplemented, SG No. 94/2007) The expenditures incurred in connection with the orders under Item 1 of Article 102b (5), Article 104, and Article 106 herein shall be at the expense of the offender. To secure payment of the said expenditures, the authorities ascertaining the violation may impound goods or sums of money.

#### Article 108

Upon sale under Article 106 herein, the specimens shall be treated as lawfully acquired upon presentation of the document whereby the said specimens have been purchased.

## **Chapter Five**

# **CONSERVATION OF CENTURIES-OLD OR REMARKABLE TREES**

#### Article 109

(1) Individual centuries-old or remarkable trees inside or outside nucleated settlements shall be designated as protected in consultation with the natural or juristic person who or which own the corporeal immovable wherein the tree is located.

(2) The director of the competent regional inspectorate of environment and water and the person referred to in Paragraph (1) shall sign a memorandum, stating therein the location and characteristics of the tree: species, age, height and other features, conservation status and necessary maintenance measures, as well as the obligations assumed by the owner for conservation of the site.

(3) The memorandum referred to in Paragraph (2) and a plan of the location of the tree shall be transmitted to the Ministry of Environment and Water.

#### Article 110

The Minister of Environment and Water shall issue an order designating the tree as protected, and the said order shall be promulgated in the State Gazette.

#### Article 111

(1) (Previous Article 111, SG No. 88/2005) The owners of any trees which have been designated as protected shall be obligated:

1. to safeguard the said trees against destruction or damage;
2. to notify the competent regional inspectorate of environment and water of any changes as have occurred in the conservation status of the site;
3. to consult the competent regional inspectorate of environment and water on the activities necessary for maintenance or restoration of the conservation status of the site;
4. to provide representatives of the regional inspectorate of environment and water with access to the corporeal immovable for conduct of checks of the conservation status of the protected trees.

(2) (New, SG No. 88/2005) Any operations leading to destruction, damage or worsening of the physiological state of trees designated as protected shall be prohibited.

## Article 112

(1) The Ministry of Environment and Water may finance maintenance or restoration activities as shall be necessary for conservation of protected trees.

(2) Care of the competent regional inspectorate of environment and water, the owners shall submit to the Ministry of Environment and Water proposals for financing of activities referred to in Paragraph (1).

## Article 113

(1) The protected trees as designated shall be recorded in registers at the Ministry of Environment and Water and the competent regional inspectorate of environment and water.

(2) Any destroyed, desiccated or irrecoverably damaged protected trees shall be stricken according to the procedure established by Article 109 (2) and Article 110 herein.

(3) (New, SG No. 19/2011, effective 9.04.2011) The registers as per (1) shall be public.

# **Chapter Six**

## **MANAGEMENT AND CONTROL AUTHORITIES**

## Article 114

The Ministry of Environment and Water and other state bodies and the divisions thereof, within the competences thereof, shall manage and control the conservation of biological diversity in the Republic of Bulgaria.

## Article 115

(1) (Previous text of Article 115, SG No. 88/2005) The Minister of Environment and Water shall perform the following functions:

1. implement the national policy of conservation and maintenance of biological diversity;
2. draft, with the participation of the line central-government departments and non-governmental organizations, a National Strategy for Conservation of Biological Diversity and lay the said Strategy before the Council of Ministers;
3. draft, with the participation of the line central-government departments and non-governmental organizations, a National Plan for Conservation of Biological Diversity, lay the said National Plan before the Council of Ministers, and organize and report the fulfilment of the said Plan;
4. build and maintain the National Ecological Network;
5. commission the elaboration of the management plans for special areas of conservation and action plans for species and endorse the said plans;
6. coordinate the biological diversity conservation activities of other ministries, central-government departments, municipalities, public organizations, research and academic institutes;
7. (amended, SG No. 19/2011, effective 9.04.2011) organize control over the activities of the owners or users of land tracts, wooded areas and aquatic areas incorporated into the National Ecological Network;
8. finance activities for application of this Act;
9. elaborate and apply mechanisms to provide incentives to the activities of owners or users, non-governmental organizations, associations and other such, intended to conserve, maintain and restore biological diversity;

10. (supplemented, SG No. 88/2005) organize a National System of Monitoring of the Status of Biological Diversity and create data bases and geographic information systems for recording of the status and ascertaining the changes in biological diversity, provide access and exchange of data on conservation of biological diversity;

11. prepare an annual report on the status of biological diversity and on the activities for the conservation thereof;

12. represent the Republic of Bulgaria on the matters relating to conservation of biological diversity;

13. (supplemented, SG No. 94/2007) organize and maintain state public registers provided for in this Act;

14. issue orders, lists, permits and licences provided for in this Act;

15. (amended, SG No. 94/2007) publish lists of species covered under Items 1 and 2 of Article 47a herein and any amendments thereto.

16. (new, SG No. 101/2015, effective 22.12.2015) give consent for access to genetic resources of the natural flora and fauna;

17. (new, SG No. 101/2015, effective 22.12.2015) monitor, within his jurisdiction, the compliance of obligations on behalf of the users of genetic resources and traditional knowledge, associated with genetic resources, in connection with due diligence according to Regulation (EU) No. 511/2014 of the European Parliament and the Council of 16 April 2014, with the measures to be followed by the users resulting from Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization in the European Union (OB, L 150/59 of May 20, 2014), hereinafter referred to as "Regulation (EU) No. 511/2014";

18. (new, SG No. 101/2015, effective 22.12.2015) be competent authority for implementation of Regulation (EU) No. 1143/2014, with the exception of Article 15 thereof.

(2) (New, SG No. 88/2005) The terms and procedure for establishment and functioning of the National System of Monitoring of the Status of Biological Diversity shall be established with and order of the Minister of Environment and Water.

#### Article 116

(1) A National Council of Biological Diversity shall be established as an advisory body with the Minister of Environment and Water.

(2) The complement of the National Council of Biological Diversity shall be designated by order of the Minister of Environment and Water and shall include representatives of the ministries and central-government departments, research and academic institutes, non-governmental and conservationist organizations concerned.

(3) The activities of the National Council of Biological Diversity shall be regulated by Rules endorsed by the Minister of Environment and Water.

#### Article 117

The directors of regional inspectorates of environment and water and the directors of national park directorates shall perform the following functions:

1. (amended, SG No. 19/2011, effective 9.04.2011) control compliance with the requirements for conservation of biological diversity in the performance of the activities of owners or users of land tracts, wooded areas and aquatic areas incorporated into the National Ecological Network;

2. coordinate and control the application of the management plans and the projects provided for in this Act, inter alia the integration of any such plans and projects into the municipal plans and programmes;

3. control the conservation of plant and animal species constituting a subject matter of this Act;

4. maintain the regional registers provided for in this Act;
5. penalize offenders in the cases provided for in this Act.

