

TRANSPPOSITION OF EU ENVIRONMENTAL LEGISLATION FOR PROTECTING WATERS IN BULGARIA

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The chronology and the extent to which Republic of Bulgaria laws in the water protection field correspond to EU legislation is presented in the paper. The key issues and opportunities for prevention, quality control and river waters protection from different types of contaminants are analyzed.

I. European Union environmental legislation features

Legal problems related to the water protection, are particularly relevant in today's society. The water balance problems in Bulgaria are placed with special power because our country is not particularly rich in water resources. In this context, the water protection in Bulgaria to become corresponding to the international standards is very complex process and requires a lot of efforts and resources. Environmental legislation of our country, as of all eurozone members has to be harmonized with the EU environmental legislation. .

This process begins at the negotiation stage, affecting a large number of regulations and decisions of the European environmental legislation (EEL) . It is believed that EEL is one of the largest EU laws that includes more than 400 regulations.

Legislation is general and sector. General legislation has some basic features. EU legislation in the field of environment is developing more rapidly in recent years and currently contains about 300 pieces of legislation , including directives, ordinances, regulations, decisions and recommendations. To these are added a number of press releases and other documents concerning the EU policy in the field of environment and cross-border cooperation.

General legislation includes:

Directives - This law form is specific for the EU. They are binding all countries - members, but they may contain different requirements that take into account different environmental and economic conditions in each member state. Directives must be transposed into national legislation in accordance with the procedures established in each country. They are legal documents that define the objectives to be achieved without specifying the roads, the means by which you can make that goal.

Ordinances. They directly bind member states and supersede any conflicting national laws. Regulations come into force in the candidate countries from the date of accession. About 10% of EU environmental legislation is in the form of regulations.

Solutions - which are binding on the parties to whom they are addressed and are usually very specifically targeted .

Recommendations and **opinions**, which are not binding .

Regulations - regulations that contain specific standards and norms that are binding for all countries, the difference is only in the period or the time for which they will be achieved.

The basis of EU legislation in the field of the environment called environmental law with which the associated countries in Central and Eastern Europe must equalize their national legislation and administrative practice - is substantially lower. It consists mainly of about 70 directives - however some of them have been changed several times and supplemented by 'daughter' directives and 21 regulations.

The reasons for the development and adoption of a series of legislative acts in the field of environmental protection and of water in particular can be summarized as follows:

- The need of regulation of certain areas in the new socio-economic conditions in the country;
- The need of the adoption of European legislation as an absolute condition for the process of European integration of the country.

The key elements in the process of implementation are:

Transposition - adoption or change of national laws, rules and procedures, so that the requirements of the relevant EU law to be fully incorporated into national law;

Performance - to provide institutions and budget required for the implementation of laws and regulations ;

Imposition - the necessary controls and penalties to ensure full and proper compliance with the law .

Over the past few years in Bulgaria a number of regulations governing social relations in various sectors of the environment have been developed and adopted . The rapid development of environmental legislation arises from:

- Need to regulate certain areas in accordance with the new socio-economic conditions in the country;
- Need to adopt European legislation as a necessary condition for the process of European integration of the country

In terms of sectoral legislation, it also consists of directives, regulations and decisions, which are grouped in the following 10 areas:

- Air quality ;
- Water quality ;
- Waste management;
- Prevention of industrial pollution ;

Prevention of hazardous chemical pollutants;
Nature conservation and biodiversity;
Genetically modified organisms;
Prevention of noise;
Radioactivity safety.

The national legislation in the field of water resources management transferred directly or adapted the basic principles and requirements of EU legislation (the relevant European directives).

To harmonize the national law with the international environmental law is necessary to implement a set of measures that include:

- Increasing international legal knowledge of international environmental law by studying the mechanism of implementation of international environmental norms in Europe by Bulgarian institutions;
- Making the expertise of the regulations in order conscientious fulfillment of international obligations ;
- Increasing the law consciousness and formation of legal culture ;
- Reflection of international environmental commitments in government economic development programs .

The process of effective implementation of EU law through national legislation is implemented through several legal mechanisms.

1. Direct application

In the legal literature and in the practice the concept of "direct applicability " is used in general and special sense. In the first case it covers all legal means of enforcement of norms, and in the second - the application of the rules in the case of offenses or dispute [2].

The practical implementation of the rules is a criterion for their viability and effectiveness. The results of this show which rules are obsolete and what new has to be created . Failure to enforce norms leads to their formal existence.

Implementation of the international standards in the process of international law adaptation into dynamic public relations in the environment protection, is the most topical issues in the world today.

In Europe steps are taken to fill the gaps in the law enforcement and in the improvement of these mechanisms, but problems remain . There is a deficit in the exchange of information between the main actors - public authorities and bodies responsible for the implementation of the Conventions.

