

UNDERGROUND NATURAL RESOURCES ACT

*Prom. SG. 23/12 Mar 1999, amend. SG. 28/4 Apr 2000, amend. SG. 108/14 Dec 2001, amend. SG. 47/10 May 2002, amend. SG. 86/30 Sep 2003, amend. SG. 28/1 Apr 2005, amend. SG. 94/25 Nov 2005, amend. SG. 30/11 Apr 2006, amend. SG. 36/2 May 2006, amend. SG. 37/5 May 2006, amend. SG. 55/6 Jul 2007, amend. SG. 70/8 Aug 2008, amend. SG. 19/13 Mar 2009, amend. SG. 82/16 Oct 2009, amend. SG. 46/18 Jun 2010, amend. SG. 61/6 Aug 2010, amend. SG. 100/21 Dec 2010, amend. SG. 19/8 Mar 2011, amend. SG. 14/17 Feb 2012, amend. SG. 45/15 Jun 2012, amend. SG. 66/26 Jul 2013, amend. SG. 98/28 Nov 2014, amend. SG. 14/20 Feb 2015, amend. and suppl. SG. 56/24 Jul 2015, amend. and suppl. SG. 96/1 Dec 2017, amend. and suppl. SG. 77/18 Sep 2018, suppl. SG. 98/27 Nov 2018, amend. and suppl. SG. 79/8 Sep 2020, amend. and suppl. SG. 17/26 Feb 2021, amend. and suppl. SG. 86/13 Oct 2023, amend. SG. 61/29 Jul 2025, **amend. and suppl. SG. 67/15 Aug 2025***

Part one.

GENERAL PROVISIONS

Chapter one.

SUBJECT AND RANGE

Art. 1. (Amend. - SG 70/08) (1) This Act shall regulate the terms and procedure for:

1. prospecting, exploring and extraction of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economical zone in the Black sea;
2. (amend. - SG 100/10) protecting the earth's recesses through a rational use of underground resources while exploring and extracting them and during their primary processing;
3. (amend. – SG 56/15, in force from 24.7.2015) managing the mining waste from the exploration, extraction, primary processing and storage of the underground natural resources.

(2) The Act shall not apply to activities related to:

1. scientific research, educational and lecturing activity;
2. gold mining from river watercourses through hand flushing;
3. extraction of salts and elements of the sea water;
4. (new - SG 86/23, in force from 13.10.2023) shallow geothermal resources.

(3) (New – SG 61/10) Mining of underground resources shall be prohibited in:

1. riverbeds;
2. lands adjacent to rivers and reservoirs;
3. floodplains of river banks.

Art. 2. (Amend. - SG 70/08) (1) (Suppl. - SG 86/23, 13.10.2023) Underground natural resources in the context of this Act shall be the ores and minerals, deep geothermal resources and the mining waste from extraction and their primary processing, grouped in:

1. metal natural resources;
2. non-metal natural resources - industrial minerals;
3. oil and natural gas;

4. solid fuels;
5. construction materials;
6. rock-lining materials;
7. mining waste;
8. (new - SG 86/23, in force from 13.10.2023) deep geothermal resources.

(2) (Suppl. - SG 100/10) Underground resources referred to in Para 1, Item 5 and 6 shall be generally available ores and minerals.

(3) (Amend. - SG 100/10, amend. - SG 96/17, in force from 02.01.2018, amend. - SG 79/20) The ores and minerals on the territory of the Republic of Bulgaria, in the continental shelf and in the Black Sea exceptional economic zone with reserves or reserves and resources under account in the National Balance of Reserves and Resources of Underground Natural Resources, which lack admitted and/or granted rights and no open procedures for recognition and/or grant of rights under this Act has been initiated, as well as the remaining reserves or reserves and resources after the technical liquidation of the mining sites shall be considered underground natural resources with established deposits.

(4) (Amend. - SG 100/10; amend. – SG 14/15) An up-to-date list with information of the location, the group of ores and minerals and the state of the reserves and/or resources of the underground natural resources with established deposits referred to in Para 3 shall be drawn up annually by the Minister of Energy and shall be published on the [internet site](#) of the Ministry of Energy.

Art. 3. (1) The underground natural resources are exclusive state property.

(2) (Revoked - SG 70/08)

Art. 4. (1) (Amend. - SG 70/08) Prospect and exploration of underground natural resources shall be carried out on the basis of a permit to:

1. (suppl. - SG 86/23, in force from 13.10.2023) prospect and explore underground natural resources under **Art. 2, Para 1, Items 1 - 4 and item 8**;
 2. exploration of underground natural resources under **Art. 2, Para 1 and 3**.
- (2) The extraction of underground natural resources shall be carried out by granting a concession.

Art. 5. Rights for underground natural resources shall be granted through:

1. (amend. – SG 100/10; amend. – SG 14/15) prospecting and exploration or exploration permits issued by the Minister of Energy, upon approval by the Council of Ministers;
2. (amend. – SG 100/10; amend. – SG 14/15) prospecting and exploration or exploration permits for oil and gas and prospecting and exploration or exploration permits for underground natural resources in the continental shelf and in the exclusive economic zone, issued by the Council of Ministers at the proposal of the Minister of Energy;
3. (amend. – SG 100/10; amend. – SG 14/15) concession for extraction granted by the Council of Ministers at the proposal of the Minister of Energy;
4. (revoked - SG 70/08)

Art. 5a. (New - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) Mining waste management rights shall be granted by the Minister of Energy pursuant to **Chapter Eight**.

Chapter two.

BODIES OF MANAGEMENT OF THE UNDERGROUND NATURAL RESOURCES

Art. 6. (1) (Amend. – SG 100/10; amend. – SG 14/15, suppl. – SG 79/20) Competent body under **Art. 5, item 1** shall be the Minister of Energy, who is a single authority for governance of the underground

natural resources.

(2) (Amend. – SG 100/10; amend. – SG 14/15) Competent body under **Art. 5, item 2** is the Council of Ministers which shall authorise the Minister of Energy to conclude a contract for prospecting and exploration or for exploration.

(3) (Amend. – SG 100/10; amend. – SG 14/15) Competent body under **Art. 5, item 3** is the Council of Ministers which shall authorise the Minister of Energy to conclude contract for extraction of underground natural resources.

(4) (Revoked - SG 70/08)

(5) (Suppl. - SG 70/08, revoked – SG 100/10)

Art. 7. (Amend. - SG 70/08, amend. – SG 82/09, in force from 16.10.2009, amend. – SG 100/10)

(1) The Council of Ministers shall determine the state policy of management of the underground natural resources in view to sustainable development of the country, national security and attracting investors, and shall adopt the National strategy for development of the mining industry.

(2) (Amend. – SG 14/15) The Minister of Energy shall:

1. develop and after coordination with other interested Ministries, institutions and organizations shall introduce for adoption by the Council of Ministers the strategy under Para. 1;

2. coordinate, conduct public procurement for determining a contractor and shall assign the implementation of investment and other projects for geological and geo-ecologic exploration of the territory of the Republic of Bulgaria in its continental shelf and in the exclusive economic zone in the Black Sea;

3. manage the National geological fund;

4. organise the collecting, the maintaining in updated status and the preservation of the data of **Art. 32, para 1, item 1** of the Cadastre and Property Register Act, as well as the creation and the maintenance of specialised maps, registers and information system on the basis of these data and on the basis of data from the cadastre about:

a) the prospecting and exploration or exploration permits;

b) the discoveries and the deposits of underground resources;

c) the granted concessions for extraction of underground resources;

d) the permits for management of equipment for mining wastes;

5. issue certificates for registered discoveries of deposits;

6. organise the creation and keeping of a national balance of the reserves and resources of underground natural resources of all types of underground natural resources under **Art. 2**;

7. (amend. - SG 86/23, in force from 13.10.2023) perform the actions provided for in this Act, including holding competitions and tenders, negotiations and give prospecting and exploration or exploration permits for underground natural resources under **Art. 2, Para 1, Items 1, 2 and 4 - 8** upon approval by the Council of Ministers and conclude contracts in the cases determined by this Act;

8. create the necessary organisation and extend proposals to the Council of Ministers for granting prospecting and exploration or exploration permits for underground natural resources under Art. 2 in the continental shelf and in the exclusive economic zone in the Black Sea, as well as for granting prospecting and exploration or exploration permits for oil and gas, and shall conclude contracts in the cases, determined by this Act;

9. control the performance of the duties of the holders of prospecting and exploration or exploration permits under the contracts concluded under this Act;

10. create the necessary organisation and extend proposals to the Council of Ministers for granting concessions for extraction of underground natural resources under **Art. 2**;

11. (amend. and suppl. – SG 79/20) hold tenders and negotiations in compliance with the Council of Ministers decision for providing mining concession and conclude concession contracts in the cases determined by this Act;

12. control the fulfilment of the obligations of the concessionaires under the contracts concluded under this Act;
13. grant rights for management of mining wastes as provided by **Part One, Chapter Eight**;
14. as a competent body on the application of Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on management of wastes from extractive industries and amending Directive 2004/35/EC, develop and submit to the European Commission the provided by the Directive reports;
15. exercise other powers, assigned to him by a legislative act.

Chapter three.

STATE ORDER FOR GEOLOGICAL SURVEYS

Art. 8. (Amend. - SG 37/06, in force from 01.07.2006, amend. – SG 100/10, amend. – SG 79/20) Geological surveys in the Republic of Bulgaria, financed with state funds, shall be awarded in accordance with the **Public Procurement Act** on the basis of the strategy under **Art. 7, Para. 1**.

Art. 9. (Amend. – SG 100/10; amend. – SG 14/15) The Ministry of Energy shall work out and finance the priority subjects and the related annual tasks in the sphere of geology.

Art. 10. (Revoked - SG 70/08)

Art. 11. (Amend. - SG 70/08) All acquired geological information, as well as the created intellectual product, shall become the property of the state and are transferred to the National Geological Fund for storage and use.

Chapter four.

INFORMATION AND DOCUMENTATION (TITLE AMEND. - SG 70/08)

Art. 12. (1) (Amend. - SG 70/08, amend. – SG 79/20) Geological information shall be the combination of all references and data obtained in the process of geological research, exploration and extraction of underground natural resources, which is subject to submission, acceptance, processing and storing.

(2) According to the type of the information carrier the geological information can be qualified as natural and original as:

1. the natural geological information is carried by natural information carriers - samples of rocks and mineral raw materials from natural discoveries and geological survey, drill core, schliches, laboratory samples, etc;

2. original geological information are the references and the data obtained in the process of fulfilment of the geological tasks which are stored on paper, transparent, magnetic and optic carriers, as well as various hard body carriers.

(3) According to the method of storing of the geological reference and data the information can be printed and digital as:

1. the printed geological information represents texts, graphics, tables, cross sections, maps, plans etc.

2. the digital geological information are digital geological references and data which can be processed, written, stored and reproduced by computer devices and systems.

(4) According to the degree of fulfilment of the geological tasks the geological information is

classified as primary, intermediate and final as:

1. primary information is the combination of the primary data of the natural information regardless of the information carriers; it is a basis of obtaining intermediate and final information;
2. intermediate information are the incomplete data which are subject to additional processing and are stored until obtaining the final information;
3. final information are data which reflect the fulfilment of the geological survey, the technological exploring, the scientific and research work and others; the final information can be stored on different information carriers.

Art. 13. (Amend. - SG 70/08) (1) (Amend. – SG 100/10) The holders of prospecting and exploration or exploration permits, the concessionaires and the performers of public procurement for geological research shall be obliged to:

1. keep full and detailed documentation for the geological research and the other activities under the granted permits or concessions and present it for inspection in compliance with the conditions of the concluded contracts;
2. account for the results from the geological survey and the other activities under the granted permits or concessions through intermediate and final reports;
3. (amend. – SG 100/10; amend. – SG 14/15) present to the Minister of Energy the obtained materials upon conclusion of the geological research related to it;
4. collect, identify, store and document the diversity of minerals in the areas and sites provided to them;
5. keep and store documentation about the activities of managing the mining waste and the mining waste facility until it is closed and present it for inspection to the competent authority, when acting as operators of mining waste facilities.

(2) The results from the geological research, the prospecting and exploration and concession activities, their interpretation and the assessment of the achieved goals shall be expressed in geological reports.

(3) The requirements to the information and documentation resulting from the activities carried out under this Act shall be arranged in an act of the Council of Ministers.

Art. 14. (1) (Amend. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) For the period of validity of the prospecting and exploration or exploration permits or of the concessions for extraction the information and documentation under **Art. 13** shall be property of the Minister of Energy, and of the holder of the permit or the concessionaire. The owners shall be obliged to provide confidentiality of the information during its collection, storing, submitting and using according to the conditions of the concluded contract.

(2) (Amend. - SG 70/08, amend. – SG 100/10, suppl. – SG 79/20) Copies of the information under Para 1, received as a result of the prospecting, exploration and production activities, shall be submitted for storing at the National Geological Fund by the holder of the permit or by the concessionaire.

(3) (Amend. - SG 70/08) The entire information under **Art. 13** shall be conceded from the holder of the permit or the concessionaire to the National Geological Fund within 45 days from expiration of the permit or the concession and shall become property of the Bulgarian state.

Art. 15. (Amend. - SG 70/08) The information and documentation about underground natural resources, obtained before or after the entry into force of this Act, shall be submitted as a state property to the National Geological Fund.

Art. 15a. (New - SG 86/23, in force from 13.10.2023) (1) The information and documentation relating to groundwater, acquired in connection with the implementation of the activities under this act, shall

be shared with the relevant basin directorates.

(2) The basin directorates and the National Geological Fund shall create a joint database for management, storage and access to information and documentation relating to groundwater, acquired or used in connection with the implementation of the activities under this act.

(3) The conditions and procedure for providing the data under Para. 2 shall be determined in accordance with Art. 16, Para. 3 and the ordinance under Art. 135, Para. 1, item 2 of the Waters Act.

Chapter five.

NATIONAL GEOLOGICAL FUND (TITLE AMEND. - SG 70/08)

Art. 16. (1) (Amend. and suppl. - SG 70/08, amend. – SG, 100/2010; amend. – SG, 14/15) The Minister of Energy shall maintain a National Geological Fund which shall collect, process, store and submit for using against payment the geological information from research and other activities related to the prospecting, exploring and extracting of underground natural resources under **Art. 13**.

(2) (amend. - SG 70/08) Established and maintained at the National Geological Fund shall be specialised informational systems for the data from the geological research, prospecting, exploring and extraction of underground resources under **Art. 2**.

(3) (amend. - SG 70/08) The functions of the National Geological Fund and the conditions and the order of using its information by the respective users shall be stipulated by an act of the Council of Ministers.

(4) (New - SG 86/23, in force from 13.10.2023) The Minister of Energy shall have the right to request and receive all available geological and hydro-geological information available from the water management authorities.

Chapter six.

SPECIALISED MAPS AND REGISTERS OF THE PROSPECTING AND EXPLORATION OR EXPLORATION PERMITS AND CONCESSIONS FOR EXTRACTION (TITLE AMEND. - SG 47/02, AMEND. - SG 100/10)

Art. 17. (Amend. - SG 47/02; amend. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) The Minister of Energy shall organise the collecting, maintaining in updated status and preservation of the data of **Art. 32, para 1, item 1** of the CPRA about the prospecting and exploration or exploration permits, granted under the conditions and by the order of the law, and the creating of specialised map and register and information system on the basis of this data, as well as on the basis of data from the cadastre.

Art. 18. (1) (Suppl. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15, prev. text. of Art. 18 - SG 96/17, in force from 02.01.2018) The Ministry of Energy shall organise the creation and shall maintain a specialised map and register of the concessions for extraction, granted under the conditions and by the order of this Act.

(2) (New - SG 96/17, in force from 02.01.2018) For each granted concession, an account shall be opened and maintained in the National Concessions Register under the terms and conditions of the **Concessions Act**.

Art. 19. (Amend. - SG 47/02, amend. – SG 100/10) (1) The specialised maps of the areas for prospecting and exploring and for exploring of concession areas as well, and the registers of the prospecting and exploration or exploration permits of the concessions for extracting of natural resources shall be established and kept under conditions and procedure, determined by the Council of Ministers, while

observing the requirements of **Chapter Four** of the Cadastre and Property Register Act.

(2) (Amend. – SG 14/15) The specialised maps and registers shall be public, shall be maintained on the [website](#) of the Ministry of Energy and all persons shall have the right to receive official copies and abstracts from them.

Chapter seven.

NATIONAL BALANCE OF RESERVES AND ASSESSMENT OF RESOURCES. REGISTER OF DISCOVERIES AND SPECIALISED MAPS AND REGISTER OF DEPOSITS (TITLE AMEND. - SG 47/02)

Art. 20. (Amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 14/15) The Minister of Energy shall create and keep:

1. national balance of the reserves and resources of underground natural resources under **Art. 2, Para 1;**
2. (amend. - SG 47/02) specialised map and register of the deposits of the underground resources of **Art. 2;**
3. register of the discovery.

(2) (Amend. – SG 100/10, amend. – SG 79/20) The national balance of reserves and resources of underground natural resources, referred to hereinafter as "the National balance", shall be worked out annually by data for the condition and the change of the reserves and resources submitted by the executors of public procurement for geological research, by the holders of prospecting and exploration or exploration permits also by the concessionaires.

(3) The reserves and resources of the deposits of underground natural resources, included in the natural balance, shall be accounted in compliance with classifications of the reserves and resources of underground natural resources approved by the Council of Ministers.

(4) (Amend. – SG 79/20) In the specialised map and register of for the deposits of underground natural resources shall be reflected all deposits of underground resources, established as a result of performed geological exploration activities, with proven and approved reserves or reserves and resources, for which geological reports have been prepared and registered at the National Geological Fund, including the discoveries of deposits.

