



MINLEX - Bulgaria Country Report

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This project has received funding from the European Commission under Contract n° SI 2.717317



TABLE OF CONTENTS

- 1. BULGARIA 2
 - 1.1. Summary of findings 2
 - 1.2. General introduction 3
 - 1.3. Legislation governing mineral exploration and extraction 4
 - 1.4. Authorities governing mineral exploration and extraction 13
 - 1.5. Licensing procedures for exploration..... 27
 - 1.6. Licensing procedures for extraction 34
 - 1.7. Court cases on permitting procedures..... 42
 - 1.8. Success rates of exploration and extraction permits 45
 - 1.9. EU legislation impacting permits and licenses for exploration and extraction..... 46

1. BULGARIA

1.1. Summary of findings

Bulgaria has long traditions in mining and belongs to the “mining countries”. The geological explorations extractive industry bloomed during the decades of the 1950s, 60s, 70s and 80s of the 20th century, with a significant decline in the middle 90s during the transition to a free economy. However, since the 2000s, the extractive industry is growing, especially in the production of metals (mainly Cu, Au, Fe, Pb-Zn), coal, industrial minerals, aggregates and facing stones. In the last years the extractive mining industry has been responsible for about 5 % of the GDP. It employs directly about 30,000 and indirectly about 120,000 persons. Bulgaria’s mine production of refined copper and gold ranks 2nd and 3rd in the EU. The statistics on permit applications in the last sixteen years show that construction minerals, followed by industrial minerals and facing stones, are the main interests for exploration and production. Underground mineral resources in Bulgaria are owned exclusively by the state.

Mining in Bulgaria is regulated by the Concessions Act (SG No. /36/2.05.2006) and the Subsurface Resources Act (No. 23/12.03.1999). Other laws of relevance for permitting procedures include the Waste Management Act (53/13.07.2012), the Environmental Protection Act, the Nature Protection Act, the Protected Areas Act (133/11.11.1998), the Act for the protection of the environment (SG 91/25.09.2002), the Water Act (67/27.07.1999), Law for Biological Diversity (SG/77/09.08.2002) and the Health and Safety Working Conditions Act, among others. **Bulgaria has a centralised regime where all licenses for all kind of commodities are processed after a written application to the Ministry of Energy.** Other relevant co-authorities are the Ministry of Environment and Waters and the Regional Inspectorates on Environment and Water, which coordinate the environmental permitting with the Ministry of Environment. Permits for exploration are granted by the Ministry of Energy upon approval by the Council of Ministers or for the continental shelf and the EEZ by the Council of Ministers.

Concessions for extraction of subsurface resources are granted by: i) competition, ii) tender, or iii) by right of a licence holder for prospecting and exploration or for exploration if a commercial discovery was made. Concessions for extraction may be granted for terms of up to 35 years, extendable for another 15 years. **Following the Environmental Protection Act almost all mining activities are subject to an EIA**, thus the Ministry of the Environment and Waters is frequently involved as a co-authority as well as the Regional Inspectorates, which act as regional environmental permitting authorities. A permit may be granted only after being coordinated and not rejected by other co-authorities such as the Ministry of Defence, Ministry of the Interior, National Security Agency (if national defence issues are at stake), the Ministry of Culture and the concerned municipality (local land use planning).

Main permitting problems involve a slow processing of applications and conflicts in the implementation of environmental legislation, particularly under the Law for the environmental protection, Law on protected areas and the National Ecologic Network (under the Law for biodiversity). The Law for the protected territories provides more or less precise requirements for these areas and seems easier to follow. However, and according to the Bulgaria country expert: “the Law for the environmental protection and the Law for the biodiversity provide many opportunities to NGOs, representatives of the local power and individuals to contest already granted permits or even to contest a permission procedure. Another problem lies in the Investment Promotion Act, in which the extractive industry is not considered a priority”. During the period 2000–2015 an exploration permitting success rate of 50 % was reported; no information is available for extraction permitting success rates.

1.2. General introduction

Bulgaria is located on the Balkan Peninsula of SE Europe with a territory of 110,910 km². The territory is split in two by the east-west trending Balkan Range (Stara Planina Mountain), creating two specific geographical provinces in Northern and Southern Bulgaria. The population is around 7 million (end of 2015, National Statistical Institute). In 2015 GDP of Bulgaria amounted to about 38 billion € and real GDP per capita to about 5750 €. The national currency is the Bulgarian lev (leva in plural) (1 lev=100 stotinki) fixed to the EUR (1 EUR = 1.95583 Leva).

The main religion is the Eastern Orthodoxy (around 80 %); Islam – expressed mainly by the Turkish minority, Bulgarian Muslims and part of the gipsy population, Catholicism in its eastern variant, Jewish, etc. Official language is the Bulgarian. Among the minorities 96,6% of the Turks consider the Turkish as mother tongue, among the gipsy minority 85% consider the gipsy language as mother tongue, 7,5% the Bulgarian and 6,7% the Turkish. The highest governing bodies in Bulgaria are the Parliament, the President of the Republic and the Government. Parliament (“Narodno Subranie”, meaning National Assembly) performs laws and decides upon the state budget. The Parliament also supervises the operations of the government. The President has mainly a representative function, but it is Supreme Commander of the Army and may impose a veto on voted legal acts. The parliament includes 240 Members. The Members of Parliament are appointed by election for four years at a time. The Capital of Bulgaria is Sofia. The country is split in 26 administrative regions ruled by governors and 265 municipalities ruled by mayors.

In 2015 the economy of Bulgaria was dominated by: 1. the extractive industry, industrial production, production and distribution of power, waste disposal, etc.; 2. Trading, car repair, transport, storing and mailing services, tourism (hotels and restaurants), 3. State governing, education, health care, social work and 4. Financing, information products, construction building, forest activities, etc.

The territory is part of the Alpine orogen. In its basement are found the re-worked remnants of older structure. The territory has a rich and diverse rock and structural shape. Bulgaria has long traditions in mining and belongs to the “mining countries”. The geological explorations extractive industry was blooming during the 50-60-70-80s of the 20th century, with a significant decline in the middle 90s during the transition to a free economy. However, since 2000s the extractive industry is in clear progress, which affects production of metals (mainly Cu, Au, Pb-Zn), industrial minerals, aggregates and facing stones. In the last years, the extractive mining industry has been responsible for about 5% of the GDP. It employs directly about 30,000 and indirectly about 120,000 persons. Bulgaria’s mine production of refined copper and gold ranks 2nd and 3rd in the EU.

Mineral ownership

As stated by the Constitution of the Republic of Bulgaria and the “Subsurface Resources Act” (Mining Law) the subsurface mineral resources are exclusive state property. All kind of activities related to the extractive industry are regulated by the State. Production of minerals can be performed only under concession provided by the State for a period up to 35 years, extendable by 15 years.

1.3. Legislation governing mineral exploration and extraction

The main legal act governing mineral exploration and extraction in Bulgaria is the “Law/Act for the underground resources” (Mining law). It was adopted in 1999 with several amendments, last amended in 2015. In most official translations, it is named as “Subsurface Resources Act”. It regulates all activities related to permits for onshore and offshore exploration, prospecting and production (exploitation) for all kind of commodities. The Concession Law concerns the rights for exploitation.

As stated by the Mining Law it applies to:

1. prospecting, exploration and extraction of subsurface resources on the territory of the Republic of Bulgaria, its continental shelf and the exclusive economic zone in the Black Sea;
2. conservation of the bowels of the earth through rational use of the subsurface resources in the course of prospecting, extraction and primary processing.
3. management of mining waste resulting from prospecting, extraction and primary processing of subsurface resources.

The Act does not apply to activities related to: a) research, training and teaching activities; b) extraction of gold from river beds through manual panning; and c) extraction of salts and elements from sea water.

Definition of “mineral resources”

Subsurface resources under this Act are the mineral resources and mining waste resulting from extraction and primary processing. They are defined as:

1. metalliferous mineral resources;
2. non-metal mineral resources - industrial minerals;
3. oil and gas;
4. solid fuels;
5. building materials;
6. facing-stone materials;

7. mining waste.

(Further in the text any comments concerning points 3 and 4 will be avoided, as they are outside of the aim of the project. Even very similar there are some specific requirements for them.)

