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Third Environmental Performance Review of Bulgaria: recommendations

Note by the secretariat

Summary

The present document provides recommendations of the third Environmental Performance Review of Bulgaria agreed upon by the Expert Group on Environmental Performance at its meeting held in Geneva on 6 December 2016.

The Committee is invited to adopt these recommendations.

Chapter 1: Legal, policy and institutional framework

Recommendation 1.1:

The Government should:

- (a) Ensure systematic monitoring of implementation of national and local environmental policy documents (strategies, programmes and plans), in particular municipal environmental policies and plans and municipal waste management plans;
- (b) Strengthen its administrative capacity to monitor the implementation of local environmental policy documents;
- (c) Ensure that all implementation reports of national and local environmental policy documents are posted in the respective websites.

Recommendation 1.2:

The Government should:

- (a) Consolidate the air quality legislation;
- (b) Consolidate the water legislation;
- (c) Harmonize the national and local waste management legislation;
- (d) Ensure timely adoption or revision of the key overarching environmental policies, including the National Environmental Strategy, the national adaptation strategy, the Marine Strategy and the river basin management plans;
- (e) Strengthen with additional capacity-building measures and develop methodologies on the application of the regulatory impact assessment system as an integral part of the law-making procedure, including obligatory assessment of the environmental impacts of all legislation.

Recommendation 1.3:

The Ministry of Environment, in cooperation with the Regional Inspectorates on Environment and Water, should improve the quality assurance mechanism ensuring the effective

implementation of the obligations of the Strategic Environmental Assessment, especially at regional level and the provision of support to those carrying out Strategic Environmental Assessments.

Recommendation 1.4:

The Government should adopt an overarching strategic framework for a green economy aimed at strengthening coordinated and coherent development and implementation of green economy initiatives across the country, and establish institutional mechanisms for intersectoral coordination of green economy initiatives.

Recommendation 1.5:

The Ministry of Environment and Water should promote the application of the:

- (a) EU Ecolabel scheme among Bulgarian producers;
- (b) Community eco-management and audit scheme (EMAS).

Recommendation 1.6:

In line with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the Government should:

- (a) Endeavor to provide access to civil society groups, including NGOs, to national funding for activities on matters related to the environment;
- (b) Improve conditions for the involvement of NGOs in the advisory and expert councils and in the interinstitutional working groups in relation to environmental matter.

Chapter 2: Economic instruments for environmental protection and the financing of environmental expenditures

Recommendation 2.1:

The Government should:

- (a) Ensure the environmental effectiveness of the water pollution tax by taking into account the quantity, type and characteristics of major pollutants (substances) discharged into surface and ground water and setting charge rates at a level that creates incentives for pollution reduction;
- (b) Ensure complementarity between the water pollution tax and the system of sanctions for exceeding established pollution standards and the cost effectiveness of the two systems;
- (c) Ensure the environmental effectiveness of the system of sanctions for other polluting activities taking into account the technical and economic feasibility of corresponding regulations.

Recommendation 2.2:

The Government should:

- (a) Require transparency by recovery organizations as regards their recovery fees;
- (b) Regulate effective competition between recovery organizations operating in the same market for end-of-life products;
- (c) Gauge and monitor the overall costs of the enhanced producer responsibility schemes, including the costs of public sector administrations, with a view to ensuring their cost effectiveness.

Recommendation 2.3:

The Government, in cooperation with the National Association of Municipalities and other stakeholders involved, should:

- (a) Establish municipal waste collection fees based on volume of waste generated;
- (b) Consider using, at least at an initial stage, practicable proxy indicators for the volume of waste generated, such as fixed waste charges per capita for each household.

Recommendation 2.4:

The Government should ensure that fees for the collection of medicinal plants and for obtain of other natural resources from forests and protected areas – exclusively state property – provide an adequate rate of return for public finances and therefore adjust fee rates accordingly.

Recommendation 2.5:

The Government should:

- (a) Introduce, if necessary in a gradual fashion, cost-reflective tariffs for use of water resources, such as water abstraction and for use of water for irrigation in agriculture;
- (b) Progressively eliminate existing cross-subsidies in the irrigation sector;
- (c) Promote the introduction of water-saving irrigation technologies.

Recommendation 2.6:

The Government should:

- (a) Take appropriate measures to diminish or end the water supply revenue losses caused by low collection rates and high levels of technical water losses;
- (b) Pursue a policy of gradual increases in water tariffs to levels that allow the generation of sufficient revenues to cover the costs of efficient operations by water companies and their substantive participation in the financing of necessary investments;
- (c) Develop adequate social support policies and measures to ensure the affordability of higher tariffs for low-income households.

Recommendation 2.7:

The Government should review the existing system of full or partial exemptions from excise duties on certain energy products with a view to determining whether they are really the most effective and efficient instruments for achieving the underlying policy objectives.

Recommendation 2.8:

The Government should consider revising the vehicle property tax by using both the engine power and the vehicle emission standard as the general tax base and diminishing, in a gradual fashion, the tax reductions granted to older cars.