(5) (Suppl. – SG 79/20) In the register of discoveries shall be entered discoveries, made:

1. (suppl. – SG 79/20) during performance of tasks, related to geological research, assigned under the **Public Procurement Act;**
2. (amend. – SG 100/10) by holders of prospecting and exploration or exploration permits;
3. (new - SG 67/25) by concessionaires under granted concessions for the extraction of underground resources under Art. 2, para. 1, items 1 - 4 - only for the underground resources under Art. 2, para. 1, item 8, discovered as a result of the activities for the extraction of underground resources within the boundaries of the granted concession area.

(6) (Amend. – SG 100/20, suppl. – SG 79/20, suppl. - SG 67/25) Not entered in the register shall be a discovery, requested by a person who is not holder of or has no prospecting and exploration or exploration permits or the permit is not entered in the Register under **Art. 17**, or the application for registering a discovery has not been submitted within the term or is not a concessionaire under a granted concession for the extraction of underground resources under **Art. 2, Para. 1, Items 1 - 4** - only for the underground resources under Art. 2, Para. 1, Item 8, discovered as a result of the activities for the extraction of underground resources within the boundaries of the granted concession area.

(7) (Amend. – SG 100/10; amend. – SG 14/15, amend. - SG 79/20) The discoveries under Para. 5 shall be registered upon consideration and acceptance of the submitted geological reports containing

calculated reserves or reserved and resources by a specialised expert committee, appointed by the Minister of Energy.

(8) (Amend. – SG 100/10; amend. – SG 14/15) The Minister of Energy shall approve rules on the composition and work of the specialised expert committee.

(9) (Amend. – SG 79/20) The discovery of underground natural resources made as a result of geological searching in the context of **Art. 8**, does not give rights under **Art. 29, Para. 1** for the discoverer.

(10) The activity for the working out and keeping the national balance shall be provided with an act of the Council of Ministers.

(11) (Repealed - SG 100/10, new – SG 79/20) The Commission under Para. 7 shall consider and accept geological reports for performed recalculation of reserves or reserves and resources of underground mineral resources, prepared by concessionaires after performed additional research under **Art. 34, item 3**, within the boundaries of the deposit.

Art. 21. (Amend. - SG 70/08) (1) The discovery shall be registered as:

1. a geological discovery;
2. a commercial discovery.

(2) (Amend. – SG 100/10, amend. – SG 79/20) The geological discovery is a result of activities on expansion of prospecting and exploring and for exploration of underground natural resources, originates rights for the holder under **Art. 31, Para 5** and the application for its registration shall contain:

1. description of the location of the discovery;
2. co-ordinates of the limit and characteristic points including the discovery;
3. the specific underground natural resources established by the discovery and the group under **Art. 2, Para 1** to which they belong;
4. qualitative characteristics of the underground natural resources;
5. preliminary assessment of the potential of the discovery.

(3) (Amend. – SG 100/10, suppl. - SG 67/25) The trade discovery is a result of activities under prospecting and exploration or exploration permits for underground natural resources, or under a granted concession for the extraction of underground resources under Art. 2, para. 1, items 1 - 4 - only for the underground resources under Art. 2, para. 1, item 8, discovered as a result of the activities for the extraction of underground resources within the boundaries of the granted concession area, originates rights of concession and the application for its registration contains:

1. description of the location of the discovery;
2. co-ordinates of the limit and characteristic points including the discovery;
3. the specific underground natural resources established by the discovery and the group under **Art. 2, Para 1**, to which they belong;
4. qualitative characteristics of the underground natural resources;
5. technical and economic assessment of the reserves;
6. proposed technologies for extraction and processing of underground natural resources and their preliminary technical characteristics;
7. a written opinion of the competent environment authority about an applicable procedure under the order of **Chapter Six** of the Environmental Protection Act regarding the investment proposal for extraction and primary processing of underground natural resources from the deposit.

(4) (Amend. – SG 100/10; amend. – SG 14/15, amend. - SG 67/25) The declaring of the discovery as geological or trade discovery shall be carried out in the application under para. 2 or 3 from the persons under art. 20, para. 5, item 2 or 3 to the Minister of Energy. Where the application does not meet the requirements, the Minister of Energy or an official authorised by him shall notify the applicant in writing within 15 days from submission of the application about the defects and shall provide instructions and time limit for correcting them.

(5) (Suppl. - SG 67/25) The applications under Para 2 and 3 shall be submitted by the holder of permits and for the underground resources under Art. 2, Para. 1, Item 8 - by the concessionaires under granted concessions for the extraction of underground resources under Art. 2, Para. 1, Items 1 - 4 together with a geological report about the results from the explorations made and the calculated reserves and/or resources according to an ordinance on the geological and technical documentation of the exploration and mining sites.

(6) The Committee under **Art. 20, Para 7** shall consider the geological reports under Para 5 within three months from their submission and shall draw up a protocol.

(7) (Amend. – SG 79/20) The Minister of Energy or an official, authorized by him within 15 days shall:

1. (amend. - SG 67/25) from the date of the prepared protocol under Para. 6 shall confirm it, make the registration and issue the person under Art. 20, para. 5, item 2 or item 3 a certificate for a geological discovery;

2. (amend. - SG 67/25) after presentation by the person under Art. 20, para. 5, item 2 or item 3 an effective decision on assessment of the environmental impact (EIA), issued under the **Environment Protection Act**, approving the implementation, or a decision not to perform EIA of the investment proposal for extraction and primary processing of underground natural resources, shall approve the protocol under Para 6, make the registration and issue the holder a certificate for a commercial discovery.

(8) (Amend. – SG 14/15, suppl. - SG 77/18, in force from 01.01.2019) The Minister of Energy or an official appointed from the staff of the ministry shall make a reasoned refusal to register the discovery, when:

1. the application does not meet the requirements under Para 2 and 3 and the defects are not corrected under the order of Para 4;

2. (amend. - SG 67/25) the geological report submitted by the person under Art. 20, para. 5, item 2 or item 3 was considered and not approved by the Committee under **Art. 20, Para 7**;

3. there is an effective AEI decision, which does not approve the performance of the investment proposal for extraction and primary processing of underground natural resources.

4. (new – SG 79/20) there is some of the circumstances under **Art. 20, Para. 6**.

(9) (Amend. - SG 79/20) In the cases of refusal under Para 8, the applications, submitted under Para 2 and 3 shall be returned to the persons, having submitted them, and the geological reports under Para 5 shall be entered in the National Geological Fund for storage and use.

(10) The refusal to register the discovery under Para 21, Para 1 may be appealed under the order of the **Administrative Procedure Code**.

Art. 22. (Amend. and suppl. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15, amend. – SG 79/20) The holders of prospecting and exploration or exploration permits and the concessionaires shall be obliged, annually or upon request, however not more than twice a year, to present to the Minister of Energy information about the condition and the change of the reserves and the resources in the ceded areas and deposits, as well as the necessary information and documentation under **Art. 13** for verification of their authenticity.

Chapter eight.

MANAGEMENT OF MINING WASTE (NEW - SG 70/08)

Art. 22a. (New - SG 70/08, amend. – SG 56/15, in force from 24.07.2015) (1) The management of mining waste shall be carried out on the basis of an approved plan by the Minister of Energy on management of mining wastes, including the needed measure for preventing, reducing or limiting their

adverse impact on the components of environment, on the safety of humans and human health.

(2) The measures under Para. 1 shall be based on the best available techniques by taking in consideration the technical characteristics of the facility for mining wastes, its geographic location and the local conditions of the environment.

(3) The Management plan of mining wastes shall be drawn up according to the principle for sustainable development.

(4) The Management plan of mining wastes shall have as its purpose:

1. prevention or decreasing the formation of mining wastes and their hazard impact in accounting of:

a) management of mining wastes in designing and selection of a technology for extraction and initial processing of underground ores;

b) changes, which the mining wastes may undergo in increasing their area and placing them in the conditions on the land;

c) returning the mining wastes back to the processed areas, if this is technically possible, economically effective and favourable for the environment according to the normative requirements of for its protection;

d) returning the upper soil layer after closing the facility for mining wastes or of this is not practically possible – the repeated use of the upper soil layer in another place;

e) use of substances with higher level of danger in initial processing of the underground ores while observing the requirements of **Art. 87, Para. 2, p. 4**;

2. utilization of mining wastes by recycling, repeated use or use for specific purposes, as far as this is favourable for the environment according to the normative requirements for its protection;

3. (new – SG 79/20) treatment and treatment and disposal of mining waste;

4. (former item 3 - SG, 79/20) Guaranteeing safe disposal of mining wastes by provision in the projects under **Art. 82** also fulfilment of activities and events for building, exploitation and closure of facilities for mining wastes in compliance with the Management plan of mining wastes:

a) by securing a minimal, and if possible – in the future no monitoring, control and management of already closed facility for mining wastes;

b) whose fulfilment leads to prevention or minimum long term negative impact over the environment and human health;

c) whose fulfilment guarantees long-term geo-technical stability of land facilities for mining wastes.

(5) The mining wastes shall cease to be such, after they have passed a process of utilization, for which it is needed to meet the following conditions:

1. for their use for specific purposes an accepted practice is available;

2. there is market or demand for them;

3. they meet the technical requirements for specific purposes and are in compliance with the normative requirements and standards, applicable to them;

4. their use will not lead to negative impact over the environment and human health.

Art. 22b. (New - SG 70/08) (1) (Amend. and suppl. – SG 56/15, in force from 24.7.2015) The mining waste shall be classified according to a procedure, defined by the Ordinance of **Art. 22j** under the codes in Annex N 1 to Ordinance N2 of 23 July 2014 for classification of wastes (SG 66/2014) to the level of hazard to the environment and/or human health on the basis of their quality characteristics and composition, as follows:

1. unpolluted soil, inert waste, non-hazardous waste generated from the prospecting and waste from extracting and treatment of peat;

2. non-hazardous non-inert waste;

3. hazardous waste.

(2) (Amend. – SG 56/15, in force from 24.7.2015) The mining waste shall be deposited and stored at sites or in mining waste facilities, which location, construction and management prevent or maximally reduce their adverse effects on the components of environment and/or human health, without causing a nuisance through noise or odours and without adversely affecting places of special interest.

(3) The dumping or depositing of mining waste on locations outside the facilities referred to in Para 2, as well as the abandonment of the facilities without supervision and control, shall be prohibited.

(4) The mining waste facilities shall be classified according to their hazard level and the risk to the environment and human health as:

1. (amend. – SG 56/15, in force from 24.7.2015) "category A" facilities are mining waste facilities, which may cause a big accident resulting from unexpected conditions or bad management or such in which are deposited dangerous waste under Para 1, Item 3 over the defined threshold, or which contain dangerous substances or mixtures in the meaning of the **Act on Protection from the Harmful Impact of the Chemical Substances and Mixtures** above the Admissible Norms;

2. (amend. – SG 56/15, in force from 24.7.2015) "category B" facilities shall be all other mining waste facilities;

(5) (Amend. – SG 100/10, amend. and suppl. – SG 56/15, in force from 24.7.2015) The mining waste facility category shall be determined under the conditions and procedure of the Ordinance under **Art. 22j** through risk assessment on the basis of the quality specifications and the composition of the mining waste, including its changes resulting from possible secondary influence of the stability level of the facility according to its technical specifications, of its present and future size and location.

(6) Excavation voids, whether created through underground or surface extraction of mineral resources, in which the mining waste is placed back as filling material, shall not be mining waste facilities.

(7) (Repealed – SG 100/10, new – SG 56/15, in force from 24.7.2015) In case of returning the mining wastes to the processed areas with re-cultivation and construction purposes, notwithstanding whether they have been generated of open or underground mining, appropriate measures shall be undertaken for:

1. provision of stability of the mining wastes in compliance with the requirements of **Art. 22i, Para. 1**;

2. prevention of polluting the soil and the surface and underground waters in compliance with the Ordinance under **Art. 22j**;

3. guaranteeing monitoring of the mining wastes and of the processed areas in compliance with the requirements of **Art. 22k, Para. 3 and 4**.

(8) (New - SG 56/15, in force from 24.7.2015) Where for filling in processed areas is used other waste apart from the mining wastes, the **Environmental Protection Act**, the **Waste Management Act** and the secondary legislation on their implementation shall apply.

Art. 22c. (New - SG 70/08) (1) The holders of permit and concessionaires, the activity of which results in formation of mining waste, as well as any natural or legal person possessing it, shall be responsible for the management of mining waste in compliance with the requirements of this Act.

(2) (Suppl. – SG 46/10, in force from 18.06.2010, amend. – SG 100/10; amend. – SG, 14/15, amend. – SG 56/15, in force from 24.7.2015) The persons under Para 1 shall be obliged to take at their expense all necessary measures in compliance with a mining waste management plan drawn up and approved by them.

(3) The persons under Para 1 may assign the duties related to mining waste management to a third party in a contract, provided that it has the required qualification, knowledge and technical abilities for performing mining waste management activities.

(4) (Amend. – SG 100/10; amend. – SG 14/15, amend. – SG 56/15, in force from 24.7.2015) The persons under Para 1, and in case of assignment by a contract and the ones under Para. 3 shall be operators of mining waste facilities.

(5) (Suppl. – SG 100/10; amend. – SG 14/15, amend. – SG 56/15, in force from 24.7.2015) In view to establishment the fulfilment of the conditions of the permit and of the mining waste management plan, production of summarized information about mining wastes and reporting the condition of the mining waste facility, the operators shall provide annually by 31 March to the Minister of Energy a report, drawn up under the requirements of the Ordinance under **Art. 22j**, which obligatorily shall contain the results and conclusions of the conducted own monitoring.

(6) (Amend. – SG 56/15, in force from 24.7.2015) After closure, re-cultivation of the affected lands and the follow up monitoring of the mining waste facilities, the mining wastes shall be produced to the Regional Governor, on whose territory they are located.

Art. 22d. (New - SG 70/08) (1) (New - SG 56/15, in force from 24.7.2015) Every activity, causing mining wastes shall be carried out only with an approved mining waste management plan.

(2) (Amend. – SG 46/10, in force from 18.06.2010; amend. – SG 14/15, former Para. 1, amend. and suppl. - SG 56/2015, in force from 24.7.2015) In respect of activities for management of waste under **Art. 22b, Para 1, Item 1 and 2**, stored in category "B" facilities, an approved mining waste management plan shall be required.

(3) (Amend. – SG 100/10; amend. – SG 14/15, former Para. 2, amend. and suppl. - SG 56/15, in force from 24.7.2015) For activities of management of all mining waste, stored in category "A" facilities, a permission, including an approved mining waste management issued by the Minister of Energy shall be required,

(4) (Amend. – SG 100/10, former Para. 3, amend. and suppl. - SG 56/15, in force from 24.7.2015) Where an investment proposal for activities, causing mining wastes is subject to a procedure under **Chapter six** of the Act on Environment Protection, the investment proposal shall obligatorily contain the proposal for mining waste management.

(5) (Amend. – SG 46/10, in force from 18.06.2010, amend. - SG 100/10, amend. – SG 14/15, former Para. 4, amend. and suppl. - SG 56/15, in force from 24.7.2015) The mining waste management plan shall be drawn up by the operator under the requirements of the Ordinance under **Art. 22j**, and shall contain at least:

1. a grounded proposal for a category of the facility under **Art. 22b, Para. 4**, as well as:
 - a) for a facility of category A – developed policy for prevention of large incidents, a system for safety and internal incident plan management;
 - b) for a facility of category B – a risk assessment report with motives, that the facility is not to be defined as category A, as well as identification of the possible dangers of incidents;
2. characteristics and projected amount of mining wastes, which would form during the exploration, mining, initial processing and storage of the natural resources;
3. description of the activity, causing mining wastes, as well as any follow up processing;
4. description of the possible risks for the environment and human health, as well as prevention measures for minimizing the impact on the environment during functioning and after closure of the mining waste facility, including for fulfilment of the requirements of **Art. 22i, Para. 1, p. 1 – 4, 6 and 7**;
5. procedures for control and monitoring in implementation of **Art. 22b, Para. 7 and 8** and the applicable requirements of **Art. 22i, Para. 1, p. 5**;
6. plan for closure of the facility, subject ot re-cultivation of the land, affected by the facility, procedures after the closure and monitoring in compliance with **Art. 22k**;
7. measures for prevention of worsening the conditions of waters in compliance with **Art. 118** of the Act on Waters and for prevention and minimising the pollution of air and soil under the requirements of the Ordinance under **Art. 22j**;
8. information and description how the selected technologies for mining and initial processing of natural resources will achieve the objectives of **Art. 22a, Para. 4, p. 1**.

(6) (New – SG 56/15, in force from 24.7.2015) In the plan for mining waste management for residues with presence of cyanide, the operator shall propose measures for decreasing the concentration of weakly acidic dissociable cyanide, using the best available techniques to the possible lowest level, but not higher than 10 mg/kg. For residues, introduced into exploitation on 1 May 2008, the concentration shall be decreased in stages, not exceeding 50mg/kg from 1 May 2008, 25 mg/kg from 1 May 2013 and 10 mg/kg from 1 May 2018. Upon request of the Minister of Energy, the operator shall produce a report on the risk assessment, coordinated with the specific conditions of the mining site, through which it shall be proved, that the indicated limits of concentration are not needed to be decreased any more.

(7) (New – SG 56/15, in force from 24.7.2015) With the plan of mining waste management, the operator shall also produce to the Minister of Energy:

1. an enacted decision of the Environment Impact Assessment (EIA), issued under **Chapter Six** of the Act on Environment Protection or a decision, which considers, that not EIA is to be carried out, which shall contain motives that the mining waste management does not contradict the plans and programmes for waste management under the **Waste Management Act**;
2. documents, certifying the qualification, knowledge and technical possibilities for carrying out the activities of management, which are inseparable part of the management plan of mining wastes after its approval;
3. a programme for training of the staff, which is inseparable part of the management plan of mining wastes after its approval and whose fulfilment shall be accounted with the fulfilment of the plan in compliance with **Art. 22c, Para. 5**;
4. a contract under **Art. 22c, Para. 3**.

