

CONTRIBUTION BY THE GOVERNMENT OF BULGARIA TO THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND THE ENVIRONMENT CALL FOR INPUTS ON AIR POLLUTION AND HUMAN RIGHTS

The government of the Republic of Bulgaria would like to convey the following information:

1. Please provide specific examples of constitutional provisions, legislation, regulations, standards, policies and programmes in relation to preventing, reducing, or eliminating air pollution, both outdoor and indoor. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the right to breathe clean air.

The right of the Bulgarian citizens to a healthy and favourable environment corresponding to established standards and norms is provided in the Constitution of the Republic of Bulgaria, Article 55.

The main strategic programme developed and implemented at national level, including with regard to the policy for improving ambient air quality is the National Development Programme: Bulgaria 2020 (NDP BG2020), which ensures consistency between all policies implemented in Bulgaria. The programme also sets the main priorities of environmental policy, including the improvement of ambient air quality. The document also integrates environmental considerations and strategic guidelines into transport, energy, industry, agriculture, regional development and other policies. The programme is specified and detailed through a three-year action plan, which is updated and reported annually, making it possible to refine existing and add new measures. The ambient air protection measures are included in:

Sub-priority 3.5 Establishing conditions for preserving and improving the environment in the regions, adapting to the climate changes and achieving sustainable and effective use of the natural resources

Target area: Increasing the ambient air quality on the territory of the country, including big urban centres.

Another strategic document is the National Programme for Reduction of Total Annual Emissions of SO₂, NO_x, VOC and NH₃ into the Air. It ensures the implementation of the requirements of the EU National Emission Ceiling Directive (2001/81/EC) and the UNECE Convention on Long-range Transboundary Air Pollution, as well as the implementation of national strategies and programmes in the sectors of energy, industry, transport, agriculture, waste, etc., which resulted in substantial reductions of total emissions of all major pollutants

The basic law governing public relations relating to the protection of the environment for present and future generations and the protection of human health is the Environment Protection Act. It also regulates the policy on the protection of the clean air.

Concerning the legislative framework in the field of air quality in particular, Bulgaria has developed and implemented a regulatory framework that fully complies with the requirements of the EU legislation.

The main normative act is the Clean Air Act. It regulates the definition of air quality indicators and norms, the limitation of emissions of harmful substances, the rights and obligations in relation to control, management and maintenance of air quality, etc. There is in force also secondary legislation defining both the main sources of emissions of harmful substances and the management of air quality:

- The first category includes regulations on emissions of harmful substances from large combustion plants, emissions of volatile organic compounds, emissions of harmful

substances from stationary sources (from industrial processes), for quality of liquid fuels, for measurement of harmful substances, etc.

- The second category includes air quality assessment and management, content of the major pollutants in the ambient air, etc., including those that are specific for the country and are not established at EU level.

2. Please provide specific examples of good practices in preventing, reducing, or eliminating air pollution, both outdoor and indoor. These examples may occur at the international, national, sub-national, or local level. Examples may involve air quality monitoring; guaranteeing procedural rights (e.g. public access to air quality information, public participation in decision-making about air pollution, access to remedies); air quality legislation, regulations, standards, and policies; initiatives to reduce air pollution from specific sectors (e.g. electricity generation, industry, transportation, indoor cooking, heating, and lighting); laws, policies and programmes to protect vulnerable populations from air pollution; laws, policies, or programmes to concurrently address air pollution and climate change; and effective enforcement of rules governing air pollution.

Bulgaria has no problems with achieving and maintaining the levels of almost all pollutants controlled by legislation. A major problem for Bulgaria at the national level is the excessive levels of fine particulate matter (PM10). The following examples are related to solving this problem:

- ***Legislative amendments aiming at improving the ambient quality and protecting the health of the population:***

In October 2018, the Government approved draft amendments to the Clean Air Act. One of the objectives is to regulate the quality requirements for solid fuels (coal and briquettes) used for domestic heating by the population and to designate a national enforcement body. These draft amendments are proposed in order to reduce the PM10 emissions and prevent the violation of the sulphur dioxide standards in some municipalities where coal is used for heating. The specific requirements to the quality of solid fuels will be set in an ordinance on the quality of solid fuels to be adopted by the Council of Ministers. The ordinance will introduce standards for the sulphur and ash content of coal and briquettes, requirements for packing and labelling of the packaging, as well as the conditions, order and procedure for the quality control of solid fuels. In addition, it is envisaged to introduce in the national legislation requirements for the wood offered to the population for domestic heating

