

**REPUBLIC OF BULGARIA
NATIONAL ASSEMBLY**

NATURE PROTECTION ACT

Promulgated State Gazette No. 47/16.06.1967

Amended SG No. 3/1977; 39/1978; 28/1982; 26/1988 & 86/1991.

I. General Provisions

Article 1

(Repealed SG No. 86/1991).

II. Subject of Protection

Article 2

(Amended SG No. 26/1988)

The land, water, internal sea included, the territorial sea and the exclusive economic zone of the country, the air, ores and minerals, coastal sands, natural vegetation and fauna, natural environment, characteristic landscape and the remarkable natural spots are subject to protection, regulated use and improvement.

Plans and projects for territorial development, as well as for construction, exploitation and other activities, shall be made and approved observing the requirement not to admit destroying, destruction, pollution and deformation of nature.

Ministries, departments, people's councils, enterprises and organizations, upon carrying out these activities, shall co-ordinate the interests of the individual sectors with the expedient use of natural resources and with the permanent interests of the national economy, and shall each year plan the necessary funds for the prevention and removal of the caused damage.

The manner, the procedure and time periods for removal of the damages shall be determined by a regulation to implement this Act.

Article 3

All agricultural lands serving as basic means of production in agriculture are subject to protection.

The users of agricultural lands are obliged to systematically carry out agrotechnical, biological, meliorative and anti-erosion activities for the protection of the soil and its fertility.

In using agricultural and other land, vegetation, water and other natural resources, no acts are allowed which might cause erosion or another kind of deterioration of the state of the soil.

The use for agricultural and other purposes of land, the operation of which might cause sliding or falling through of land strata or other processes which would endanger valuable economic facilities or would create a risk for human health is hereby prohibited.

Article 4

(Amended SG No. 26/1988)

Surface and ground water sources are subject to protection and should be used in a way not to be exhausted and not to be polluted.

All enterprises and organizations, the activity of which influences the water supply of the country are obliged:

to carry out meliorative, agrotechnical, forest-meliorative and sanitary and technical measures on the land used by them aiming to improve the water sources regime, to assist the restriction of the harm caused by water to these areas or to prevent from floods, swamps, saltings, forming torrents, gullies etc.

to use sparingly the water sources and not to allow their nonproductive consumption;

in the process of construction of hydrotechnical facilities to take measures for the protection and normal development of fish reserves in these water reservoirs.

Article 5

Enterprises and organizations whose activity influences the atmospheric air purity are obliged not to allow its pollution above the determined sanitary norms.

Article 6

In the prospecting for, development and exploitation of ores and minerals the corresponding departments and organizations are obliged to take measures for the maximum preservation of the natural environment and for the rational mining of these resources.

Article 7

Forests, in view of their water preserving, water regulating, protective, climatic, health and cultural and aesthetic importance are subject to preservation and regulated use.

All clear cuts must be afforested at latest a year after the clear cutting is over.

Measures of forest economy should be taken leading to the forests' fast recovery, fire protection, protection from damage, pests, illegal cuts and excessive pasture.

Article 8

The green zones and forest plantations near cities, resorts, water supply zones, beaches, roads and railroads and mineral water are subject to special protection because of their health, protective and cultural and aesthetic importance.

The procedure and extent of forest use in sanitary-protective areas and water catchment areas for drinking water supply, mineral waters and curative mud, of forests for resorts and green zones shall be determined by a regulation, approved by the Council of Ministers.

Article 9

The rest of the natural vegetation is also subject to preservation and reasonable use. According to the requirements of the place of growth of the separate vegetation species and complexes and according to the state of the soil the respective authorities shall carry out the necessary activities for their protection.

Collection of medicinal herbs, forest fruits, mushrooms, seeds etc. shall not be allowed in quantities and in a manner leading to their extinction or hampering their reproduction. Separate species of valuable medicinal herbs, forest fruits and other plant species are set under special regime of preservation and cultivation.

Picking of wild flowers on sites for hiking and tourism and in resorts is forbidden.

Article 10

The natural landscape, typical of separate regions or remarkable for its special beauty or representing a characteristic environment is subject to protection and preservation.

In the processes of planning, designing and construction measures shall be provided for the maximum preservation of landscape and site's beauty and for harmonizing the construction with the environment.

The Committee for Territorial and Urban Development shall be responsible for the preservation of landscapes and sites in the process of construction by taking measures of a protective and restorative nature.

Article 11

Wild animals - mammals, birds, fish, reptiles, amphibians etc. are subject to preservation and sensible use. When some species of wild animals cause damage to the national economy or represent a threat to people, their number shall be regulated to a quantity safe for the national economy and the people.

New species of wild animals may be introduced in the country's fauna only after the approval of the Bulgarian Academy of Sciences.

Article 12

Planning authorities, departments, enterprises and organizations are obliged in the process of elaboration of the economic plans, as well as during planning, design and performance of construction:

not to allow disturbance of environmental harmony and cause of damages to some natural resources in the process of exploitation of others;

when using natural resources such as land, forests, water, animals, plants etc. to take measures and plan financial funds to restore and increase them;

not to allow the decrease of the area of forests, agricultural lands, meadows and water reservoirs if on the taken areas more valuable cultures are not created;

to plan measures and funds for the preservation and restoration of the environment.

Article 13

For the management, use and preservation of the separate types of natural resources - land, water, forests, game etc., the respective special acts shall apply as well.