(8) (New – SG 56/15, in force from 24.7.2015) Where the contents is of category B, the documents under Para. 5 and 7 shall be considered by the Minister of Energy or an official, authorized by him within 30 day term and if there are lapses or the information is insufficient, the applicant shall be given term for their removal or the documents shall be returned for removal of the irregularities with obligatory instructions.

(9) (New – SG 56/15, in force from 24.7.2015) Within the term of up to 2 months after removal of the lapses under Para. 8, or from the repeated submission of the documents under Para. 5 and 7, the Minister of Energy, or an official, authorized by him shall approve or with motivation shall refuse to approve the management plan of mining wastes.

(10) (New – SG 56/15, in force from 24.7.2015) The Minister of Energy or an official, authorized by him shall approve the produced management plan of mining wastes, where:

1. the operator has fulfilled the requirements under Para. 5 and 7;
2. the mining wastes management does not contradict the plans and programmes for waste management under the **Waste Management Act**, certified by the document under Para. 7, p. 1, issued by the relevant competent body.

(11) (New – SG 56/15, in force from 24.7.2015) The management plan of mining wastes shall be reconsidered every 5 years or where:

1. substantial changes have occurred in the exploitation of the facility for mining wastes, affecting its construction, in the quality composition or in the quantity of mining wastes;
2. a proposal has been received from the operator for amendment and addition of the approved plan;
3. the results from the checks of the Minister of Energy or of an official, authorized by him in relation to the fulfillment of the approved plan impose this;
4. the results from the monitoring impose this;
5. substantial changes have occurred in the best available techniques.

(12) (New – SG 56/15, in force from 24.7.2015) The procedure for development and for re-consideration of the management plan of mining wastes shall be defined by the Ordinance under **Art. 22j**.

Art. 22e. (New - SG 70/08, amend. – SG 56/15, in force from 24.7.2015) (1) Where the facility is of category A, the operator shall submit an application according to a standard form to the Minister of Energy for issuance of a permit for management of mining wastes, stored in a facility of category A. The application shall contain as follows:

1. documents, certifying the identity of the applicant – for natural persons;
2. a document, certifying that the applicant has the right for prospecting and exploration, or for exploration or for mining of underground natural resources or has been authorized by a person, holding such rights;
3. a proposal for location of the facility and other alternative variants for location, indicated in the plan with underground and ground communications, water sites, sanitary-security zones, buildings, etc;
4. engineering geological hydro-geological, hydrological, hydro-chemical, seismic and morphological data about the region, in which the facility will be placed;
5. management plan for mining wastes, drawn up according to the requirements of **Art. 22d**;
6. measures for prevention of large incidents and an incident plan;
7. proposal for financial guarantees under **Art. 22h**;
8. evidences, that the applicant holds the needed for the activity qualification, knowledge and technical abilities;
9. a grounded proposal for the term of the permit under **Art. 22f, Para. 1**;
10. declaration about the data, which according to the operator are trade secret and must not be part of the public register under **Art. 22f, Para. 6**.

(2) The application and the documents under Para. 1 shall be considered within 30day term and of there are lapses or insufficient information, the applicant shall be given a term for their removal or shall be returned for removal of the irregularities with obligatory instructions.

(3) (Suppl. - SG 77/18, in force from 01.01.2019) After removal of the lapses and/or addition of the produced information, and not later than 2 months after conducting the procedure under **Art. 22g**, the Minister of Energy or an official appointed from the staff of the ministry shall approve the management plan of mining wastes under Para. 1, p. 5 and shall issue a permit, or shall refuse with motivation to approve the management plan of mining wastes and to issue a permit.

(4) The Minister of Energy, or an official, authorized by him shall issue the permit for management of mining wastes, where:

1. the operator has fulfilled the requirements under Para. 1;
2. the management of the mining wastes does not contradict the plans and programmes for waste management under the **Waste Management Act**, certified by the document under **Art. 22d, Para.7, p. 1**, issued by the relevant competent body;
3. the plan for management of mining wastes identifies the dangers of large incidents and they will be taken in consideration in the design, building up, exploitation and maintenance, closure and the follow up monitoring of the facility for mining wastes in view to prevention of such incidents and restriction of the negative impact on human health and/or the environment, including the trans-border impact.

Art. 22f (New – SG 70/08, amend. – SG 56/15, in force from 24.7.2015) (1) The term of the permit under **Art. 22e, Para. 3** shall be determined by the Minister of Energy upon a motivated proposal of the operator of the facility for mining wastes.

(2) The permit shall be reconsidered every 5 years or where:

1. substantial changes have occurred in the exploitation of the facility for mining wastes, affecting its construction, the quality composition or the quantity of the mining wastes;
2. a proposal of the operator has come for amendment and supplementation of the approved plan;
3. the results from the checkups of the Minister of Energy or an official authorised by him in relation to the fulfilment of the approved plan impose this;

4. the monitoring results impose this;
5. substantial changes of the best available techniques have occurred.

(3) In re-consideration of the permit, the Minister of Energy or an official, authorized by him shall estimate the need of change of the conditions in the permit, or of their updating.

(4) The issued permit, as well as its changes shall be announced by publication on the [internet site](#) of the Ministry of Energy within 14day term from the date of the issue, and in the cases of trans-border impact, they shall be submitted to the EU Member States, affected by the activity of the facility for mining wastes. Within the same term the applicant shall also be informed.

(5) The interested parties may appeal the issued permit or its changes under the [Administrative Procedure Code](#) within 14 day term from its issue under Para. 4.

(6) The Minister of Energy shall maintain a public register of the operators and of the issued under [Art. 22e, Para. 3](#) permits.

Art. 22g (New – SG 70/08, amend. – SG 56/15, in force from 24.7.2015, suppl. - SG 77/18, in force from 01.01.2019) (1) Not later than 10 days after removal of the irregularities or supplementation of the provided information under [Art. 22e, Para. 1](#), the Minister of Energy or an official appointed from the staff of the ministry shall notify the public by publishing on the Ministry of Energy [website](#), information:

1. about the application for issuance of permit;
2. that the decision, affecting an application for issuance of permit is subject to consultation among the affected EU Member States – in case of possible trans-border effects;
3. about the competent body, who is responsible for the decision taking, the names, position and way of contacts with the persons, from which information may be received, related to the submitted application for issuance of permit, the names, position and way of contact with the persons to whom opinions, comments and issues may be produced, as well as a schedule for their submission;
4. about the possible decisions;
5. about the reasons for re-consideration – in case of re-consideration of a certain permit or its conditions;
6. about the terms and places, as well as the means of producing additional information during the procedure;
7. about the participation conditions of the affected public in the procedure of issuance of the permit.

(2) The published information under Para. 1 shall not contain personal data and/pr data, which the operator has indicated that they are trade secret.

(3) The terms under Para. 1, p. 6 must be sufficient, but not shorter than 30 days and not longer than 90 days, so that the affected public may get acquainted with any information, become available after the notification under Para. 1, which is significant for issuance of the permit, including the received opinions, comments and issues under Para. 1, p. 3 and the results of the consultations under Para. 4.

(4) In case of probability the facility for mining wastes of category A, for which a procedure for issuance a permit is opened, to cause a substantial impact over the environment, including such, which creates a risk for human health in another EU Member State, the Minister of Energy shall send the information under Para. 1 within 10 day term after removal of the irregularities or supplementation of the produced information under [Art. 22e, Para. 1](#) and shall hold consultations with the affected Member State. The information under Para. 1 shall be produced to the EU Member State for conducting consultations in case of a request form its part.

(5) The opinions, comments and issues under Para. 1, p. 3, as well as the results of the consultations under Para. 4 shall be taken in consideration with issuance of the permit or its amendment.

(6) (New - SG 79/20) The public shall be notified of any additional information, relating to the permit under [Art. 22e, Para. 4](#), became known after the publication under Para. 1, where the information

shall be announced on the website of the Ministry of Energy within 10 days from its learning.

Art. 22h. (New - SG 70/08, in force from 01.05.2014) (1) (Amend. – SG 100/10; amend. – SG 14/15) Prior to the commencement of any operations under the permit, the operator shall be obliged to present to the Minister of Energy a financial guarantee.

(2) (Amend. – SG 56/15, in force from 24.7.2015) The financial guarantee under Para 1 shall cover the full amount of funds, necessary for:

1. fulfilment of the obligations of the operator on the permit and the management plan of mining wastes, including the re-cultivation of the affected lands and for the term after closure of the facility, which at the moment of the provision of the guaranty have not been fulfilled;
2. fulfilment of the measures of the internal incident plan in case of an incident in the facility for mining wastes.

(3) (Amend. – SG 100/10; amend. – SG, 14/15, amend. – SG 56/15, in force from 24.7.2015) The amount of the guarantee shall be determined on the basis of the Ordinance under **Art. 22j** according to the likely environmental impact of the facility, the characteristics of the mining waste and the future use of the rehabilitated land. The amount of the guaranty shall be sufficient to cover the expenses related to any rehabilitation work needed, when it had to be assigned to a third party by the Minister of Energy.

(4) The financial guarantee can be made available by:

1. (amend. – SG 100/10; amend. – SG 14/15) providing an unconditional and irrevocable bank guarantee, issued in favour of the Minister of Energy;
2. (amend. – SG 100/10; amend. – SG 14/15) opening a confidential account at a bank, determined by the operator and acceptable for the Minister of Energy;
3. (amend. – SG 100/10; amend. – SG 14/15) providing an insurance policy to which the Minister of Energy is a beneficiary;
4. providing a documentary credit, which funds can be used only for the operations under Para 2;
5. (amend. – SG 100/10; amend. – SG 14/15) providing another legal security agreed with the Minister of Energy;
6. simultaneous application of the methods under Items 1 - 5 in proportion proposed by the operator.

(5) (Amend. – SG 56/15, in force from 24.7.2015) The amount of the financial guarantee shall be updated periodically according to the activities of the management plan of mining wastes, which are to be fulfilled by the operator, where the change shall be carried out after acceptance of the fulfilled activities, provided by the plan under conditions and procedure, defined by the ordinance under **Art. 22j**.

(6) (Amend. – SG 100/10; amend. – SG 14/15) The Minister of Energy shall release the financial guarantee in case of closure of the facility, keeping a part, which shall be sufficient to guarantee after-closure obligations of the operator for its maintenance, monitoring and control, and where necessary - for rehabilitation measures under the management plan.

(7) (Amend. – SG 100/10, suppl. – SG 56/15, in force from 24.7.2015) The funds under the financial guarantee shall not be subject to enforcement rights by third parties.

Art. 22i. (New - SG 70/08, amend. – SG 56/15, in force from 24.7.2015) (1) While building a new, or changing an existing mining waste facilities, the operators shall be obliged to provide:

1. placement of the mining waste facility at a suitable place according to the requirements of the legislation in force for protection of human health, the environment and cultural values, as well as in compliance with the geological, hydrological, hydro- geological, seismic and geo-technical factors;
2. designing the mining waste facility, so that it should meet in short and long term the conditions for prevention pollution of soil, air, as well as the underground and surface waters, by taking in consideration the requirements of the **Act on Waters** and the legislative acts for its implementation and for

guarantying the effective collection of the polluted water and infiltrate;

3. decreasing the erosion, caused by the water and wind, as long as this is technically possible and economically approved – where this is required by the permit;

4. appropriate construction, management and maintaining the mining waste facility for guarantying its physical stability and prevention in short- and long- term plan the pollution of the soil, air or surface and underground waters, as well as for minimising – as much as possible the damage of landscape;

5. suitable plans and organization for regular monitoring and inspection of the mining waste facility by competent persons and for undertaking actions in case of signs of instability of the facility or pollution of wasters and soil;

6. the needed organization for a follow up rehabilitation of the land, affected by a mining waste facility and closure of this facility;

7. the needed organization for fulfilment of the obligations under **Art. 22k, Para. 3 – 5**.

(2) The rehabilitation of the land, affected by the mining waste facility shall cover a complex of engineering, ameliorative, agricultural, forestry and other activities, whose fulfilment leads to recreation of the damaged terrains to satisfactory condition, especially in relation to the quality of the soil, wild plants and animals, natural habitats, the fresh water systems, landscape and for suitable healthy uses.

(3) Protocols shall be drawn up for the monitoring and inspections under Para. 1, p. 5. The protocols shall be kept by the operator, who shall annually produce copies of them to the Minister of Energy, and upon request – also to other control bodies. In case of a change of the operator, the protocols shall be given to the person, responsible for the mining waste facility.

Art. 22j. (New - SG 70/08, amend. – SG 100/10, amend. – SG 56/15, in force from 24.7.2015) An ordinance of the Council of Ministers shall determine:

1. the specific requirements for managing the mining wastes, construction, exploitation and closure of the equipment for mining wastes, their technical supervision and monitoring;

2. the conditions and procedure for characteristics and classification of the mining wastes;

3. the conditions and procedure for categorization of the mining wastes facilities;

4. the requirements for development and procedure for re-view of the management plan for mining wastes, as well as the procedure for re-consideration of the permit for mining waste facility of category A;

5. the criteria for determining the amount of the financial guaranty under **Art. 22h**, the conditions and procedure for its presentation, as well as for correction of its size;

6. the procedure for carrying out inspections of the mining waste facilities;

7. the requirements to the report under **Art. 22c, Para. 5**;

8. the conditions and procedure for closure of the mining waste facility.

Art. 22k. (New – SG 56/15, in force from 24.7.2015) (1) A procedure of closure a mining waste facility may start:

1. after fulfillment of coordinated complete work project under **Art. 83** in its part about building and exploitation of the mining waste facility;

2. upon request of the operator, in coordination with the Minister of Energy;

3. with a motivated order of the Minister of Energy.

(2) A mining waste facility may be considered as finally closed, where:

1. the operator has notified in writing the Minister of Energy, that he has fulfilled his obligations envisaged in the complete work project under **Art. 83** in its part about building, exploitation and closure of the mining wastes facility and his obligations under the legislation in force in the area of protection of the environment, the farm lands and forests and of the cultural values, and

2. the Minister of Energy within 3 month term from the notification under p. 1 has carried out a final check on site under a procedure, defined by the Ordinance under **Art. 22j**, has assessed all the reports,

produced by the operator, has found on site and/or on documents, produced by the operator, or by another control body under **Art. 90**, that the land, affected by the mining waste facility has been rehabilitated under **Art. 22i, Para. 2** and has informed the operator his approval for the closure.

(3) After closure of the mining waste facility, the operator shall be responsible for its maintenance, monitoring and control, and for applying measures in case of an incident for a term, determined by the Minister of Energy. The term shall be determined upon proposal of the Minister of Environment and Waters according to the updated report of risk assessment, by taking in consideration the nature and period of the danger for human health and/or environment.

(4) After closure of the mining waste facility, within the frames of the term of Para. 3, the operator shall be obliged to control the physical and chemical stability of the facility and to carry out all the other needed actions for minimizing any possible negative impact over the environment and especially on the conditions of the surface and underground waters under the requirements of the **Act on Waters**, where he shall:

1. carry out monitoring of the facility, realized by a built up control-measuring system, maintained in order;
2. maintain in order the existing water pipe, sewage, protecting and other needed facilities and shall provide the conductivity of the available overflow channels and spillways.

(5) The provision under **Art. 22i, Para. 1 – 4** shall also apply to the time after closure of the mining waste facility.

(6) In case that a permit has been issued for research or a concession is produced for exploration of natural resources under **Art. 2, Para. 1, p. 7** for an area, including a complete or a part of a closed mining waste facility, the operator shall be exempt from his obligations under Para. 1 – 5, as well as under **Art. 22i**, which fulfillment shall be taken by the holder of the permit for research or by the concessioner.

Art. 22i. (New – SG 56/15, in force from 24.7.2015) (1) In case of a big incident, the operator shall immediately provide to the minister of Energy and the Minister of Environment and Waters the whole information, needed for consideration and restriction to a minimum extent of the occurred or possible negative impact over the environment and to minimize the negative results for human health.

(2) In case of an incident, affecting a facility of category A, which is possible to cause trans-border effect, the Minister of Energy shall immediately provide to the local community and to the affected EU Member State the information under Para. 1.

(3) The operator shall be obliged to immediately notify the Minister of Energy and the Minister of Environment and Waters, as well as in writing not later than 48 hours about:

1. any event, which is probable to affect the stability of the mining waste facility;
2. any impact on the environment, found within the frames of the monitoring and control procedures of the mining waste facility; every year by 15 May, the Minister of Environment and Waters shall produce to the Minister of Energy a list of the events, massaged within the period from 1 May of the previous year to 30 April of the current year, about which impact over the environment and human health has been found, as well as about the given instructions.

(4) In the cases under Para. 1, where applicable, the operator of facility of category A shall bring in compliance an internal incident plan and shall fulfill other instructions by the relevant competent body in relation to the measures to be undertaken and shall pay the costs for their fulfillment.

(5) The Minister of Energy shall draw up, publish and maintain on the Ministry [website](#) an updated list of the closed mining waste facilities, including the abandoned ones, which cause serious negative impact on the environment, of about which there is possibility within mid-term or short term plan to become a serious threat for human health or the environment.

(6) The Minister of energy shall draw up and publish on the Ministry [website](#) an updated list of all the events, affecting the stability of the mining waste facilities and having caused impact on the environment.