- ***The national legislation requirements for emissions of pollutants from combustion plants with a rated thermal input of 0.5 MW or less and less than 50 MW*** have contributed significantly to achieving a reduction in emissions from this type of sources. Subsequently, these sources are also regulated at EU level by Directive EU 2015/2193 on the limitation of emissions of certain pollutants into the air from medium combustion plants (the directive covers medium combustion installations with an input rated thermal input equal to or less more than 1 MW and less than 50 MW)
- ***Earlier application of the requirements of Regulation 2015/1185 to domestic solid fuel heaters with a power output of less than 50 kW (virtually all domestic appliances) implementing Directive 2009/125 / EU with regard to eco-design requirements for solid fuel local space heaters.*** The proposal is that the requirements of the Regulation come into force on January 1 2020, not as it is set out in it - from 2022 onwards. The aim is to stimulate earlier commencement of the process of replacing domestic heating appliances

with those that meet the requirements of the Regulation, respectively with lower levels of emissions of harmful substances.

- ***A mechanism that ensures the participation of citizens and NGOs in the decision-making process on issues related to the ambient air quality:***

Pursuant to the Clean Air Act, municipal authorities (mayors and municipal councils) are competent in the development and implementation of municipal air quality programmes in the event of violation. The programs analyse the state of the problem, determine the sources of pollution with their respective contributions, and the measures to be implemented in order to achieve the norms determined by the legislation. The programmes should also indicate sources of funding and timing for the implementation of individual measures. To develop such a programme, a Programme Council is established, which includes representatives of interested physical and legal entities, environmental organizations, etc. Thus, in the process of developing, updating or controlling the municipal programmes, citizens can take an active part and urge the municipality to take more decisive action to solve the problems with the ambient air quality.

- ***Development of a National Programme for Improvement of the Ambient Air Quality.*** The programme is being developed within the framework of a Consultancy Agreement between the Ministry of Environment and Water and the International Bank for Reconstruction and Development and is planned to be adopted by the Council of Ministers of the Republic of Bulgaria. The Programme envisages practical measures with a medium-term horizon focused on residential heating, which is the main sector contributing to the excessive pollution with PM10.
- ***Under the Operational Program "Environment 2014-2020" BGN 115 million are provided for municipalities with poor air quality.*** At present, 11 municipalities are funded to develop / update municipal programmes and another 12 municipalities will receive grants under this procedure. By the end of 2018 financing of investment measures will be launched aimed at the main source of pollution - residential heating, with the aim of stimulating the switch to more environmentally friendly heating, with less emissions of harmful substances in the ambient air.

3. Please identify specific challenges that your government, business, or organization has faced in attempting to address air pollution and its impacts on human rights.

Reducing emissions from residential heating is the most difficult problem to solve. Low-income levels cause a significant segment of society to solve the problem of heating during the winter by burning the cheapest available fuels. For this reason, taking adequate measures, including switching to other types of heating, is a difficult and slow process. Bulgaria has a social support scheme for the most vulnerable social groups to ensure their heating in winter. This scheme is implemented by granting targeted heating aid for the respective heating season. Problems with excessive air pollution result from the fact that besides these social groups, much of the rest of the population uses solid fuels for heating (more than half of the population).

Adequate financing of applicable measures, which is also a challenge, is key to improving air quality.

4. Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to air pollution (e.g. women, children, persons

living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities).

Municipal authorities have access to data from automatic measuring stations located on their territory, enabling them to provide real-time air quality information to the affected population. Such systems have been built in the largest municipalities in the country, for example in Sofia: <https://www.sofia.bg/components-environment-air>) and Burgas: <http://air.burgas.bg/>. Sofia Municipality presents also forecast information on PM10 levels: <https://www.sofia.bg/prognosis-fpch10>.

Bulgaria sends in real time to the European Environment Agency data on the ambient air quality for the whole territory of the country. This makes it possible to provide real-time information on the website of the European Environment at: <http://airindex.eea.europa.eu/>, as well as at: <http://eea.government.bg/>.

5. Please provide specific examples related to the regulation of businesses and other non-State actors in relation to the protection of human rights from air pollution and the fulfilment of their obligations in this regard.

Existing legislation on industrial sources regulates and ensures a high level of environmental protection, including the ambient air quality. This has contributed the industry to have a relatively small contribution (both as impact and territorial scope) to the ambient air pollution. The implementation of EU legislation, and in particular Directive 2010/75 / EU on industrial emissions, provides for preventive control through integrated permits, which set the emission limit values to be met by plant operators. An appropriate sanction regime is also provided for non-fulfilment of the conditions in the integrated permits. In addition, a sanction regime is also provided for enterprises outside the scope of the permitting regime, with the aim of ensuring that the operators concerned take action as soon as possible.

6. How do you ensure that the rights of environmentalists working on air quality issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

Both the Constitution and the Labour Code protect the rights of all working people in Bulgaria.

*Sofia
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