Comment by the author of the country report: The subsurface resources under item 5 and 6 are nominated as “**wide-spread mineral resources**”. With a view to limit the intensity on the territory of the country of mining activities, the Council of Ministers can adopt a decision to limit the granting of licences for prospecting for the most widely spread mineral resources for a certain period. The decision of the Council of Ministers shall serve as grounds to deny granting of licences. *There are not clear principles defining such an eventual decision.*

Table 1: Bulgaria. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Mining, concession minerals management, technical safety	BG-L1	Constitution of the Republic of Bulgaria Promulgated, State Gazette No. 56/13.07.1991 (effective 13.07.1991), last amended SG No. 12/6.02.2007	http://www.vks.bg/english/vksen_p04_01.htm	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L2	Subsurface Resources Act 23/12.03.1999, amended, SG No. 19/8.03.2011, last amended SG 56/24.07.2015	http://www.mio.government.bg/library/index/download/lang/en/fileId/321	Y	Y	Y	Y	Y	Y	Y	Y	none
	BG-L3	Concessions Act, SG No. 36/2.05.2006, last amended SG 43/07.06.2016	http://www.minfin.bg/document/13573:2 ; http://www.mrrb.government.bg/?controller=articles&id=379 (in Bulgarian)	Y	Y	N	Y	Y	Y	Y	Y	Y

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	BG-L4	Waste Management Act, 53 of 13.07.2012; last amended SG 61/25.07.2014	http://www.moe.gov.bg/files/file/Waste/Legislation/Zakoni/English_versions/Waste_Management_Act.pdf	N	N	N	Y	Y	Y	Y	Y	A special ordinance for the Mining Waste Management was accepted on 07.01.2016 and issued in SG 5/19.01. 2016 g
	BG-L5	State Property Act SG No. 44/21.05.1996; last amended SG 41/02.06. 2009	http://archive.bild.net/legislation/docs/4/civil20.html	Y	N	Y	Y	Y	Y	Y	Y	
	BG-L6	Investment Promotion Act (Title amended, SG No. 37/2004)	http://www.miovernet.gov.bg/en/library/zakon-za-nasarchavane-na-investiciite-112-c25-m258-1.html	Y	N	Y	Y	N	N	N	Y	The laws say that the extraction industry is not a priority
	BG-L7	Law for preservation of carbon dioxide in the earth bowls, promulgated SG 14/17.02.2012, effective 17.02.2012; last amended SG 14/20.02.2015	https://www.miovernet.gov.bg/library/index/download/lang/bg/fileId/465	Y	N	Y	Y	Y	Y	Y	Y	After the Mining Law, all procedures for exploration and prospecting and extraction have to be in consensus with it.
	BG-L8	Privatization and Post-Privatization Control Act, Promulgated, State Gazette No. 28/19.03.2002; amended and supplemented, SG No. 24/31.03.2009	http://www.priv.govnet.gov.bg/en/legal-frame/laws	N	N	N	Y	Y	Y	Y	Y	The Mining Law allows acquisition of a concession through a privatization contract.

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks	
						exploration	extraction	post-extraction	local	regional	(central) national		
Environment	BG-L9	Environmental Protection Act., SG 91/2002, last amended SG No. 98/28.11.2014; last amended SG 62/14.08.2015 r	http://www3.mow.government.bg/files/file/PNO/OP/Acts_in_English/Environmental_Protection_Act.pdf (in English); http://www3.mow.government.bg/files/file/Legislation/Zakoni/ZOOS.pdf (in Bulgarian)	Y	Y	Y	Y	Y	Y	Y	Y	Y	none
	BG-L10	Law of the Purity of Atmospheric Air (Clean Ambient Air Act), accepted 15 May 1996, effective SG 45/28.05.1996; Amended and supplemented by: Environmental Protection Act. - 03 June 2011, SG No. 42/3.06.2011; last amended SG/ 20.02.2015.	http://www3.mow.government.bg/files/file/PNO/OP/Acts_in_English/Clean_Ambient_Air_Act.pdf	Y	N	N	Y	Y	Y	Y	Y	Y	none

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Nature conservation, forestry	BG-L11	Protected Areas Act No. 133/11.11.1998, SG No. 19/8.03.2011, effective 9.04.2011; last amended SG 66/26.07.2013	http://www3.moev.government.bg/files/file/PNOQP/Acts_in_English/Protected_Areas_Act.pdf	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L12	Law for the biological diversity; SG/77/09.08.2002; last amended SG 66/26.07.2013	http://natura2000.moev.government.bg/Home/CmsDocument/18_(in_Bulgarian)	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L13	Act for the forests; SG125/29.12.1997, last amended SG 103 29.12.2009	http://www.mrrb.government.bg/?controller=articles&id=361_(in_Bulgarian)	N	N	Y	Y	Y	Y	Y	Y	none
Water management	BG-L14	Water Act, 67/27.07.1999, in force from 28.01.2000; last amended and supplemented, SG No. 103/29.11.2013	http://www.mrrb.government.bg/?controller=articles&id=359_(in_Bulgarian) ; http://faolex.fao.org/docs/pdf/bul33607.pdf ;	Y	N	Y	Y	Y	Y	Y	Y	none

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Land use planning, spatial development, soil management	BG-L15	Law for the arrangement of the territory; in force from 31.03.2001, SG 01/02.01.2001; last amended SG. 51/05.07.2016	http://www.mrrb.government.bg/?controller=articles&id=389 (in Bulgarian)	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L16	Municipal Property Act SG No. 44/21.05.1996; last amended SG 43/07.06. 2016	http://www.promise-project.net/wp/wp/project-library/doc/03-Bulgarian-Legislation/Municipal%20Property%20Act.pdf	Y	N	N	Y	N	Y	N	N	none
	BG-L17	Local Government and Local Administration Act: first accepted SG 77/17.09. 1991; last amended SG 57/26.07.2011;	http://www.bcnl.org/en/articles/702-law-for-the-local-government-and-the-local-administration.html ; http://www.mrrb.government.bg/?controller=articles&id=393	Y	N	Y	Y	Y	Y	N	N	none
	BG-L18	Law for the preservation of the agricultural lands SG 35/24.04.1996; last amended SG 103/29.12.2009	http://www.mrrb.government.bg/index.php?controller=articles&id=371	N	N	Y	Y	Y	Y	Y	Y	none

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	BG-L19	Law for ownership and use of the agricultural lands SG 17/01.03 1991; last amended SG 99/15.12.2009	http://www.mrrb.government.bg/index.php?controller=articles&id=377	N	N	Y	Y	Y	Y	Y	Y	none
	BG-L20	Soils Act SG No. 89/6.11.2007, amended, effective 1.01.2011, SG No. 92/22.11.2011	http://www3.moev.government.bg/files/file/PNOOP/Acts_in_English/Soils_Act.pdf	N	N	Y	Y	Y	Y	Y	Y	none
transportation, construction, catastrophe protection, police, military	BG-L21	HEALTH AND SAFETY WORKING CONDITIONS ACT accepted SG 124/23.12.1997 last amended SG 79/13.10.2015	http://www.gli.government.bg/upload/docs/2016-04/ZZBUT.pdf (in Bulgarian)	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L22	DISASTER PROTECTION ACT; Prom. SG. 102/19 Dec 2006, amend. SG. 80/14 Oct 2011	http://www.migovernment.bg/library/index/download/lang/en/fileId/304	N	N	Y	Y	Y	Y	Y	Y	none
	BG-L23	Law for the weapons, ammunitions, explosives and pyrotechnic products SG 73 of 2010 г.; Law for the amendment of the Law for the weapons, ammunitions, explosives and pyrotechnic products last amended SG14/2015	http://www.parliament.bg/bg/laws/ID/9914/ ; http://www.parliament.bg/bg/laws/ID/15298	N	N	Y	Y	N	Y	Y	Y	none

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks	
						exploration	extraction	post-extraction	local	regional	(central) national		
culture heritage	BG-L24	Law for the Cultural Heritage, effective 10.04.2009; SG No. 19/13.03.2009, last amended and supplemented SG No. 16/26.02.2016, SG 52/08.07.2016	http://www.unesco.org/culture/atlaws/media/pdf/bulgaria/bulgaria_culturalheritageact_2009_entof.pdf ; http://www.mrrb.government.bg/?controller=articles&id=373 (in Bulgarian)	Y	N	Y	Y	Y	Y	Y	Y	Y	none
public administration, court procedures	BG-L25	Administrative Procedure Act SG No. 30/11.04.2006, effective 12.07.2006, last amended SG 27/25.03.2014, effective 25.03.2014	http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=LEGAL&publisher=&type=LEGISLATION&coi=BGR&rid=4562d8b62&docid=44ad1e694&skip=0 ; http://www.minfin.bg/document/15604:2 (in Bulgarian)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Appeals
	BG-L26	Civil Procedures Code, SG No. 59 от 20.07.2007 г., effective 01.03.2008; last amended SG 50/03.07.2015	http://www.vks.bg/english/vksen_p04_02.htm	Y	Y	Y	Y	Y	Y	Y	Y	Y	appeals

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	BG-L27	Law on Administrative Violations and Penalties SG 92/28.11.1969; last amended SG 107/24.12.2014, effective 01.01.2015	http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=LEGISLATION&coi=BGR&rid=4562d8b62&doid=44ad20654&skip=0; http://www.minfin.bg/document/15615:2 (in Bulgarian)	N	N	Y	Y	Y	Y	Y	Y	none
	BG-L28	Public Procurement Act SG No. 28/06.04.2004, supplemented, SG No. 15/15.02.2013, effective 1.01.2014	http://www.cpc.bg/storage/file/Public_Procurement_Act.rtf	N	N	Y	Y	N	N	Y	Y	none
	BG-L29	Commerce (Trade) Law SG No. 18.06.1991 г., effective 01.07.1991; last amended SG 20/28.02.2013	http://www.vks.bg/english/vksen_p04_05.htm	Y	N	Y	Y	Y	Y	Y	Y	none
	BG-L30	Law for the trade register SG 34/25.04.2006 г., effective 01.01.2008 ; last amended SG 99/14.12.2012	http://www.justice.government.bg/17/	Y	N	Y	Y	Y	Y	Y	Y	none

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks	
						exploration	extraction	post-extraction	local	regional	(central) national		
	BG-L31	Law for the corporation taxes; in force since 01.01.2007, SG105/ 22.12 2006; last amended SG 95/8.12.2015, in force since 01.01.2016, last amended SG 32/22.04.2016, effective since 01.01.2017	http://www.minfin.bg/document/15613:6 (in Bulgarian)	Y	Y	Y	Y	Y	Y	Y	Y	Y	none
	BG-L32	Law for the VAT; SG/630.4.08.2006; in force since the cohesion to the EU; last amended SG/95/o8.12.2015, in force since 01.01.2016	http://www.minfin.bg/document/15610:4	Y	Y	Y	Y	Y	Y	Y	Y	Y	none
	BG-L33	Law for the local taxation; in force since 01.01.1998; SG 117/10.12 1997; last amended SG 32/22.04.2016, in force since 01.01.2017 r., SG 43/07.06.2016	http://www.minfin.bg/document/15608:6 (in Bulgarian)	N	Y	Y	Y	Y	Y	Y	Y	Y	none

1.4. Authorities governing mineral exploration and extraction

As established by the Mining Act, the main responsible state bodies are the Ministry of Energy and the Council of Ministers. All applications for onshore exploration and extraction permits have to be sent to such Ministry, to the Directorate of Natural Resources, Concessions and Control (<https://www.me.government.bg/bg/departments-0.html>). The Ministry of Energy issues the respective licences after the approval by the Council of Ministers.

There are several other relevant co-authorities that are involved in the granting process:

- Ministry of the Environment and Waters
- Ministry of Culture

- Ministry of the Interior
- Ministry of Defence
- State Agency for National Security
- Regional Inspectorates of Environment and Water
- Local power (local authorities provide only consultative, i.e. legally non-binding decisions)

For offshore exploration and extraction activities, the granting authority is the Council of Ministers.

Table 2: Bulgaria. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central, national)	BG-E1	Министерство на енергетиката Ministerstvo na energetikata	Ministry of Energy	http://www.me.government.bg/bg	permitting authority in minerals exploration, prospecting and extraction; issuing permissions after approval of Council of Ministers;	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015	Concerns all kind of underground resources
	BG-E2	Министерски Съвет на Република България; Ministerski suvet ne Republika Bulgaria	Council of Ministers	http://www.government.bg/fce/index.shtml?p=0023	approving permission/concessions; granting concessions	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BG-E3	Изпълнителна Агенция „Главна Инспекция По Труда“	Executive agency "Main inspectorate on labour"	http://www.gli.government.bg/	safe and healthy working conditions legal relations between employer and employees	Y	Y	Y	Act for the healthy and safe working conditions; accepted SG 124/23.12.1997; last amended SG 79/13.10. 2015	
Second instance permitting (regional, central, national)	BG-E4	Министерство на околната среда и водите; Ministerstvo na okolnata sreda I vodite	Ministry of Environment and Waters	http://www.moe.w.government.bg/?&lang=en	waste management, water protection, protection of the biodiversity, environmental permits, EIA, Mine water discharge permit; protection of unique rock and mineral forms and landscapes; co-ordination of the working plans	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015; Environmental Protection Act., SG 91/2002, last amended SG No. 98/28.11.2014; last amende SG 62/14.08.2015; Protected Areas Act No. 133/11.11.1998, SG No. 19/8.03.2011, effective 9.04.2011; last amende SG 66/26.07.2013; Law for the biological diversity; SG/77/09.08.2002; last amended SG 66/26.07.2013; Law of the Purity of Atmospheric Air	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
									(Clean Ambient Air Act), accepted 15 May 1996, effective SG 45/28.05.1996; Amended and supplemented by: Environmental Protection Act. - 03 June 2011, SG No. 42/3.06.2011; last amended SG/ 20.02.2015.	
	BG-E5	Министерство на здравеопазването	Ministry of Health	http://www.mh.government.bg/bg/	air quality; health-safety working conditions	N	Y	Y	HEALTH AND SAFETY WORKING CONDITIONS ACT accepted SG 124/23.12.1997 last amended SG 79/13.10.2015; Clean Ambient Air Act No. 45/28.05.1996, amended and supplemented, SG No. 42/3.06.2011	
	BG-E6	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Shumen	www.riosv.icon.bg	environmental permitting in relation to Env Impact; also monitoring the quality of the	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
					environment (air, waters, soils)					
	BG-E7	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Haskovo	www.riosv-hs.org	environmental permitting Same for all inspectorates	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E8	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Stara Zagora	www.stz.riew.e-gov.bg	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E9	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Sofia	www.riew-sofia.org	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E10	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Blagoevgrad	http://riosvbl.org	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BG-E11	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Burgas	http://www.riosvbs.eu	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E12	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Varna	http://www.riosv-varna.org	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E13	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Veliko Trnovo	http://www.riosvt.org	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E14	Регионална инспекция по околната среда и водите	Regional Inspectorates on Environment and Water, Vraca	http://www.vracakarst.com	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E15	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment	http://www.riosv-montana.com	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
			and Water, Montana							
	BG-E16	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Pazardjik	http://riewpz.org/	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E17	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Pernik	http://www.riosv-pernik.com	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E18	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Pleven	http://riew-pleven.eu	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E19	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Plovdiv	http://plovdiv.riosv.com	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BG-E20	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Ruse	www.riosv-ruse.org	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E21	Регионална инспекция по околната среда и водите	Regional Inspectorate on Environment and Water, Smoljan	www.riewsm-bg.eu	environmental permitting	Y	Y	Y	Environmental Protection Act., last amended SG No. 98/28.11.2014	
	BG-E22	Министерство на земеделието и храните; Ministerstvo на zemedeliето I hranite	Ministry of Agriculture and Food	http://www.mzh.government.bg/odz-pleven/Libraries/Правилници/PR AVILNIK-Sdrujenia.sflb.as h (in Bulgarian)	Land reclamation infrastructure, dam safety	N	Y	Y	Regulations for Proper and Safe Operation and Maintenance of Irrigation and Land-Reclamation Infrastructure Facilities, SG No. 97 of 2004, amended and supplemented SG No. 58/2015;	The regulation was issued by the Ministry of Agriculture by requirement of the Waters Act
	BG-E23	Министерство на отбраната	Ministry of Defence	http://www.mod.bg/en	permitting on affected areas evaluating the significance for the the national security and, if not edengering it; co-	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
					ordination of applications				2005, 56/24 July 2015	
	BG-E24	Държавна агенция "Национална сигурност"	State Agency for National Security	http://www.dans.bg/en	permitting on affected areas evaluating the significance for the national security and, if not endangering it; co-ordination of applications	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015	
	BG-E25	MBP	MVR (Ministry of the internal affairs) (Police)	http://www.mvr.bg/NR/rdonlyres/7E5DE99E-0826-4AE8-ABB6-C02F7258C112/0/ZOBVVPI.pdf	permitting storage, transport of explosives and explosive works;	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015; Law on weapons, munitions, explosives and pyrotechnical materials, accepted SG 73/17.09.2010; last amended SG	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
									56/24.07 2015	
	BG-E26	МИНИСТЕРСТВО НА КУЛТУРАТА	Ministry of Culture	http://mc.government.bg/index.php?l=2	permitting on territories, projects, cultural and historical monuments protected by Law; historical or archaeological artifacts; co-ordination of applications	Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015; Law for the Cultural Heritage, effective 10.04.2009; SG No. 19/13.03.2009, last amended and supplemented SG No. 16/26.02.2016, SG 52/08.07.2016	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BG-E27	-	Local authorities	http://psc.egov.bg/en/bulgaria-regional-structure	Spatial planning and land use; appropriation, indemnification of the landowner	Y	Y	Y	Municipal Property Act SG No. 44/21.05.1996; last amended SG 43/07.06. 2016	
	BG-E28	Districts and municipalities	Districts Governors and Mayors (28 District and 264 municipalities)	http://psc.egov.bg/en/bulgaria-regional-structure	Spatial planning, appropriation, indemnification of the landowner	Y	Y		Local Government and Local Administration Act: first accepted SG 77/17.09. 1991; last amended SG 57/26.07.2011;	
	BG-E29	Министерство на регионалното развитие и благоустройство (МРРБ) Ministerstvo na regionalnoto razvitie i blagoustrostvo	Ministry of the regional development and urbanization	http://www.mrrb.government.bg/?controller=articles&id=389 (in Bulgarian)	Spatial planning and land use				Law for the arrangement of the territory; in force from 31.03.2001, SG 01/02.01.2001; last amended SG. 51/05.07.2016; Law for the preservation of the agricultural lands SG 35/24.04.1996; last amended SG 103/29.12.2009	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BG-E30		Ministry of Finance	http://www.minfin.bg/		Y	Y	Y	LAW FOR THE UNDERGROUND NATURAL RESOURCES SG. 23/12 Mar 1999, amend. SG. 28/1 Apr 2005, 56/24 July 2015; Law for the corporation taxes; in force since 01.01.2007, SG105/22.12 2006; last amended SG 95/8.12.2015, in force since 01.01.2016, last amended SG 32/22.04.2016, effective since 01.01.2017; Law for the VAT; SG/630.4.08.2006; in force since the cohesion to the EU; last amended SG/95/08.12.2015, in force since 01.01.2016; Law for the local taxation; in force since 01.01.1998; SG 117/10.12 1997; last amended SG 32/22.04.2016, in force since	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
									01.01.2017 г., SG 43/07.06.2016	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
Court jurisdiction	BG-E31	Районен административен съд	Regional court of law 28, as the number of the regions in Bulgaria		appeal against administrative acts, including against exploration permits, extraction concessions				Law on Administrative Procedure	
	BG-E32	Върховен административен съд	Supreme administrative court	http://www.sac.government.bg/	supreme court of appeal for administrative suits; acts at two levels; the decision at second level is not subject of appeal.					