#### Article 118

(Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) (1) (Previous text of Article 118, SG No. 101/2015, effective 22.12.2015)

Acting within their respective competences, the Ministry of Agriculture and Food, the Ministry of Regional Development and Public Works and the other state bodies and the divisions thereof, as well as the municipalities, shall:

1. perform biological diversity conservation activities;
2. integrate the conservation of biological diversity and sustainable management of biological resources into all plans, projects, programmes, policies and strategies in the respective sector, by including therein primarily biological diversity conservation activities, in conformity with the priorities of this Act, of the National Strategy and of the National Plan for Conservation of Biological Diversity;
3. elaborate and implement management plans for special areas of conservation and action plans for priority plant and animal species;
4. cooperate with other competent authorities, where the activities have interrelated or cumulated effects on biological diversity, or where the competence of the said authorities affects the same site or area;
5. organize sectoral systems of monitoring the status of biological diversity and of special areas of conservation and create data bases and geographic information systems on the characteristics thereof, providing the Ministry of Environment and Water with information coordinated by type and period of presentation;
6. finance, on a priority basis, scientific research and activities associated with conservation of biological variety and sustainable management of biological resources;
7. use the results of the study of biological diversity in the preparation of intra-sectoral or inter-sectoral plans, projects, programmes and policies;
8. (amended, SG No. 19/2011, effective 9.04.2011) control the activities of the owners or users of land tracts, wooded areas and aquatic areas incorporated into the National Ecological Network;
9. penalize offenders in the cases provided for in this Act;
10. pursue international cooperation on matters of common concern related to conservation of biological diversity and special areas of conservation.

(2) (New, SG No. 101/2015, effective 22.12.2015) The Minister of Agriculture and Food shall give consent for access to agricultural and forest genetic resources.

(3) (New, SG No. 101/2015, effective 22.12.2015) The Minister of Economy shall give consent for access to genetic resources of industrial microorganisms, viruses and cell cultures.

(4) (New, SG No. 101/2015, effective 22.12.2015) The competent authorities under paragraphs 2 and 3:

1. within their competence shall monitor the compliance of obligations on behalf of the users of genetic resources and traditional knowledge in connection with due diligence in accordance with Regulation (EU) No.511/2014;
2. may entrust officials, authorized by them, their assigned functions for access to genetic resources.

## Article 119

(1) (Amended, SG No. 19/2011, effective 9.04.2011) The Ministry of Environment and Water, the Ministry of Agriculture and Forestry, the municipalities, as well as the natural and juristic persons who and which own and use wooded areas, land tracts and aquatic areas in the National Ecological Network, shall steward and guard the said properties according to the provisions of this Act and the other special laws.

(2) (Supplemented, SG No. 88/2005, amended, SG No. 19/2011, effective 9.04.2011) The owners of collections of any species referred to in Articles 37 and 70, as well as the owners and users of any wooded areas, land tracts and aquatic areas shall be obligated to provide unimpeded access to their properties for performance of activities and control under this Act in compliance with the requirements of the other special laws.

(3) (New, SG No. 88/2005) The Ministry of Environment and Water may vest non-government and other organisations and associations with the right to organise supporting, guiding, regulating, restoration and other nature conservation activities within the special areas of conservation and with respect to the protected species following a procedure to be established with a regulation of the Minister of Environment and Water

## Article 120

The National Customs Agency shall exercise customs control over the importation and exportation of specimens of any species covered under Article 70 herein according to the requirements of this Act, the Customs Act and the other regulatory acts related to customs control.

# **Chapter Seven**

## **COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY PROVISIONS**

**(Title amended, SG No. 88/2005)**

### **Section I**

#### **Coercive Administrative Measures**

## Article 121

(1) (Previous Article 121, amended, SG No. 88/2005) For the purpose of prevention and cessation of any administrative violations under this Act and of the detrimental consequences thereof, the competent authorities or persons authorized thereby shall apply coercive administrative measures according to the procedure established by this Section.

(2) (New, SG No. 88/2005) The authorities referred to in Article 122 shall impose coercive administrative measures in pursuance of this Act in the cases of occurrence of an imminent danger of damaging or destruction of any special areas of conservation or parts thereof.

## Article 122

(1) The Minister of Environment and Water:

1. shall suspend any orders of executive authorities which are issued in violation of this Act;
2. shall suspend the implementation of any plans and projects which have commenced or have been endorsed in violation of this Act;
3. shall close down any zoos or parts thereof which do not function in conformity with the requirements of this Act;
4. shall withdraw the licences of zoos in the cases under Article 62 (4) herein;

5. (new, SG No. 101/2015, effective 22.12.2015) shall withdraw licences issued under Regulation (EC) No. 1143/2014, when the terms and conditions contained therein or in Article 8 of the Regulation, are violated, and/or shall stop actions that are in violation of the same Regulation.

(2) The directors of the regional authorities of the Ministry of Environment and Water:

1. (amended, SG No. 88/2005, amended and supplemented, SG No. 19/2011, effective 9.04.2011) shall suspend any activities comprehending the use of forests, land tracts and aquatic areas and of other resources, as well as any construction in special areas of conservation, which violate the designation orders for the said areas and zones or the management plans, spatial-development, schematic and forestry programs, plans and designs endorsed according to the established procedure;

2. (amended, SG No. 88/2005) shall suspend any activities or projects which damage or pollute the environment above the limit values in special areas of conservation;

3. (supplemented, SG No. 88/2005) shall suspend any orders of the regional forestry directorates, the state forestry farms, the state hunting farms, directors of national parks and the municipal authorities violating this Act;

4. shall prescribe measures to prevent and/or cure violations.

(3) (Amended and supplemented, SG No. 88/2005, amended, SG No. 19/2011, effective 9.04.2011) The Directors of regional forestry directorates, the directors of state forest farms, state hunting farms and directors of national parks, as well as the municipality mayors, shall suspend any activities and construction in any forests, land tracts and aquatic areas constituting state, municipal and private property, if the said activities are performed in violation of the endorsed management plans and spatial-development and schematic plans and designs.

Article 123

(Amended, SG No. 88/2005)

(1) The enforcement of any coercive administrative measures shall be carried out through a reasoned order issued by any authority referred to in Article 122, in which the grounds for imposing, the type and manner of enforcement of the relevant coercive administrative measure shall be specified.

(2) (Amended, SG No. 30/2006) The orders referred to in Paragraph 1 and in Paragraph 1 of Article 122 herein shall be appealable according to the procedure established by the Administrative Procedure Code.

(3) Any appeal against the order provided for in Paragraph (1) shall not suspend the enforcement thereof.

## **Section II**

### **Administrative Violations and Sanctions**

Article 124

(Amended, SG No. 88/2005)

(1) Any violations of the bans and restrictions established according to the procedure provided for in Article 12 (6), Articles 19 and 29, as well as non-compliance with the regimes and conditions specified in the orders referred to in Article 42 herein shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000, in the case of natural persons, or by a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 5,000, in the case of juristic persons and sole traders.

(2) Non-compliance with the terms specified in any permit issued in pursuance of this Act, as far as the act does not constitute any other administrative infringement, shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 2,000, in the case of natural persons, or by a pecuniary penalty of BGN 300 or exceeding this amount but not exceeding BGN 6,000, in the case of juristic persons and sole traders.

(3) Non-compliance with any coercive administrative measures referred to in Article 122 herein shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 1,000, in the case of natural persons, or by a pecuniary penalty of BGN 200 or exceeding this amount but not exceeding BGN 5,000, in the case of juristic persons and sole traders.

#### Article 125

(Amended, SG No. 88/2005)

(1) Any violation of Article 38, Article 39 (1), Article 40, Article 41 (3), Article 44, Article 46, Article 47 (1), Article 60 (2) and (3), Article 100, Article 102 (1) and Article 111 herein shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 5,000, in the case of natural persons, or by a pecuniary penalty of BGN 500 or exceeding this amount but not exceeding BGN 10,000, in the case of juristic persons and sole traders.

