



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

Ref.: Communication to the Aarhus Convention Compliance Committee concerning compliance by Bulgaria in connection with public participation and access to justice in relation to an amendment of the General Spatial Development Plan of Plovdiv (ACCC/C/2016/144)

99-00-101

Sofia, 14 August 2017

Dear Ms Marshall,

In reply to your letter, dated 20 March 2017, and in fulfilment of Para. 23 of the Annex to Decision I/7 of the Meeting of the Parties to the Aarhus Convention, we present to your attention the opinion of the government of the Republic of Bulgaria regarding Communication No. ACCC/C/2016/144 to the Compliance Committee of the Aarhus Convention, concerning the compliance by Bulgaria in connection with public participation and access to justice in relation to an amendment of the General Spatial Development Plan of the town of Plovdiv, as follows:

- 1. Regarding the statement of the Communicant that the case with the amendment of the General Spatial Development Plan of the town of Plovdiv adds new facts not only with regard to the non-observance on behalf of Bulgaria of the recommendations, containing in the findings (ECE/MP.PP/2014/13) of the Compliance Committee on Communication No. ACCC/C/2011/58 (ECE/MP.PP/C.1/2013/4) regarding the access to justice at the approval of spatial development plans, but also with regard to the inconsistency of the opinions of the stakeholders, laid down in the first (06 January 2015) and the second (28 October 2015) progress reports in fulfilment of Decision V/9d of the Meeting of the Parties on compliance by Bulgaria with its obligations under the Convention (ECE/MP.PP/2014/2/Add.1).***

We reject the Communicant's statements that in Communication No. ACCC/C/2016/144 submitted by him, he presents new facts with regard to Decision V/9d of the Meeting of the Parties, taken on Communication No. ACCC/C/2011/58 regarding the access to justice in the field of the spatial development planning. The unappealability of the general spatial development plan (GSDP), including by members of the public, is a circumstance, repeatedly submitted to the Compliance Committee, which is directly addressed in Para. 1 (a) and Para. 2 (a) of Decision V/9d.

Here, we would like to draw your attention again to the fact that the principle of unappealability of GSDP (pursuant to Art. 215, Para. 6 of the Spatial Development Act (SDA), including in the context of the application of Art. 9, Para. 2 and 3 of the Aarhus Convention, is based on the plan essence itself – it is a document with strategic importance, which regulates the general policies of the spatial development planning and gives only the general frame and guidelines for building and development of the respective territories by determining the prevailing use and way of development of the individual structural parts on the territories within the scope of the plan and it is a base for their entire development (pursuant to Art. 103, Para. 2 of SDA and Art. 104, Para. 1 of SDA).

Fiona Marshall

Secretary to the Aarhus Convention Compliance Committee

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GSDP has no direct application to permission of construction (pursuant to Art. 104, Para. 3 of SDA) and, therefore, it does not raise certain rights and obligations for the legal persons. GSDP turns out to be a legal instrument, provided by the legislator of the local authorities and the local self-government, for conducting of the development policy and concept on the development of the territory of a given town or municipality. Taking into consideration this specifics, GSDP has no direct and immediate impact on the environment protection, due to which judicial control of the conformity with law is foreseen not for the GSDP itself, but for the act crucial for the environment, inseparable part of the factual aspects of GSDP – the environmental assessment (EA)¹ decision with nature "EA not to be executed"/the EA opinion on agreeing of the plan draft (EA decision/opinion), and the contestation is done in separate proceedings, with strictly regulated right of the affected public to appeal it, in its capacity of a separate administrative act, falling within the scope of the regulation of Art. 9, Para. 3 of the Aarhus Convention (pursuant to Art. 88, Para. 3 of the Environmental Protection Act).

With regard to the imposing of coercive administrative measures (CAM) in cases of unlawfully issuance of acts for approval of development plans, in the First progress report in fulfillment of Decision V/9d and the supplemental information to the Second progress report, it is clearly stated that such measures may be applied on initiative – as per proposal of the affected public, but not by its request, as interpreted by the Communicant. The Administrative Procedure Code (APC) by the procedure regulated in Chapter eight, explicitly envisages the possibility for reporting signals for unlawful or inexpedient actions or inactions of administrative bodies. Pursuant to Art. 107, Para. 4 of APC: *"Signals may be filed for abuse of power and corruption, bad management of state or municipal property or other unlawful or inexpedient actions or inactions of administrative bodies and officials in the respective administrations, by which are affected state or public interests, rights or legitimate interests of other persons."* The procedure is open for all members of the public: *"Every citizen or organisation, as well as the ombudsman, may file a proposal or a signal."* (Art. 109 of APC). The proclaimed principle of objectivity and impartiality is of essential importance: *"The signals may not be decided by the bodies or the officials, against which actions they have been filed, unless when they accept that they are grounded and consider them favourably."* (Art. 113 of APC). Further, it is placed as an explicit requirement regarding the execution: *"The body, who has pronounced the decision, shall undertake measures on its execution, determining the way and the term for the execution."* (Art. 115 of APC). The filed signal does not stop the execution of the disputed act or the execution of particular activity, unless the body, competent to pronounce, directs the execution to stop until pronouncement of the decision (Art. 120 of APC). However, short terms for review, pronouncement of decision and undertaking actions on the signal, regulatorily established by the Code, are present: *"The decision upon the signal shall be taken not later than within two months period after its receipt. When particularly important reasons impose that, the term may be prolonged by the higher body, but not by more than a month, for which the sender shall be notified."* (Art. 121 of APC); *"When considering favourably the signal, the body shall undertake immediately measures on eliminating the admitted violation or inexpedience, for which shall notify the sender and the other interested persons."* (Art. 122, Para. 1 of APC); *"The decision upon the signal shall be executed within one month period after its pronouncement. By way of an exception, when it is imposed from particularly important reasons, the term may be prolonged by the body, who has pronounced it, but not by more than two months, for which the sender shall be notified."* (Art. 125, Para. 1 of APC).

The Code foresees the decision on a given signal to pronounce legal action in direction of elimination of harmful consequences, as a result of unlawful actions and even restoration in case of caused damages: *"At the execution of the decision upon the signal, shall be eliminated the harmful consequences, caused by the unlawful or the inexpedient actions. When that is impossible, the*

¹ This is Strategic Environmental Assessment

affected persons shall be satisfied by another legal way or shall be explained to them the way they should act." (Art. 125, Para. 2 of APC).

If the competent body - the Ministry of Environment and Water or the Regional Inspectorate of Environment and Water, takes into consideration the signal, it may impose CAM – suspension of the implementation of GSDP/GSDP amendment, with order as per Art. 160, Para. 1 of the Environmental Protection Act (EPA), in connection with Art. 158, item 3 of EPA: *"occurrence of an immediate danger of environmental pollution or damage or of damage to human health or property"* and with Art. 158, item 4 of EPA: *"prevention or termination of administrative violations related to environmental protection, as well as prevention and/or elimination of the harmful consequences of such violations"*.

2. Regarding the statement of the Communicant that the case with the amendment of the general spatial development plan of the town of Plovdiv presents the subject of another Communication - No. ACCC/C/2012/76, in different light: the findings and the recommendations with regard to Communication No. ACCC/C/2012/76 refer only to decisions for preliminary enforcement, issued by administrative body, but not by the court, and that the allowance of preliminary enforcement by the court is a serious potential for abuse and a way of evading the national environmental legislation.

We do not accept the Communicant's opinion that the arguments, expressed by him, put in different light the subject of Communication No. ACCC/C/2012/76 concerning injunctive relief in review procedures on decisions on the Environment Impact Assessment, EA and assessment of compatibility with the subject and the objectives of conservation of the protected areas of Natura 2000.

For the purpose of higher clarity, in the attached table we present the possible legal hypotheses in case of allowing preliminary enforcement of EA decision/opinion on GSDP/GSDP amendment, as an obligatory condition for approval of the development plans and their amendments (by virtue of Art. 82, Para. 4 of the Environmental Protection Act), with the respective effects and means for legal protection.

In the particular case, specified in Communication No. ACCC/C/2016/144, the Supreme Administrative Court with its Decision No. 5969 of 15 May 2017 on administrative case No. 14187/2015, left in force decision No. 1756 of 01 October 2015 on administrative case No. 1443/2014 of Plovdiv Administrative Court, which supersedes decision No. PIB-3-EO/08 May 2014 of the Director of the Regional Inspectorate of Environment and Water – Plovdiv. We remind that with the latter it is directed not to implement EA for "Amendment of GSDP of the town of Plovdiv in the scope - zone "Sport and Attraction" within the boundaries on the territory of Recreation and Culture sport complex". The decision is final and is not subject to appeal.

Taking into account this development of the proceedings, the case falls into the hypothesis of Variant 1.1. in the attached table.

Based on the analysis made in the table, the conclusion may be taken that it is of essential importance how the main proceedings on contestation of EA decision/opinion will be completed. In case of eventual cancellation of the decision/opinion, it shall be considered that for GSDP/GSDP amendment an element of the factual aspects is missing, namely valid EA decision/opinion. This is because pursuant to Art. 125, Para. 7 of SDA: *"The environmental assessment shall be part of the development plan."* and pursuant to Art. 82, Para. 4 of EPA: *"The said effective opinion or decision shall be a mandatory condition for subsequent approval of the plan or programme. The authorities responsible for the adoption and implementation of the plan or programme shall reckon with the said opinion or decision and with the conditions, measures and restrictions set therein."*. Then there is a legal reason to impose as a coercive administrative measure (CAM), suspension of the

implementation of GSDP/GSDP amendment, which is not in force any more until completion of the EA procedure, with which practically the condition before the allowed preliminary enforcement of the EA decision/opinion is kept, in the meaning that no further actions can be undertaken on the implementation of GSDP/GSDP amendment, and the current ones are "frozen". The measure can be imposed as specified above, and by public initiative by reporting a signal under the order of Chapter eight of APC. If the court does not cancel the EA decision/opinion, GSDP/GSDP amendment remains valid and in this case the necessity of recovery the condition before the allowed preliminary enforcement of the EA decision/opinion is dropped out.

With regard to this it is important to consider that the proceedings on acceptance of GSDP/GSDP amendment is initial phase - necessary precondition for chronologically subsequent following actions, which is forthcoming to be implemented within the period of GSDP. The implementation of GSDP/GSDP amendment does not lead to immediate implementation of the initiatives within the scope of the territory subject to GSDP/GSDP amendment. This, also in a purely practical aspect, determines the admissibility of the preliminary enforcement of the EA decision/opinion, taking into account that the acceptance of GSDP/GSDP amendment is not related to immediate commencement of construction activities on site, which could cause negative impacts on the environment.

In any case, the allowance of preliminary enforcement of the EA decision/opinion and the acceptance itself of EA decision/opinion, are two separate, running in parallel, independent proceedings, which proceed under different procedural rules and based on different legal bases. The appraisal whether a given EA decision/opinion is in conformity with the law or not, is subject to the main proceedings - on acceptance of EA decision/opinion, and it is based on the respective substantive norms and provisions in the EPA and the subdelegated legislation, and there is no relation to the other running in parallel proceedings – on allowance of preliminary enforcement, regulated with the provisions of APC. Therefore, due to the independent nature of both proceedings, the allowed to preliminary enforcement EA decision/opinion should be considered temporarily entered in force one, if of course, the order for preliminary enforcement is not successfully challenged before the court and subsequently - cancelled. The opposite would completely make no sense for the legal institute of the preliminary enforcement.

3. With regard to the Communicant's statement that the public participation in the procedure on approval of the amendment of GSDP of the town of Plovdiv is hindered and neglected in violation of Art. 6, Para. 3 and Para. 8, in connection with Art. 7 of the Convention.

We think that with regard to Para. 16 of the Communication, an essential element is the last sentence of the cited by the Communicant Para. 1 to Art. 127 of SDA, with is read: *"The public discussion shall be combined and shall be a part of the procedure for consultations on the environmental assessment and/or compatibility assessment, organized and conducted by the developer according to the provisions of the Environmental Protection Act and/or the Law for the Biological Diversity."*

Therefrom it follows that the provision of Art. 127, Para. 1 of SDA gives first the generally applicable mandatory frame of the procedure on the public participation in the proceedings on acceptance of GSDP/GSDP amendment in general, which then is specified and supplemented by more detailed, also mandatory rules for public participation, established by the Environmental Protection Act (EPA) and the Law for the Biological Diversity and the respective subdelegated legislation regarding EA and compatibility assessment, respectively.

Particularly, the legal order on provision of public participation in EA, incl. GSDP/GSDP amendment is, as follows:

Pursuant to Art. 87, Para. 1, item 2 and Para. 2 of EPA, within the EA procedure, the developer of the plan or the programme organizes consultations with the public and the stakeholders, affected by the application of the plan or the programme; the results from the consultations with the public are taken into account in the EA report and are taken into consideration in the opinion of the Minister of

Environment and Water (MoEW) or of the director of the respective Regional Inspectorate of Environment and Water (RIEW). The body competent to take a decision on EA (MoEW/RIEW) is determined depending on the fact which is the department to approve the respective plan/programme - institution from the central or local administration.

The procedure is regulated by Art. 19, 19a, 20, 21 and 22 of the Ordinance on the conditions and order for implementation of environmental assessment of plans and programs, as follows:

The developer organizes consultations with the public, the stakeholders and third parties, which is possible to be affected by the plan or the programme during the different phases of preparation of the plan or the programme, respectively of EA.

The consultations are carried out by a scheme, developed by the developer, which includes also the information on the way of combination the process of planning and the main stages of EA. The scheme is consulted by the competent body (MoEW/RIEW).

The experts, assigned to prepare the EA report, prepare terms of reference for specifying the scope of the assessment, as per which they conduct consultations with the interested public according to the scheme.

The consultations on the elaborated EA report to the plan or the programme include:

1. publication of announcement for conducting of consultation, which includes:
 - a) information about the objectives and the predictions of the plan/programme, as well as information about the approving bodies and the bodies applying the plan/program;
 - b) a place with public access and time for getting acquainted with the draft for the plan/programme, the EA report with all applications and materials to it;
 - c) time for expressing opinion, which could not be shorter than 30 days after the announcement publication and provision of public access;
 - d) way of expressing the opinion, which could not be only by internet or other electronic devices;
2. provision of:
 - a) access and sufficient technical possibility for acquainting with the materials on the EA report, with the draft of the plan/programme and with the visual materials on each of the assessed alternatives;
 - b) an expert or a person with the required qualification from the planning team, responsible for provision of additional verbal clarifications in-situ;
 - c) acceptance of the opinions, expressed within the deadline.

The announcement for conducting of consultations is distributed by the developer's website and/or in other public way. The announcement is submitted to the competent body for information and publication on its website.

The consultations with the public, the stakeholders and third parties can be done in one or several of the following ways:

1. sending of message to the central and the regional bodies of the executive authority and to the municipal councils;
2. elaboration and distribution of leaflet or pamphlet with brief information about the plan/program;
3. organization of experts or public groups on the scope of the assessment;
4. sending by mail or via internet of opinions, proposals, statements and recommendation to the team on the EA report and to the developer;
5. public discussions.

Pursuant to Art. 21, Para. 1 of the Ordinance on the conditions and order for implementation of environmental assessment of plans and programs, public discussions of the EA report is obligatory in the cases when:

- it is required for the draft of the plan or the programme according to a special act, i.e. pursuant to Art. 127, Para. 1 of SDA, for GSDP/GSDP amendment – in all cases;
- more than two motivated negative opinions or proposals are submitted for alternatives, taken into account in the EA report or during conducting of consultations.

The public discussion (hearing) is in conformity with the requirements of the special act, if any, i.e. with regard to GSDP/GSDP amendment – specified in Art. 127, Para. 1 of SDA, as well as with the following minimum requirements for the organization and its conducting:

- The developer notifies in writing the body, as well as the bodies participated in the consultations about the presence of the circumstances under Art. 21, Para. 1 (see above), by determining the place, date and time for conducting of the meeting for the public discussion, as well as for the place of public access and the time for getting acquainted with the draft of the plan/programme, the EA report with all attachments and materials to it.
- The developer informs in writing the persons, submitted the opinion and on his opinion may notify in writing also other persons, bodies and organizations about the public discussion meeting.
- The public discussion meeting is conducted after completion of the consultations on the elaborated EA report and it is managed by the developer or an official authorized by him.
- The developer ensures the presence on the meeting of a representative of the designer's team, of the manager and of independent experts, and they get the attendants acquainted briefly with the plan or the programme and respectively with the results from the carried out EA.
- Minutes of meeting are taken for the public discussion by a person, specified by the developer; the minutes of the meeting are signed by the representative of the developer and by the minute taker and the opinions in writing, submitted in advance or during the discussion, are attached to it.
- The person provides the results from the public discussion to the developer within 3 days from the date of the meeting.

When as a result of the discussion it is necessary to review and assess other alternatives, opinions or proposals to the plan or the programme, or when after the discussions changes in the draft of the plan/programme occur, the developer assigns supplementing of the EA report or evaluates the necessity of continuation of the discussions, including organization of new public discussion.

In compliance with Art. 26 and 27 of the Ordinance on the conditions and order for implementation of environmental assessment of plans and programs, the competent authority (MoEW/RIEW):

- approves the plan/programme, when, among others, as a result of the conducting of the consultations no motivated objections on conformity with law are presented;
- provides to the developer the opinion on EA with obligation for its announcement within 3-day period after the receipt via the developer's website and/or in other appropriate way;
- announces the opinion on his website and in his building.

Based on the above mentioned, the conclusion shall be made that within the EA procedure, legally established opportunities for the public to be informed about the draft of the plan/programme and the EA report with all attachments to it, and to express opinion on them within reasonable time limits, are completely provided – first the consultations on the elaborated EA report to the plan or the programme are conducted, and the time limit for expression of opinion cannot be shorter than 30 days after the publication of the announcement for opening the consultations and the provision of public access, and only then it is proceeded to the public discussion. We think that the above described legal requirements with regard to the public participation in the EA procedure of plans and programmes, completely meet the standard, established by the provision of Art. 7 and in connection with Art. 6, Para. 3, 4 and 8 of the Aarhus Convention.

The statutory rules for public participation within EA are relevant to the procedure on mandatory EA (at stage elaboration of environmental assessment report), i.e. when it is considered that such should be made, and respectively, they are not applicable to the procedure on assessment of the necessity of conducting of EA that is conducted for the draft of GSDP amendment of the town of Plovdiv.

Here, it shall be clarified that according to the applicable regulatory framework, the implementation of EA is obligatory for: plans and programmes in the field of the development planning and the land use, when these plans and programmes outline the framework for future development of investment proposals under Annexes No. 1 and 2 of EPA (activities that can potentially harmfully impact the environment), and especially for GSDP of municipality, part of municipality, of Sofia and Sofia Municipality and of the Black Sea municipalities (Art. 85, Para. 1 of EPA and Art. 2, Para. 1, item 1 of the Ordinance on the conditions and order for implementation of environmental assessment and Annex No. 1 of the Ordinance), as well as in case of considerable amendments of such plans and programmes (Art. 2, Para. 1, item 3 of the Ordinance). The following development plans and their amendments are excluded from this scope: GSDP of a town with its lands, GSDP of settlement formation of national importance; some detailed development plans, including: built-up plans; plot plans for the elements of the technical infrastructure outside the boundaries of the urbanized territories; special detailed development plans, and all these plans are obligatorily subject to assessment regarding the necessity of EA (Art. 2, Para. 2, item 1 of the Ordinance on the conditions and order for implementation of environmental assessment and Annex No. 2 of the Ordinance). It should be specified that according to the valid regulatory framework on EA as of the moment of implementation the EA procedure for the amendment of GSDP of the town of Plovdiv, for the GSDP amendments it is required to obligatorily conduct a procedure on assessment of the necessity of implementation of EA, notwithstanding the importance of the amendment, which is observed by the competent environment body - RIEW Plovdiv.

As a result of the analysis of the regulatory framework for public participation at EA of GSDP/GSDP amendment, it is obvious that for GSDP, in the highest degree "relating to the environment" (within the meaning of Art. 7 of the Aarhus Convention) and their amendments, it is obligatory to conduct EA procedure with the respective strict criteria for public participation, according to EPA and the Ordinance on the conditions and order for implementation of environmental assessment of plans and programs (in compliance with Art. 6, Para. 3, 4 and 8 of the Aarhus Convention), and for all other GSDP/GSDP amendments, even in case that it is assessed that EA is not necessary for them, obligatory public consultations are also foreseen under Art. 127, Para. 1 of SDA.

In conclusion, we express our hope that in the course of further examination of Communication No. ACCC/C/2016/144, the Compliance Committee will take into consideration the opinions expressed by us, as well as the provided information, which we believe that will put extra light on the issues affected in the Communication. We remain at your disposal, in case that further clarifications are necessary.

Yours sincerely,

Neno Dimov

*Minister of Environment
and Water*

Съгласували:

Красимир Живков, заместник-министър, дата

Валерия Герова, директор на дирекция ПАО, дата 16.08.17.

Силвия Рангелова, директор на дирекция КВЕОМС, дата 15.08.17.

Бойко Малинов, директор на дирекция НД, дата 15.08.17.

Ганя Христова, директор на дирекция ПОС, дата 14.08.2017.

Росица Карамфилова, началник на отдел СПОС, дата 11.08.2017.

Изготвил:

Христо Стоев, държавен експерт, отдел СПОС, дата 11.08.2017.

ANNEX

Legal hypotheses when allowing preliminary enforcement of decision/opinion on EA of GSDP/GSDP amendment

Legal method	Procedural rules, established by APC	Variant	Cancellation of the preliminary enforcement of decision/opinion on EA of approved GSDP or its amendment	Cancellation of decision/opinion on EA of approved GSDP or its amendment	Legal effect	Legal means, according to APC and EPA
1. Allowance of preliminary enforcement of decision/opinion on EA of approved GSDP/ amendment by an administrative body.	<p><i>Art. 60. (1) In the administrative act shall be included an order on its preliminary enforcement, when is imposed to be ensured the life or the health of the citizens, to be protected particularly important state or social interests, at danger that may be foiled or seriously hampered the enforcement of the act, or if from the delay of the enforcement may follow significant or hardly repairable damage, or at request of some of the parties – in protection of its particularly important interest. In the last case the administrative body shall require the respective guarantee.</i></p> <p><i>(2) Preliminary enforcement may be admitted and after the pronouncement of the act.</i></p> <p><i>(3) Repeated request of a party under para. 1 may be done only</i></p>	1.1.	Yes	Yes	Despite that GSDP/GSDP amendment is approved and is entered in force (due to its unappealability), it should be considered that there is no obligatory element of the factual aspects for it, namely entered in force EA decision/opinion (pursuant to Art. 125, Para. 7 of SDA and Art. 82, Para. 4 of EPA).	There are legal bases to impose as CAM suspension of the implementation of GSDP/GSDP amendment until completion of the EA procedure, with which practically the condition before the allowed preliminary enforcement of the EA decision/opinion is temporarily kept. The measure can be imposed as specified above in item 1 of our opinion, and by public initiative by reporting a signal under the order of Chapter eight of APC. CAM is imposed with an order by the competent bodies under EPA under Art. 160, Para. 1, in connection with Art. 158, item 3 and item 4 of EPA.
		1.2.	Yes	No	GSDP/GSDP amendment	They are not necessary, since

	on the grounds of new circumstances. (4) The order, by which is admitted or is refused the preliminary enforcement, may be appealed through the administrative body before the court within three days period after its announcement, regardless whether the administrative act has been appealed. (5) The complaint shall be considered immediately in a closed meeting, and copies from it shall not be handed over to the parties. It shall not stop the admitted preliminary enforcement, but the court may stop it till its final decision. (6) When cancelling the appealed order, the court shall decide the matter on its merits. If the preliminary enforcement is cancelled, the administrative body shall renew the situation existing before the enforcement. (7) The definition of the court shall be subject to appeal. Art. 90. (1) The administrative acts shall not be executed, before being expired the terms for their contestation, and when there is a lodged complaint or protest – till the decision of the dispute by the					remains in force. The necessity of restoration the condition before the allowed preliminary enforcement of the EA decision/opinion, is dropped out.	GSDP/GSDP amendment is approved in conformity with the law, based on entered in force EA decision/opinion.
		1.3.	No	Yes		Obligatory element of the factual aspects for GSDP/GSDP amendment is missing, namely valid EA decision/opinion.	Enforcement of CAM suspension of the implementation of the GSDP/GSDP amendment until completion of the EA procedure, incl. also by proposal of the public by submitting a signal.
	1.4.	No	No	No		As at variant 1.2.	As at variant 1.2.

	meeting. The court shall pronounce immediately by a definition, which may be appealed by a private complaint within 7 days period from the announcement thereof. (4) The admitted preliminary enforcement of an administrative act according to another Law, where there is no explicit prohibition for judicial control may be suspended upon request of the appellant under the terms of para. 2.					
2. Allowance of preliminary enforcement of decision/opinion on EA of GSDP/GSDP amendment approved by the court.	Art. 167. (1) In any stage of the case at request of a party the court may admit preliminary enforcement of the administrative act under the conditions, at which it may be admitted by the administrative body. (2) When the preliminary enforcement may cause significant or hardly repairable damage, the court may admit it under a condition of paying of a guarantee in a determined by the court extent. (3) The definition upon the request shall be a subject to appeal within three days period after its announcement. If the preliminary enforcement has been cancelled, it shall be restored the situation, existing before the enforcement.	2.1.	Yes	Yes	As at variant 1.1.	As at variant 1.1.
		2.2.	Yes	No	As at variant 1.2.	As at variant 1.2.
		2.3.	No	Yes	As at variant 1.3.	As at variant 1.3.
		2.4.	No	No	As at variant 1.2.	As at variant 1.2.