1.5. Licensing procedures for exploration

Processing authority:

All licenses for all kind of commodities, both onshore and offshore, are processed after a written application to the Ministry of Energy.

Permit consideration:

A license may be granted to physical and juridical persons registered as a trader. A precondition for consideration is to prove management and financial capability. The process of consideration starts only after paying a required fee.

Type of licenses that are granted:

Prospecting and exploration for subsurface resources shall be carried out on the grounds of a licence granted for:

1. **prospecting and exploration** of subsurface resources under items 1 – 4, see above (metalliferous mineral resources; non-metal mineral resources - industrial minerals; oil and gas; solid fuels;)
2. **exploration** of subsurface resources item (metalliferous mineral resources; oil and gas)

Procedures for granting:

The initiative for granting permission may be initiated by the state or by individuals.

Licences for prospecting and exploration or for exploration of subsurface resources are granted by:

1. **Competition (contest)**; A competition is announced, when more than one candidate applies or the initiative belongs to the state.
2. **Tender**; a tender is always organised when the target is an already known/registered area of economic (commercial) value as well as for commodities in the shelf and the exclusive economic zone. The difference with a competition is that the competition accounts all elements of the proposal. Tender considers only the highest amount of money that is offered.
3. **By right of application** in cases of single applicant after expiry of a one-month terms from the date of the announcement for forthcoming granting of a licence published in the State Gazette and the Internet site of the Ministry of Energy.

Conditions for license granting (Comments):

- A permission may be granted only after being coordinated/not rejected by the competent ministers with respect to 1/protection of the national security and the defence (Ministry of Defence, Ministry of the Interior, National Security Agency),

2/natural protected areas (Ministry of Environment and Waters; the relevant Regional Inspectorate on the Environment and Waters), 3/sites of cultural value (Ministry of Culture) and 4/the concerned municipality (landplanning - the Municipality has to confirm that the land is not already planned for other activities). A rejection may be appealed at the court. However, rejections based on threats for: the national security, environment, protected by law nature and cultural sites, and health protection are not subject to court appeal.

- An application must contain a “working program” for the entire period of the application as well as for each single year (mandatory requirement). The working program contains three main elements: the volume of the planned exploration works, the planned financial expenses and the measures for the protection of the environment.

Granting period, surface and taxes:

The periods of the license, surface and taxes differ for the different mineral commodities.

Table 3: Bulgaria. Time extent of permits and allowed surfaces for exploration per mineral type.

Type of commodity	Permission period (years, up to)	Allowed extension (years, up to)	Allowed surface (km ²) (up to)	Tax per (km ²) Leva/Euros in the primary permission period	Tax per (km ²) Leva/Euros in the extended period
metalliferous mineral resources	3	2+2+1	200	100/~51	250/~128
non-metal mineral resources - industrial minerals	3	2+2+1	50	500/~255 (up to 1 km ²) and 100/51 for every km ² over	250/~128
building materials	1	-	1	500/~255 (up to 1 km ²) and 500/~255 for every km ² over	
facing-stone materials	2	-	3	500/~255 (up to 1 km ²) and 500/~255 for every km ² over	
mining wastes	2	-	3	According the type of the waste (metalliferous, industrial minerals, etc.)	

Source: Law for the underground resources and accepted rates according the act.

Comments by the author of the country report:

- An annual fee is paid by km²; the fee is based on a regulation of the Ministry.
- The area may be abandoned earlier or the surface reduced annually;
- Extensions are granted only, if planned works are fully accomplished and in order to provide the opportunity for an economical discovery, where geological indications occur;

All further steps are permitted, only after presenting and acceptance of a written geological report.

- on the same territory permissions for different commodities may be granted;
- granted areas for same commodities may not overlap;

Granting authority:

Permissions are granted by the Ministry of Energy upon approval by the Council of Ministers or by the Council of Ministers (for the shelf and the exclusive economic zone and for oil and gas), but under proposal of the Ministry of Energy.

Practically, this means that the Council of Ministers has always the final decision. The permission gets in force after signing a contract between the holder of the permission and the Ministry of Energy.

Rights granted by a permit

The holder of permission is allowed to:

1. pursue all the necessary activities designed to find deposits of subsurface resources for which the licence has been granted;
2. make assessment of deposits of subsurface resources for which the licence has been granted, inclusive of extraction for technological tests and the obtained quantities for technological samples and for technological tests, endorsed in the rational designs can be subject of sale under conditions and according to procedures specified in the contract on prospecting and exploration or for exploration before a concession for extracting is obtained.
3. get by right a license for exploitation, after acquiring a Certificate for an "commercial discovery". The acquiring of such certificate is subject to a procedure in which parallel with the technical and economical parameters an Environmental impact assessment is required.
4. transfer the rights of a permit upon approval of the granting authority.

Land ownership:

Obtaining a permission (both for exploration and prospecting, and extraction) does not provide any kind of rights or ownership on the land. However, this provides the opportunity for direct negotiations with land owners. If, no agreement is reached, the permit holder (licensee) may refer the matter to be solved by the Minister of Energy, who may, depending on the nature of the works, their duration and impact on the underground of the earth and the environment, submit a request through the Governor of the region by location of the land, to the Minister of Finance or the Minister of Regional Development and Urbanization for compulsory appropriation of the private properties or part of them in view of the needs of the exploration and the extraction of subsurface resources, pursuant State Property Act. *Comment by the author of the country report: this is only an opportunity provided by law. It has been applied for a coal producing area of national importance operated by a State Company.*

Description of the permitting procedures

A process for granting permission may be initiated by the competent authority (Ministry of Energy or by physical and juridical persons (or alliances between them)). The procedure may be competition or tender. The competition can be attended, or not attended by the applicants, and the tender - via open or secret bidding.

Case 1. By initiative of the competent authority – the Ministry of Energy (ex officio).

Steps:

1. Publishing of ordinance on the site of the Ministry and in the State Gazette. The announcement contains: target, time extend of the competition/tender (45-90 days from publishing), deadline for acquiring the documentation, deadline for acceptance of applications, amount of the deposit and deadline for paying, specific condition. The documentation contains also the criteria for evaluation and forming of the final complex note.
2. The preparation of the procedure, documentation and the evaluation is made by a Commission formed by representatives of the Ministry of Energy, the administration of the Council of Ministers and the Ministry of Finances.
3. Application – one or several candidates may apply. Even in case of a single applicant a competition/tender is carried-out. The application is in written form and must be in Bulgarian language. It requires the following documents: 1. certificate of registration of the applicant as trader; 2. statements of the annual financial reports for the last three years, depending on the date of establishment of the applicant or participant entity; 3. evidence of purchase of competition or tender documentation, deposit and participation fees paid; 4. declaration for confidentiality of the information contained in the competition or tender documentation. 5. references issued by banks and other financial institutions, as well as by business partners; 6. declaration that the applicant does not have overdue liabilities to the Bulgarian state or to the municipality under the Tax and Insurance Procedure Code established via an act in force issued by a competent authority, unless the liabilities have been re-scheduled or deferred; 7. declaration of the manager or the members of the managing body of the applicant that they have not been sentenced for crimes against property, economy, the financial, tax or insurance system, for abuse of power or bribery, as well as for crimes pertaining to the activities of a criminal group. When the applicant is an alliance of natural persons and/or legal entities, the documents under paragraph 2 items 1, 2, 4 - 7 shall be submitted for each specific member of the alliance.
4. Consideration of the application(s) by the Commission in a 7 days' period.
5. Should the applicants fail to fulfil the requirements, they are given an opportunity to remedy the established deficiencies within a term specified in the competition or tender documentation. The given period of time is variable.
6. Decision for admission or rejection to the competition/tender. Rejected admission for participation in the competition or tender is subject to appeal pursuant to judicial procedure according to the Administrative Procedure Code (14 days).
7. Informing the applicants in a written form about the decision. Time frame – not defined.
8. The participants admitted to the competition shall submit proposals in sealed envelopes in compliance with the competitive tender terms and conditions.
9. Classifying of the candidates. Within 14 days following the expiry of the term for submission of offers, the commission shall classify the participants in compliance with the competition or tender requirements.
10. Issuing of permission after approval from the Council of Ministers. The Council of Ministers may not approve the issuing under some circumstances, indicated in the Mining Law. Time frame – not defined.