(2) Any licensed hunter who committed an infringement covered under Article 38, Article 41 (3), and Article 44 during hunting shall be punished with a fine as provided for in Paragraph (1) and shall be divested of the right to hunt for a period of one to two years.

(3) In the cases falling under Paragraph (2), where the violation has been committed in respect of an endangered species of world-wide or European-wide conservation concern, divesting of the right to hunt shall be for a period of three years.

(4) In respect of any violations covered under Article 38, Article 41 (3), Articles 44 and 46, committed within special areas of conservation or affecting endangered species of animals of world-wide conservation concern, the fines provided for in Paragraph (1) shall be imposed double the amount.

#### Article 126

(Supplemented, SG No. 88/2005)

Any unlicensed operation under Article 62 (1) herein in violation of Article 62a and Article 67 (4) or any unauthorized activities under Article 67 (3) and Article 68 (2) herein shall be punishable by a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, in the case of natural persons, or by a pecuniary penalty of BGN 2,000 or exceeding this amount but not exceeding BGN 25,000, in the case of juristic persons and sole traders.

#### Article 127

(Amended, SG No. 94/2007)

(1) Any violation covered by Article 16, Litterae "b", "c", "d" and "e" of Regulation 338/97 shall be punishable by a fine of BGN 700 or exceeding this amount but not exceeding BGN 4,000, in the case of natural persons, or by a pecuniary sanction of BGN 1,500 or exceeding this amount but not exceeding BGN 10,000, in the case of legal persons and sole traders.

(2) Any violation covered by Article 16, Litterae "k", "l", and "m" of Regulation 338/97 shall be punishable by a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 6,000, in the case of natural persons, or by a pecuniary sanction of BGN 2,500 or exceeding this amount but not exceeding BGN 12,000, in the case of legal persons and sole traders.

(3) Any activity falling under Article 16, Litterae "a", "f", "g", "h", "i", and "j" of Regulation 338/97 shall be punishable by a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 10,000, in the case of natural persons, or by a pecuniary sanction of BGN 5,000 or exceeding this amount but not exceeding BGN 30,000, in the case of legal persons and sole traders.

#### Article 127a

(New, SG No. 101/2015, effective 22.12.2015)

For deliberate failing to provide information, or for provision of false information under Articles 4 and 7 of Regulation (EU) No. 511/2014 to the competent authorities under Article 115, paragraph 1 and Article 118, paragraphs 2 and 3, the natural persons shall be punished by a fine of BGN 1,000 to 6,000, and the legal persons and sole traders shall be punished by a pecuniary sanction of BGN 5,000 to 20,000.

#### Article 127b

(New, SG No. 101/2015, effective 22.12.2015)

(1) Any violation covered by Article 7, paragraph 1, Litterae "b", "c", "d", "e", "f", and "g" of Regulation (EU) No. 1143/2014 shall be punishable by a fine of BGN 1,000 to 6,000 in the case of natural persons, or by a pecuniary sanction of BGN 5,000 to 20,000 in the case of legal persons and sole traders.

(2) Any violation covered by Article 7, paragraph 1, Litterae "a" and "h" of Regulation (EU) No. 1143/2014 shall be punishable by a fine of BGN 1,500 to 8,000 in the case of natural persons, or by a pecuniary sanction of BGN 8,000 to 25,000 in the case of legal persons and sole traders.

(3) Any violation of the requirements of the licence under Article 8, paragraphs 2 and 3 of Regulation (EU) No. 1143/2014 shall be punishable by a fine of BGN 800 to 5,000 in the case of natural persons, or by a pecuniary sanction of BGN 6,000 to 20,000 in the case of legal persons and sole traders.

#### Article 128

(Amended, SG No. 88/2005, SG No. 94/2007)

Any violation of Article 41a (2), Article 92 (1), Article 94 (1), Article 102 (4), and Article 102b (5) herein shall be punishable by a fine of BGN 50 or exceeding this amount but not exceeding BGN 2,000, in the case of natural persons, or by a pecuniary sanction of BGN 100 or exceeding this amount but not exceeding BGN 5,000, in the case of legal persons and sole traders.

#### Article 128a

(New, SG No. 88/2005, supplemented, SG No. 94/2007, SG No. 62/2010, effective 10.08.2010)

Any violation of Article 43a (1), (2) and (3), Article 73 (2), Article 90 (1), Article 102 (2), Article 102a (1) and (2), and Article 119 (2) herein shall be punishable by a fine of BGN 500 or exceeding this amount but not exceeding BGN 10,000, in the case of natural persons, or by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 20,000, in the case of juristic persons and sole traders.

#### Article 128b

(New, SG No. 88/2005)

(1) (Amended, SG No. 52/2007) Any violation of Article 31 (14) herein shall be punishable by a fine of BGN 500 or exceeding this amount but not exceeding BGN 10,000, in the case of natural persons, or by a pecuniary penalty of BGN 1,000 or exceeding this amount but not exceeding BGN 20,000, in the case of juristic persons and sole traders.

(2) (Amended, SG No. 52/2007, SG No. 32/2012, effective 24.04.2012) Any violation of Article 31 (14) and (17) herein officials shall be punished with a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000.

#### Article 128c

(New, SG No. 88/2005, supplemented, SG No. 94/2007, amended, SG No. 101/2015, effective 22.12.2015)

Any other violations of this Act, of Regulation 338/97, Regulation (EC) No. 865/2006, Regulation (EU) No.

511/2014 and Regulation (EU) No. 1143/2014, if the perpetration does not constitute a crime, shall be punishable by a fine of BGN 50 or exceeding this amount but not exceeding BGN 2,000, in the case of natural persons, or by a pecuniary penalty of BGN 100 or exceeding this amount but not exceeding BGN 5,000, in the case of juristic persons and sole traders.

#### Article 129

(1) (Supplemented, SG No. 88/2005, SG No. 94/2007) Any corporeal movables, including live animals and plants, subject to a violation and any corporeal movables which have served for commission of any such violation shall be confiscated, regardless of whose property they are.

(2) (Amended, SG No. 105/2005) The sale of any corporeal movables referred to in Paragraph (1) shall follow the procedure established by the Tax and Social Insurance Procedure Code.

(3) (New, SG No. 88/2005, amended, SG No. 94/2007, SG No. 101/2015, effective 22.12.2015) Paragraph (2) shall not apply in the case of confiscated in favour of the state specimens of the species referred to in Article 37 herein and listed in Annex A of Regulation (EC) 338/97, as well as specimens of species under Article 70, item 2 which have been subject of the violation. In these cases the disposal shall be carried out in pursuance of Article 39 (2) and (3), or of Section VI of Chapter Four, as the case may be.

#### Article 129a

(New, SG No. 88/2005)

(1) For any damage inflicted on certain species of plants and animals listed in Annex 3 hereto culpable persons shall pay compensation.

(2) The amount of said compensation shall be determined by a tariff endorsed by the Council of Ministers.

#### Article 130

(1) (Amended, SG No. 88/2005, SG No. 80/2009) Any violations covered under Article 124 (1) and (3) and Article 125, and Article 128b herein shall be ascertained by a written statement drawn up by an official designated by the Minister of Environment and Water or by the Executive Director of the Executive Forestry Agency, by the Regional Governor or by the Municipality Mayor. The penalty decrees shall be issued, respectively, by the Minister of Environment and Water, by the Minister of Agriculture and Food, by the Regional Governor or by the Municipality Mayor, or by persons authorized thereby.

(2) (New, SG No. 88/2005) Any violations covered under Article 124 (2) herein shall be ascertained by a written statement drawn up by an official designated by the authority that issued the permit, and the penalty decrees shall be issued by the relevant authority that issued the permit or a person authorised by it.

(3) (Renumbered from Paragraph (2), SG No. 88/2005, amended, SG No. 80/2009) Any violations covered under Article 126 herein shall be ascertained by a written statement drawn up by an officer designated by the Minister of Environment and Water or by the Executive Director of the Executive Forestry Agency, and the penalty decrees shall be issued, respectively, by the Minister of Environment and Water and by the Minister of Agriculture and Food or by persons authorized thereby.

(4) (Renumbered from Paragraph (3), amended and supplemented, SG No. 88/2005) Any violations covered under Articles 127, 128, 128a, and 128b herein shall be ascertained by a written statement drawn up by an officer designated by the Minister of Environment and Water, and the penalty decrees shall be issued by the Minister of Environment and Water or by persons authorized thereby.

(5) (Renumbered from Paragraph (4), SG No. 88/2005) 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.

(6) (New, SG No. 88/2005, amended, SG No. 80/2009) The authority that issued the penalty decree whereby a

penalty has been imposed as provided for in Article 125 (2) and (3) shall be bound to notify the Executive Forestry Agency within three days of entry into force thereof.

(7) (New, SG No. 88/2005, repealed, SG No. 77/2012, effective 9.10.2012).

## **SUPPLEMENTARY PROVISION**

§ 1. Within the meaning of this Act:

1. The conservation status of species shall be "favourable" when:

a) population dynamics data on the species concerned indicate that the said species is maintaining itself on a long-term basis as a viable component of the natural habitat;

b) the natural range of the said species is neither being reduced nor is likely to be reduced for the foreseeable future;

c) there is a sufficiently large habitat to ensure the survival of the populations of the said species.

2. The conservation status of a natural habitat shall be "favourable" when:

a) the area covered by the natural range of the said habitat is stable or increasing;

b) the structure and specific functions of the said habitat ensure the long-term existence thereof;

c) the conservation status of the typical species of the said habitat is favourable.

3. "Botanical garden" shall be any institution which maintains collections of live plants for the needs of experimental botanical studies, natural-science and nature-conservation education and awareness, open to the public during more than five months each year.

3a. (New, SG No. 88/2005, renumbered from Item 41, amended, SG No. 94/2007) "Important Plant Area" shall be any territory of world-wide significance for the conservation of plant species, described following the standard methodology of Plant Life International.

4. "Vivarium" shall be any place artificially designed for the raising of wild animals.

5. "Species" shall be any group of morphologically similar organisms of common ancestry, which are potentially capable of interbreeding with each other under natural conditions.

5a. (New, SG No. 94/2007) "Species of Community interest" shall mean species which, within the European territory of the Member States, are endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

6. "Wetland" shall be any area of lake, marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

7. "Importation" shall be the introduction into the customs territory of the Republic of Bulgaria of any specimen, including any specimen which has been taken from the marine environment not under the jurisdiction of any State.

8. (Amended, SG No. 19/2011, effective 9.04.2011) "Aquatic areas" shall comprehend the inundated wooded areas,

the land stock and the continental shelf and the exclusive economic zone.

9. "Restoration" shall be the recreation of communities of organisms, ecosystems and complexes thereof in-situ on the model of the naturally occurring ones or creation of conditions for repopulation or increase of the population size.

10. (Amended, SG No. 94/2007) "Genetic material" shall be any material of plant, animal, or fungal origin containing functional units of heredity.

11. "Genetic resources" shall be genetic material of actual or potential value.

12. (Amended, SG No. 19/2011, effective 9.04.2011) "Forests" shall be wooded areas in the sense as per the Forests Act.

12a. (New, SG No. 101/2015, effective 22.12.2015) "Forest genetic resources" shall be natural genetic resources of tree, bush and game species.

13. "Date of acquisition" shall be the date whereat a specimen was taken from the wild, was born in captivity or was artificially propagated, acquired commercially or through an exchange.

14. "Arboretum" shall be any collection of live trees and bushes within a defined area, organized according to systematic, geographic or other scientific criteria.

14a. (New, SG No. 88/2005) "Small leather articles" shall be any small industrial articles made of leather, such as belts, bands, bicycle-saddles, executive-cases, earrings, key-cases, notebooks, tobacco-pouches, cigarette-cases, wallets, and watch-straps and other similar articles.

15. "Specimen" shall be any animal or plant, whether alive or dead, any readily recognizable part of the body or derivative of the animal or plant, as well as any other goods which appear, from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be identifiable as part or derivative of an animal or plant.

16. "Specimen bred in captivity" shall be any specimen of an animal species born, hatched and raised in captivity, or any artificially propagated specimen of a plant species. Artificially propagated specimen shall be any specimen produced by propagation in an environment created or modified by man or under the control of man, which, in the case of animals, is at least second-generation offspring bred by man without addition of genetic material from the wild.

16a. (New, SG No. 88/2005) "A specimen in helpless condition" shall be any live specimen of an animal species that is injured, physically weak or immobilised as a result of prolonged starvation or infestation.

17. "Ecosystem" shall be any dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit, with specific interconnected processes and a specific general aspect.

18. "Endemic species" shall be any species restricted to a particular geographic region.

18a. (New, SG No. 101/2015, effective 22.12.2015) "Natural genetic resources" shall be all genetic resources of the Republic of Bulgaria of its natural flora, fauna, micota and microorganisms, including pathogens.

19. "Endangered species" shall be any species threatened with extinction within the entire or a large portion of the geographic range thereof.

20. (Amended, SG No. 61/2015\*) "Land tracts" shall be any tracts of agricultural land within the meaning of the Agricultural Land Ownership and Use Act.

20a. (New, SG No. 94/2007) "Site of Community importance" shall mean a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type in Annex 1 or of a species in Annex 2 and may also contribute significantly to the coherence of network of protected areas referred to in Article 3, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region concerned. For animal species ranging over wide areas, sites of Community importance

shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their existence.

21. "Zoo" shall be any permanent establishment where animals of wild species are kept for exhibition to the public for seven or more days a year, with the exception of circuses, pet shops and other establishments which do not exhibit a significant number of animals or species to the public.

22. "Exportation" shall be the removal of any specimen from the customs territory of the Republic of Bulgaria.

23. (Amended, SG No. 94/2007) "Collection" shall be any group of specimens of animal, plant, and fungal species (including seeds or other propagules), bred or stored under strictly controlled conditions and intended for the purpose of research and education or for the purpose of maintenance and restoration of the said species.

24. "CORINE Biotopes site" shall be any area described using the standard international method of the CORINE Biotopes project of the Council of Europe.

25. "Landscape" shall be any area whereof the specific aspect and elements have emerged as a result of actions and interactions between natural and/or anthropogenic factors.

25a. (New, SG No. 88/2005) "Inuit people" shall be ethnic groups inhabiting the endmost Northern territories of Canada, Alaska, Scandinavia and Siberia, also known as Eskimos, the basic means of living thereof being seal hunting.