Part two.
PROSPECTING, EXPLORING AND EXTRACTING NATURAL RESOURCES

Chapter one.
PERMITS FOR PROSPECTING AND EXPLORATION, AND FOR EXPLORATION AND CONCESSIONS FOR EXTRACTING (TITLE AMEND. – SG 100/10)

Section I.
General Provisions

Art. 23. (Amend. - SG 47/02; amend. - SG 70/08, amend. – SG 79/20) (1) (Amend. – SG 100/10)
Any natural or legal person or their associations may apply for a prospecting and exploration or exploration permit or an extraction concession.

(2) The applicant shall not be admitted to the respective procedure for granting a prospecting and exploration or exploration permit or extraction concession, when any of the following grounds for exclusion are present:

1. (amend. - SG 61/25, in force from 31.01.2026) entered into force a sentence, by which the applicant, or a member of its management or supervisory body, or a person, who has the authority to represent, take decisions or exercise control over these bodies, has been convicted of a crime under Art. 114a - Art. 114r, [Art. 159a - 159d](#), [Art. 192a](#), [Art. 212](#), [Para. 3](#), [Art. 240a](#), [Art. 248a](#), [Art. 253](#), [Art. 253a](#), [Art. 254b](#), [Art. 301 - 302a](#), [Art. 304 - 305a](#), [Art. 307](#), [Art. 321](#) and [Art. 321a](#) of the Penal Code, or an effective sentence or other judicial act for a similar crime in another Member State of the European Union or a third country;

2. a judicial or administrative act has entered into force, by which it has been established, that the applicant has not fulfilled obligations within the meaning of [Art. 162, Para. 2](#) of the Tax-Insurance Procedure Code and the interest thereon in the Republic of Bulgaria, or similar obligations according to the legislation of the state, in which the applicant is established;

3. an act has entered into force, by which an administrative penalty has been imposed under this Act, for the last one year before the submission of the application for - granting a prospecting and exploration or exploration permit or for concession for extraction;

4. non-fulfillment by the applicant of an obligation under a contract for granting a concession for extraction of mineral resources, which has led to termination of the respective contract;

5. registration of the applicant or of persons, related to him in a jurisdiction with a preferential tax regime within the meaning of [§ 1, item 64](#) of the Additional Provisions of the Corporate Income Tax Act;

6. declared insolvency or liquidation, or open insolvency proceedings against the applicant, or the existence of a similar procedure under the law of the country, in which he is established.

(3) The circumstances under Para. 2, items 1, 2, 5 and 6 shall be certified with a declaration. For the existence of circumstances under Para. 2, items 3 and 4, an official inspection shall be performed.

(4) Grounds for exclusion under Para. 2 shall not apply when:

1. in the cases under Para. 2, item 1, the respective person has been rehabilitated, as well as when 5 years from serving the imposed punishment have expired or until the completion of the respective proceedings and the applicant has presented evidence, that the due compensations for the damages, resulting from the crime have been paid;

2. In the cases under Para. 2, item 2:

a) have expired or by the finalization of the relevant proceedings will have expired 5 years from the

entry into force of the act in question and the applicant has provided evidence, that he has fulfilled the obligations, including for accrued interest or fines, or

b) the period referred to in point "a" has not expired, but the applicant has provided evidence that:

aa) has fulfilled his obligations by paying, or that rescheduling, deferral or security of obligations has been allowed, including for accrued interest or fines, or

bb) has been informed of the exact amount of the obligations, due as a result of the infringement at a time, when he was unable to take action under point (a) before the expiry of the time limit for lodging the application;

3. in the cases under Para. 2, item 5, the applicant has presented evidence, that any of the circumstances under **Art. 4** of the Act on the Economic and Financial Relations with Companies Registered in Preferential Tax Regime Jurisdictions, the Persons Related with the Controlled Thereby Persons and their Beneficial Owners;

4. (new - SG 17/21) the cases under para. 2, item 6, the applicant has submitted evidence that he has not ceased his activity and is able to perform the respective contract in accordance with the legislation for continuation of the economic activity, applicable in the state in which he is residing.

(5) Before concluding a contract for prospecting and exploration or for exploration or for concession, the person, designated as holder or concessionaire shall submit to the Minister of Energy documents, certifying the absence of circumstances under Para. 2, items 1, 2, 5 and 6. No submission of documents shall be required, when the information on circumstances under Para. 2, items 1, 2, 5 and 6 is accessible through a public free register or the access to it is provided ex officio.

(6) Para. 2 - 4 shall also apply to each of the participants in the association.

Art. 23a. (New – SG 79/20) (1) The applicant for a prospecting and exploration permit or for an exploration or extraction concession must meet the minimum requirements for financial, technical and professional capacity, necessary to carry out the activities, provided for in the work program or in the development plan of the deposit - in the case of granting by right a prospecting and exploration or exploration permit, or a concession for extraction, or specified in the tender or tender documents - in other cases.

(2) To prove financial, technical and professional capabilities, the applicant may use the resources of a third party, when he proves, that for the third party there are no grounds for exclusion under **Art. 23, Para. 2**, including that in the performance of the contract for prospecting and exploration or for exploration or the contract for concession for extraction the resources of the third party will be available.

(3) The financial capabilities of the applicant must provide the financial resources, necessary for the performance of the permitting activities or the performance of the concession activities for at least 5 years from the entry into force of the concession contract, including payment of the concession fee, which shall be proven through one or more of the following documents:

1. certificates from a bank or credit institution;

2. annual financial statements or parts of them;

3. evidence of the third party's commitment to provide the necessary financial resources while carrying out the relevant activities.

(4) The technical capacity of the applicant must provide the assets, necessary to carry out the activities under the permit or concession and shall be substantiated by one or more of the following documents:

1. a contract or other document, certifying the required technical capabilities;

2. an extract from the relevant accounts.

(5) The professional capabilities of the applicant must ensure the participation of persons, responsible for carrying out the activities under the permit or concession, sufficient in number, with qualifications and experience in the field of geology and / or mining, to ensure quality performance of the

activities, and they shall be proved by the provision of:

1. a contract or other document, proving the obligations, undertaken by the persons to perform the activities under the permit or concession, and
2. a professional CV.

Art. 24. (1) (Amend. - SG 70/08, amend. – SG 79/20) A natural or legal person or their associations, for which there are no grounds for exclusion under **Art. 23, Para. 2** and meets the requirements of **Art. 23a, Para. 1**, may receive more than one mining permit or concession.

(2) (Amend. – SG 100/10; amend. – SG 14/15) In the cases under para 1, for fulfillment of the activities on each permit and/or concession, individual contracts shall be concluded with the Minister of Energy.

Art. 24a (New – SG 79/20) (1) For a certain area may be granted more than one prospecting or exploration permit, or more than one extraction concession, provided that they are granted for different groups of mineral resources, the activities under one permit or concession do not impede the implementation of the activities under another permit or concession and consent has been obtained from any acting holder or concessionaire.

(2) In order to limit the load on the territory of the country with mining activity, the Council of Ministers, upon a motivated proposal of the Minister of Energy, may adopt a decision to limit the issuance of prospecting and exploration or exploration permits for common mineral resources for a certain period.

Art. 24b. (New – SG 79/20) Proceedings for the granting of prospecting and exploration permits and exploration and mining concessions shall be conducted in accordance with the principles of transparency, publicity and competition.

Art. 25. (1) (Amend. - SG 70/08, amend. – SG 100/10, amend. and suppl. – SG 79/20) The rights and obligations, arising from a granted prospecting and exploration or exploration permit, or from a granted concession, may be transferred in whole or in part to third parties, who meet the requirements under **Art. 23** and **23a**.

(2) (Amend. – SG 79/20) In the cases under Para. 1, the transfer of the rights and obligations shall be carried out after a permit, issued by:

1. (amend. - SG 86/23, in force from 13.10.2023) the Minister of Energy - for the prospecting and exploration or exploration permits for mineral resources under **Art. 2, Para. 1, items 1, 2, 4, 7 and 8**;
2. The Council of Ministers - for prospecting and exploration or exploration permits for mineral resources under **Art. 2, Para. 1, item 3**, for the prospecting and exploration or exploration permits for mineral resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea and for the concessions for extraction.

(3) (Amend. – SG 79/20) The expenses, related to the transfer of the rights and obligations shall be for the account of the holder of the permit or of the concessionaire.

(4) In case that the holder of the permit or the concessionaire retains a part of his rights under the granted permit or concessions he shall bear responsibility in solidarity with the third person for the undertaken obligations unless the contract stipulates otherwise.

(5) In case the holder of the permit or the concessionaire transfers to a third person entirely his rights under the granted permit or concession all rights and obligations shall be transferred to the third person.

(6) (New - SG 67/25) For the transfer of rights and obligations under a concession granted for extraction under the law on the basis of Art. 39, Para. 2, Item 6 and Art. 57b, the consent of the concessionaire under the concession granted for extraction of underground resources under **Art. 2, Para. 1, Items 1 - 4**, within the boundaries of which a deposit of underground resources under Art. 2, Para. 1, Item 8

is registered, subject to compliance with the terms and conditions of Para. 1 and Para. 2, Item 2.

Art. 26. (Amend. - SG 70/08) (1) (Amend. – SG 19/09, in force from 10.04.2009, suppl. – SG 46/10, in force from 18.06.2010, amend. – SG 100/10; suppl. – SG 14/2012, in force from 17.02.2012) (1) A proceeding for granting prospecting and exploration or exploration permits or for concession for extracting shall be opened after a checkup in the specialized maps and registers under this Act as well as in the specialized maps and registers, as per **Act on Carbon Dioxide Storage in Subsurface** and after coordination with:

1. (amend. – SG 79/20) the competent bodies for protection of the national security, the defense of the country, the environment and the waters, the cultural values, the management of the roads from the republican road network or officials, authorized by them;

2. Mayors, on whose Municipality territory is situated the in the area for prospecting and exploration or for exploration or concessions for certifying the circumstance if the declared area for prospecting and exploration or for exploration or extraction of underground natural resources under **Art. 2, Para. 1, p. 5 or 6** is in:

a) urban territory with boundaries, determined by an enforced detailed structure plan;

b) territory, in whose boundaries there is an enforced structure plan for construction of a national site or a site of the social or technical infrastructure – public Municipality property;

c) territory with public purpose, which includes a programme, adopted by the Municipal council or a plan for the Municipality development under **Art. 21, Para. 1, p. 12** of the Local Government and Local Administration Act.

(2) (Amend. – SG 14/15, amend. – SG 79/20) The Minister of Energy shall request an opinion from the bodies under Para. 1 within 14 day term after receiving the application for granting a prospecting and exploration or exploration permit, or for a concession for extraction or for elimination of the irregularities and / or incompleteness on it, when such have been found.

(3) (Amend. – SG 79/20) The term of the coordination procedures shall not be longer than 30 days.

Art. 26a. (New – SG 79/20) (1) No proceedings shall be instituted for the provision of a prospecting and exploration or exploration permit when:

1. there is a danger for the national security or the defense of the country or the environment, or the waters, or the cultural values, or for destruction or damage of roads from the republican road network;

2. an application has been submitted for an area, which covers in whole or in part parts of the area within which:

a) (amend. - SG 86/23, in force from 13.10.2023) is a registered deposit of mineral resources, for the use of which there are recognized and/or granted rights or there is a deposit of underground resources, with an active mining concession, except in the cases under **Art. 24a, Para. 1**;

b) a commercial discovery has been established and an application for its registration has been submitted, until the issuance of a certificate for commercial discovery or until the entry into force of a refusal to register the commercial discovery;

3. the submitted application is for mineral resources under **Art. 2, Para. 1, item 5 or 6** and is for an area, that falls within territories under Art. 26, Para. 1, item 2;

4. the submitted application is for mineral resources under **Art. 2, Para. 1, item 5 or 6** and a decision of the Council of Ministers under **Art. 24a, Para. 2**.

(2) No proceedings shall be instituted for granting a concession in the cases under Para. 1, items 1, 2 or 3.

Section II.

Prospecting and Exploration or Exploration Permits (Title amend. – SG 100/10)

Art. 27. (Amend. - SG 70/08, amend. – SG 100/10) Prospecting and exploration or exploration permits shall be granted for one of the groups of underground natural resources under **Art. 2, Para 1** in compliance with the requirements of **Art. 4, Para 1**.

Art. 28. The prospecting and exploration or exploration permit shall give right to the holder within the limits of the ceded area:

1. to carry out all necessary activities aimed at discovering deposits of underground natural resources for which the permit has been given;
2. (amend. - SG 70/08, amend. – SG 100/10) to make assessment of deposits of underground natural resources for which the permit has been given, including through extraction for technological testing, where the obtained amounts for technological samples and for technological testing, approved in the working projects, can be sold under conditions and order laid down in the contract for prospecting and exploration or for exploration before the extraction concession has been obtained;
3. to declare, within the term of the permit according to the requirements of **Art. 21**, the discovery with a trade nature with the purpose of its due registration.
4. (amend. – SG, 79/20) to obtain, by right, a concession for extraction under the conditions of **Art. 29, Para. 1**.

Art. 29. (1) (Former text of Art. 29 – SG 79/20, amend. - SG 67/25) The person under Art. 20, para. 5, item 2 or item 3 shall be directly appointed as concessionaire for extraction of discovered deposit under the following conditions:

1. (amend. and suppl. - SG 70/08, suppl. - SG 67/25) to have applied under the order of **Art. 21, para 3 and 5** a deposit of underground natural resources within the period and the limits of the area under the granted permit or under the concession granted to him for the extraction of underground resources under Art. 2, para. 1, items 1 - 4 - only for the underground resources under **Art. 2, para. 1, item 8**;
2. (amend. - SG 70/08) to have obtained certificate for trade discovery of deposit by the order of **Art. 21, para 7**;
3. (suppl. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) to have presented written application for concession to the Minister of Energy within 6 months upon receipt of a certificate for registered commercial discovery.

(2) (New - SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) When the conditions under Para. 1, items 1 and 2 are fulfilled, directly for a concessionaire for extraction of an open field or for a geothermal zone may also be determined:

1. the legal successor of the holder - sole trader, in case of death of the natural person - sole trader, and taking over of the enterprise by his heir;
2. the legal successor of the holder - a commercial company, in case of change of its legal form, merger or incorporation;
3. the legal successor of the holder - a commercial company, in case of division and separation, who according to the contract or the plan for transformation acquires the rights and obligations of the holder of the permit;
4. the acquirer of the commercial enterprise upon transfer of an enterprise.

(3) (New - SG 79/20) In the cases under Para. 2, an application for a concession by right may be submitted within the term under Para. 1, item 3 and by the respective legal successor, who acquires the rights and obligations of the holder of the permit.

(4) (New - SG 86/23, in force from 13.10.2023, amend. - SG 67/25) In the event that, as a result of the activities of prospect and exploration or research, or under a concession for the extraction of underground resources under Art. 2, para. 1, items 1 - 4, the holder of the permit or the concessionaire has discovered a deposit of deep geothermal resources, the same shall be entitled to receive a concession under the conditions of **Art. 39, Para. 2, item 6**.

Art. 30. (Amend. – SG 100/10) The holder of the prospecting and exploration or exploration permit shall be obliged:

1. to carry out all activities under the granted permit in compliance with the law and according to the conditions of the concluded contract;
2. to inform the competent bodies about every discovery of underground natural resources and present the necessary information regarding the latter;
3. (amend. - SG 70/08) to present information under **Art. 13** to the National Geological Fund;
4. (amend. - SG 28/05, amend. - SG 94/05; amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10; amend. – SG 14/15) in discovering mineral, historical or archaeological findings having the signs of cultural valuables, to stop the work in due time and inform immediately the Minister of Energy and the Minister of Culture.

Art. 31. (Amend. - SG 70/08) (1) (Suppl. - SG 86/23, in force from 13.10.2023) In respect of the underground natural resources under **Art. 2, Para 1, Items 1 - 4 and 8** a prospecting and exploration or exploration permit shall be granted for a period of up to:

1. (suppl. - SG 86/23, in force from 13.10.2023) five years - for oil and natural gas and for deep geothermal resources;
2. three years - for metal mineral resources, for non-metal mineral resources and solid fuels.

(2) (Amend. – SG 79/20) In respect of underground natural resources under **Art. 2, Para 1, Items 5 - 7** a permit for exploring shall be granted for a period of up to 2 years.

(3) The periods under Para. 1 can be extended twice by up to two years each under conditions and by an order determined by the concluded contract. The performance of the working programme shall be a condition for extending the initial period.

(4) (New – SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) After the expiration of the terms under Para. 3, the term of permission for prospecting and exploration or for exploration of mineral resources under **Art. 2, Para. 1, item 3 and 8** in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, may be extended up to two years, provided that the holder has fulfilled the work program for the terms under Para. 1, item 1 and Para. 3 and has submitted a motivated proposal with a work program for the term of the extension.

(5) (Amend. – SG 100/10, former Para. 4, amend. and suppl. – SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) If before the end of the last extension of the periods under Para 3 or 4, the holder of a prospecting and exploration or exploration permit makes a geological discovery of underground natural resources under **Art. 2, Para. 1, item 1 – 4 and 8**, the term of the permit can be extended by up to one year, enabling the holder to assess this discovery.

Art. 32. (Amend. - SG 70/08) (1) (Amend. – SG 100/10) The area given to the prospecting and exploration or exploration permit may not exceed:

1. for oil and natural gas on the land: 5 thousand square meters, and in the continental shelf and in the exclusive economic zone in the Black Sea - 20 thousand square meters;
2. for metal mineral resources and solid fuels: up to 200 sq. km;
3. (suppl. – SG 79/20) for non-metal mineral resources – industrial minerals: up to 50 sq. km;
4. for construction materials: up to 1 sq. km;

5. for rock-lining materials: up to 3 sq. km;

6. for mining waste: up to 3 sq. km;

7. (new - SG 86/23, in force from 13.10.2023) for deep geothermal resources - up to 1000 sq. km.