11. Signing of Contract between the Ministry and the winner. The date of the contract is considered as starting date of the permission. Time frame – not defined.

Time extend of the processing applications.

It is very difficult to estimate the duration of the process as there is not any official statistics. Estimated approximate time for the procedure following the foreseen time frame based on points 1 – 8 is around 3-4 months. However, point 9 and 10 have not a determined time frame. The last is a base for a significant extending of the final signing of a contract from minimum 7-8 months to years.

Case 2. Upon application of natural persons or legal entities or alliances to the Ministry of Energy – “By rights”.

Steps:

1. Expression of interest in a written form and in Bulgarian. The application must contain:
 1. full name, address and nationality of the natural person or the name, head office, company registration and nationality of the legal entity;
 2. subsurface resources for which the licence is requested;
 3. name, location, size and coordinates of the typical border points of the area, illustrated with a map of appropriate scale with indication of numbers of the typical border points.
 3. declaration that the applicant does not have overdue public liabilities;
 4. references issued by banks and other financial institutions certifying to the fact that the applicant is capable of financing the work programme implementation.
 - Attached to the application in sealed envelope shall be: working programme with a summary of the aims and objectives, the deadlines of activity launch, the type, the volume, the methodology, the duration and the value of the proposed activities, as well as the measures to protect the bowels of the earth and the environment, human health and the cultural values. The sealed envelope may be opened, only when the request is processed.
2. Examination of the request. The documents shall be examined within 14 days and, should they fail to meet the requirements, the applicant shall be given a term to remedy the eventual deficiencies.
3. Verification and co-ordination. The Ministry of Energy verifies the conformity with the law of the request through the measures implemented in the Mining Law (specialized maps and registers and the Law for the underground CO₂ storage) and after coordinating with:
 1. the competent ministers with respect to protection of the national security and the defence of the country and with respect to the protected territories, sites and cultural values protected by law;
 2. the mayor(s) on the territory of whose municipalities the area for prospecting and exploration or for exploration or the concession area is located.The co-ordination procedure should start in a term of 14 days following receipt of the application. ***The period of co-ordination may not last more than 30 days. Upon this period, if no answer was received, it is assumed that the co-ordination is accepted without objections.***
4. Decision for approval or rejection of the request. The rejection may not be subject to court appeal in case that:
 1. creates risks for the national security and the defence of the country, the bowels of the earth and the environment, the health and the safety of the employees, and the territories, sites and cultural values protected by law;
 2. the Council of Ministers has adopt a decision to limit the granting of licences for prospecting for the s.c. “most widely spread mineral resources” (aggregates and facing stones) for a certain period, with a view to limit the intensity on the territory of the country of mining activities. The decision of the Council of Ministers shall serve as grounds to deny granting of licenses.

5. In case of approval the Ministry of Energy is publishing an announcement on the site of the Ministry and in the State Gazette about foreseen granting of a licence.
6. "Period of awaiting" – 1 month after publishing date. Two scenarios are possible: 1. if no one expresses interest, by a written application according to point 1, then the procedure for granting permission "by right" continues; 2. In case of a second or several applications then the procedure is turned by the Ministry into a competition or tender (see Case 1).

In case of a single application.

7. Examination of the application. The application and the working programme (in the sealed envelope, it has not been opened yet) shall be considered within 30 days after expiry of the 1 month period of await.
8. Notification in writing about the decision in a term of 14 days. A negative decision may be contested in the court. However, a negative decision may not be contested in case that: 1. creates risks for the national security and the defence of the country, the bowels of the earth and the environment, the health and the safety of the employees, and the territories, sites and cultural values protected by law; 2. the Council of Ministers has adopted a decision to limit the granting of licences for prospecting for the s.c. "most widely spread mineral resources" (aggregates and facing stones) for a certain period, with a view to limit the intensity on the territory of the country of mining activities.
9. In case of approval the Ministry of Energy generates a project (draft) for permission. The project is delivered for approval to the Council of Ministers in a 30-day period, after notifying the applicant (step 8).
10. Examination and taking of decision by the Council of Ministers. Time frame not determined.
11. Approval by the Council of Ministers.
12. Issuing of permission by the Ministry of Energy and publishing it on its Internet site and in the State Gazette – in 15 days' period after the approval by the Council of Ministers.
13. Signing of a contract between the Ministry and the candidate – in a 30 days period after publishing the permission in the State Gazette. If such contract is not signed in the requested period, the decision loses its legal rights, excepting when it is due to objective conditions (there is not any suggestion for this meaning).

Time extent of the processing applications.

It is very difficult to estimate in a realistic way the duration of the process as there is not any official statistics. The estimated period for acquiring permission and signing a contract based on the defined time frames is around 7-8 months. However, some undefined time frames and unforeseen circumstances in many cases practically extend this period for years.

A realistic approach to the time for processing of exploration licences may be acquired based on the data from the Register of the Ministry of Energy (Table 4 **iError! No se encuentra el origen de la referencia.**).

Table 4: Bulgaria. Time for processing of exploration applications..

Nº	Announcement in SG for starting procedures	Date of approval by the Council of Ministers	Date of issue of permission	Type of mineral resources	Contract (starting data)	Time extend after announcement, months
1	13.6.2014 г.	09.09.2015	28.12.2015	metalliferous	29.8.2016	22
2	08.5.2015	20.03.2016	06.4.2016	metalliferous	29.8.2016	15
3	07.3.2014	09.09.2015	28.12.2015	metalliferous	18.8.2016	15
4	28.10.2014	16.03.2016	01.4.2016	facing-stone materials	22.8.2016	22
5	08.5.2015	23.03.2016	06.4.2016	metalliferous	18.8.2016	15
6	18.6.2013	02.03.2016	14.3.2016	metalliferous	18.8.2016	38
7	25.11.2014	06.01.2016	02.2.2016	facing-stone materials	25.7.2016	20
8	08.5.2015	20.01.2016	02.2.2016	building materials	25.7.2016	14
9	14.10.2014	02.09.2015	28.12.2015	building materials	05.07.2016 ; 20.07.2016	19
10	07.10.2014	02.09.2015	28.12.2015	building materials	30.06.2016 ; 03.08.2016	19
11	07.10.2014	07.10.2015	28.12.2015	industrial minerals	22.06.2016 ; 11.07.2016	18
12	30.12.2013	03.04.2015	03.2.2016	industrial minerals	08.06.2016 ; 15.06.2016	30
13	28.10.2014	06.01.2016	03.02.2016	industrial minerals	01.06.2016 ; 08.07.2016	21
14	29.4.2014	05.08.2015	28.12.2015	building materials	20.05.2016 ; 28.07.2016	27
15	14.10.2014	28.10.2015	19.11.2015	building materials	20.05.2016 ; 24.06.2016	20
16	20.6.2014	09.09.2015	08.12.2015	metalliferous	20.5.2016	23
17	08.5.2015	28.10.2015	28.10.2015	building materials	14.05.2016 ; 16.06.2016	12

Nº	Announcement in SG for starting procedures	Date of approval by the Council of Ministers	Date of issue of permission	Type of mineral resources	Contract (starting data)	Time extend after announcement, months
18	19.6.2015	16.12.2015	15.1.2016	building materials	20.05.2016 ; 24.06.2016	12
19	19.5.2015	16.12.2015	15.1.2016	building materials	20.5.2016	12
20	15.5.2012; tender- 20.5.2014	02.09.2015	28.12.2015	industrial minerals	14.05.2016 ; 23.06.2016	48
					Average	20.5

Source: the Register of permissions (actual end of August 2016th), first 2 dozens (<http://www.me.government.bg/bg/themes/registar-na-razresheniyata-za-tarsene-i-prouchvane-613-396.html>) and data from the State Gazette <http://dv.parliament.bg/DVWeb/searchDV.faces>.

These data provide an average length of 20.5 months with differences from 14 to 48 months. It is obvious that case 20 was extended as it was transformed in a tender and at first view is rather an exception. If, we exclude it and as well as the lowest number (14 months), we will get an average length of 19.5 months. However, the real period is definitely longer as to it must be added the time before publishing the announcement (often 2-4 months). In such case the real number for processing an application and starting real work should be estimated in average at 22-24 months. However, many cases are known, when this period is much longer.

1.6. Licensing procedures for extraction

The rights for exploitation are regulated mainly by the Mining Law which is the main act, but with compliance with the Concessions Law.

Definition of concession (as given in the Concessions Law):

“A concession shall be defined as the right to operate a facility of public interest, made available by a grantor to a merchant (the concessionaire), in exchange for the latter's obligation to build and/or manage and maintain the facility subject to the concession at his/her own risk”.