26. "Habitat of a species" shall be any region defined by specific abiotic and biotic factors, wherein the said species is present permanently or temporarily at any stage of the life cycle thereof.

26a. (New, SG No. 88/2005) "Non-selective traps" shall be any leg-hold traps, bait traps, kill-traps and snares.

26b. (New, SG No. 88/2005, amended, SG No. 19/2009, effective 10.04.2009) "Museum" shall mean a cultural and scientific organisation within the meaning of the Cultural Heritage Act.

26c. (New, SG No. 88/2005) "Mutation" shall be any natural or obtained by selection alteration of the characteristics of individuals within a biological species, whereby the colouring or body form is changed.

26d. (New, SG No. 94/2007) "Mycota" shall mean all species of mushrooms within a certain area.

27. "Organism" shall be any independently existing living body constituted of organs which act in concert. The organism is an individual in a population of any particular species.

28. "Important Bird Area" shall be any area of international importance for bird conservation, described according to the standard international method of Birdlife International.

28a. (New, SG No. 52/2007) "Plans, programmes, projects, and building- development proposals" shall be any plans, programmes, projects, and building-development proposals and any extensions and changes thereto within the meaning of the Environmental Protection Act.

29. "Population" shall be any group of individuals of the same species, occupying a defined area, which can freely interchange genetic material.

30. "Vulnerable species" shall be any species believed likely to move into the endangered category in the near future if the causal factors continue operating.

31. "Natural habitat" shall be any natural or semi-natural terrestrial or aquatic areas distinguished by typical geographic, abiotic and biotic features, lending the said areas a specific aspect.

31a. (New, SG No. 88/2005) "Subject of special areas of conservation" shall be any natural habitats and the habitats of species that are protected in the relevant special area of conservation.

31b. (New, SG No. 52/2007, supplemented, SG No. 62/2010, amended, SG No. 19/2011, effective 9.04.2011) "Projects" shall be any regional plans for the development of wooded areas, forestry plans and programs envisaging activities that do not fall within the scope of Annexes 1 and 2 to the Environmental Protection Act, with the exception of projects, required under the Spatial Development Act.

31c. (New, SG No. 94/2007) "Natural habitats of Community interest" shall mean those habitats which, within the European territory of the Member States, are in danger of disappearance in their natural range or have a small natural range following their regression or by reason of their intrinsically restricted area; or present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions: Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian, and Steppic.

32. "Overriding public interest" shall be the interest of public health, national security, exceedingly beneficial consequences for the environment, as well as specific obligations of primary social importance in respect of transport, energy and communication systems.

33. "Ramsar Convention site" shall be any wetland which satisfies the criteria of the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) (State Gazette No. 56 of 1992).

34. "Rare species" shall be any species whereof the populations are small in size, thinly scattered or dependent on specific factors and, if not immediately then indirectly endangered or vulnerable within the meaning of Items 19 and 30.

34a. (New, SG No. 101/2015, effective 22.12.2015) "Agricultural genetic resources" shall be plants and animals of the cultural flora and fauna - a subject of husbandry.

35. "Rescue centre" shall be any juristic or natural person, designated by the Minister of Environment and Water, which or who looks after the welfare of confiscated live specimens.

36. (Amended, SG No. 94/2007) "Conservation" shall be all measures required to maintain or restore the natural habitats and the populations of wild plant, animal, and fungal species at a favourable status.

36a. (New, SG No. 88/2005) "Endangered species of world-wide conservation concern" shall be any species listed in the "Extinct in the Wild", "Critically Endangered", "Endangered", and "Vulnerable" categories of the actual Red List of the International Union for Conservation of Nature.

37. "Taxon" shall be the common designation of the classification unit whereto subspecies, species and biota above the species level are assigned.

37a. (New, SG No. 94/2007) "Third country" shall mean any country not a Member State of the European Union.

38. "Sustainable management" shall be the management of the use, development and protection of natural resources in a way and at a rate that make it possible to ensure social, economic and cultural benefits to present and future generations without:

a) compromising the ability of future generations and communities to meet their own social, economic and cultural needs;

b) impairing the capacity of ecosystems to perform their soil-protecting and climate-regulating functions;

c) causing significant reduction of biological diversity.

38a. (New, SG No. 88/2005) "Teaching collection" shall be any collection of preparations, herbaria, taxidermic animals in schools that is used for education of pupils, students and persons pursuing their doctor's degree.

39. "Fauna" shall be all animal species in a specific region.

40. "Flora" shall be all plant species in a specific region.

41. (New, SG No. 94/2007) "Centre for breeding and keeping protected species of animals" shall mean any legal person holding a permit issued by the Minister of Environment and Water to keep and breed protected species of animals for the purpose of conservation and/or reintroduction.

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*\*This amendment concerns new spelling of a Bulgarian word which does not affect the English version.*

## **TRANSITIONAL AND FINAL PROVISIONS**

§ 2. Within four years after the entry of this Act into force, the Minister of Environment and Water shall lay the list referred to in Article 10 (3) herein before the Council of Ministers.

§ 3. Within six months after the entry of this Act into force, the Minister of Environment and Water shall lay a draft of the regulation referred to in Article 66 (6) herein before the Council of Ministers.

§ 4. Within one year after the entry of this Act into force, all natural and juristic persons, who or which own any specimens of any species referred to in Items 1 of Article 70 herein, shall register the said specimens according to the procedure established by Section IV of Chapter Four herein.

§ 5. Within one year after the entry of this Act into force, all natural and juristic persons referred to in Article 60 (1) herein shall provide the information as shall be necessary for entry in the registers referred to in Article 63 herein.

§ 6. Within one year after the entry of this Act into force, the persons referred to in Article 96 (1) herein shall present the lists referred to in Article 96 (2) herein.

§ 7. Within four years after promulgation in the State Gazette of the regulation referred to in Article 61 (1) herein, the owners of any zoos shall be obligated to bring the said zoos in conformity with the requirements of the said regulation and to submit an application for the issuance of a licence.

§ 8. (1) The boundaries and regimes of the buffer zones around any strict nature reserves and managed nature reserves, with the exception of such falling within national parks, designated according to the procedure of the Nature Conservation Act as superseded, shall subsist unless modified according to the procedure established by Section IV of Article Two of this Act.

(2) The buffer zones around any strict nature reserves falling within national parks shall be declassified by this Act.

(3) The regimes of the centuries-old trees, designated as protected according to the procedure established by the Nature Conservation Act as superseded, shall subsist unless declassified according to the procedure established by Chapter Five of this Act.

§ 9. This Act shall supersede the Nature Conservation Act (promulgated in the State Gazette No. 47 of 1967; amended in No. 3 of 1977, No. 39 of 1978, No. 28 of 1982, No. 26 of 1988, No. 86 of 1991, No. 85 of 1997, No. 11 and 133 of 1998 and No. 29 of 2000).

§ 10. In the Hunting and Game Protection Act (promulgated in the State Gazette No. 78 of 2000; amended in No. 26 of 2001), the Annex to Item 1 of Article 5 (2) and Article 5 (5) shall be amended as follows:

1. Item "6. Bear (*Ursus arctos* L.)" shall be repealed.
2. Item "23. Great cormorant (*Phalacrocorax carbo* L.)" shall be repealed.