III. Protected Natural Sites

Article 14

Natural sites which have a special scientific, historical or cultural importance, a specific natural beauty or serve as places for recreation and tourism shall be declared protected.

Article 15

Protected natural sites shall be: reservations, peoples' parks, natural landmarks, sites of characteristic landscape, historic sites and valuable species of animals and plants.

Article 16

Natural sites or recesses with remarkable or scientifically valuable vegetation or animal communities, or communities endangered with decrease or extinction, as well as those sites the form of the terrain of which has a permanent importance for science and the national economy and should be preserved in their natural state, shall be declared reservations.

Any actions which might destroy the original character of nature in the reservations are forbidden.

Article 17

Individual sites in the country which are remarkable for great diversity and natural beauty and have great scientific, cultural and recreational importance and are suitable for use as sites for recreation and tourism shall be declared people's parks.

Some other protected natural sites, for which a specific legislative regime applies, may be included in the borders of the peoples' parks as well.

Article 18

Natural sites with geological, paleontological, botanical or other character, which irrespective of the area they are situated in have their scientific, cultural, historic or aesthetic value shall be declared natural landmarks.

Article 19

Natural sites of characteristic landscape - defiles, gorges etc. which can be used as places for tourism and recreation shall be declared protected sites.

Article 20

Areas or parts of them outside towns and villages, in which historic events have taken place, ancient settlements have been discovered, monuments have been erected etc. shall be declared historic sites.

Article 21

Individual species of wild animals and plants endangered with extinction or extermination or which need to be preserved for scientific or economic reasons shall be placed under protection as well.

Article 22

Natural sites shall be declared protected by a order of the Minister of Environment after coordination with the interested agencies. Such orders shall be announced to the population and promulgated in the State Gazette. The borders of the protected natural

sites shall be determined and marked on the terrain by clearly visible and permanent signs.

Article 23

Proposals for declaring certain natural sites protected may be made by institutions, enterprises, organizations and citizen.

Article 24

Management, restoration and preservation of the protected natural sites shall be done in accordance with the provisions of this Act and the Regulation to implement it under the general supervision and control of the Ministry of Environment.

In the process of finding and studying the natural sites which belong to individual citizens or are operated by institutions, enterprises or organizations, until they are declared protected, the Ministry of Environment may temporarily restrict their use by informing of this the respective owners, state or public organizations. During the restriction period each unwarranted action within the limits of the natural sites such as clear cut, grazing, development, destruction, picking etc. shall be considered damage to protected sites.

Article 25

The declaring of natural sites protected shall not change the ownership and possession, but shall only put their operation, use and preservation under the provisions of this Act.

The protected natural sites: reservations, people's parks, natural landmarks, protected sites and historic sites shall be graded as sites of international, national or local importance and shall be written down in the State Registers.

Article 26

Institutions, enterprises, organizations and citizens who own protected natural sites or parts of them shall preserve them and upon request present to the natural protection authorities the necessary information concerning them.

Article 27

Construction in protected natural sites shall be carried out after the written consent of the Ministry of Environment irrespective of the permissions which under the provisions of other laws should be given by other agencies.

IV. Organization of Nature Protection

Articles 28 - 34

(Repealed - SG No. 86/1991).

V. Penal Provisions

Article 35

(Repealed - SG No. 28/1982).

Article 36

(Repealed - SG No. 28/1982).

Article 37

Persons guilty of violation of Article 2, paragraph 2, Article 3, paragraph 3, Article 4, paragraph 2, Article 9, paragraphs 2 and 3, Article 10, paragraph 2 and Article 12 shall be liable to a fine up to 200 Leva and if the violation is made, ordered or allowed by an official - the fine shall be from 50 to 300 Leva.

Article 38

Penalties under the preceding articles shall be imposed if for the committed action another heavier penalty is not provided for under another act.

Article 39

(Supplemented - SG No. 3/1977)

Violations shall be established by an official statement of the bodies of the Ministry of Agriculture and Forests, the Ministry of Environment and People's Councils, as well as other competent ministries and departments.

Participants in the volunteer groups of environmentalists shall sign the statements for the violations established by them.

For violations for which only fine is stipulated as penalty, on the basis of the written statements the Minister of Agriculture and Forests, the Minister of Environment and the chairmen of the executive committees at the Municipal People's Councils or officials appointed by them shall issue penal decrees.

The penal decree shall also stipulate the confiscation of the acquired objects and shall determine a compensation for the damages caused the size of which shall be established by the order provided for in the Regulation to implement this act.

When the deed bears the elements of a crime the statements shall be sent to the prosecutor's office.

Article 40

Statements shall be written and penal decrees shall be issued and appealed under the procedure of Administrative Violations and Sanctions Act (SG No. 92 of 1969).

Penal decrees under which a fine of 20 Leva or less is imposed are not subject to appeal.

Article 41

The provisions of Articles 36, 39, 40 and 48 of the Penal Code shall not apply to violations for which only a fine is provided under this Act. Penalties shall be imposed for these violations even when they are due to negligence.

Article 42

Persons guilty of polluting roadside, hiking or other natural sites - glades, lakes, springs, streams etc. shall be liable to a fine up to 5 Leva. The penalty shall be imposed by state authorities responsible for the protection of nature and the fine shall be collected by them after issuing the respective document.

Regulation to implement this Act approved by the Council of Ministers shall be issued.

Hereby repeals the Decree on Native Nature Protection.

The implementation of this Act shall be assigned to the Minister of Agriculture and Forests and to the Minister of Environment.