(2) (Amend. – SG 100/10, suppl. – SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) In case of registration of a geological discovery of underground natural resources under **Art. 2, Para 1, Items 1 - 4 and 8**, which is located on the boundary of the provided area for prospecting and exploration or exploration, the holder of the permit shall be entitled to extension of the area with the purpose of overall assessment of the discovery, provided that the extension does not affect the rights of other holders or concessionaires and for the area to be affected by the extension, no application for a prospecting and exploration or exploration permit or concession for the extraction of mineral resources has been submitted before submission of the application for the extension of the area.

(3) (Amend. – SG 100/10, amend. – SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) Parts of the area under para 1, Items 1 - 4 and 8 shall be vacated by the holder of the prospecting and exploration or exploration permit before every extension of the terms under **Art. 31, Para 3 - 5** under conditions and by an order determined by the concluded contract.

(4) The holder of the permit shall have the right, at his discretion, to vacate additional areas at the end of every year according to the conditions of the concluded contract.

Section III.

Concession for extraction

Art. 33. (1) (Prev. text of Art. 33, suppl. - SG 70/08, amend. – SG 79/20) Concession for extraction shall be granted for a specific deposit of underground natural resources under **Art. 2, Para 1** with established reserves or reserves and resources or its separate parts (sectors).

(2) (New - SG 70/08, amend. – SG 79/20) A single concession may grant rights for extraction of underground natural resources of one or more deposit for one or more groups of mineral resources under **Art. 2, Para. 1**, which have established and registered in the National Balance stocks or stocks and resources within the boundaries of the deposit.

(3) (New - SG 70/08, amend. – SG 79/20) The concession for extraction of underground natural resources shall include the necessary infrastructure available as the accessories to the concession.

Art. 34. (Amend. - SG 70/08) The concession for extraction shall entitle the concessionaire:

1. (suppl. – SG, 79/20) to acquire right of ownership on the types extracted underground natural resources from the deposit or from its separate parts (sections), for which the concession is granted in compliance with the conditions of the concluded contract;

2. to acquire the right to use the mining waste of the extraction and primary processing in compliance with the conditions of the concluded contract;

3. to carry out all necessary activities related to the extraction, as well as additional search within the boundaries of the deposit, storing, processing, transport and sale of the types underground natural resources for which the concession is granted;

4. in additional agreement to the concession contract to be granted the right to further search and to extract within the term of the concession underground natural resources from the mining waste resulting from the concession operations.

5. (new – SG 79/20) to carry out excavation activities outside the contour of the deposit within the limits of the granted concession area for the purpose of extraction of mineral resources from the deposit in depth;

6. (new – SG 79/20) to initiate or apply for approval of an investment proposal under the

Environmental Protection Act.

Art. 35. (1) The concessionaire shall be obliged:

1. to carry out all activities under the granted concession according to the law and the concluded contract;

2. (amend. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) to present the information under **Art. 22** to the Minister of Energy.

(2) (Amend. - SG 28/05, amend. - SG 94/05; amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10; amend. – SG 14/15) The concessionaire shall be obliged, in cases of discovery of unique mineral formations or movable cultural valuables, to inform within 7 days the Minister of the Energy and the Minister of Culture.

Art. 36. (1) The concession for extracting shall be granted for a period of up to 35 years.

(2) (Amend. – SG 79/20) The term of the concession may be extended at the motivated request of the concessionaire, made not later than one year before the expiration of the term of the concession, based on a plan for development of the deposit and financial and economic justification for the term of extension, provided that as of the date of submission of the request there are reserves or reserves and resources in the deposit and the concessionaire has fulfilled all his obligations under the contract except for the final activities for liquidation of the mining site and reclamation of the affected lands. The total term of the concession may not exceed 50 years.

(3) (New – SG 79/20) Where the approved reserves or reserves and resources are not seized and the remaining reserves or reserves and resources are not sufficient to grant a new concession to another trader, in view of the profitability of the investments to be made, the type of infrastructure available and its ownership, as well as the accessories to the concession, upon a motivated request of the concessionaire the term of the concession may be extended up to 10 years after the expiration of the general term and in compliance with the conditions under Para. 2. The term shall be determined according to the residual reserves or reserves and resources in the deposit and the average annual yield, envisaged by the concessionaire, which cannot be less, than the minimum annual yield, reached during the concession.

(4) (New - SG 79/20) In the cases under Para. 2 and 3 for the term of the extension the contract shall be brought in compliance with the current legislation, including the clauses, regarding the amount of the concession payment, the type and amount of the liability for non-fulfillment of the obligations under the contract, the terms and conditions for making the due payments.

Art. 37. (Amend. - SG 86/03; amend. - SG 70/08) (1) (Amend. – SG 100/10) In case of providing concession a concession area shall be determined, which shall include:

1. the area of the deposit or certain parts of it, and
2. the areas, needed for the activities on the concession outside the extraction.

(2) (Amend. – SG 79/20) The borders of the areas under Para. 1 shall be indicated on the specialised maps under **Art. 18** and **Art. 20, Para 1, Item 2**.

(3) (Amend. – SG 100/10; amend. – SG 14/15, amend. – SG 79/20) The concession area may be changed pursuant to a reasoned request of the concessionaire addressed to the Minister of Energy, upon coordination under **Art. 24a, Para. 1** and **Art. 26** and approval by the Council of Ministers.

Art. 38. (Amend. - SG 70/08, amend. – SG 100/10) The concession for extraction under **Art. 29** must comply with the conditions of the permit and of the contract for prospecting and exploration or for exploration of underground natural resources.

Chapter two.

TERMS AND PROCEDURE FOR GRANTING PROSPECTING AND EXPLORATION OR EXPLORATION PERMITS AND CONCESSIONS FOR EXTRACTING (TITLE AMEND. – SG 100/10)

Section I. General Provisions

Art. 39. (Amend. - SG 70/08) (1) (Amend. – SG 100/10) Prospecting and exploration or exploration permits for underground natural resources under **Art. 2, Para 1** shall be granted:

1. through a contest;
2. through a tender;
3. (amend. – SG 100/10; amend. – SG 14/15) ex lege to an applicant, when he is the only applicant, upon expiration of one month from the publication of announcement for forthcoming granting of permit in the State Gazette and the [internet site](#) of the Ministry of Energy.

(2) Concessions for extracting underground natural resources under **Art. 2, Para 1** shall be granted:

1. (repealed – SG 79/20)
2. through a tender;
3. (amend. – SG 100/10, amend. - SG 79/20, suppl. - SG 86/23, in force from 13.10.2023) ex lege to a holder of a prospecting and exploration or exploration permit under the conditions of **Art. 29, Para. 1 and 2**;

4. ex lege to a company by virtue of a privatisation contract.

5. (new – SG 79/20) by right of a state enterprise under **Art. 62, Para. 3 of the Commerce Act**, performing non-economic activity, or whose activity is a natural monopoly - only for mineral resources under **Art. 2, Para. 1, item 5**, under the cumulative fulfillment of the following conditions:

a) the possibility for granting the concession is provided by the Act, with which the state enterprise was founded;

b) on the object of the concession is located a property - public state property, provided for management of the state enterprise;

c) the extracted mineral resources will not be used for exchange on the market and the state enterprise extracts and uses the mineral resources only for the performance of the activities from its subject of activity, constituting a natural monopoly;

6. (new - SG 67/25) by right of a concessionaire under a granted concession for the extraction of underground resources under Art. 2, Para. 1, Items 1 - 4, who has received a certificate for a commercial discovery - only for the underground resources under Art. 2, Para. 1, Item 8, discovered as a result of the activities for the extraction of underground resources within the boundaries of the granted concession area.

(3) (Amend. – SG 100/10, amend. – SG 79/20) Permission for prospecting and exploration or for exploration in an area with mineral resources under **Art. 2, Para. 3**, or in an area, which includes and / or affects a locality with a registered commercial discovery, for which an application for granting a concession has not been submitted within the term under **Art. 29, Para. 1, item 3**, shall be provided only through a tender for the same group of mineral resources.

(4) (New - SG 79/20) Concession for extraction in a deposit with mineral resources under **Art. 2, Para. 3** or in a locality with a registered commercial discovery, for which an application for granting a concession has not been submitted within the term under **Art. 29, Para. 1, item 3**, shall be provided only through a tender.

Art. 40. (1) (Amend. – SG 100/10, amend. – SG 79/20) For areas, for which a permit has been

given for prospecting and exploration or for exploration or concession for the extraction of underground resources, other permits and concessions for the same underground natural resources shall not be granted.

(2) (Amend. – SG 100/10, amend. – SG 79/20) For areas, for which a permit is given for prospecting and exploration or exploration or concession for extraction of underground natural resources, no other permits or concessions for other groups of underground natural resources in compliance with the requirements under **Art. 24a, Para. 1**.

Art. 41. (Amend. - SG 47/02; amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 14/15) The granted permits and concessions shall be promulgated in the State Gazette, shall be published on the [internet site](#) of the Ministry of Energy, and shall be announced in the municipalities at the location of the site together with the list of coordinates of border points of the area of the permit or concession area.

(2) (Amend. – SG 100/10) The prospecting and exploration or exploration permits and the decisions for granting extraction concessions shall be entered in the specialised maps and registers under **Art. 17** and **18** within 7 days from their promulgation in the State Gazette.

Section II.

Granting prospecting and exploration or exploration permits and concessions for extraction through contest or tender (Title amend. - SG 70/08, amend. – SG 100/10)

Art. 42. (Amend. - SG 70/08, amend. – SG 100/10) (1) Prospecting and exploration and exploration permits of underground natural resources shall be granted by obligatory contest:

1. for oil and natural gas;
2. (suppl. – SG 79/20) for underground natural resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea;
3. (amend. - SG 79/20) where within the time limit under **Art. 39, Para 1, Item 3** for the same area and the same group underground natural resources, according as announced, another applicant has expressed an interest and has provided information on the manner and date of payment of the fee due upon application.

(2) (Repealed - SG 79/20).

(3) (Suppl. - SG 79/20) The terms and procedure for holding a contest and tender for granting permits for prospecting and exploration and exploration permits, as well as for a tender for providing concession for extraction, shall be determined by an Ordinance of the Council of Ministers.

Art. 43. (Amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 14/15) Competition or tender for granting permits for prospecting and exploration and for exploration shall be held by official initiative or upon application by natural or legal persons or their organizations to the Minister of Energy.

(2) (Amend. – SG 100/10, amend. – SG 79/20) The procedure for granting a prospecting and exploration or exploration permit on application shall be opened within three months from its submission. The Minister of Energy shall refuse to open proceedings in the cases of **Art. 26a, Para. 1**.

(3) (Amend. – SG 79/20) In the cases under **Art. 39, Para. 3** and **Art. 42, Para. 1, item 3** the proceedings shall be opened by an order of the Minister of Energy. The order shall determine:

1. (amend. – SG 79/20) scope of the permit - the area, the group of mineral resources and the term, for which the permit is granted;
2. the term of holding the contest or the tender, which shall not be shorter than 45 days and longer than 90 days from the date of promulgation of the order;
3. the term of purchasing the competition or the tender papers;
4. the term within which the documents for participation in the competition or the tender shall be accepted;

5. the size of the deposit and the term within which it must be paid;
 6. (new – SG 79/20) the minimum requirements, regarding the financial, technical and professional possibilities and the documents of **Art. 23a**, proving their fulfillment;
 7. (former item 6 – SG 79/20) other conditions of the competition or the tender.
- (4) The order under para 3 shall be promulgated in the State Gazette and on the internet site of the authority under Para 1.
- (5) (amend. – SG 100/10; amend. – SG, 14/15, amend. and suppl. - SG 96/17, in force from 02.01.2018, repealed – SG 79/20)
- (6) (Repealed – SG 79/20)

Art. 44. (Amend. – SG 79/20) (1) The procedure for granting a prospecting and exploration or exploration permit for oil and / or natural gas or for a permit for prospecting and exploration or exploration for mineral resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea shall be opened with a Council of Ministers decision, on the proposal of the Minister of Energy.

- (2) The proposal of the Minister of Energy shall contain reasons for its legality and expediency.
- (3) The decision of the Council of Ministers to open proceedings shall contain:
 1. scope of the permit - the area, the group of mineral resources and the term for which it is granted;
 2. the period for conducting the competition, which may not be shorter than 120 days and longer than 180 days from the publication of the decision in the "Official Journal" of the European Union;
 3. the term for buying the competition documentation;
 4. the term, in which the documents for participation in the competition are accepted;
 5. the amount of the deposit and the term, in which it must be paid;
 6. the minimum requirements, regarding the financial, technical and professional possibilities and the documents under **Art. 23a**, proving their fulfillment;
 7. other competition conditions.
- (4) With the decision under Para. 3, the Council of Ministers shall authorize the Minister of Energy to hold the competition.
- (5) The decision shall be published in the State Gazette and published on the [website](#) of the Ministry of Energy and in the Official Journal of the European Union. Within 5 working days of its promulgation in the State Gazette, the Minister of Energy shall send the decision for publication in the Official Journal of the European Union.

Art. 45. (Amend. – SG 79/20) (1) A tender for granting a concession shall be held on an official initiative or at the request of a natural or legal person, or their associations to the Minister of Energy.

(2) Proceedings for granting a concession through an application tender shall be opened within 6 months from its submission. The Minister of Energy shall refuse to open the proceedings in the cases under **Art. 26a, Para. 2**.

(3) The procedure for granting a concession through a tender shall be opened by a decision of the Council of Ministers on a proposal of the Minister of Energy.

(4) The proposal of the Minister of Energy under Para. 3 shall contain reasons, regarding its legality and expediency, formed on the basis of concession analyzes, including ecological, financial-economic and legal analysis, corresponding to the requirements of Annex № 1.

(5) The decision under Para. 3 shall determine:

1. the concession site and the concession area;
2. the concession term;
3. the conditions, fundamental rights and obligations under the concession;
4. the term for conducting the tender, which may not be shorter than 45 days and longer than 90

days from the date of promulgation of the decision in the State Gazette, and for concessions for oil and natural gas, extraction may not be shorter than 120 days and longer than 180 days from the publication of the decision in the Official Journal of the European Union;

5. the term for buying the tender documentation;
6. the term, in which the documents for participation in the tender are accepted;
7. the amount of the deposit or the guarantee for participation in the tender;
8. the minimum requirements, regarding the financial, technical and professional possibilities and the documents under **Art. 23a**, proving their fulfillment;
9. other conditions.

(6) With the decision under Para. 3, the Council of Ministers shall authorize the Minister of Energy to conduct the tender.

(7) The decision under Para. 3 shall be promulgated in the State Gazette and shall be published on the website of the Ministry of Energy, and when the concession is for extraction of oil and natural gas - also in the Official Gazette of the European Union. When the concession is for oil and natural gas extraction, within 5 working days from the promulgation in the State Gazette, the Minister of Energy shall send the decision for publication in the Official Journal of the European Union.

Art. 45a. (New – SG 79/20) The orders under **Art. 43, Para. 2 and 3** and the decisions under **Art. 44, Para. 1** and **Art. 45, Para. 3** may be appealed regarding their legality under the **Administrative Procedure Code** within 14 days from the promulgation in the State Gazette, and when they are subject to publication in the Official Gazette of the European Union - within 14 days from the publication. In these cases, the term for conducting the competition or tender shall begin to run from the entry into force of the judicial act, by which the order or the decision are in force.

Art. 46. (New - SG 70/08, amend. – SG 79/20) (1) The competition or tender procedure shall be conducted by a commission, appointed by an order of the Minister of Energy.

(2) The Commission shall consist of an odd number of members and include representatives of the administration of the Council of Ministers, the Ministry of Energy and other departments at the discretion of the Minister of Energy. The majority of the members of the commission may not be formed by representatives of one department. Reserve members of the commission shall also be appointed.

(3) The commission shall draw up a protocol for the performed actions and for the adopted decisions.

(4) With the order for appointment of the commission, the Minister of Energy may allow the chairman of the commission to attract consultants.

(5) As a member of the commission and as a consultant to it, may not participate a person who:

1. has a private interest in the permit or concession;
2. is a person. related to a candidate or to a participant in the competition or tender or to a person under **Art. 23a, Para. 2** and the applicant or the participant is a legal person - and to a member of its managing or controlling body.

(6) The members of the commission and the consultants shall be obliged within three days:

1. upon receipt of the order, appointing the commission to submit a declaration of lack of private interest in the permit or concession;
2. upon learning of the fact, that a person, related to them participates in the procedure, to submit a request for release from the commission; when he learns that a related person is participating in the competition or tender, a member of the commission shall declare this circumstance and shall not participate in the work of the commission.

(7) In the presence of a private interest in the granted permit or concession, in case of declared connection with an applicant or with a participant in the competition or in the tender or with a person under

Art. 23a, Para. 2, as well as in other cases, where for objective reasons a member of the commission cannot perform his / her duties, the Minister of Energy shall appoint a new member of the commission. Until the appointment of a new member, a reserve member shall participate in the work of the commission.

Art. 47. (Amend. - SG 30/06, in force from 12.07.2006; amend. - SG 70/08, amend. – SG 79/20)

(1) An application for participation in a competition or tender may be submitted by any natural or legal person or their associations, for which there are no grounds for exclusion under **Art. 23, Para. 2** and meets the requirements of **Art. 23a, Para. 1**. A person who has submitted an application shall have the rights of an applicant in the competition or in the tender. From the date of submission of the bid, the person shall acquire the rights of a participant in the competition or tender.

(2) A natural or legal person may participate in only one association.

(3) Related parties may not be individual applicant or participants in the same competition or tender, including as participants in different associations.

(4) The competition or tender documents may not require associations to have a specific legal form in order to send an application.

(5) The application shall be submitted in a standard form, approved by the Minister of Energy.

(6) The application shall contain:

1. full name, respectively the name of the applicant, the contact details, including e-mail address, unique identification code under **Art. 23** of the Act on the Commercial Register and the Non-Profit Legal Entities Register, BULSTAT and / or other identifying information in accordance with the legislation of the country, in which the applicant is established;

2. the declarations under **Art. 23, Para. 3**;

3. in case of applicants - associations - a copy of the contract for association, and when there is no contract or the contract does not specify the person, representing the participants in the association - also a document, signed by the persons in the association, in which the representative is indicated;

4. information on the manner and date of purchase of the competition or tender documents, payment of the participation fee and payment of the participation deposit;

5. the documents, specified in the competition or tender documents under **Art. 23a**, which prove the fulfillment of the requirements, regarding the financial, technical and professional possibilities;

6. other documents and / or information, specified in the order or the decision to open the proceedings and in the competition or tender documents;

7. a list of the documents and information, contained in the application, signed by the applicant.

(7) The application shall be placed in a sealed non-transparent package, marked with: "Application for participation in a competition / tender", indicating the name of the area or locality.

Art. 48. (Amend. - SG 70/08, amend. – SG 79/20) (1) A competition or tender shall also be held when only one application has been submitted.

(2) After expiration of the term for receipt of applications, determined in the order or with the decision for opening the proceedings, the commission under **Art. 46, Para. 1** in closed session shall consider the submitted applications.

(3) For each application the commission shall decide on the observance of the determined requirements or on the necessity to give a term for elimination of admitted irregularities and / or incompleteness, indicating their type.

(4) In the presence of irregularities and / or incompleteness, the commission shall prepare and send a written notification to the applicant, indicating the established irregularities and / or incompleteness, with instructions and deadline for their elimination.

(5) After expiration of the term under Para. 4, the commission shall consider additionally the submitted documents.

(6) Based on the results of the consideration of the submitted applications and additionally submitted documents, the commission shall take a decision for admission or refusal for admission for participation of each applicant and shall notify him / her in writing of its decision.

(7) The refusal for admission to participation in the competition or in the tender shall be subject to appeal in court under the **Administrative Procedure Code**.

Art. 49. (Amend. – SG 79/20) (1) Admitted to participate in the competition or tender, an applicant shall submit an offer in a separate, opaque sealed package with the inscription "Competition / tender offer", indicating the name of the area or locality, which shall contain:

1. a work program with the elaborations on the separate evaluation criteria, including additional price payment, in the cases when this is envisaged, and the documents, with which they are proved, when such are determined with the tender papers - for conducting a competition;
2. a price offer – for conducting a tender;
3. declaration of origin of the funds.

(2) The Commission shall open and consider the received offers within 14 days from the expiration of the term, set for their submission. When considering the offers, the commission may at any time:

1. verify the circumstances, stated by the participants and the accuracy or authenticity of the attached documents, including by a formal inquiry to the competent authorities;
2. require the provision within a specified period of additional evidence of the circumstances, specified in the tender or the elimination of technical inconsistencies in the work program.

(3) In case of technical discrepancies in the work program, the commission shall send a written notification to the participant, which shall contain an indication of the findings, precise instructions and a deadline for their elimination, which may not be longer, than three working days from receipt of the notification.

(4) Additionally, the submitted documents under Para. 2, item 2 shall become an integral part of the offer, as they may not amend or supplement the offer, regarding the developments under the separate evaluation criteria.

(5) The Commission shall rank the participants in accordance with the competition or tender requirements.

(6) As the winner ranked shall be determined the participant, ranked first in accordance with the methodology for evaluation of bids, defined in the tender papers, and the winner of the tender - the participant, who has offered the highest price.

(7) The Commission shall draw up a protocol and send it for approval by the Minister of Energy, within three working days from completion of the work of the commission. With the protocol the commission shall propose:

1. to grant permission to the winner of the competition or tender;
2. termination of the tender or competition in the presence of some of the grounds under **Art. 50a**.

Art. 50. (Amend. - SG 70/08, amend. – SG 79/20) (1) In the cases under **Art. 49, Para. 7, item 1** within three months from the approval of the protocol, the Minister of Energy shall:

1. (amend. - SG 86/23, in force from 13.10.2023) issue a prospecting and exploration or exploration permit for mineral resources under **Art. 2, Para. 1, items 1, 2, 4 - 8** of the winning bidder or tender, after approval by the Council of Ministers, and shall conclude a contract within three months from the expiration of the term for appealing the permit under the **Administrative Procedure Code**, when a complaint has not been submitted;

2. submit to the Council of Ministers a proposal for granting a prospecting and exploration or exploration permit for mineral resources under Art. 2, Para. 1, item 3 or for mineral resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, or for

granting a concession.

(2) The council of Ministers shall:

1. approve the issuance of a prospecting and exploration or exploration permit for mineral resources or for exploration of mineral resources under **Art. 2, Para. 1, items 1, 2, 4 - 7**;

2. adopt a decision for issuing a permit for prospecting and exploration or exploration for mineral resources under **Art. 2, Para. 1, item 3** or for mineral resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea of the participant, who has won the tender, and shall authorize the Minister of Energy to conclude a contract;

3. decide on granting of a concession to the tenderer, who has won the tender and authorize the Minister of Energy to conclude a contract.

(3) With the decision under Para. 2, items 2 and 3, the Council of Ministers shall set a term for concluding the contract, but not longer, than 6 months from the entry into force of the decision.

(4) Where the tenderer, who won the competition or tender is not a trader, the permit shall be issued, respectively the concession shall be granted:

1. to a newly registered sole trader or to a newly established commercial company, in which the participant is the sole owner of the capital - when the participant is a natural person;

2. to a newly established company, in which the legal person is the sole owner of the capital, respectively the participants in the association have all the capital in the proportion of their merger agreement - when the participant is a legal person or a unification.

Art. 50a. (New – SG 100/10, amend. – SG 79/20) The competition or tender for granting permit or the tender for granting a concession shall be terminated by a decision of the body, which has opened the procedure, where:

1. no application or offer has been submitted;

2. there is no admitted participant;

3. no application or offer meets the requirements of the Act, the act of opening the proceedings or the requirements of the competition or tender documents;

4. the need for holding the competition or tender falls as a result of unforeseen circumstances and such could not be foreseen at the adoption of the act for opening the procedure;

5. breaches have been found while opening or holding the competition or tender, which may not be removed, without changing the conditions, in which the procedure has been opened;

6. the participant, who has won the competition or the tender, and the participant, ranked second consistently refuse to conclude a contract or do not provide the evidence under **Art. 23, Para. 5**.

Art. 50b. (New - SG 79/20) The acts, by which permits are issued or concessions granted, as well as the acts for termination of a competition or tender may be appealed under the procedure of the **Administrative Procedure Code**.

Section III.

Ex lege granting of permits for prospecting and exploration or for exploration and of concessions for extracting (Title amend. - SG 70/08, amend. – SG 100/10)

Art. 51. (Amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 14/15, suppl. – SG 79/20) A written application shall be submitted to the Minister of Energy for the granting of a permit for prospecting and exploration or for ex lege exploration. The application can also be submitted electronically.

(2) (Amend. – SG 79/20) The application shall be written in the Bulgarian language and must contain:

1. full name, respectively the name of the applicant, contact details, including e-mail address, unique identification code under **Art. 23** of the Act on the Commercial Register and the Non-Profit Legal Entities Register, BULSTAT and / or other identifying information in accordance with the legislation of the country, in which the applicant is established;

2. the group underground natural resources under **Art. 2, Para 1**, for which the permit or the concession is requested;

3. the name, the location, the size and the co-ordinates of the characteristic border points of the area illustrated by a map in a suitable scale, with indicated numeration of the characteristic border points;

4. the declarations under **Art. 23, Para. 3** and the documents under **Art. 23a**;

5. information on the manner and date of payment of the fee due upon submission of the application.

(3) (Amend. – SG 19/09, in force from 10.04.2009, amend. – SG 79/20) Attached to the application in a sealed package shall be a work programme with a brief description of the goals, time of its starting, type, volume, methods, duration and cost of the planned activities, as well as the measures for protecting the earth's recesses and the environment, human health and the cultural valuables.

(4) (Amend. – SG 79/20) Officials in the Ministry of Energy shall check the availability of all required documents within 14 days from the submission of the application under Para. 1. In case of irregularities and / or incompleteness, a written notification shall be sent to the applicant, indicating the established irregularities and / or incompleteness, as well as instructions for their elimination within 30 days from the notification. The applicant shall be informed, that the non-elimination of the irregularities or incompleteness is ground for termination of the proceedings on the submitted application.

(5) (New - SG 79/20) When the applicant has not indicated an e-mail address and is not found at the address, indicated by him, the notification under Para. 4 shall be published on the [website](#) of the Ministry of Energy for a period of three months. In these cases, the 30-day period for elimination of the identified irregularities and incompleteness in the application shall start from the date, on which the three-month period has expired.

Art. 51a. (New – SG 79/20) (1) The Minister of Energy shall carry out the coordination under **Art. 26, Para. 1**, when the application meets the requirements.

(2) After receiving all opinions under **Art. 26, Para. 1**, when they are positive, a notice for forthcoming granting of a permit shall be published in the State Gazette and on the [website](#) of the Ministry of Energy.

(3) When within the term under **Art. 39, Para. 1, item 3** another applicant has declared interest for the same area and for the same group of mineral resources, the received documents under **Art. 51, Para. 3** shall be returned to the applicant, who submitted them.

(4) With the expiration of the term under **Art. 39, Para. 1, item 3**, when no interest has been declared for the same area and for the same group of mineral resources by another applicant, proceedings shall be opened for granting a permit for prospecting and exploration or exploration ex lege.

(5) Officials in the Ministry of Energy shall consider the work program under **Art. 51, Para. 3** within 30 days from the opening of the proceedings under Para. 4. Where the program does not meet the established technical or technological standards, the applicant shall be notified in writing to correct it in accordance with the instructions, given to him within 30 days of receipt of the notification. The applicant shall be notified in writing of the receiving of the work program within the time limit for its consideration.

(6) When the applicant has not indicated an e-mail address and is not found at the address indicated by him, the notifications under Para. 5 shall be published on the [website](#) of the Ministry of Energy for a period of three months. In such cases, the 30-day period for correcting the work program shall run from the date, on which the three-month period expired.

Art. 52. (Amend. - SG 70/08, amend. – SG 79/20) (1) The Minister of Energy shall reasonably

terminate the proceedings on the submitted application, respectively the proceedings for granting a permit for prospecting and exploration or for exploration:

1. when for the applicant there is ground for exclusion under **Art. 23, Para. 2** or does not meet a requirement under **Art. 23a, Para. 1**;
 2. when the applicant has not eliminated the irregularities or incompleteness within the term under **Art. 51, Para. 4** or **Art. 51a, Para. 5** after the obligatory instructions given to him;
 3. at the written request of the applicant, when he is the only one after the expiration of the term under **Art. 39, Para. 1, item 3**;
 4. when the applicant has declared or submitted incorrect information;
 5. when there is ground under **Art. 53a, Para. 3**.
- (2) The act of the Minister of Energy may be appealed under **Chapter Ten, Section IV** of the Administrative Procedure Code.

Art. 53. (Amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 79/20) (1) The Minister of Energy shall assess the expediency and the legality of the proposal for granting permit for prospecting and exploration or for exploration, according to the conditions under **Art. 56**.

(2) Where the applicant is not a trader, the permit shall be issued:

1. to a newly registered sole trader or to a newly established commercial company, in which the applicant is the sole owner of the capital - when the applicant is a natural person;
2. to a newly established company, in which the legal person is the sole owner of the capital, respectively the participants in the unification have the entire capital in the proportion of their merger agreement - when the applicant is a legal person or unification.

(3) The Minister of Energy shall draw up a draft permit and shall submit it for approval by the Council of Ministers within 3 months from the notification under **Art. 51a, Para. 5**, sentence three.

(4) The Minister of Energy shall issue a permit for prospecting and exploration or for exploration within 15 days from the approval of the Council of Ministers, shall publish it on the [website](#) of the Ministry of Energy and shall send it for publication in the State Gazette.

(5) The Minister of Energy shall conclude a contract with the authorized applicant within three months from expiration of the term for appeal under the **Administrative Procedure Code**, when no appeal has been filed. Where no contract has been concluded within the period, referred to in the first sentence for reasons, for which the holder of the permit is responsible, the permit shall lose legal force.

Art. 53a. (New – SG 79/20) (1) When within 6 months from submission of the application, a draft permit for approval is not submitted to the Council of Ministers for reasons, for which the applicant is responsible, the Minister of Energy or an official, authorized by him shall notify the applicant in writing of confirmation of interest of granting the permit.

(2) The applicant for obtaining a permit for prospecting and exploration or for exploration shall confirm his interest in granting the permit and shall eliminate the reasons, why the draft permit cannot be submitted for approval to the Council of Ministers, within three months from the notification under Para. 1.

(3) The non-confirmation of interest within the term under Para. 2 or failure to eliminate the reasons, for which the applicant is responsible shall be grounds for termination of the procedure for granting a permit.

Art. 54. (Amend. - SG 70/08) (1) (Amend. – SG 79/20) (1) (Suppl. - SG 86/23, in force from 13.10.2023) Regarding provision of an ex lege concession for extraction under the conditions of **Art. 29, Para. 1 or 2**, an application in writing shall be submitted, including by electronic way to the Minister of Energy, which shall contain:

1. full name, respectively the name of the applicant, the contact details, including e-mail address,

unique identification code under **Art. 23** of the Act on the Commercial Register and the Non-Profit Legal Entities Register, BULSTAT and / or other identifying information, in accordance with the legislation of the country, in which the applicant is established;

2. the underground natural resources under **Art. 2** for which the concession is requested;
3. the name, the location and the co-ordinates of the characteristic border points of the concession

area;

4. number and date of the certificate for commercial discovery;
5. information on the manner and date of payment of the fee due upon submission of an application;
6. (new - SG 86/23, in force from 13.10.2023) the necessary information required under Art. 60 of the Waters Act when applying for a concession for deep hydro-geothermal resources.

(2) The following shall be attached to the application:

1. the declarations under **Art. 23, Para. 3** and the documents under **Art. 23a**;
2. plan for development of the deposit with a brief description of the purposes, terms for its beginning, type, volume, methods, duration and value of the envisaged activities, as well as the measures for protection of the earth bowels and the environment, including the information under **Art. 51, Para. 2** of the Act on Waters, safety of the population and human health and cultural values;

3. concession justifications - legal and financial-economic justification, corresponding to the requirements, defined in Annex № 2;

4. (new - SG 86/23, in force from 13.10.2023) the respective documents required under Art. 60 of the Waters Act when applying for a concession for deep hydro-geothermal resources.

(3) Officials in the Ministry of Energy shall check the availability of the required information and documents, within 14 days from the submission of the application under Para. 1. In the presence of irregularities and / or incompleteness, including when the development plan of the deposit does not meet the established technical or technological standards or the conditions and measures, provided by an effective act, issued under **Chapter Six** of the Environmental Protection Act, or the legal or financial justification does not comply with the requirements of Annex № 2, a written notification shall be sent to the applicant, indicating the established irregularities and / or incompleteness, instructions and term for their elimination, which may not be shorter than 30 days and longer than 60 days from the notification. The applicant shall be instructed, that the failure to eliminate the identified irregularities or incompleteness within the specified period shall be grounds for termination of the proceedings on the submitted application.

(4) When the applicant has not indicated an e-mail address and is not found at the address indicated by him, the notification under Para. 3 shall be published on the [website](#) of the Ministry of Energy for a period of three months. In this case, the deadline, set for the elimination of irregularities and / or incompleteness, and / or correction of the development plan and / or justifications shall start from the date, on which the three-month period has expired.

(5) Upon receipt of all opinions under **Art. 26, Para. 1**, when they are positive, the procedure for granting a concession by right shall be considered open, of which the applicant shall be notified in writing.

(6) The Minister of Energy shall reasonably terminate the proceedings on the submitted application, respectively on granting a mining concession, when:

1. any of the conditions under **Art. 29, Para. 1** has not been fulfilled;
2. for the applicant there is a ground for exclusion under **Art. 23, Para. 2** or he does not meet the requirement of **Art. 23a, Para. 1**;
3. the applicant has not eliminated the irregularities or incompleteness within the term under Para. 3 or 4;
4. a written request has been received from the holder of a certificate of commercial discovery;
5. the applicant has declared or submitted incorrect information;
6. some of the conditions under **Art. 39, Para. 2, item 5** is not present;
7. there is a ground under **Art. 54b, Para. 3**.

(7) In the cases under Para. 6, the holder of a certificate for commercial discovery shall not be due compensation for the expenses, incurred by him.

(8) The act of the Minister of Energy for termination of the procedure for granting a concession for extraction by right may be appealed under **Chapter Ten, Section IV** of the Administrative Procedure Code.

Art. 54a. (New – SG 56/15, in force from 24.7.2015, amend. – SG 79/20) (1) The Minister of Energy shall assess the expediency and legality of granting a mining concession in accordance with the conditions under **Art. 56**.

(2) Within 6 months from the opening of the proceedings, respectively from the elimination of the admitted irregularities and / or incompleteness, the Minister of Energy shall submit to the Council of Ministers a motivated proposal for granting a concession, a draft decision of the Council of Ministers and a draft concession contract.

(3) The decision for granting a mining concession shall determine: the object of the concession; the subject and term of the concession; the person, to whom the concession is granted; the terms of the concession; the fundamental rights and obligations of the parties; the amount of the due concession payment, except for the cases under **Art. 58, Para. 2**, sentence one; the type and amount of the guarantees for fulfillment of the obligations under the concession contract; the requirements, related to the national security, the defense of the country, the protection of the earth's bowels, the environment and the waters, the cultural values, as well as other requirements of the concession.

(4) The Council of Ministers decision shall be published in the State Gazette.

(5) The Council of Ministers decision may be appealed under the **Administrative Procedure Code** within 14 days of its publication in the State Gazette.

Art. 54b. (New – SG 79/20) (1) When within one year from submission of the application, a motivated proposal for granting concession is not submitted, a draft decision of the Council of Ministers and a draft concession contract in the Council of Ministers for reasons, for which the applicant is responsible, the Minister of Energy or authorized by him an official shall notify the applicant in writing of the confirmation of interest in granting the concession.

(2) The applicant for obtaining a concession by right shall eliminate the reasons why the materials under Para. 1 cannot be submitted to the Council of Ministers, and shall confirm his interest in granting the concession within three months from the notification under Para. 1.

(3) The non-confirmation of interest within the term under Para. 2 or failure to eliminate the reasons, for which the applicant is responsible, shall be grounds for termination of the procedure for granting a concession.

Art. 55. (Amend. - SG 70/08, amend. – SG 56/15, in force from 24.7.2015) (1) (Amend. and suppl. – SG 79/20) Within 6 months from the enactment of the decision under **Art. 54a, Para. 3** negotiations shall be held and a concession contract shall be concluded in accordance with the decision of the Council of Ministers for granting the extraction concession and the draft concession contract.

(2) (Amend. – SG 79/20) When within the term under Para. 1, a contract is not concluded for reasons, for which the applicant, appointed as concessionaire is responsible, the decision for granting a concession shall lose legal effect.

Art. 56. (Amend. - SG 70/08, amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10, amend. – SG 79/20) (1) The granting of a permit for prospecting and exploration or for exploration or of concession for extraction shall be refused with reasons when:

1. there is danger for the national security for the country's defense, for the earth's bowels, for the environment, for the waters, for the safety of the population and human health, from destruction or damage

of cultural values or from destruction, or damage of roads from the national road network;

2. the applicant has declared an area, within the limits of which rights for prospecting and exploration or for exploration or extraction have been granted and the conditions under **Art. 24a, Para. 1** are not present;

3. the area for prospecting and exploration or for exploration or for extraction of mineral resources under **Art. 2, Para. 1, item 5 or 6** falls into:

a) urbanized territory with boundaries, defined by a detailed development plan, that has entered into force;

b) territory, within the boundaries of which a development plan for construction of a national site or a site of the social or technical infrastructure - public municipal property has entered into force;

c) territory with public purpose, which is included in a program or plan for development of the municipality under **Art. 21, Para. 1, item 12** of the Local Government and Local Administration Act;

4. the proceedings are for the issuance of a permit for prospecting and exploration or for exploration for mineral resources under **Art. 2, Para. 1, item 5 or 6**, for which a decision of the Council of Ministers under **Art. 24a, Para. 2** has been adopted;

5. the applicant does not have technical and financial capabilities to carry out the activity - with declared rights for mineral resources under **Art. 2, Para. 1, item 3** in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea.

(2) The refusal to grant a permit for prospecting and exploration or for exploration, or for a concession for extraction, except for the cases under **Art. 24a, Para. 2**, may be appealed under the **Administrative Procedure Code** within 14 days from its notification to the interested persons - at permission for prospecting and exploration or for exploration, respectively from the promulgation of the decision of the Council of Ministers in the State Gazette - at concession for extraction.

Art. 57. (Amend. - SG 70/08; amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10, amend. – SG 79/20) When a circumstance under **Art. 56, Para. 1, item 1** has arisen after the issuance of a certificate for commercial discovery, the applicant, who has made the discovery, shall be compensated for the actually suffered damages under the current legislation, where the funds shall be provided from the budget of the Ministry of Energy.

Art. 57a. (New - SG 79/20) (1) Concession for extraction by right of a state-owned enterprise under **Art. 39, Para. 2, item 5** shall be provided at the request of the Minister, who has been appointed as a management body of the enterprise, to the Minister of Energy.

(2) The request shall contain information on:

1. the need to grant the concession and to fulfill the conditions under **Art. 39, Para. 2, item 5**;

2. the name, location and coordinates of the characteristic boundary points of the locality;

3. the coordinates of the characteristic boundary points of the concession area;

4. the properties - state property, which are within the limits of the concession area;

5. prepared by the state enterprise plan for development of the deposit with content, according to **Art. 54, Para. 2, item 2** and a financial and economic justification;

6. the declarations under **Art. 23, Para. 3** and a declaration, that the enterprise has the necessary financial, technical and professional capabilities to carry out the extraction.

(3) The Minister of Energy shall carry out the coordination under **Art. 26** and shall assess the expediency and the legality according to the conditions under **Art. 56, Para. 1, items 1, 2 and 3** of the proposal for granting a concession for extraction, and submit to the Council of Ministers a motivated proposal for granting a concession, a draft decision of the Council of Ministers and a draft concession contract.

(4) The Council of Ministers shall adopt a decision to grant a concession by right to the state

enterprise. The decision shall have the content under **Art. 54a, Para. 3.**

(5) The Minister of Energy and the state enterprise shall conclude a concession contract within three months from the entry into force of the decision under Para. 4.

Art. 57b. (New - SG 67/25) (1) For the granting of a concession for the extraction of underground resources under Art. 2, para. 1, item 8 by right on the basis of Art. 39, para. 2, item 6, an application shall be submitted to the Minister of Energy, including electronically, which shall contain information on:

1. the full name, respectively the name of the candidate, contact details, including e-mail address, unique identification code under Art. 23 of the Act on the Commercial Register and the Non-Profit Legal Entities Register, BULSTAT and/or other identifying information in accordance with the legislation of the country in which the candidate is established;

2. fulfillment of the conditions under Art. 39, para. 2, item 6, including number and date of certificate of commercial discovery;

3. the name, location and coordinates of the characteristic boundary points of the concession area;

4. information on the method and date of payment of the fee due upon submission of an application;

5. the necessary information required under Art. 60 of the Act on Waters for deep hydrogeothermal resources;

6. a plan for the development of the deposit prepared by the concessionaire with content in accordance with Art. 54, Para. 2, Item 2 and financial and economic justification;

7. the declarations under Art. 23, Para. 3 and the documents under Art. 23a that the concessionaire possesses the financial, technical and professional capabilities necessary for the extraction.

(2) The Minister of Energy shall carry out the coordination under Art. 26, Para. 1, Item 1 and assess the appropriateness and legality in accordance with the conditions under Art. 56, Para. 1, Items 1 and 2 of the proposal for granting a mining concession, and submit to the Council of Ministers a reasoned proposal for granting a concession, a draft decision of the Council of Ministers and a draft concession contract.

(3) The Council of Ministers shall adopt a decision to grant a concession by right to the person who is a concessionaire under a concession granted for the extraction of underground resources under Art. 2, Para. 1, Items 1 - 4 and who has been designated as the holder of a certificate for commercial discovery of a deposit of underground resources under Art. 2, Para. 1, Item 8. The decision shall have the content under Art. 54a, Para. 3.

(4) The Minister of Energy and the person designated as the concessionaire shall conclude a separate concession contract within three months of the entry into force of the decision under Para. 3.

Chapter three. FINANCIAL TERMS

Art. 58. (1) (Amend. - SG 70/08, amend. – SG 100/10, former text of Art. 58 – SG 79/20) Granting rights for prospecting and exploration, or for extraction of underground natural resources through permit for prospecting and exploration or for exploration or a concession for extraction shall pay fees when filing the applications.

(2) (New - SG 79/20) The requirement for payment under Para. 1 shall not be applied in the cases under **Art. 39, Para. 2, item 5**, provided that the state enterprise does not use the extracted mineral resources under **Art. 2, Para. 1, item 5** for exchange on the market, and extracts and uses the mineral resources only for performance of the activities of its subject of activity, constituting a natural monopoly. In the other cases, the state enterprise owes a concession payment, determined under the conditions under **Art. 61 and 62**.

Art. 59. (1) (Amend. – SG 100/10) The applicants for permits for prospecting and exploration or for

exploration and the applicants for concession for extraction shall pay fees when filing the applications.

(2) (Amend. – SG 100/10) The fee under para 1 shall be collected for covering the administrative expenses related to the proceedings for granting the permit or the concession.

(3) The order of collecting and the size of the fee under para 1 shall be determined by an act of the Council of Ministers.

Art. 60. (Amend. - SG 70/08) (1) (Amend. – SG 100/10) The holder of the permit for prospecting and exploration or for exploration shall pay annual fee for area.

(2) The size of the fee under Para 1 shall be determined depending on the term of the permit, the size of the ceded area and the group of underground natural resources for which the permit is granted.

(3) The order, size and terms of payment of the fee under para 1 shall be determined by an act of the Council of Ministers.

(4) (New - SG 79/20) The administrative costs for carrying out control over the implementation of the contracts for prospecting and exploration or for exploration shall be covered by the fees under Para. 1.

Art. 61. (Suppl. – SG 36/06, in force from 01.07.2006; amend. - SG 70/08) (1) (Suppl. – SG 79/20) The concessionaire shall be due a concession payment, the amount of which shall be determined depending on the type, group and value of the underground natural resources, as well as the specific conditions for carrying out the extracting and primary processing. Concession payment shall also be due in the cases under **Art. 34, item 4** for the extracted minerals from the mining waste, for which the concessionaire has not paid such.

(2) (Amend. – SG 79/20) The concession payment shall be the price that the concessionaire pays to the grantor for the granted right to exploit underground resources by extracting from the corresponding deposit.

(3) (New – SG 79/20) The specific amount of the concession payment for extraction of mineral resources under **Art. 2, Para. 1**, including its minimum amount, shall be determined in accordance with an Ordinance, adopted by the Council of Ministers on a proposal of the Minister of Energy and the Minister of Finance.

(4) (New - SG 79/20) For the purposes of calculating the amount of the concession payment, each concessionaire shall organize and carry out the accounting of its activity in accordance with the **Accountancy Act** and the applicable accounting standards, ensuring the comprehensive chronological registration of the accounting information in analytical and synthetic accounting accounts for each individual concession.

(5) (Amend. – SG 100/10, in force from 01.07.2011 concerning the figure “30” shall be replaced by “50” and in force from 01.01.2011, concerning creating sentence three; amend. and suppl. – SG 45/2012, in force from 01.09.2012, amend. - SG 96/17, in force from 02.01.2018, former Para. 3 – SG 79/20) The amount, the conditions and the order for the concession payment shall be determined by the concession contract. A part of the concession payment, yet not more than 50 percent of it, shall be transferred to the budgets of the Municipalities at the location of the areas under **Art. 37, Para. 1, item 1 and 2**. Where the concession is for extraction of general natural resources from a deposit of volume up to 500 000 Cubic m., the whole concession payment shall be transferred to the relevant Municipality budgets.

(6) (Former Para. 4 – SG 79/20) Where the concession area is located on the territory of more than one municipality, the distribution of the concession payment deductions for the municipalities shall be made according to the proportional distribution of the concession area on the territory of the respective municipality.

(7) (Former Para. 5 – SG 79/20) The concession payment shall be due regardless of whether final financial result of the activity of the concessionaire.

(8) (Former Para. 6 – SG 79/20) For deposits of underground natural resources of proved

unfavourable mining and geological, technological and economic characteristics or for restoration of the extraction in deposits with suspended extraction in the area of municipalities with continuous unemployment, the Council of Ministers may adopt a decision for:

1. exempting the concessionaire from concession for a period of up to 5 years, or
2. reducing the amount of the concession payment with up to 50 percent of the already contracted for a period of up to 5 years.

(9) (Former Para. 7, amend. – SG 79/20) The Decision of the Council of Ministers under Para. 8 shall be indicated in the concession contract or an additional agreement thereto.

Art. 62. (Amend. - SG 96/17, in force from 02.01.2018) (1) Cash receipts from concession payments, indemnities, guarantees and compensations goes as revenue to the budget of the Ministry of Energy.

(2) The amounts under **Art. 59, para. 1** shall go to the budget of the Ministry of Energy.

(3) The amounts under **Art. 60, para. 1** shall enter into the budget of the Ministry of Energy.

(4) (Amend. – SG 79/20) In the cases under **Art. 61, Para. 5** municipalities report in their budgets the transferred amounts as concession revenue.

(5) The costs of concession activity are planned and financed through the budget of the Ministry of Energy and the budget of the Ministry of Finance.

(6) Expenditure provided by the budget of the Ministry of Finance are also carried out through the budget of the Ministry of Energy on the basis of an approved by the Minister of Finance plan-account for expenditures of the funds and for making changes under **Art. 109** or **110** of the Public Finance Act.

(7) The Minister of Finance sets the requirements for the Ministry of Energy's accounts for the collected revenues from concessions and the costs incurred.

Art. 63. (Amend. – SG 100/10) For changes in the Bulgarian legislation which restrict the rights or cause material damages to the holder of the permit for prospecting and exploration or for exploration or to the concessionaire amended, at his request, can be the conditions of the concluded contract with the purpose of restoring his rights and interests, in conformity with the initially concluded contract.

Art. 63a. (New - SG 70/08) (1) The activities of technical liquidation, conservation and rehabilitation of the sites for geological exploration and mining shall be at the expense of the holders of permits and the concessionaires.

(2) (Amend. – SG 79/20) The holder of the permit or the concessionaire shall provide a financial security for performing the activities under Para. 1 by:

1. providing an unconditional and irrevocable bank guarantee for each year of the term of the respective contract, issued in favour of the Minister of Energy, with a term of validity of 14 months; a new unconditional irrevocable bank guarantee shall be issued within two months before the expiry of the previous one;

2. opening a trust account in a bank of his choice, in which he makes contributions in accordance with the contract;

3. the simultaneous application of the methods under items 1 and 2.

(3) The method of financial security and the prescribed amount of the funds shall be agreed by the parties and shall constitute a substantial part of the contract.

(4) (New – SG 79/20) The holder of a granted permit for prospecting and exploration or for exploration of mineral resources under **Art. 2, Para. 1, item 3** in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea or the concessionaire under a granted concession for extraction of mineral resources under **Art. 2, Para. 1, item 3** in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea shall also provide financial

security for ensuring the responsibility for prevention and elimination of imminent threat of occurrence of ecological damages or for ecological damages, caused by drilling, prospecting, exploration or extraction activities in the territorial sea, the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea.

(5) (New – SG 79/20) The financial security under Para. 4 shall be agreed between the parties in the respective contract according to the type and the value of the envisaged activities under Para. 1.

Art. 63b. (New - SG 70/08) (1) (amend. – SG 100/10, amend. – SG 79/20) The specific amount of the security under **Art. 63a, Para. 2** shall be determined on the basis of the activities under **Art. 63a, Para. 1** according to the approved schedule for their implementation.

(2) (Amend. – SG 79/20) The change of the amount and/or partial release of the financial security shall be performed under conditions and procedure, determined in the contract.

(3) (Amend. – SG 100/10) The amount on the financial guarantee shall not be subject to forceful fulfillment.

Art. 63c. (New - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) In case of early termination of the contract for prospecting and exploration or for exploration or for concession the financial security shall be entirely transferred to the Ministry of Energy, and shall be used for performing the activities under **Art. 63a, Para 1**.

Art. 63d. (New - SG 70/08) (1) Where at the date of termination of the contract the amount of the financial security does not fully cover the actual cost of the required activities under **Art. 63a, Para 1**, the difference to the full amount of the required sum shall be at the expense of the holder of the permit or of the concessionaire.

(2) Where at the date of termination of the contract the amount of the financial security exceeds the actual cost of the required activities under **Art. 63a, Para 1** after their conclusion, the excess shall be released in favour of the holder of the permit or of the concessionaire.

Art. 64. (1) (Amend. – SG 100/10, amend. – SG 79/20) In case the holder of a permit for prospecting and exploration or for exploration is granted concession for extraction under the conditions of **Art. 29, Para. 1** the expenses for prospecting and exploration or for exploration, with exception of those under **Art. 59** and **Art. 60, para 1**, shall be acknowledged as actual expenses.

(2) The expenses for development of the deposit for extraction shall be acknowledged as actual expenses.

(3) (New - SG 79/20) The actual costs under Para. 1 and 2 shall be obligatorily certified by a registered auditor before being accepted as performed by the Minister of Energy.

(4) (Former Para. 3 – SG 79/20) The expenses under para 1 and 2 formed as financial losses shall begin to be deducted from the year when the extraction begins, consequently during the next five years. In forming new losses during exploitation of the deposit their restoration shall begin from the moment of their occurrence and the five-year term of acquittal shall be valid for every loss.

(5) (Former Para. 4 – SG 79/20) Source of acquittal of the expenses made in connection with prospecting, exploring, development and exploitation shall be the income from the extracted underground natural resources upon payment of the concession consideration.

(6) (Former Para. 5 – SG, 79/20) The expenses related to the restoration of the environment shall be included in the expenses before profit taxation.

(7) Former Para. 6, amend. – SG 79/20) The expenses made additionally by the holder of the permit or by the concessionaire and explicitly stipulated by the contract under **Art. 66, para 1, item 16** shall be acknowledged as actual expenses.

Chapter four.
CONTRACTS, AMENDMENT, TERMINATION, ARBITRATION AND EXPERTISE (TITLE
SUPPL. – SG 79/20)

Section I.
General Provisions

Art. 65. (1) (Amend. - SG 70/08, suppl. – SG 100/210, former text of Art. 65, amend. – SG 79/20)
The permit for prospecting and exploration or for exploration or the concession for extraction shall come into force on the date of conclusion of the contract.

