

Implementation of Convention's Protocols and Related aspects – Bulgarian Experience

Bulgaria's experience with the implementation of the last three Protocols of the Convention is less experience of meeting the requirements set out therein (although, as will be seen from the exposure below, it is also about such an experience), than experience related to reducing the amount of total national emissions and setting requirements for emissions of harmful substances from stationary and mobile sources. The reason is that the national ceilings set for the country in the current Gothenburg Protocol (GP) are considerably high and Bulgaria has in fact had no problems with achieving this basic requirement of the Protocol. On the other hand, GP has other requirements than the national ceilings. And in order to prepare for accession to the European Union, the country had to cope with challenges such as establishing its own legislation, which is harmonized with the European one, setting its own emission limit values for harmful substances, setting an emissions inventory system, setting its system for application of best available techniques and, last but not least, a system for control over the fulfillment of the requirements of the legislation.

The development of its own regulatory framework, without internal contradictions, the application of which is able to achieve the requirements of protocols and also the European legislation requirements, is of paramount importance.

In Bulgarian legislation there is a horizontal law - Environmental Protection Act and sectorial laws – for water management, for waste management, etc. There is also a special law on air quality – Clean Air Act (CAA).

In order to achieve the requirements of the protocols and of the European legislation, the following acts, sub-statutory to the CAA, are in force:

- Ordinance on inventory of emissions of harmful substances – this ordinance defines the responsibilities of the state institutions for the collection, processing, verification and reporting of national emissions of harmful substances;

- Ordinance on large combustion plants (LCPs) – a very important regulation for the country because firing coal LPGs are the main source of emissions in Bulgaria. This ordinance, in its initial form, transposes the LCP Directive 2001/80 and sets out the operational requirements as well as the emissions limit values (ELVs) for LCPs. Its successful implementation entails a significant reduction in national emissions of sulfur dioxide as well as a reduction in total emissions of other major pollutants;

- Ordinance on the ELVs of harmful substances from industrial sources. In addition to the requirements of the GP, this Regulation defines ELVs for industrial installations that are not covered by the protocol. As long as the country does not have large research and analysis capacities to determine ELVs for individual sectors, it has been decided to “borrow” and to apply the ELVs by German legislation – TA Luft. This was done after consultations with stakeholders – the then Ministry of Economy and Energy, the chambers of industry, as well as individual operators. Of course, where necessary, specific ELVs, other than those in TA Luft have been established. In order to enable operators to meet the new requirements – investing in new purifying facilities, a 5-year transition period has been given to existing installations. This has been a successful move since the entry into force of the ELVs has been almost without problems at national level;

- Ordinances to determine requirements related to emissions of volatile organic compounds. These are three regulations that lay down requirements for the use of solvents, for reducing emissions from transporting fuels and for reducing emissions from paints and varnishes;

- Regulation on emissions monitoring. This is a rather complicated ordinance, which defines the requirements for the different types of measurements – permanent, periodic and control. It sets out a number of technical requirements for measurements, the responsibilities

of operators and control authorities, and so on. The ordinance has been successfully applied for more than a decade and an amendment has been made a year ago in connection with technical progress.

Applying the requirements of EU legislation and the GP would not be possible without ensuring the implementation of the concept of best available techniques. This is provided in the Bulgarian legislation by a special chapter in the horizontal law – Environment Protection Act:

- Practical implementation of the BAT concept is ensured through a special regulation on IPPC permits. It sets out in detail the responsibilities of all participants in a process of issuing IPPC permits – preparation, drafting, adoption and implementation process. It should be emphasized that each of these stages requires careful preliminary preparation in order to build the necessary administrative structures and capacity;

- Methodology for filling in an application for the IPPC issuance;

- Methodology for control of the IPPC permits. National legislation defines regional environmental and water inspectorates as a IPPC permits enforcement body.

It should be emphasized that the development and implementation of legislation to ensure the fulfillment of the requirements of the Protocols to the Convention, respectively the European directives, is a long and complex process. Good legislative basis is an absolute prerequisite, without which it is impossible to meet these requirements.

An essential element in meeting the requirements of the GP and European legislation is the correct prioritization and timely distribution of the individual tasks. Bulgaria, as mentioned, has made significant efforts to reduce sulfur dioxide emissions from LCPs and has achieved significant success. Emissions of dust from these installations were also reduced couple of times. However, for a variety of reasons (including some underestimation of the problem at European and international level), insufficient efforts have been made to reduce emissions of particulate matter from such a sector as domestic heating in winter (more than half of the population in Bulgaria uses solid fuels for heating). As a result, the requirements of the GP and European legislation (Directive 2001/81 on national ceilings) have been met, but the country has failed to meet the requirements for the content of the particulate matter in the air in a number of municipalities. A large part of the population is still exposed to the higher levels of this pollutant, and a decision of the European Court of Justice in Luxembourg was issued against the country. This unambiguously implies that when joining to the protocols, in particular to the GP, a number of essential elements must be taken into account:

- preparedness to meeting the requirements of the protocols themselves;

- the consistency (order) of implementation of the measures to achieve this, given the transboundary impact of emissions from relevant sources;

- the impact of emissions from these sources at national level, in view of achieving and maintaining good air quality.

We believe that the benefits of joining the last three protocols of the Convention are beyond doubt, because of:

- the establishment of a well-structured regulatory system for limitation and control of emissions of harmful substances into the air;

- building national capacity in the field of emissions limitation and control;

- improving the quality of the air at national level and hence reducing the harmful impact of emissions on human health and the environment;

- reducing national emissions of harmful substances in the air and limiting their transboundary impact;

- and the last but not least, the longer postponement of joining to the protocols, the harder it will be for this joining – because science, technology and requirements for emission sources are constantly evolving.