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Ref: Follow-up on ACCC/C/2011/58

15 July 2013

Hristo Stoev  
Chief Expert, Environmental Policies Directorate  
Strategies and Programmes Department  
Ministry of Environment and Waters  
Gladstone Str, 67  
BG-1000 SOFIA  
Bulgaria

Dear Mr.Stoev,

**Re: Follow-up on communication ACCC/C/2011/58**

We refer to the findings and recommendations of the Aarhus Convention Compliance Committee with regard to communication ACCC/C/2011/58. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of Bulgaria that the Committee take the measure referred in paragraph 37 (b) of the annex to decision I/7, had made a number of recommendations with regard to its findings on the communication.

You are now invited to submit information on progress by Bulgaria in implementing the recommendations of the Committee on the above referenced communication no later than **16 September 2013**. On the basis of this information, the Committee at its forty-second meeting (24 – 27 September 2013) will prepare its draft report, including the draft recommendations, to be considered by the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June – 2 July 2014). The draft report will subsequently be shared with the Party concerned and the communicant(s) for comment, and then finalized and adopted by the Committee at its forty-third meeting (17 – 20 December 2013).

For your convenience, the findings and recommendations of the Committee are also annexed to this letter.

Please do not hesitate to contact the secretariat if you require further information.

Yours sincerely,

Anrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva  
Alexander Dountchev, Balkani Wildlife Society, Bulgaria

Annex

**Findings and recommendations with regard to communication ACCC/C/2011/58  
concerning compliance by Bulgaria (ECE/MP.PP/C.1/2013/4)  
(paras. 82 – 84)**

**IV. Conclusions and recommendations**

82. Having considered the above, the Committee adopts the findings and recommendations set out in the following paragraphs.

**A. Main findings with regard to non-compliance**

83. The Committee finds that:

(a) By barring all members of the public, including environmental organizations, from access to justice with respect to General Spatial Plans (para. 66), the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

(b) By barring almost all members of the public, including all environmental organizations, from access to justice with respect to Detailed Spatial Plans (para. 70), the Party concerned fails to comply with article 9, paragraph 3, of the Convention;

(c) By not ensuring that all members of the public concerned having sufficient interest, in particular environmental organizations, have access to review procedures to challenge the final decisions permitting activities listed in annex I to the Convention, (paras. 79–81), the Party concerned fails to comply with article 9, paragraph 2, in conjunction with article 9, paragraph 4, of the Convention.

**B. Recommendations**

84. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 of the meeting of the Parties to the Convention, and noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 37 (b) of the annex to decision I/7, recommends that the Party concerned undertake the necessary legislative, regulatory and administrative measures to ensure that:

(a) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans, Detailed Spatial Plans and (either in the scope of review of the spatial plans or separately) also with respect to the relevant SEA statements;

(b) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention.