

## **NEW BULGARIAN LEGISLATION IN THE WATER MANAGEMENT**

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**Abstract.** The process of harmonising the environment protection legislation has started in Bulgaria since 1990. In the last couple of years, the state institutions succeeded in the preparation of main part of a legal base, conforming to the legislation of the countries from the European Union. Availability and protection of waters are major problems in Bulgaria partly because of prolonged drought in recent years, but also because of the insufficient new water infrastructure and treatment investments. The new social and economic conditions in Bulgaria as well as the necessity of a new policy in the field of water management imposed an overall renovation of water legislation. In point of view of the process of integration of Bulgaria into the EU and the necessity of harmonisation of the country's legislation with that of the EU, it may be said that the first steps have already been made. The proposed material indicates new Bulgarian water legislation presenting the new ideas for water management in qualitative and quantitative aspects based on river basin approach for sustainable water use in the future. The Water Act gives the framework of water management in the country and defines the secondary legislation, which is necessary for effective implementation of the act and efficient water resource management. The introduction of legal instruments and other means, ensuring the public participation in the process of taking decisions concerning environment and health. The accepted measures for exercising control over pollution of environment provide for decentralisation of control, introduction of local limits for the emission of pollutants in regions with aggravated ecological situation, and building of systems for self-control in factories-pollutants. The material considers the international agreement signed by the country officially, taking into consideration the national commitment against transboundary pollution and national specific problems in water protection and management.

**Keywords:** water management, legislation, environment, Bulgaria.

### **AIMS AND BACKGROUND**

In 1997 Bulgaria made some preparatory steps towards the integration of the country into European Union. At the 1999 meeting in Helsinki, the country was invited to start talks for joining the EU. The coordination of the legislation and administrative systems with those of the EU required that enormous and very

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precise activities concerning the large volume and complicated legislation measures be taken in the field of environment.

Now, Bulgaria is facing a challenge of the negotiations, that the country has already started, as a candidate for EU membership.

Availability and protection of waters are major problems in Bulgaria partly because of prolonged drought in recent years, but also because of the not enough new water infrastructure and treatment investments. The new social and economic conditions in Bulgaria as well as the necessity of new policy in the field of water management imposed an overall renovation of water legislation. In point of view of the process of integration of Bulgaria into the EU and the necessity of harmonization of the country's legislation with that of the EU, it may be said that the first steps has already been made.

The proposed material indicates new Bulgarian water legislation presenting the new ideas for water management in quality and quantity aspects based on river basin approach for sustainable water use in the future. The Water Act gives the framework of water management in the county and defines the secondary legislation, which is necessary for effective implementation of the act and efficient water resource management. The introduction of legal instruments and other measures for ensuring the public participation in the process of taking decisions concerning environment and health is started. The accepted measures for exercising control over pollution of environment provide for decentralization of control, introduction of local limits for the emission of pollutants in regions with aggravated ecological situation, and building of systems for self-control in factories-pollutants.

## WATER ACT

The new Water Act is of framework type, which is, to a great extent, conformable to the requirements of the EU Directive 2000/60/EEC establishing the activity framework of the Community in the field of water policy, but at the same time, in accordance with the conditions in Bulgaria. Generally, the Water Act regulates:

- The right of ownership of waters, water economy facilities and systems;
- Integrated water management in quantitative and qualitative aspect for all waters on the basis of river basin principle. A new provision in the Water Act is the delimitation of 4 main river basins (Fig. 1). The river basin regions in the country are determined by the natural location of watersheds between the water catchment areas of one or more basic rivers on the territory of the country. The requirement for common international river basins places constraints in the formation of the river basins in the country. In this way the following regions for basin management are determined:

1. The Danube region, centered in Pleven – the covers the water catchment areas of the northern part of the country. The Danube river and all its tributaries

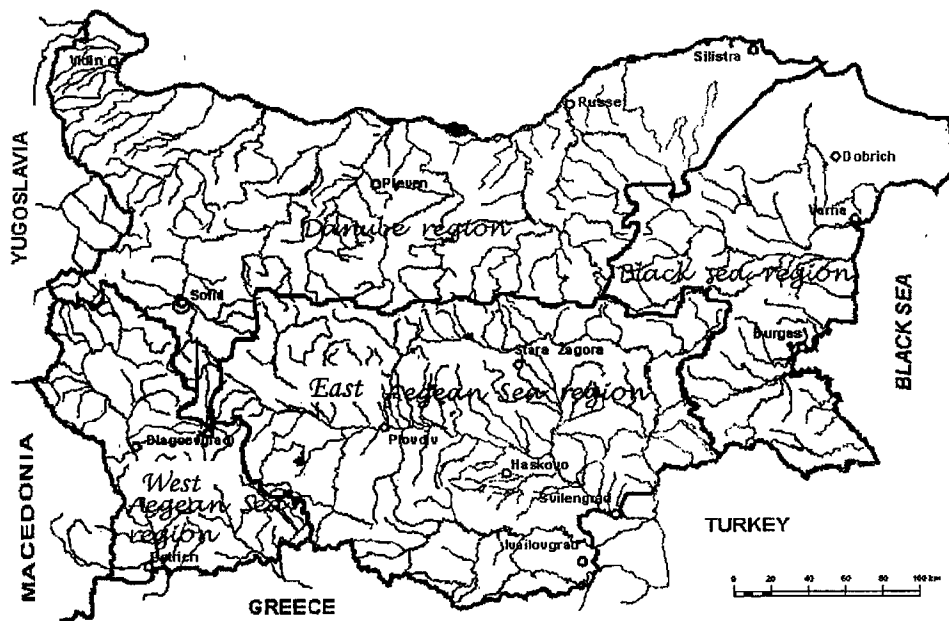


Fig. 1. Water management regions in Bulgaria

in the country are, principally speaking, part of the international catchment of the Danube river. Bulgaria has signed the “Convention on Cooperation, Protection and Sustainable Use of the Danube River”, which has entered into force in 1999.

2. The Black Sea Region centered in Varna – this covers the territory east of the catchment areas of the rivers flowing into the Black Sea from the north to the south border, including the internal marine waters and the territorial sea. The rivers flowing directly into the Black Sea are the only rivers, whose basins are situated completely within the territory of the country, i.e. they are the only ones, for which the country is alone responsible for compliance with the Directive. But for the Black Sea Bulgaria has signed the so-called Black Sea Convention.

3. East White Sea Region centered in Plovdiv – for the water catchment regions of the Tundja, Maritza and Arda rivers.

The Maritza River and its tributaries Tundja and Arda in the country form a part of the international water catchment of the international Maritza river basin together with that of Turkey and Greece. Bulgaria has signed the “Agreement between the People’s Republic of Bulgaria and the Kingdom of Greece” – ratified and in force since 1964. Unfortunately we do not have such a document between our country and Turkey.

4. West White Sea Region centered in Blagoevgrad – for the water catchment regions of the Mesta and Struma rivers.

The Mesta and Struma rivers, which flow into Greek territory also form an international river basin with Greece. There is additionally an “Agreement between the Republic of Bulgaria and Greece for the common use of the waters of the Mesta River”.

- Activities of the competent water authorities:

Water management levels are (Fig. 2):

- at a national level – an exclusive right of the Council of Ministers, exercised through the Ministry of Environmental and Water, assisted by Supreme Consultative Water Council;

- at the river basin level – by river basin authorities.

- Enforcement of the “polluter pays” principle.

- Permission regime for water abstractions and permission regime for discharging waste water.

- Laying the foundation of the economic mechanism in the field of water with a view to achieved a sustainable water management through the establishing of:

- fees for water use;

- fees for discharging waste water into receiving water bodies as incentive for the restriction of natural water pollution;

- sanctions, when the rules set up in the issued permits for discharging waste water are not observed.

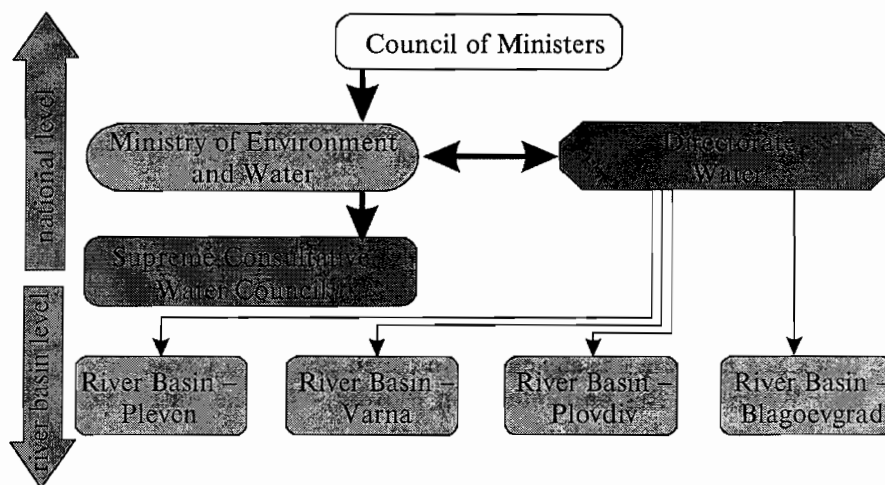


Fig. 2. Water management levels

## SECONDARY LEGISLATION REGULATIONS UNDER THE WATER ACT

As a supplement to the Water Act, the following regulations have been developed which are already in force.

Comparison between Regulation in Bulgarian legislation and EU Directives

No	Regulation	Transpose requirement of
1	Regulation No 1 on the exploration, use and protection of groundwater	Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances
2	Regulation No 2 on the protection of water against nitrates from agricultural sources	Directive 91/676/EEC related to water protection from nitrate pollution from agricultural sources
3	Regulation No 3 for conditions and rules for exploration, design, endorsement and operation sanitary protection areas around water resources and facilities for drinking water supply and around mineral water sources used for medical, profile, drinking and hygienic needs	Directive 2000/60, establishing a framework for Community action in the field of water policy, art. 7, 6 and Annex for protected areas
4	Regulation No 4 of the water quality for fish and for shellfish breeding	Directive 78/659 of the quality of fresh water needing protection or improvement in order to support fish life and Directive 79/923 on the quality required of shellfish water
5	Regulation No 5 on conditions and rules for establishing the nets and for activities of National system for water monitoring	Directive 2000/60, establishing a framework for Community action in the field of water policy, art. 8 for monitoring
6	Regulation No 6 on limit values for permissible content of harmful and dangerous substances in waste water discharges in water bodies	<ul style="list-style-type: none"> <li>• Directive 76/464 on the pollution caused by certain dangerous substances discharged into the aquatic environment of the Community</li> <li>• Directive 84/156 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry</li> <li>• Directive 83/513 on limit values and quality objectives for cadmium discharges</li> <li>• Directive 84/491; Directive 86/280; Directive 91/271</li> </ul>
7	Regulation No 7 on the Procedures and Conditions for Discharging of Industrial Waste Waters into the Municipal Sewage Systems	
8	Regulation No 8 on the quality of coastal sea water	
9	Regulation No 9 on water quality, intended for drinking purposes	Directive 80/778 related to the quality of water intended for human consumption and revised Directive 98/80
10	Regulation No 10 on preparing permits for waste water discharges and setting up individual emission limit values for point's sources of pollution	

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## FORTHCOMING MEASURES CONCERNING APPLICATION OF WATER ACT AND EU WATER FRAMEWORK DIRECTIVE IN BULGARIA

Undertook steps for Bulgarian pre-assassin process and forthcoming open Chapter "Environment" put many questions and challengers in front of the country and Ministry of Environment and Water.

Implementation of new water legislation, associated with river basin approach as new EU principle subsists in Water Framework Directive, requires reformation of existing local authorities or new form for water management and control. This is really new approach, which is going to be in connection with signed from Bulgaria bilateral and multilateral agreements for transboundary river – Danube, Mesta, Struma, Maritza and Black Sea.

There are many important tasks, which are needed so quick decision as:

- institutional formation of the new structures for water management on river basin level and lack of experience in the formation of the new structures for water management;
- assessment of the existing condition of water resources by river basin (including international river basins) using the new philosophy of "good status" of the water resources; define water types;
- determining of the ecological objectives for the groundwater, surface water and protected areas;
- economic analysis – regulating the cost recovery of different types of water services;
- river basin management plans – development of a new approach for water management on quantity and quality aspect;
- GIS and mapping for reporting to the EU.

But there are many problem according those future work:

- A need for training of staff for working in the new river basin level water management structures and for implementation of the new water management methods and approaches.
- No equipment, data, techniques and basic guidelines for the future activity in the new river basin management and water management structures.
- A need for guidelines and materials related to the implementation of the new approaches in water management such as:
  - determining the ecological objectives;
  - economic analysis of water services;
  - application of GIS for the national and international river basins with the purpose of data unification and ensuring easier access to information and decision making for the achievement of the objectives for water protection within the international projects;
  - the lack of experience in dissemination and putting in order of the day the problems of water management, developing public sense and active engagement

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of the society in the decision making on the important problems of water resources management.

## CONCLUSIONS

Bulgaria desires to preserve, protect and manage her water heritage following the new approach and principles of Directive 2000/60 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy. The obligations of the EU member states arising from the Framework Water Directive are also obligations for the membership candidate countries and all deadlines in the Directive applied to them.

Bulgaria has new legal base for water management according requirements of EU Directives and new Water Act.

Bulgaria has signed, ratified and observed different international conventions in the field of water and bilateral agreements, which are base for good links and common water use and protection.

Financial resources to initiate implementation of WFD and Water Act are considerable.

There are not existing good financial mechanism for collect investment and enough finances for first steps for one of the main problems is to find financial mechanisms.

The new philosophy of river basin water management and the challenges, related to the quality objectives, the programs of measures for achieving the objectives, set as well as the economic analyses put in front of the country quite difficult problems, which, due to the presence of international river basins, could not be solved without the mutual efforts of all interested parties, at all levels – local, regional and international.

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