2 . System of controls

Creation of central and regional management bodies for the implementation of universal international environmental agreements in Europe is at a relatively good foundation . Europe is very diverse and developed area , revealing a wide range of values, priorities and methods in the field of environmental protection . The European continent is remarkable in that it

provides several well developed blocks of regional relations for dialogue and exchange of experience at a senior level. These two factors offer many practical solutions [1].

The classic approach for organization of environmental policy consists of the establishment of competent authorities in different areas of ecology [4]. For the framework conventions that is done through national coordinators. In his/her region, each coordinator cooperate with committees which execute programs.

3 . Auxiliary instruments – report, bilateral and multilateral agreements

Very often, for better implementation of the conventions protocols, applications, and other types of support acts are accepted. Protocols allow the parties to determine further obligations relating to special and sometimes the technical matters within the subject matter of conventions. Protocols are used very widely at regional agreements in Europe.

The regional international environmental conventions often lead to bilateral or multilateral agreements for cooperation and coordination of their implementation.

4 . Plans, programs and action strategies

The proposal to form a strong supranational coordinating body often does not find political support in the regional agreements because Member States differ in terms of their social, cultural and political traditions. In these cases, plans, programs, strategies for leadership and soft law character do not find great application. That is why, it is advisable to compare these mechanisms with voluntary acts – Declarations which have a number of features similar to the plans, strategies and action programs.

The level and effectiveness of the monitoring varies greatly in the different European countries. The main factor here is the effective operation of the Convention organs in the collection and processing data and information .

6 . Public participation

The care for the environment is a responsibility that everyone should share as violating the natural balance by polluting the environment is a prerequisite for many negative social, economic and health consequences and may be detrimental to the future of humanity. Therefore, the struggle for transparency and the right of public participation in decision making and access to justice, become necessary conditions for good environmental management . These conditions are stated in Principle 10 of the Declaration on Environment and Development 1992 (Rio Declaration). The relevance of this principle enshrined in the Convention on access to information, public participation in the process of decision-making and Access to Justice in Environmental Matters, done at Aarhus , Denmark, on 25 June 1998. Convention is a regional one – it is signed by 40 countries - Member States of the European Economic Commission of the United Nations.

7 . Economic mechanisms

In Europe, economic instruments such as taxes , fines, subsidies are widely used. In terms of the global perspectives , the use of these mechanisms in each European region has to be a subject for a deeper analysis because of the different political and economic models and high economic (often polluting) activities. Some modern economic mechanisms are not yet sophisticated and therefore are not very developed.

Using the methods of economic evaluation is not yet sufficiently widespread, despite his having a great potential for biodiversity conservation through reflection of the economic value of natural resources .

8 . Financing

Implementation efficiency of the Convention largely depends on the human and material resources.

International environmental agreements financing has to expand by the national environmental funds. These funds are usually formed by environmental fees, fines, taxes and other payments . This type of financing is appropriate for regional environmental treaties because their implementation is oriented towards local projects and initiatives.

Another possible source of funding is the private sector which already plays an increasingly larger share in the financing of environment protection activities.

International distribution of funds plays a significant role in the implementation of the international environmental agreements.

9. Increase the potential of technology

Bilateral agreements between neighboring countries are used to increase the potential and technology transfer. They are usually in the direction from the Western countries to the countries of Central and Eastern Europe.

Regional mechanisms based on shared natural resources, allow tofor strengthen the technology role. At the European level under the auspices of the UN and the European Economic Commission special funds for these purposes were established.

In accordance with the various international agreements specialized bodies may be set up. They can serve as an argument for the need to develop a mechanism for accountability [5].

10 . Liability

The idea of an effective international responsibility with the possibility of international law in relation to the international conventions implementation has recently increasing attention especially in the case of transboundary pollution [6].

II. Transposition of European environmental legislation

The first Directives on the water protection are taken back in the 70s of the 20th century. They refer to coastal, surface, drinking water and bathing water. The EU law (statutory directives) focuses more explicitly on the "protection from contamination" while our legislation still trends to the waste preservation.

The national environmental legislation is obliged to adhere to the requirements of the specific European directives and regulations. In the event that no such specific requirements, the requirements of the Treaty on the Functioning of the European Union (TFEU) have to be followed. The environmental problems and priorities characteristics of the different parts of Europe influence the ratification, acceptance, and implementation of international environmental agreements.

Adoption of the Water Framework Directive of the European Union in 2000 was a fundamental step as it introduces a new legislative approach to the management and protection of water based not on national or political boundaries but on natural geographical and hydrological formations - river basins. The Directive also requires that, the various relevant EU policies to be coordinated and a precise timetable for the planned activities to be set so that the goal to achieve a good status for all waters in Europe till 2015 to be fulfilled.