Recommendation 2.9:

The Government, in cooperation with the Energy and Water Regulatory Commission, should:

- (a) Initiate a tariff reform that leads to a gradual increase in household electricity tariffs to cost-reflective levels taking into account the need for support to vulnerable consumers through preferential block tariffs and other non-tariff exemptions and protection and/or through the social welfare system;
- (b) Ensure transparency for consumers as regards the costs of social policy support for energy consumption as well as of support for renewable energy sources through feed-in tariffs;
- (c) Promote measures designed to improve the energy efficiency of buildings to reduce energy costs for final energy users.

Recommendation 2.10:

The Government should:

- (a) Establish financial mechanisms that ensure adequate access for vulnerable consumers to utility services;
- (b) Monitor and assess the affordability of all utility services based on pertinent statistics from household budget surveys and income distribution studies conducted by the National Statistical Institute.

Recommendation 2.11:

The Government should:

- (a) Ensure that domestic environmental funds have a stable and sufficient revenue base for financing their activities;
- (b) Ensure effective and efficient use of these funds based on selecting and prioritizing projects that support the main environmental policy goals as well as the adequate monitoring and auditing of the activities of the funds;
- (c) Ensure effective complementarity between the various public sector financing sources and external financing sources;
- (d) Continue strengthening capacities at the central and local government levels as required for the effective and efficient absorption of EU funds.

Chapter 3: Environmental monitoring, information and education

Recommendation 3.1:

The Government should:

- (a) Continue to work towards the implementation of a shared environmental information system that provides relevant, comprehensive, accurate and publicly accessible data and information on the state of the environment;
- (b) Expand the Open Data Portal of the Council of Ministers to cover all environmental information and data in line with Open Data, Shared Environmental Information System principles and INSPIRE implementing rules as well as promote the re-use of public sector information.

Recommendation 3.2:

The Ministry of Environment and Water, through its Executive Environment Agency, should continue improving the automatic monitoring system pertaining to air quality monitoring to provide comprehensive, accurate and publicly accessible information and data on air quality.

Recommendation 3.3:

The Ministry of Agriculture and Food and the Ministry of Environment and Water should improve the forest monitoring system by:

- (a) Ensuring that the network of sampling points, particularly Level I, concerning forest monitoring is preserved and incorporated into regional planning;
- (b) Supporting the continued development of the collaborative forest information system in accordance with the principles of the shared environmental information system.

Recommendation 3.4:

The Ministry of Environment and Water should:

- (a) Address the shortage or, in certain cases, the lack of scientific data in some areas and components related to primary biodiversity monitoring processes and the systematic monitoring of biodiversity;
- (b) Focus additional monitoring attention on species/habitats of national importance that are not being monitored.

Recommendation 3.5:

The Government should address delays in the public procurement process as an impediment to biodiversity monitoring and continue supporting the legislative review of the public procurement process to improve the tendering mechanism.

Recommendation 3.6:

The Ministry of Environment and Water and the Ministry on Health should implement shared environmental information system principles on water-related information and data to streamline data collection and improve their accessibility.

Recommendation 3.7:

The Ministry of Environment and Water should invest in laboratory equipment that would allow targeted monitoring of certain dangerous substances.

Recommendation 3.8:

The Ministry of Environment and Water should:

- (a) Increase the capacities of the Executive Environment Agency regarding soil monitoring;
- (b) Ensure that the national database on soil quality is upgraded and the register of polluted areas is created, and that they are developed in accordance with the principles of a shared environmental information system.

Recommendation 3.9:

The Ministry of Education and Science should ensure regular training for teachers to enhance national educational capacities as regards teaching on sustainable development and environment-related topics, from preschool to secondary education levels.

Chapter 4: Implementation of international agreements and commitments

Recommendation 4.1:

The Government should start the necessary preparatory work and proceed with:

- (a) Acceptance of amendments to the Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Gothenburg Protocol), the Protocol on Heavy Metals and the Protocol on Persistent Organic Pollutants to the Convention on Long-range Transboundary Air Pollution;
- (b) Accession to the 2004 Convention for the Control and Management of Ships' Ballast Water and Sediments;
- (c) Ratification of the 1999 Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes.

Recommendation 4.2:

The Ministry of Environment and Water should:

- (a) Continue efforts to ensure the participation of Bulgaria in the meetings and activities under MEAs and implementation of reporting obligations under the multilateral environmental agreement (MEAs);
- (b) Ensure that guidance and training is provided to MEAs focal points to enable early identification of and effective communication within the Ministry on potential issues with implementation and compliance.

Recommendation 4.3:

The Ministry of Environment and Water should review the current practice of ensuring public participation in development of the Bulgarian position for decision-making in the framework of MEAs and in implementation of MEAs and provide guidance to the focal points on the issue.

Recommendation 4.4:

In line with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), the Government should:

- (a) Bring the legislation into line with the Convention regarding access to justice;
- (b) As part of training programmes for judges and prosecutors, raise their awareness and capacity to deal with cases initiated by members of the public, including environmental organizations, on the basis of environmental legislation and the Convention;
- (c) Consider to establish the Aarhus Clearinhouse national node to provide the public with full up-to-date information about the implementation of the Aarhus Convention with the possibility to subscribe to RSS Feeds.

