



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

*Ref.: Decision V/9d on compliance by Bulgaria with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)*

Sofia, 26. January 2017 <sup>04-00-3434</sup>

*Dear Ms Marshall,*

In response to your letter concerning the second progress review of the implementation of Decision V/9d on compliance by Bulgaria with its obligations under the Aarhus Convention with regard to Communication to the Aarhus Convention Compliance Committee related to the access to review procedures in spatial planning in Bulgaria (Ref. ACCC/C/2011/58), adopted by the Compliance Committee at its fifty-fifth meeting (Geneva, 6-9 December 2016), I would like to bring to your attention the following clarifications:

With respect to the comment in paragraph 57 and the conclusion of paragraph 60, point (c) of the second progress review of the implementation of Decision V/9d, should be noted that the legislative proposals, presented in the third report of Bulgaria for the progress to date in implementation of the recommendations of the Compliance Committee to the Party set out in Decision V/9d, namely – draft act for amendment and supplement of the Spatial Planning Act (SPA) and draft Ordinance amending and supplementing Ordinance № 8 of 2001 on the scope and content of the spatial plans, do not affect the access for members of the public concerned, including environmental NGOs, to review procedures to challenge spatial plans and construction and exploitation permits. **As we stated in the progress report, the draft act for amendment and supplement of the SPA is intended to improve the approval regimes with, inter alia, allowing a wider range of supervisory authorities, competent institutions and NGO representatives (professional organizations of architects and engineers) to carry out administrative control at various stages. This does not provide the public, including environmental organizations, with access to challenge procedures, but could create better conditions the persons to cooperate for prevention of omissions and violations by submitting objections and signals.**

**Fiona Marshall**  
**Secretary to the Aarhus Convention**  
**Compliance Committee**  
**United Nations**  
**Economic Commission for Europe**  
**Palais des Nations, Room 429-4**  
**CH-1211 GENEVA 10**  
**Switzerland**

In this relation, Bulgaria does not provide additional texts that refer to any adopted legislative, regulatory or administrative measures.

We would like to express our gratitude that the Committee has taken into account (paragraph 48 of the second progress review) the already provided by us text of the adopted Act for Amendment and Supplement of the Environmental Protection Act (EPA) (promulgated State Gazette No. 62 of 14.08.2015, effective from 14.08.2015) which introduced new paragraph 3 to article 88 of the EPA aimed to secure the right of the public concerned to appeal/challenge the decisions/statements on strategic environmental assessment (in pursuance of paragraph 2 (a) of decision V/9d).

In paragraph 59 of the second progress review of the implementation of Decision V/9d is stated that: *“the Committee may consider, unless the Party demonstrates a clear intention to address the outstanding issues, to recommend to the sixth session of the Meeting of the Parties that a caution be issued”*.

Given the above, we would like to kindly ask the Committee to inform us what constitutes the measure “caution” and what are the consequences for the Party concerned. We will highly appreciate to receive response from the Committee as soon as possible.

We would like to thank in advance for the kind assistance of the Committee on this matter.

*Yours sincerely,*

*Ivelina Vassileva*

*Minister of Environment  
and Water*