§ 11. The Protected Areas Act (promulgated in the State Gazette No. 133 of 1998; amended in No. 98 of 1999, Nos. 28, 48 and 78 of 2000 and No. 23 of 2002) shall be amended and supplemented as follows:

1. Article 17 shall be amended and supplemented as follows:

a) in Item 5 of Paragraph (1), the words "more than 25 per cent" shall be deleted;

b) in Paragraph (4) at the end, there shall be added "and a favourable decision of the National Council of Biological Diversity".

2. Article 38 shall be supplemented as follows:

a) in Paragraph (3), after the word "decision" there shall be added "by a simple majority";

b) the following two new Paragraphs shall be added:

"(4) Any members of the commission, who dissent from a decision to grant the proposal and who have signed the minutes with a dissenting opinion, shall provide a reasoning of the said opinion in writing within three days. The dissenting opinion shall be attached to the minutes.

(5) In the cases under Paragraph (4), the Minister of Environment and Water shall make a final decision on designation of the protected area or on rejection of the proposal."

3. In Paragraph (1) of Article 39, the words "acting on the recommendation of the commission referred to in Article 38 herein" shall be replaced by "provided that favourable decisions have been made under Article 38 (3) and (5) herein."

4. In Article 42, there shall be added the following new paragraph:

"(6) The size of any protected area may be updated by order under Paragraph (5) even without compliance with the procedures under Paragraph (1), where the adjustment arises from more accurate measurements and is not associated with modification of the established boundaries of the said protected area."

5. In Article 67, there shall be added the following new paragraph:

"(3) The physical security of particular strict nature reserves and managed nature reserves outside the boundaries of the national parks may be commissioned by the Minister of Environment and Water to other executive authorities or to municipalities."

6. Article 74 shall be amended as follows:

a) In Paragraph (1), Items 1 and 4 shall be repealed;

b) In Paragraph (3), the words "endorsed by the Council of Ministers" shall be replaced by "designated by the Minister of Environment and Water".

7. Article 75 shall be repealed.

8. In Paragraph (3) of Article 79, after the word "forest farms" there shall be inserted "and natural park directorates".

9. Article 86 shall be repealed.

10. In Annex 1, the fourth column of the table and the text following the table shall be deleted.

11. In Annex 2, the fourth column of the table shall be deleted.

§ 12. In the Forestry Act (promulgated in the State Gazette No. 125 of 1997; amended in No. 79 and 133 of 1998, No. 26 of 1999, Nos. 29 and 78 of 2000), in Paragraph (2) of Article 3 at the end, there shall be added "save in the cases under Article 67 (3) of the Protected Areas Act".

§ 13. (Amended, SG No. 80/2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The implementation of this Act shall be entrusted to the Minister of Environment and Water, the Minister of Agriculture and

## TRANSITIONAL AND FINAL PROVISIONS

to the Amendment and Supplement Act to the Biological Diversity Act

(SG No. 88/2005, amended and supplemented, SG No. 52/2007)

§ 70. The ban on the catch with snag hooks shall become effective one year after the entry into force of this Act.

§ 71. Paragraph 12 in respect of Article 31 shall become effective on the date of entry into force of the Treaty of Accession to the European Union of the Republic of Bulgaria.

§ 72. (1) Until the entry into force of Paragraph 12 in respect of Article 31, in the case where procedures for EIA of building-development proposals and for EA of plans and programmes in pursuance of the Environmental Protection Act, concerning any potential special areas of conservation, in respect of which the documentation referred to in Article 8 (1) has been lodged with the Ministry of Environment and Water, are carried out, the competent authority may also lay down before the contracting authority any other specific requirements to the scope of information relating to the subject and objectives of the relevant special area of conservation.

(2) In the cases falling under Paragraph (1) where the information pertaining to the extent of damage to the potential special area of conservation is insufficient or inconsistent, the competent authority according to the Environmental Protection Act shall suspend the procedure for EIA or EA notifying the contracting authority thereof.

§ 73. (1) (Previous § 73, SG No. 52/2007) In the cases where the plan, programme or building-development proposal concerns a territory which enjoys a statute both as a protected area according to the Protected Areas Act and as a special area of conservation according to the Biological Diversity Act, Article 31 shall apply.

(2) (New, SG No. 52/2007) In the cases falling under Paragraph (1) no endorsement shall be made by the Ministry of Environment and Water under Article 13 (2) and Item 2 of Article 66 (2) of the Protected Areas Act.

§ 74. (Repealed, SG No. 52/2007).

§ 75. The bans covered under Article 38 in respect of the species "Chamois" and "European Wildcat" shall become effective on the date of entry into force of the Treaty of Accession to the European Union of the Republic of Bulgaria.

§ 76. (1) The ban on the possession, transportation, movement, display at public places and exchange of specimens provided for in Item 7 of Article 38 (1) shall not apply to the specimens, acquired before the entry into force of the Act and representing part of museum or teaching collections.

(2) Any exchange of specimens referred to in Paragraph (1) may be performed only between museums, scientific organisations or schools.

(3) The specimens referred to in Paragraph (1), as well as any newly received specimens, shall be marked and taken account of by the relevant museum, scientific organisation or school.

§ 77. The regulation provided for in Article 31a (1) shall be issued within one year of entry into force of this Act.

§ 78. (1) Within one year of entry into force of this Act, all buffer zones designated in pursuance of the Biological Diversity Act and in pursuance of the Environmental Protection Act shall be re-classified as protected areas according to the Protected Areas Act while keeping their scope, boundaries and regimes. Re-classification shall be carried out by an order of the Minister of Environment and Water without coordination in pursuance of Article 42 (2) of the Protected Areas Act.

(2) Until the re-classification referred to in Paragraph (1), offenders of buffer zones' regimes shall be punished in pursuance of the Protected Areas Act.

(3) Any procedures for designation of new buffer zones that have not been completed as of the date of entry into force of this Act shall be completed in pursuance of Chapter Three of the Protected Areas Act and the sites shall be designated as protected areas.

(\*) ACT to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions the words "1 October 2006" shall be replaced by "1 July 2007".

.....

#### TRANSITIONAL PROVISION

to the Amendment and Supplement Act to the Biological Diversity Act

(SG No. 52/2007)

§ 14. (1) The assessment provided for in Article 31 shall also apply to any plans, programmes, projects, and building-development proposals that, as of the entry into force of this Act, have not been approved in pursuance of the relevant special act or by-law on the basis of which they are being designed or have been approved, but have not entered into force, regardless of whether they fall within the scope of the Environmental Protection Act and whether an environmental impact assessment or an environmental assessment according to Chapter Six of the Environment Protection Act has been either completed or initiated.

(2) The assessment provided for in Article 31 shall not apply, if, in respect of the plans, programmes, projects, and building development proposals referred to in Paragraph (1), § 72 of the Transitional and Final Provisions of the Amendment and Supplement Act to the Biological Diversity Act (SG No. 88/2005) has been applied.

(3) In the cases falling under Paragraph (1), where an environmental impact assessment procedure has been finalised by an operational decision or an environmental assessment procedure has been finalised by a decision or an opinion according to Chapter Six of the Environmental Protection Act, the assessment provided for in Article 31 shall be carried out in pursuance of Article 31 (5).