A Concession shall be granted on the basis of a long-term agreement in writing involving a defined material interest, executed between the grantor and the concessionaire.

According to its object, a concession may be one of the following types:

1. Public Works Concession;
2. Service Concession;
3. Mining (Extraction) Concession;

After the Concessions Act: An extraction concession shall have as its object the exploitation of natural resources by means of extraction effected on resources ensured by the concessionaire and at the concessionaire's own risk.

- A subsurface resources extraction concession shall be granted under the terms and according to the procedure established by the Subsurface Resources Act.
- This Act shall apply to the performance and termination of a subsurface resources extraction concession, save insofar as otherwise provided for in the Subsurface Resources Act.

After the Subsurface Resources Act, there are many similarities in the granting procedures for prospecting and exploration and exploitation.

Processing and permitting authority:

All licenses are processed after a written application to the Ministry of Energy, Directorate of natural resources, concessions and control. However, the permissions is issued by the Council of Ministers under proposal of the Ministry of Energy.

Permit consideration:

A license may be granted to physical (natural) and/or legal persons registered as a trader. A precondition for consideration is to prove management and financial capability. The process of consideration starts only after paying a required fee. The law does not require foreign companies to open up a branch (or subsidiary) in Bulgarian territory.

Granting procedure:

Concessions for extraction of subsurface resources are granted by:

1. competition;
2. tender;
3. by right of a holder of licence for prospecting and exploration or for exploration who has made a commercial discovery under the next terms:
 - he should have declared a find of deposit of subsurface resources within the term of validity and within the area of the granted licence (under the defined requirements of the Act);
 - he should have obtained certificate for commercial find of deposit pursuant (under the defined requirements of the Act);
 - he should have filed a written application for concession to the Minister of Economy, within 6 months after obtaining of certificate for the registered commercial find;
4. by right to a company on the grounds of a privatization deal.

Comment by the author of the country report:

For areas for which concession for extraction of subsurface resources has been granted, other concessions may not be granted for the same subsurface resources, i.e. rights are exclusive for only 1 commodity in 1 area. However, concessions may be granted for other subsurface resources (in the same area), in compliance with some legal requirement (shall not obstruct the activities under another concession and the consent has been obtained of every operating concessionaire).

Rights to extraction of two and more groups of subsurface resources can be granted via one concession, where reserves and deposits of various groups of subsurface resources are established and registered at the National Balance within the boundaries of one field.

Concessions granted shall be promulgated in the State Gazette, published in the Internet site of the Ministry of Economy, and notifications shall be addressed to municipalities by location of the site, accompanied by the list of the boundary coordinate points of the area specified in the licence or of the concession area.

The decisions on granting concessions for extraction shall be registered in the specialized map and register within 7 days following their promulgation in the State Gazette.

Time extent of a concession:

Concessions for extraction may be granted for terms of up to 35 years. The term of validity of a concession may be extended by up to 15 years under the terms and conditions of the concluded contract.

Rights

A concession for extraction entitles the concessionaire to:

1. Acquire right of ownership on the extracted subsurface resources for which the concession has been granted, as well as on the technological waste from extraction, in compliance with the terms and conditions of the concluded contract;
2. Acquire right to use on the mining waste resulting from extraction and primary processing in compliance with the concluded contract.
3. Pursue all the required activities pertaining to extraction, including further exploration within the deposit boundaries storage, processing, transportation and sale of subsurface resources for which the concession has been granted
4. Acquire right to further explore and, for the duration of the concession, to extract mineral resources from the mining waste resulting from the concession activities on the grounds of a supplementary agreement to the concession contract.

The rights on a concession are transferable, upon approval of the Council of Ministers (granting authority). A fee is paid. The rights for concession do not provide any rights on the land (but on the minerals in the subsurface). However, they provide the rights to negotiate with the land owner, to apply for transformation of the status of forest lands, to apply (with the collaboration of the Ministry) for expropriation of the lands.

Duties

A concessionaire shall be obliged to:

1. Pursue all the activities pertaining to the granted concession in compliance with the law and the concluded contract;
2. Provide information, according the Article on the Mining waste in the Subsurface resources act, to the Minister of Energy.
3. In the event of finding unique mineral formations or movable cultural values, to notify within 7 days the Minister of Energy and the Minister of Culture.

Royalties

After the contract with the State an annual fee (royalty) is paid, despite of the financial results of the concessionaire. The amount is based on a regulation issued by the Council of Ministers and according the Concessions Law. Part or in some cases the entire fee is given/split to the municipality(is), where the concession is located.

In some specific cases as defined by the Law: 1. deposits of established unfavourable mining, geological, technological and economic parameters; 2. re-starting of production from deposits where mining has been suspended; 3. in regions of municipalities with lasting unemployment, the Council of Ministers is entitled to adopt a decision to: 1. release the concessionaire from concession payment for a period of five years, or 2. reduce the amount of concession payment to 50% for the already defined, for a period up to 5 years.

Geographic areas covered by permits

Geographic area covered by an extraction permit has no limits, but they are fixed in the contract for production. The limits include not only the precise area, but also the area needed as infrastructure.

The concession granted shall specify the concession area, which shall comprise:

1. the area of the deposit or separate segments of it;
2. the areas necessary for the functioning of the concession activities other than the extraction.

Concession areas can be modified on the grounds of a justified request from the concessionaire to the Minister of Energy, after coordination with the articles from the Subsurface resources act applicable to permission granting procedures and approval by the Council of Ministers. The concession for extraction "By rights" should be in conformity with the terms and conditions of the licence for prospecting and/or exploration and the contract on prospecting and exploration or for exploration for subsurface resources.

Description of the permitting procedures for concession

1. by competition or tender

A process for granting permission may be initiated by the competent authority (Ministry of Energy). The procedure may be competition or tender. The competition can be attended, or not attended by the applicants, and the tender - via open or secret bidding. The decision is taken by the Council of Ministers based on the proposal of the Ministry of Energy; in the case of offshore mineral resources is granted by the Council of Ministers alone.

Steps:

1. Proposal of the Ministry of Energy to the Council of Ministers. The proposal should be motivated and accompanied by legal, financial, economic, environmental and social analyses and should be co-ordinated with the concerned ministries.

The proposal should include:

1. subject of the concession;
2. term of validity of the concession;
3. terms and conditions, major rights and obligations under the concession;
4. term for holding of competitive tender or auction;

5. term for purchase of competitive tender or auction documents;
 6. deadline for acceptance of documents for participation in the competitive tender or auction;
 7. amount and term of deposit;
 9. other terms and conditions.
2. Decision of the Council of Ministers.
 3. If, approved the Council of Ministers puts a notice for competition or tender is promulgated in the State Gazette and the web site of the Council of Ministers and the web site of the Ministry of Energy.
 4. On the grounds of the decision under step 3 the Minister of Energy shall designate the members of the competition or tender commission, which shall prepare the necessary competition or tender documentation for conducting the competition or tender. The commission shall consist of uneven number of members and shall include representatives of the Ministry of Economy, Energy and Tourism, the Ministry of Finance and the administration of the Council of Ministers. The majority of the commission cannot be formed of representatives of the same institution.
 5. Application. The natural persons or legal entities or alliances applying for participation in a competition or a tender shall submit a written application in Bulgarian in accordance with the announced requirements.

Attached to the application shall be:

1. certificate of registration of the applicant as trader;
2. (Supplemented, SG No. 100/2010) statements of the annual financial reports for the last three years, depending on the announced requirements. date of establishment of the applicant or participant entity;
3. evidence of purchase of competition or tender documentation, deposit and participation fees paid;
4. declaration for confidentiality of the information contained in the competition or tender documentation.
5. references issued by banks and other financial institutions, as well as by business partners;
6. declaration that the applicant does not have overdue liabilities to the Bulgarian state or to the municipality under Art. 162, paragraph 2 of the Tax and Insurance Procedure Code established via an act in force issued by a competent authority, unless the liabilities have been re-scheduled or deferred;
7. declaration of the manager or the members of the managing body of the applicant that they have not been sentenced for crimes against property, economy, the financial, tax or insurance system, for abuse of power or bribery, as well as for crimes pertaining to the activities of a criminal group. When the applicant is an alliance of natural persons and/or legal entities, the documents shall be submitted for each specific member of the alliance.

6. Consideration by the Commission. The documents shall be considered by the commission in a term of 7 days as from the date of their submission, and should they fail to comply to the requirements, the applicant shall be given an opportunity to remedy the established deficiencies within a term specified in the competition or tender documentation.
7. Taking of decision for admission or rejection of the applicant(s).
8. Informing the applicant(s) in a written form.
9. Submission of proposal. The participants admitted to the competition shall submit proposals in sealed envelopes in compliance with the competitive tender terms and conditions.
10. Evaluation and classifying of the proposals - in 14 days period after expiring the date of the procedure.
11. Proposal of the Ministry of Energy to the Council of Ministers for determining the winner of the competition or tender
12. Decision of the Council of Ministers. In case of positive decision authorizes the Minister of Energy to conclude a contract.
13. Concluding of contract.