In this connection and on this basis the Bulgarian Water Act was amended and updated. It is the base of the national policy in the field of water resources management. It generally regulates the ownership of waters, water bodies and water facilities and systems, integrated water management in quantitative and qualitative terms. There are also 16 secondary regulations. In the Water Law the principle of "polluter pays" is applied. Also a licensing regime for the water removal and water use facility and waste water discharge are introduced. To achieve sustainable water management, fees are established for the use of water. Fees for the use of bodies of water, including waste water discharge, as an incentive to reduce pollution of the receiving waters by sewage are also established. Penalties for non-compliance in permits are also set.

The main directives concerning the protection of water resources in our country are summarized in Table 1.

Table 1

| Document | Problem concerned |
|--|--|
| Directive 2008/56/EC (Framework Strategy for the Marine Environment) | Integrated Approach to Protection of the Black Sea and Danube |
| Directive 2000/60/EC | Providing sufficient water of good quality |
| Directive 2009/123/EC | Source pollution and penalties |
| Directive 2006/11/ES | Pollution with hazardous substances |
| Directive 200/60/EO | Establishing a framework of EU action in the field of water policy |

In the process of Bulgaria's accession to the European Union, the application of Directive 91/271/EEC for the wastewater treatment from also raises the issue of settlement wastewaters to be cleaned to a level that allows discharge into receiving waters. On the basis of this Directive the Bulgarian Council of Ministers adopted several ordinances:

Ordinance № 7 of 14.11.2000 on the terms and conditions for discharge of industrial waste water into collecting systems of the settlements. The purpose of this Ordinance is the protection of water bodies used for discharge of waste water from contamination with toxic, harmful and dangerous substances. It regulates the relationship between entities and individuals forming industrial wastewater and operators of sewage systems, which are governed by contracts for use of sewer systems to discharge of industrial wastewater. Operators of sewer systems are able to influence the composition and contamination of industrial waste waters by placing individual emission limits for contents of pollutants.

Ordinance № 6 09.11.2000 Emission standards for permissible levels of harmful and hazardous substances in the waste water discharged into water bodies . It aims reducing hazardous and harmful substances in waste water emitted by industry. Hazardous substances are classified according to their toxicity, persistence and bioaccumulation. It requires the construction of new wastewater treatment plants for waste water from agglomerations above 10,000 , construction of new treatment plants for waste water for agglomerations between 2,000 and 10,000 till 31.12.2014, expansion, modernization and reconstruction of existing wastewater treatment plants in agglomerations over 10,000, complete and / or reconstruction of sewage dischargers of wastewater into wastewater treatment plants in agglomerations above 10,000 .

The European Union adopted Directive 98/83/EC about the quality of water intended for human consumption, as well as the EU Directive 75/440/EEC about the surface water quality required for drinking - water supply . In the Bulgarian legislation these directives are reflected in Ordinance № 3 of 16.10.2000 on the terms and conditions for research, design, validation, and operation of sanitary protection zones around water sources and facilities for drinking water supply and mineral water used for therapeutic, prophylactic, drinking and hygiene needs. Their effect is expressed in the obligation to establish, build and operation of sanitary - protective zones around water sources and facilities for drinking - water supply.

Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources is recreated in the corresponding regulation, namely Ordinance № 2 of 13.09.2007 on the protection of waters against pollution caused by nitrates from agricultural sources. The content of this Ordinance mainly consists of good agricultural practice to protect waters against pollution caused by nitrates from agricultural sources, training and information for farmers to implement good agricultural practice; mandatory implementation by farmers in vulnerable areas of the programs of measures for mitigation and prevention of pollution by nitrates from agricultural sources.

At present, Bulgaria takes a part of the Operational Program for cross-border cooperation with Romania. This program is being carried out in the period 2007 - 2013. This program covers both the issues of preservation of ecological balance on both sides of the river and its waters, and concrete measures to enhance the economic, social, cultural cooperation and break down barriers between the two neighboring countries. The ultimate goal of cross-border cooperation in Europe is to integrate areas divided by national borders that face common problems requiring common solutions.

Conclusions:

1. Bulgarian legislation as a whole is now in line with the requirements of EU acts. Environmental legislation is relatively new not only for our country but also for other European countries, this fact somewhat facilitates two processes: the process of harmonization of domestic legislation with ratified international agreements and the process of further harmonization of environmental legislation with EU law.

2. The first step to solve the global environmental problems is the activity of the countries in the process of law establishment activity. But that is not enough, and the main condition for the effectiveness of international environmental standards is the mechanism of adoption of such rules into national law.

3. To align national law with international environmental law is necessary to implement a set of measures that include:

- Increasing international legal knowledge of international environmental law by studying the mechanism of implementation of international environmental norms in Europe by the Bulgarian institutions;
- An expertise of the regulations to be made in order to conscientious fulfillment of international obligations;
- Increasing of law consciousness and formation of legal culture;
- International environmental obligations to be included into the government economic development programs.

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