#### TRANSITIONAL PROVISION

to the Amendment and Supplement Act to the Forestry Act

(SG No. 64/2007)

§ 30. In the Biological Diversity Act (Promulgated, SG No. 77/2002, amended, No. 88/2005 and No. 105/2005, No. 29//2006, No. 30/2006, and No. 34/2006, No. 52/2007) the following amendments and supplements shall be made:

.....

6. Throughout the Act the words: a) "the Head of the National Forestry Board" shall be replaced with "the Chairman of the State Forestry Agency"; b) "National Forestry Board" shall be replaced with "State Forestry Agency"; c) "the Minister of Agriculture and Forestry" shall be replaced with "the Chairman of the State Forestry Agency".

ACT to Amend and Supplement the Biological Diversity Act

(SG No. 94/2007)

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Additional Provisions

§ 68. This Act transposes the provisions of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, Council Directive 79/409/EEC on the conservation of wild birds, and Council Directive 2006/105/EC adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania.

§ 69. Throughout the Act, the wording "authorised" shall be replaced with the wording "empowered", respectively, and the wordings "the Ministry of Agriculture and Forestry" and "the Minister of Agriculture and Forestry" shall be replaced with the wordings "the Ministry of Agriculture and Food Supply" and the "the Minister of Agriculture and Food Supply", respectively.

#### Transitional and Final Provisions

§ 70. Within one year of entry into force of this Act, the owners of any chamois and wildcat hunting trophies acquired before the prohibitions provided for in Article 38 become effective shall notify these to the relevant Regional Environment and Water Inspectorate. The wildcat trophies shall be registered in pursuance of Article 91.

§ 71. Within one year of entry into force of this Act, the owners of any viper farms shall notify the available stocks to the relevant Regional Environment and Water Inspectorate. The available stocks shall be considered legally obtained.

§ 72. The prohibition on the use of lead buck-/bird-shots shall become effective as of 1 June 2008.

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#### TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act Amending and Supplementing the Forestry Act

(SG No. 43/2008)

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§ 78. Throughout the Biological Diversity Act (promulgated, State Gazette No. 77/2002, amended, SG No. 88/2005, No. 105/2005, 29/2006, No. 30/2006, No. 34/2006, SG No. 52/2007, SG No. 53/2007, SG No. 64/2007, SG No. 94/2007) the phrases "forestry boards", "state forestry units" and "state game breeding stations" are respectively replaced by "forestry directorates", "state forestry farms" and "state hunting farms".

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Cultural Heritage Act

(SG No. 19/2009, effective 10.04.2009)

§ 24. The following amendments shall be introduced in the Biodiversity Act (promulgated, SG No. 77/2002; amended, Nos. 88 and 105/2005, 29, 30 and 34/2006, 52, 64 and 94/2007, 43/2008):

.....

2. The words "cultural assets" and "the Cultural Assets and Museums Act" shall be replaced by the words "cultural values" and "the Cultural Heritage Act" respectively everywhere in the text.

#### TRANSITIONAL AND CONCLUDING PROVISIONS

to the Act Amending and Supplementing the Forestry Act

(SG No. 80/2009)

.....

§ 64. Throughout the Biological Diversity Act (promulgated, State Gazette No. 77/2002, amended, SG No. 88/2005, No. 105/2005, 29/2006, No. 30/2006, No. 34/2006, SG No. 52/2007, SG No. 53/2007, SG No. 64/2007, SG No. 94/2007, SG No. 43/2008 and SG No. 19/2009) the following amendments shall be made:

.....

8. Throughout the Act the words:

- a) "Ministry of Agriculture and Food Supply" and "Minister of Agriculture and Food Supply" shall be replaced with "Ministry of Agriculture and Food" and "Minister of Agriculture and Food";
  - b) "The State Forestry Agency" and "The Chairman of the State Forestry Agency" shall be replaced with "the Executive Forestry Agency" and "The Executive Director of the Executive Forestry Agency".
- .....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Biological Diversity Act

(SG No. 62/2010, effective 10.08.2010)

§ 10. The procedures under Article 31, paragraph (1), which have started before the effective date of this Act shall be completed according to the former procedure.

§ 11. The Council of Ministers shall adjust the Regulation referred to in Article 31a to the requirements of this Act by 30 September 2010.

§ 12. This Act shall enter into force on the day of its publication in the State Gazette with the exception of § 5, which shall enter into force on 30 September 2010.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Supplement the Hunting and Game Protection Act

(SG No. 89/2010)

§ 2. As of 1 September 2010 the control over the implementation of the Action Plan for Brown Bear in Bulgaria shall be assigned to the Minister of Environment and Water and the Minister of Agriculture and Food.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to amendment the Act on Fisheries and Aquaculture

(SG No. 59/2012)

§ 119. (1) A person who on the date of entry into force of this law implemented in commercial fishing, breeding and cultivation of fish and other aquatic organisms as a registered buyer activity center or the first sale shall be registered as a legal entity or a sole trader under the Commerce Act within December 31, 2012.

(2) Upon completion of the registration under par. One legal entity or a sole trader filed in NAFA or her respective regional office application form for issuance of a new permit for commercial fishing and making new registration. For the issuance of the new license no charge.

(3) permits and registrations for commercial fishing of persons within the time limit. 1 are not registered as legal entities and sole proprietors shall be terminated as of January 1, 2013.

§ 120. The owner of a ship registered in the register of fishing vessels on the date of entry into force of this Act, within 6 months from the entry into force present in NAFA or its respective territorial unit declaration that his fishing vessel is registered under the Act Food.

§ 121. A person who on the date of entry into force of this Act a licensed commercial fishing in fish husbandry objects of art. 3, para. 1, item 2 shall be registered in accordance with Art. 25 - 25 years later than December 31, 2012.

.....  
§ 124. Within 6 months of the entry into force of this Act, the Minister of Agriculture and Food and the Minister of Environment and Water issued regulations implementing the law.

**Annex 1**

to Item 1 of Article 6 (1)

(Amended, SG No. 88/2005,

amended and supplemented, SG No. 94/2007)

The Code under Column 1 corresponds to the habitat type listed in Annex 1 to Directive 92/43/EEC

The sign "\*" in Column 2 indicates a priority habitat type

The name in Column 3 corresponds to the name of the habitat type listed in Annex 1 to Directive 92/43/EEC

**Annex 2**

to Item 2 of Article 6 (1)

(Amended and supplemented, SG No. 88/2005,

amended, SG No. 94/2007)

The symbol "!" before the name of a species indicates that the species is included in the Appendix to Resolution No. 6 (1998) of the Standing Committee of the Bern Convention

The symbol "\*" before the name of a species indicates that the species requires priority conservation of the habitat thereof

The indication "spp." means all species within this taxon occurring on the territory of the Republic of Bulgaria

**Annex 2a**

to Article 35a

(New, SG No. 94/2007)

1. VERTEBRATES

AVES

ANSERIFORMES

Anatidae

Anser albifrons

CORACIIFORMES

Meropidae

Merops apiaster

## 2. PLANTES

### MAGNOLOPHYTA (ANGIOSPERMAE)

Chenopodiaceae

Bassia hirsuta

Cyperaceae

Carex buxbaumii

Carex disticha

Carex elata

Carex ferruginea

Carex fuliginosa

Carex hartmanii

Carex limosa

Carex pirinensis

Carex punctata

Carex rupestris

Cladium mariscus

Dichostylis mishelianus

Isolepis supina

Kobresia myosuroides (*Elyna bellardii*)