Chapter 5: Climate change

Recommendation 5.1:

The Government should adopt and implement a national adaptation strategy to climate change building on the national climate change risk and vulnerability assessment and on the insurance options for climate change adaptation in Bulgaria, elaborated both in 2014.

Chapter 6: Water management

Recommendation 6.1:

The Government should continue to reinforce the monitoring of water bodies, in line with the findings of the River Basin Management Plans for the period 2016–2021 and other strategic plans, and predominantly resort to direct methods for the evaluation of the pressures, by systematically using the self-monitoring information, agricultural and industrial statistics, and data provided by municipalities, and by resorting to inquiries to water users.

Recommendation 6.2:

The Government should prioritize water-related investments to improve efficiency of water supply systems and reduce water losses.

Recommendation 6.3:

The Ministry of Environment and Water should continue monitor closely the ecological and chemical status of the Danube River and adopt measures aiming at the implementation of the Marine Strategy and the Black Sea Strategic Action Plan, including reduction of pressure on these waters, from both economic activities such as navigation and fishing and in-land sources of pollution.

Recommendation 6.4:

The Government should:

- (a) Establish the National Centre for Real-Time Water Management and regional centres to increase the preparedness of the population for an adequate response to floods;
- (b) Implement the measures related to flood risk prevention and management, including ecosystem-based approach.

Recommendation 6.5:

The Government should:

- (a) Remove the obstacles identified in the strategic plans for water management and water supply and sewerage (WSS) services that are referred to here, namely in regard to tariff-setting methodology;
- (b) Allow WSS service operators to recover all costs or have access to subsidies in order to fund capex and opex, including replacements and repairs capex;
- (c) Encourage WSS service operators to adopt asset management best practices.

Chapter 7: Air protection

Recommendation 7.1:

The Ministry of Environment and Water and the Ministry of Health should:

- (a) Carry out a cost–benefit study to assess the health and social benefits in the event of a reduction of air pollution by Particulate Matters in urban areas;
- (b) Raise the awareness of the population of the impact of air pollution on health and of the costs induced to health care due to bad air quality.

Recommendation 7.2:

The Government should develop a national air quality model, based on emission and monitoring data, and use it to estimate future trends in air quality.

Recommendation 7.3:

The Government should:

- (a) Promote the use of better heating appliances and the switch to clean fuels;
- (b) Improve thermal insulation of houses, starting in large urban areas, to reduce the consumption of fuel during winter.

Recommendation 7.4:

The Government should increase efforts to reduce total emissions of SO₂, NO_x, NH₃ and PM from industrial and transport sources in order to reduce the formation of secondary aerosols.

Chapter 8: Waste management

Recommendation 8.1:

The Government should initiate an amendment of the Spatial Planning Act in order to facilitate the establishment of waste treatment facilities and remove impediments.

Recommendation 8.2:

The Government should ensure that the elaboration of waste-related programmes is subject to more precise planning and realistic deadlines for implementation of the measures.

Recommendation 8.3:

The Ministry of Environment and Water should:

- (a) Reconsider the collection system for packaging waste;
- (b) Charge the packaging Producers Responsibility Organizations for the recyclables found in residual waste;
- (c) Strengthen the supervision over the system of recycling and extended producer responsibility.

Recommendation 8.4:

The Government should align its policies on recycling with the European initiatives.

Chapter 9: Biodiversity and national ecological network

Recommendation 9.1:

The Ministry of Environment and Water should finalize the new National Biodiversity Strategy and Action Plan.

Recommendation 9.2:

The Government should strengthen the status, value and role of protected areas by:

- (a) Enhancing their administrative, financial and information capacity, including management;
- (b) Using land acquisition and compensation schemes;
- (c) Increasing the percentage of strictly protected areas to achieve Aichi targets.

Recommendation 9.3:

The Ministry of Environment and Water should develop appropriate administration, communications and management capacities for the Natura 2000 sites by:

- (a) Developing appropriate management plans;
- (b) Improving the general public's understanding of the concept of Natura 2000 and acceptance of the Natura 2000 sites.

Chapter 10: Energy and environment

Recommendation 10.1:

The Ministry of Industry and New Technologies should:

(a) Promote the change of production patterns with a view to greening industry by supporting activities related to eco-design and clean production, and eco-labelling in the textile industry;

(b) Create the conditions for the transfer of know-how related to industry, in particular best available techniques, product standards, and technology and innovation platforms.

Recommendation 10.2:

The Agency of Statistics, together with the Ministry of Industry and New Technologies and in cooperation with the Committee on Environmental Protection, should ensure regular environment-related data collection from the industrial enterprises.

Recommendation 10.3:

The Committee on Environmental Protection, together with the Ministry of Industry and New Technologies and in cooperation with the Agency of Statistics, should undertake an assessment of the impact of industry on the environment.

Chapter 11: Energy and environment

Recommendation 11.1:

The Ministry of Energy should continue implementing measures to reduce emissions of the main pollutants into atmospheric air from thermal power stations.

Recommendation 11.2:

The Ministry of Energy should continue improve the electronic grid capacity to accommodate the increase of generation of wind energy.