2. Granting a concession by rights.

Preliminary conditions. The applicant should: 1. have declared a find of deposit of subsurface resources within the term of validity and within the area of the granted licence; 2. should have obtained certificate for commercial find of deposit pursuant; 3. he should have filed a written application for concession to the Minister of Energy within 6 months after obtaining of certificate for the registered commercial find.

Steps:

1. Submitting an application in written, including over the Internet, to the Minister of Energy. The application should comprise:
 1. full name, address and nationality of the natural person or the name, head office, company registration and nationality of the legal entity;
 2. subsurface resources for which the concession is requested;
 3. name, location and coordinates of the typical border points of the deposit;
 4. number and date of a certificate of commercial find;
 5. plan of deposit development with a summary of the aims and objectives, the deadlines of activity launch, the type, the volume, the methodology, the duration and the value of the proposed activities, as well as the measures to protect the bowels of the earth and the environment, human health and the cultural values;
 6. mining waste management plan;
 7. references issued by banks or other financial institutions, as well as by business partners;
 8. declaration that the applicant does not have overdue liabilities to the state;

9. legal, financial - economic justification;
2. Examination of the request. The documents shall be examined within 14 days and, should they fail to meet the requirements, the applicant shall be given a term to remedy the eventual deficiencies.
 3. Verification and co-ordination. The Ministry of Energy verifies the conformity with the law of the request through the measures implemented in the Mining Law (specialized maps and registers and the Law for the underground CO₂ storage) and after co-ordinating: 1. with the competent ministers with respect to protection of the national security and the defence of the country and with respect to the protected territories, sites and cultural values protected by law; 2. with the mayors on the territory of whose municipalities the area for prospecting and exploration or for exploration or the concession area is located. The co-ordination procedure should start in a term of 14 days following receipt of the application. The period of co-ordination may not last more than 30 days. Upon this period, if no answer was received, it is assumed that the co-ordination is accepted without objections.
 4. Decision taking for starting the procedure. The Ministry of Energy assesses the lawfulness of the proposal for granting of concession for extraction. A negative decision is subject to court contest. However it is not subject in cases that: 1. creates risks for the national security and the defence of the country, the bowels of the earth and the environment, the health and the safety of the employees, and the territories, sites and cultural values protected by law; 2. the Council of Ministers has adopted a decision to limit the granting of licences for prospecting for the s.c. "most widely spread mineral resources" (aggregates and facing stones) for a certain period, with a view to limit the intensity on the territory of the country of mining activities. The decision of the Council of Ministers shall serve as grounds to deny granting of licences.
 5. In case of positive decision, the Ministry of Energy, within 6 months following the submission of the application shall submit to the Council of Ministers motivated proposal for granting of concession, draft decision of the Council of Ministers and draft of contract for concession.
 6. Within 1 month the Council of Ministers shall pass decision on the proposal submitted. The decision for granting concession for extraction shall set forth: subject and term of the concession, the person being granted the concession, the terms and conditions of the concession, the major rights and obligations of the parties, the mandatory improvements, the type and amount of guarantees for implementation of the obligations under the concession contract, the requirements pertaining to the national security, the defence of the country, the conservation of the bowels of the earth and the environment, the territories and cultural values protected by law, as well as other requirements appropriate to the nature of the concession.
 6. Promulgation of the decision in the State Gazette. The decision of the Council of Ministers is subject to appeal before the Supreme Administrative court within 14 days following its promulgation.
 7. Negotiations shall be conducted and contract for concession shall be concluded within six months following the coming into force of the decision. If such contract is not signed in the requested period, the decision loses its legal rights, excepting when it is due to objective conditions (there is not any suggestion for this meaning).

Comment by the author of the country report: following the Environmental Protection Act the co-ordination with the Competent Body on the Environment (Ministry of the Environment and Waters) may result in:

- negative answer; The procedure may not be started;
- recommendations that have to be followed, but Environment Impact Assessment is not needed;
- obligatory accomplishment of an Environment Impact Assessment, in case that a treat to the environment is suggested;
- following the Environmental Protection Act almost all mining activities are subject to Environment Impact Assessment.

After the Law for the biodiversity all investment projects (including mining) are also subject of evaluation of their compatibility with the task and aims of preservation of the relevant protected zone.

Some general problems of exploration and extracting industry are reported (by the author of the country report) as follows:

1. *"Time delay. A main problem is the slow processing of the applications.*
2. *Despite Art. 23 (4) of the Subsurface Resources Act saying "Procedures for granting of licences for prospecting and exploration and for exploration and for granting of concessions for extraction shall be carried out in compliance with the principles of transparency, publicity and competition" many procedures arouse a doubt about. The self-existence of this article in the Act already rises a doubt.*
3. *Conflict with the environment. A very major problem is the conflict with the environment (under the Law for the environmental protection), protected territories (The Law for the protected territories) and the National Ecologic Network (under the Law for the biodiversity). The Law for the protected territories provides more or less precise requirements for these areas and seems easier to be followed. The Law for the environmental protection and the Law for the biodiversity provide many opportunities to NGOs, representatives of the local power (mayors) and individuals to contest already provided permission or even to contest a permission procedure. A significant problem is also the coverage of the NATURA 2000 Zone (part of the National Ecologic Network, under the Law for the biodiversity). NATURA covers over 30 percent of the territory of the country and there are even some appeals to be extended.*
4. *In many cases the problems with environment and nature conservation are overexposed by NGOs, individuals and mayors and neglect the competent state organization as well as competent specialists. However, they are skilfully used to slow or reject valuable and economically significant projects for exploration and prospecting and extraction.*
5. *Lack of any guaranties that a successful project will get rights for extraction or will be even placed in a competent position.*
6. *Conflict with other commercial activities (lumbering, agriculture, land planning, tourism, nature conservation, etc.), where the extraction industry is not placed in an equal position to compete.*
7. *The Investment Promotion Act promptly defines that the extracting industry is not a priority, which practically is a discriminating act. Especially concerning some recent European directives.*
8. *Lack of adequate and accessible statistics and information from the National Statistical Institute and the site of the Ministry of Energy. For examples, there is no data for the entire applications and these being in process. In some cases,*

applications are not published on the site (as required by law), which later becomes a ground to contest in the court already issued permissions.

9. *Difficult access to the land.*
10. *Illegal production, especially of building material.*
11. *The lack of a properly established National Geological Survey”*

1.7. Court cases on permitting procedures

The procedural and institutional framework of court appeals

The Bulgarian Legal System (<http://pravatami.bg/myrights/the-bulgarian-legal-system>)

There is a separation of powers in Bulgaria. The power of the State is divided between legislative, judicial and executive branches. The judiciary is a branch of the government that carries out justice in Bulgaria. Justice protects the rights and legitimate interests of citizens, legal persons and the state. The following article aims to present the current court system in Bulgaria. Citizens and legal entities have the right for justice when there is any violation of their rights and freedoms. The judicial protection cannot be denied to them. Legal proceedings in Bulgaria are three instances:

- first instance
- appeal
- cassation.

General principle of law is that appeal against the sentence could not worsen the situation of the appellant.

The Bulgarian (common) Court System consists of:

- Regional Courts with criminal and civil jurisdiction;
- District Courts, which are tribunals of both first and second instance depending on the value or nature of the claim;
- Appellate Courts;
- Supreme Courts (Supreme Court of Cassation and Supreme Administrative Court), which act as last instance for civil, administrative and criminal law matters.
- Special courts:
 - Administrative Courts;
 - Criminal Courts;
 - Military Courts.
 - Regional Courts

The Regional Court is the basic first instance. Its decisions are appealable, in case I disagree with the court ruling. I have the right to appeal before a higher court, e.g. the District Court. The judgment of the Court First Instance is not final and may be appealed within 14 days before the upper instance. The applicant should submit the application in the Regional Court at place of residence.

District Courts

The District Court is first instance for civil and criminal cases, determined by law. The District Court is also a second instance (appellative instance) for appeals against the

Regional Courts decisions. Deadline to appeal the decision of the second instance is 30 days.

Administrative Courts. The administrative justice system consists of 28 administrative courts at district level and a Supreme Administrative Court. The Administrative Court is the first instance. The Administrative Court have jurisdiction over all administrative cases, except those which are referred to the jurisdiction of the Supreme Administrative Court.

Military Courts

The Military Court is the first instance for criminal offenses, committed by soldiers or police officials. In these cases the second instance is the Sofia Military Court of Appeals.

Criminal Courts

One of the Bulgarian specialized courts is the Criminal Court. The Specialized Criminal Court is only one in the country. Its jurisdiction is for organised crimes, carried out throughout the Republic of Bulgaria, but also transnational organised crime in the defined cases. The Specialized Criminal Court is treated as a District Court and its seat is in Sofia. The second instance here is the Appellative Specialized Criminal Court, and the third the **Supreme Court of Cassation.**

Appellative Courts

It is always second appellative instance and I can appeal before it the decisions of the District Court in civil and criminal cases (where the District Court acted as first instance).

Supreme Court of Cassation. The Supreme Cassation Court is the highest court for criminal and civil cases. It shall carry out the supreme supervision for accurate and uniform implementation of laws by all courts in mentioned cases. Its jurisdiction extends over the whole territory of Bulgaria. The cassation instance upheld the lower court decision or returns it for further consideration. However, the decision of the cassation instance is not appealable.

Supreme Administrative Court

The Supreme Administrative Court is the highest court in the administrative jurisdiction. It also shall carry out the supervision for accurate and uniform implementation of laws. Its jurisdiction also extends over the whole territory of Bulgaria. Sometimes the Supreme Administrative Court may act also as a first instance (but for a very small number of cases, strictly defined by the law). The secondary legislation acts are contestable before the Supreme Administrative Court.

Bulgarian Constitutional Court

All cases related to exploration, prospecting and mining refer to the Administrative Court and the Supreme Administrative Court (<http://www.sac.government.bg>)

Quantitative data or expert assessment of the last 20 years in minerals permitting cases

The available data (<http://www.sac.government.bg/>) show, that the claims are against:

- already provided permits;
- procedures for providing permits for exploration and prospecting;
- permits for concession for exploitation;

The claims are mainly from NGOs, individuals, communities (mayors). Practically, they are against the decisions of the state bodies and not directly against the beneficiary, excepting some permits for exploitation.

Most decisive and representative court judgements

Only 1 court case has been identified as of relevance.

Decision N° 1704

Sofia, 17.02.2016

On administrative trial N° 13691/2015

Case Description

1. On May 12, 2011 Company X had sent a request to the Minister of Energy, Economy and Tourism to start a procedure for granting permission for exploration and prospecting for metalliferous commodities in the locality X. The required period is 36 months as maximum set by the Law. The Company has provided all required documents by Law and paid the tax for processing the application.
2. For the need of the asked procedure after verifying the conditions in the mentioned area in agreement with the Law the Ministry had sent request for co-ordination with the relevant authorities. The Ministry of Defence, Ministry of the Interior and State Agency for Natural Security provided positive answers. The Ministry of the Environment and Waters declared that the area is not locate in a protected territory after the Law for the protected territories, but partly affects the limits of a NATURA 2000 zone. The co-ordination is made on the suggestion that the realization of the prospecting works has to be accomplished after an evaluation of the compatibility of the plans, working programmes, projects and investment proposal with the subject and aims for the preservation of the protected zones, according issued Ordinance in the State Gazette, related to the Law for the Biodiversity.

The Ministry of Culture informed that the locality is very rich in cultural and archaeological monuments. Therefore, it is required not to affect these sites and to co-ordinate all activities with the specialists of the district museum. This recommendation was accomplished and all archaeological targets were listed in aim not to be affected.

3. The announcement for starting the procedure was published in the State Gazette on April 10, 2012 as well as on the Internet Site of the Ministry.
4. After expiring of the 1 month period no other applications were submitted. After coordination, the Working Programme with the relevant Ministries, The Ministry has submitted to the Council of Ministers a proposal to approve the asked permission to the Company by rights.
5. A positive decision was taken on August 29, 2012. Based on this decision permission was issued to the Company on September 24, 2012.
6. The permission is published in the State Gazette on October 10, 2012.
7. Copies of the Permission were officially delivered to the concerned municipalities.

The decision was contested in the Court, even before being published in the State Gazette by one of the mayors of the concerned communities as well as by two individuals.

On August 27th 2015, the Court rejected the decision of the Ministry, based on:

1. Lack of an evaluation of the compatibility of the working program and planned activities on the protected zones under the Law for the biodiversity and the Ordinance concerning it as it is required by law.
2. After the Court the application does not meet the requirement of the Subsurface resources ACT, as the applicant has failed to prove financial capacity to conduct the planned exploration and prospecting works as he does not possess financial capital, neither in cash, neither in deposits or from investments.
3. Offences against the Subsurface Resources Act and the Civil Code.

The Ministry was convicted to pay the expenses made by the suitors.

The decision was taken by a third member Jury. It was subject of contest in 14 days in front of a 5 members Jury.

The decision was contested by the Ministry and the company holder of the permission at the higher level – 5 members Jury.

On 17.02.2016 a 5 members Jury, rejected the contest and confirmed the decision taken by the 3 members Jury. The decision is not subject to contest.

1.8. Success rates of exploration and extraction permits

Presently (end of August 2016th) 105 permissions (oil and gas excluded) for exploration and prospecting are presented at the site of the Ministry (<https://www.me.government.bg/bg/themes/registar-na-razresheniyata-za-tarsene-i-prouchvane-613-396.html>) for the period 2009 up to day.

Unfortunately, there are no available / accessible statistics taking into account the submitted application, the processed applications and granted applications for a fixed period of time. Therefore, all conclusions are quite approximate. For the last third years, the available data show (courtesy of Bulgarian Mining and Geology Chamber, unofficial and unverified data):

Submitted applications for exploration, exploration and prospecting

Type of mineral resources	2013	2014	2015
metalliferous	26	18	11
non-metal mineral resources industrial minerals	5	12	16
building materials	22	38	51
facing-stone materials	10	23	17
Total	63	91	95

Submitted applications for extraction concessions

Type of mineral resources	2013	2014	2015
metalliferous	-	-	1
non-metal mineral resources industrial minerals	-	-	1
building materials	-	3	9
facing-stone materials	-	1	4
Total		4	15

The majority of the applications submitted for exploration permits were for: 1. building materials and 2. metallic ores. There is a tendency which clearly shows a general increased interest for mineral exploration and prospecting in the country.

For the period shown in the table the approved permits for exploration and prospecting were 91. At the same time the applications were 249. Unfortunately, there is no way to compare these data and to make correct conclusions as there is no data showing the starting and end dates of applications and final permissions.

After data available in the National Strategy for the development of the Mining Industry, 2015, Ministry of Energy, during the period 2000 - 2015, 2500 applications for exploration and prospecting were submitted. About 25% (624) were refused, and about 650 were interrupted at a later stage, there is no explanation for the motive of their interruption. These data lead to a primary 75% approval of the applications and about 50% of final accomplishment of the permissions (final accomplishment means the signature of a contract which allows beginning of operations).

The same source provides some generalized data are on the issued permission for exploration and prospecting (National Strategy for the development of the Mining Industry, 2015, Ministry of Energy, data for 01.01.2015):

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	total
M	6	6	4	4	13	12	8	2	4	3	6	7		8	7	2	92
IM	1	11	12	13	9	21	9	2	2	8	7	3		12	13	-	114
CM	1	32	52	66	53	73	57	16	13	35	56	54	4	64	14	12	603
FS	2	21	28	17	30	47	37	4	4	14	25	18	2	52	14	2	317
Total																	1126

M – Metalliferous; IM – Industrial Minerals; CM – construction Material; FS – Facing Stones

The concessions for extraction for the same period are:

	1999-2015
M	50
IM	156
CM	646
FS	237
Total	1089

The data above show that the Construction Materials are the main interests for exploration and production.

1.9. EU legislation impacting permits and licenses for exploration and extraction

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

No

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

Each application is required to have a so called "working programme". To make it you need to have the respective geological/mining knowledge. No one asks for a document proving the qualification or the name of the person that produced it. For

persons taking part in the EIA as document of competence is accepted their Diploma. However, a Regulation (Ordinance) issued some years ago (in 2013), concerning the geological projects and reports, requires the signature of a person member of the Chamber of the Engineers in the investment and planning. This regulation has introduced some confusion, as this Chamber is more directed to architecture, civil engineering and construction building. At some point, this requirement is motivated for projects requiring engineering geology knowledge, but discriminate exploration and prospecting geologists. Practically, the mentioned Regulation tries to make geology a regulated profession in Bulgaria. In such a case, it sounds much more logical to require membership in professional geological organizations (national or European), rather than the mentioned Chamber. The Regulation also excludes geologists that have not acquired an "engineer" title, as they may not be members of the Chamber, because they are not engineers.

- 3) Do you have a legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

Yes. This is a fixed percentage. When the cost is exceeded, it must be paid entirely by the operator.

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

After the Subsurface Resources Act the mine waste is considered to be a commodity. The mine waste is classified in type under the same law and the Ordinance for the Management of the mining waste. Both implement 2009/359/EC.

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

The Directive was introducing by an Ordinance for the management of the mining waste on 19. 01. 2016 according to art. 22k of the Subsurface resources act

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

Not known by the author

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

After the Subsurface resources act the operator must submit a mine waste management plan. However, if he intends to store other than mine wastes for them is applied the Law for the preservation of the environment, Waste management Act and all related to them Ordinances

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

YES. The Directive was introduced through the Law for the accounting from 24.11. 1015 SG 95/2015.

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

YES. The Directive was introduced through the changes in the Law for the public offer of securities SG 42 from 03.06. 2016

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

Many documents (fire protection equipment, safety of the personal, building, etc.) are issued according the requirements of The Regulation 765/2008.