Scirpus litoralis (*Schoenoplectus litoralis*)

Scirpus triqueter

Elatinaceae

Elatine alsinastrum

Elatine triandra

Fabaceae (Leguminosae)

Hedysarum grandiflorum

Hedysarum tauricum

Hippocrepis unisiliquosa

Lathyrus alpestris

Lathyrus montanus

Lathyrus palustris

Lathyrus pancicii

Lathyrus saxatilis

Lathyrus transsylvanicus

Lens ervoides

Lotus uliginosus

Lupinus albus

Medicago carstiensis

Medicago littoralis

Medicago rhodopaea

Oxytropis urumovii

Oxytropis kozhuharovii

Tetragonolobus maritimus

Trifolium ligusticum

Trifolium phleoides

Trifolium physodes

Trifolium rubens

Trigonella spicata

Trifolium spumosum

Trifolium squamosum

Trifolium squarrosum

Vicia abbreviata

Vicia amphicarpa

Vicia truncatulla

Fagaceae  
*Quercus hartwissiana*  
Juncaceae  
Juncus ranarius  
Luzula deflexa  
Orchidaceae  
Orchis laxiflora  
Poaceae (Gramineae)  
Aegilops comosa  
Aegilops geniculata (A. lorentii)  
Aegilops markgrafii (A. dichasians)  
Aeluropus littoralis  
Alopecurus thracicus  
Apera interrupta  
Bromus lanceolatus  
Bromus moesiacus  
Bromus parilicus  
Corynephorus divaricatus  
Elymus picnanthus (*Agropyron litorale*)  
Festuca pirinica  
Parvotrisetum myrianthum  
Perydiction sanctum (*Brachypodium sanctum*)  
Poa aitosenis  
Poa jordanovii  
Poa palustris  
Poa pirinica  
Secale rhodopaeum  
Sesleria korabensis (*S. klasterskii*)  
Danthoniastrum compactum  
Imperata cylindrica  
Parapholis incurva

## 2. MYCOTA

Amylocystis lapponica  
*Boletus dupainii*  
*Boletus permagnificus*  
*Boletus roseoalbidus*  
*Phylloporus pelletieri*  
*Catathelasma imperiale*  
*Leucopaxillus compactus*  
*Clathrus archeri*  
*Cortinarius praestans*  
*Suillus sibiricus*

## BRYOPHYTA

Leucobrium glaucum  
*Sphagnum spp.*

### Annex 3

to Article 37

(Amended and supplemented, SG No. 88/2005,  
amended, SG No. 94/2007,  
SG No. 33/2011, effective 27.05.2011)

The symbol (\*) indicates that the provisions of Article 278d of the Criminal Code apply to the species.

**Annex 4**  
to Article 41(1)  
(Amended, SG No. 88/2005,  
SG No. 94/2007)

The symbol "\*" indicates all species belonging to the respective genus, except the ones included in Annex 3

**Annex 4a**  
to Article 41a  
(New, SG No. 94/2007)

The symbol "+" indicates the Member States where the listed species may be hunted

	BE	CZ	DK	DE	EE	GR	ES	FR	IE	IT	CY	LV	LT	L
Cygnus olor				+										
Netta rufina							+	+						
Aythya marila	+		+	+		+		+	+			+		
Somateria mollissima			+		+			+	+					
Clangula hyemalis			+		+			+	+			+		
Melanitta nigra			+	+	+			+	+			+		
Melanitta fusca			+	+				+	+			+		
Bucephala clangula			+		+	+		+	+			+	+	
Mergus			+						+					



Li mosa limosa			+					+						
Li mosa lapponic a			+					+						
Nu menius phaeopu s			+					+						
Nu menius arquata			+					+	+					
Tri nga erythrop us			+					+						
Tri nga totanus			+					+		+				
Tri nga nebulari a			+					+						
La rus ridibund us	+		+	+	+			+						
La rus canus			+	+	+									
La rus fuscus			+	+										
La rus marinus			+	+	+									
Co lumba oenas							+	+	+			+		
Al auda arvensis							+		+		+	+		

Turdus merula						+		+		+	+			
Turdus pilaris						+	+	+	+		+	+		
Turdus philomelos							+	+	+		+	+		
Turdus iliacus							+	+	+		+	+		
Turdus viscivorus							+	+	+			+		
Garrulus glandarius	+		+	+					+		+			

AT = Austria, BE = Belgium, CY = Cyprus, CZ = Czech Republic, DE = Germany, DK = Denmark, EE = Estonia, ES  
LU = Luxemburg, LV = Latvia, MT = Malta, NL = Netherlands, PL = Poland, PT = Portugal, RO = Romania, SE = Sweden,

**Annex 5**

to Article 44 (1)

(Amended and supplemented, SG No. 88/2005,

SG No. 94/2007)

Prohibited Devices, Methods and Means, Including Motor Vehicles,  
of Capture and Killing

Mammals:

- Live animals, including blind or mutilated, used as decoys;
- Tape recorders;
- Electrical and electronic devices, capable of killing and stunning;
- Artificial light sources;
- Mirrors and other dazzling devices;
- Devices for illuminating targets;
- Sighting devices for night shooting, comprising an electronic image magnifier or image converter;
- Explosives;
- Nets, if designed or applied for non-selective capture;
- Traps, if designed or applied for non-selective capture;
- Cross bows;
- Poison and poisoned or anaesthetic bait;
- Gassing or smoking out;
- Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.
- Dead animals or parts thereof as bait in bear habitats;
- Hunting with birds of prey".
- Use of lead buck-shots for hunting within wetlands;

Birds:

- Snares, limes, hooks, live birds, including birds that are blind or mutilated, used as decoys;
- Tape recorders, electrical and electronic devices capable of killing

and stunning;

- Artificial light sources, mirrors and other dazzling devices, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter;

- Explosives;

- Nets, traps, poison and poisoned or anaesthetic bait;

- Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.

- Use of permanent devices - decoys for hunting waterfowl;

- Hunting with birds of prey".

- Motor boats driven at a speed exceeding five kilometres per hour and, on the Black Sea, exceeding 18 kilometres per hour.

- Use of lead bird-shots for hunting within wetlands and within ? distance of up to 200 m around these;

Fish:

- Poison;

- Explosives;

- Electricity and other devices and means capable of stunning fish.

- Catching with snag hooks;

- Trawling and dragging devices

Means of transport:

- Aircraft;

- Overland motor vehicles in motion.

**Annex 6**

to Article 47 (2)

AVES

ANSERIFORMES

Anatidae

Anas  
platyrnchos

Anas acuta

Anas clypeata

Anas crecca

Anas penelope

Anser albifrons

Aythya fuligula

GALLIFORMES

Phasianidae

Alectoris chukar

Perdix perdix

Phasianus  
colchicus

Tetrao urogallus

GRUIFORMES

Fulica atra

CHARADRIIFORMES

Scolopacidae

Gallinago  
gallinago

Scolopax  
rusticola

COLUMBIFORMES

Columbidae

Columba  
palumbus

Columba livia  
forma domestica

**Annex 7**

to Article 75 (1)  
(Repealed, SG No. 94/2007)

**Annex 8**

to Article 78 (1)  
(New, SG No. 88/2005,  
repealed, SG No. 94/2007)