(2) (New - SG 79/20) The entry into force of the contract under Para. 1 may be made subject to the fulfillment of conditions specified within the permit for prospecting and exploration or for exploration, or by the decision for granting a concession for extraction, or by the current legislation. The fulfillment of the conditions shall be bound by a certain term.

Art. 66. (Amend. - SG 70/08) (1) (Amend. – SG 79/20) The contract shall obligatorily contain:

1. the parties to the contract;
2. the subject of the contract, the coordinates and the size of the provided area;
3. the term of the permit or concession, the moment, from which it starts to run, and the conditions for its extension;
4. the rights and obligation of the parties;
5. the conditions and the procedure for preparation and submission of projects, reports, primary data, accounting documents and other information;
6. the accessories to the concession;
7. the financial conditions and the order for making the due payments, conditions for changing the amount of the concession payment in case of change of the normative regulation, regulating the order for its determination, including the type and the amount of the responsibility for non-fulfillment of the obligations under the contract;
8. the types, scope and amount of the financial security for the fulfillment of the obligations;
9. the conditions and the procedure for transfer of rights and obligations under **Art. 25**;
10. the conditions and the procedure for termination of the contract, including the consequences of non-fulfillment of the conditions for entry into force of the contract;
11. the conditions which determine the rights on geological and other information obtained by the holder of the permit or by the concessionaire during the activities under the contract;
12. the order and the way of carrying out the activities and their temporary stopping;
13. the conditions for protection of the earth's bowels, the environment, protected areas, cultural values and human health;
14. the conditions and procedure for exercising the control;
15. the conditions and procedure for action in force majeure circumstances;
16. the terms and conditions for resolving disputes;
17. additional conditions.

(2) (Amend. – SG 100/10) The contract for prospecting and exploration or for exploration shall also contain the obligation of the holder of the permit for releasing parts of the area in favour of the state according to the requirement of **Art. 32, Para. 3**.

Art. 66a. (New - SG 79/20) (1) The concession contract with a state-owned enterprise in the cases

under **Art. 39, Para. 2, item 5** shall contain the requisites under Art. 66, Para. 1, as well as:

1. the activities, for the implementation of which the state enterprise may use the extracted mineral resources under **Art. 2, Para. 1, item 5**;
2. prohibition for disposal or use of the extracted mineral resources under **Art. 2, Para. 1, item 5** for activities, other than those under item 1;
3. description of the properties - state property, which are provided to the enterprise for the needs of the activities under the concession;
4. a condition for extraction of mineral resources under **Art. 2, Para. 1, item 5** after the entry into force of a decision on EIA, which approves the implementation, or of a decision not to carry out EIA of the investment proposal for extraction and primary processing of the mineral resources under **Art. 2, Para. 1, item 5**, issued under the **Environmental Protection Act**.

(2) The state-owned enterprise - concessionaire may not request transfer to a third party of the rights and obligations, arising from the granted concession for extraction.

Art. 66b. (New - SG 79/20) (1) The concession contract may be amended and / or supplemented by mutual consent of the parties with an additional agreement:

1. in case of subsequent emergence of danger for the national security, for the defense of the country, for the environment, for the waters, for the safety of the population and human health, from destruction or damage of cultural values or from damage of roads from the Republican road network;
2. in case of partial loss of the subject of the concession or in case of objective impossibility for its use as intended;
3. in the event of objective circumstances, as a result of which the financial conditions for granting the concession have changed significantly;
4. in other cases, specified by this Act or in the contract.

(2) When the amendments and / or supplements are in accordance with the decision to grant a concession, the supplementary agreement shall be concluded with the Minister of Energy, without the need to adopt a decision of the Council of Ministers to agree to amend and / or supplement the contract, and in other cases the additional agreement shall be concluded by the Minister of Energy, after adoption of a Council of Ministers decision.

Art. 66c. (New - SG 79/20) (1) In the cases under **Art. 66b, Para. 1**, each of the parties may request an amendment and / or supplementation of the concession contract with a motivated proposal.

(2) The request of the concessionaire shall be addressed to the Minister of Energy, who shall assess the legality and expediency of the proposal within three months of its receipt.

(3) The concessionaire shall express an opinion on a proposal, made by the Minister of Energy within three months of its receipt.

(4) Upon acceptance of the submitted proposal, the parties shall conclude an additional agreement for amendment and / or supplementation of the contract, respectively the Minister of Energy shall submit a motivated proposal to the Council of Ministers for consent to amend and / or supplement the contract. In the cases under **Art. 36, Para. 2 and 3**, with the motivated proposal, the Minister of Energy shall propose to the Council of Ministers to grant consent also for amendments and / or supplementations in the concession contract, in accordance with **Art. 36, Para. 4**.

(5) The Council of Ministers shall adopt a decision on the proposal, submitted by the Minister of Energy.

(6) The parties shall conclude an additional agreement to the concession contract in accordance with the decision under Para. 5.

(7) The provisions under Para. 1 - 6 shall also be applied in case of amendment and / or supplementation of contracts for prospecting and exploration or for exploration of mineral resources under

Art. 2, Para. 1, item 3 or of mineral resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea.

Section II. Termination

Art. 67. (1) (Amend. - SG 70/08, suppl. – SG 100/10) The rights, acquired on the basis of permit for prospecting and exploration or for exploration or concession for extracting, shall be terminated with the termination of the respective contract.

(2) The contract shall be terminated:

1. (amend. – SG 100/10) with the expiration of its term for the permit or concession and after accepting on behalf of the competent authorities of the activities on liquidation of the geological explorations or the mining site and/or re-cultivation of the concerned lands and forests;
2. for objective inability to carry out the activities under the granted permit or concession;
3. for enacted decision for declaring insolvent the holder of the permit or the concessionaire;
4. by mutual agreement;
5. (new - SG 70/08, amend. – SG 100/10) in case of extraction of underground natural resources for technologic samples and for technological research and testing under **Art. 28, Para 2** in amounts exceeding those stipulated in the contract;
6. (prev. text of Item 05 - SG 70/08) by virtue of a court or arbitration decision;
7. (new – SG 79/20) when within three years from the entry into force of the concession contract, extraction of mineral resources has not started for reasons, for which the concessionaire is responsible, such as failure to submit an application or request to initiate a procedure under a special Act, failure to comply with instructions of a competent authority, during a procedure under a special Act, etc.;
8. (former item 6 – SG, 70/08, former item 7 – SG, 79/20) under other reasons, provided for in the contract.

(3) (Amend. – SG 100/10; amend. – SG 14/15, amend. and suppl. – SG 79/20) In the event of the death of the natural person or the termination of the trader-holder of a prospecting and exploration or exploration permit, the contract may be extended by an additional agreement after a decision of the Minister of Energy, if the legal successor presents, within 30 days, an application for continuation of the contract, undertakes all liabilities under it and meets the requirements of **Art. 23** and **23a**.

(4) (Amend. – SG 100/10; amend. – SG 14/15, amend. and suppl. – SG 79/20) In case of death of the individual or closing down the trader - concessionaire the contract can be continued by a decision of the Council of Ministers at the proposal of the Minister of Energy, if the legal successor presents, within 90 days, application for continuation of the contract, undertakes all liabilities under it and meets the requirements under **Art. 23** and **23a**.

(5) (New – SG 79/20) Concession contract under **Art. 66a** shall be terminated at:

1. occurrence of any of the grounds under Para. 2, items 1, 2, 4 - 8;
2. termination of the activity of the state enterprise, unless another state enterprise is determined by and Act, to which the rights and obligations under the concession are transferred;
3. violation of the prohibition under **Art. 66a, Para. 1, item 2**;
4. occurrence of another condition, determined by the Act, by which the state enterprise was formed.

Art. 68. (1) (Amend. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) The Minister of Energy shall have the right suspend the permit for prospecting and exploration or of the concession when the holder of the permit or the concessionaire carries out activities contradicting the acting legislation or violating the

clauses of the concluded contract.

(2) (Amend. – SG 79/20) In case of termination the body under para 1 shall inform in writing the holder of the permit or the concessionaire about the reasons and shall determine a suitable period for complying with the legislation in force or the clauses of the signed contract.

(3) Holder of permit or concessionaire whose activities have been suspended according to para 1 shall not have the right to exercise his rights under the respective contract, as well as to seek compensation for missed profit for the respective period of suspension.

(4) Permit or concession, suspended by the order of para 1, shall be renewed if the holder of the permit or the concessionaire eliminate the reasons within the period under para 2.

(5) The suspension under para 1 shall not extend the period of the respective contract and that of the permit or of the concession.

Art. 69. (Amend. - SG 70/08) (1) (Amend. – SG 100/10, amend. – SG 79/20) The permit or the concession may be terminated only by an act of the authority, which has granted them, when:

1. the permit or the concession has been suspended and the holder of the permit or the concessionaire has not eliminated the reasons within the period under **Art. 68, para 2**;

2. (amend. – SG 19/09, in force from 10.04.2009, amend. – SG 56/15, in force from 24.7.2015, amend. – SG 79/20) a danger occurs for the national security, for the defence of the country, for the environment, for waters, for the safety of the population and human health from destruction or damaging of the cultural values, or from damage of roads of the national road network;

3. the holder of the permit or the concessionaire does not observe the requirements for protecting the earth's recesses and the rational use of the underground natural resources, for protection of the environment and rehabilitation of the destroyed terrain or mining waste management.

(2) (Amend. – SG 100/10; amend. – SG 14/15) For the availability of the circumstances under Para 1, Items 2 and 3 the competent authorities shall notify the Council of Ministers and the Minister of Energy, accompanied by a motivated proposal concerning the need to undertake actions of terminating the relevant contract.

Art. 70. (1) (Amend. – SG 100/10) In the cases under **Art. 69, Para. 1, items 1 and 3** the holder of permit or the concessionaire shall be responsible for suffered damages and missed profit caused by the termination ahead of term, including for the period of suspension.

(2) (Suppl. – SG 100/10) In the cases under **Art. 69, Para. 1, item 2** due to the holder of permit or the concessionaire shall be compensation unless the danger has not occurred as a result of his activities.

(3) (Amend. – SG 100/10; amend. – SG 14/15) On the basis of the decisions under **Art. 69, Para. 1**, the Minister of Energy shall notify in writing the holder of the permit or the concessionaire about the termination.

(4) In case of termination under **Art. 69** the holder of the permit or the concessionaire shall carry out full re-cultivation of the affected land.

Art. 71. (Amend. - SG 70/08, amend. - SG 96/17, in force from 02.01.2018, former text of Art. 71, amend. – SG 79/20) For the unsettled cases related to the conclusion, fulfilment and termination of the contracts shall apply the provisions of **Part Three** of the Commerce Act and of the **Obligations and Contracts Act**.

(2) (New - SG 79/20) The Minister of Energy shall represent the Council of Ministers in cases, related to the implementation and termination of concession contracts, including bringing claims against the grantor in judicial procedures.

Section II "a".

Consequences of terminating the concession contract (New - SG 79/20)

Art. 71a. (New – SG 79/20) (1) Upon termination of the concession contract, the concessionaire shall be obliged to hand over the object of concession to a commission, appointed by the Minister of Energy. A protocol shall be drawn up for the handover and acceptance of the site, which shall be signed by the members of the commission and by an authorized representative of the concessionaire.

(2) The composition of the commission shall include representatives of the Ministry of Energy, the Ministry of Regional Development and Public Works and the respective Regional Governor, to whose governance the object of the concession should pass.

(3) The term for transfer and acceptance of the concession site is 30 days from the date of termination of the concession contract or from the date of acceptance of activities for liquidation or conservation of the mining site and recultivation of the affected lands, and in cases of refusal to extend the concession contract. with legal successor - from the date of refusal.

(4) When the concessionaire refuses to hand over the site, as well as when as of the date of termination of the concession contract the trader-concessionaire is terminated without a legal successor, the commission under Para. 1 shall draw up a statement of findings for refusal to hand over the site, respectively for impossibility to hand over the site. The statement of findings shall be grounds for issuing an order for seizure of the site by the Regional Governor under the [State Property Act](#).

(5) From the date of acceptance of the site, and in the cases under Para. 4 - from the date of the seizure, the site shall be transferred to the governance of the Regional Governor.

Art. 71b. (New - SG 79/20) Within 14 days from the date of acceptance of the site, the Minister of Energy shall notify the Council of Ministers and provide information to the National Concession Register on the grounds, the date of termination of the contract and the date of acceptance of the site.

Art. 71c. (New - SG 79/20) In case of early termination of the concession, each of the parties may seek compensation for the actually suffered damages, in accordance with the general rules.

Section III.

Arbitration and Expertise

Art. 72. (1) Every dispute between the parties to a contract which cannot be settled by mutual agreement shall be settled by a court order or by arbitration if so stipulated by the respective contract.

(2) In case that an international arbitration is contracted the language, the place of arbitration and other conditions must be indicated in the respective contract.

Art. 73. The parties to the contract can agree to refer some disagreements or disputes for settlement by experts according to a procedure agreed upon in the concluded contract.

Chapter five.

USING LAND

Art. 74. (1) The registration of discovery of underground natural resources and its entry in the register of discoveries of deposits of underground natural resources shall not change the ownership, the purpose and the using of the real estate on the land surface.

(2) (Amend. – SG 100/10) The granted permits for prospecting and exploration or for exploration or concessions for extracting shall give right to the holder of the permit or the concessionaire to undertake independently the respective legal and actual activities for achievement of agreement with the holders of rights over the land in the ceded area which obstruct or encumber his activities under the permit or the concession and the respective contract.

Art. 75. (1) (Amend. – SG 100/10, amend. and suppl. – SG 79/20) The holder of a permit for prospecting and exploration or for exploration or the concessionaire and the owner of the land can conclude a contract, by which to the right holder or the concessionaire is transferred a real right or, in favour of the holder of the permit or the concessionaire, establishes real rights of using the land for the period of the permit or the concession and determines the conditions and the procedure for payment remuneration for this right.

(2) (Suppl. - SG 47/02, amend. – SG 100/10; amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG 14/15, suppl. – SG 79/20) If an agreement cannot be reached under Para. 1, the interested party, to which rights to the mineral resources under **Art. 2, Para. 1, item 1- 4** have been granted, shall refer the issue for settlement to the Minister of Energy, who, depending on the nature of the work, its duration and effect on the earth's recesses and the environment can extend a request through the regional governor at the location of the land to the Minister of Finance and to the Minister of Regional Development and Public Works for compulsory expropriation of the private real estates or a part of them for the purposes of the prospecting and extraction of underground natural resources by the order of **Chapter Three** of the State Property Act and upon preliminary equivalent compensation. The request for alienation shall be accompanied with a sketch – design on the basis of data from the cadastral map with excerpt from the cadastral register of the immovable properties.

(3) (Amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The way of compensation of the owner and the price of the real estate shall be given by the regional governor at the location of the real estate upon confirmation by the Minister of Finance and the Minister of Regional Development and Public Works.

(4) The real estate shall be considered expropriated when the determined compensation is paid or when a notary act is issued for the ownership of the real estate ceded as compensation.

(5) (Amend. – SG 100/10; amend. – SG 14/15, suppl. - SG 77/18, in force from 01.01.2019) The Minister of Energy or an official appointed from the staff of the ministry shall observe the order determined by the laws which settle the change of the purpose of the land, if it is farm land, a land of the state forest fund, municipal or of another nature.

(6) Under the conditions of para 2 the entry into possession shall be carried out by an administrative order.

(7) (Amend. - SG 30/06, in force from 01.03.2007) If, within three years from the compulsory expropriation of the real estate, the concessionaire has not undertaken activities for fulfilment of the operative project, the former owner or the regional governor shall have the right to request the administrative court at the location of the real estate to revoke the compulsory expropriation and to decree restoration of the submitted by the two parties.

(8) (Amend. – SG 100/10) Upon termination of the activities under the permit for prospecting and exploration or for exploration or under the concession for extraction the holder or concessionaire shall be obliged to take all measures for elimination of the damages of the land in compliance with the conditions of the contract under para 1, the permit for prospecting and exploration or for exploration or the concession for extracting, the acting legislation for protection of the environment, other applicable laws and the concluded contract.

(9) (Amend. – SG 100/10; amend. – SG 14/15, amend. - SG 77/18, in force from 01.01.2019) The decisions under the preceding paras shall be announced to the interested parties by the order of the

Administrative Procedure Code. The decision can be appealed before the relevant administrative court by the order of the **Administrative Procedure Code**. The decision of the administrative court shall be final and shall not be subject to cassation appeal.

Art. 76. (1) (Amend. – SG 100/10) The compensations under **Art. 75, para 1** shall be determined on the basis of the damages which are a direct and immediate consequence from the damaging of the land by the activities under the permit for prospecting and exploration or for exploration or the concession for extraction and the respective contract.

(2) (Amend. – SG 100/10) If it turns out that after termination of the permit for prospecting and exploration or for exploration or of the concession for extracting the land cannot be used according to its prior purpose, the real estates shall be expropriated by the order of the **State Property Act**.

Part three.

PROTECTING THE EARTH'S RECESSES THROUGH RATIONAL USE OF UNDERGROUND RESOURCES WHILE PROSPECTING, EXPLORING AND EXTRACTING (TITLE AMEND. – SG 100/10)

Chapter one.

GENERAL PROVISIONS

Art. 77. (Amend. – SG 100/10) Protecting the earth's recesses by using rationally the underground natural resources is the basic obligation of anyone who carries out activities on their prospecting and use, or who designs mining construction, prepare their exploitation and extract underground natural resources.

Art. 77a. (New – SG 56/15, in force from 24.7.2015) The requirements for the prevention of accidents during the prospecting, exploration and mining of underground resources under **Art. 2, Para. 1, p. 3** in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea shall be determined by an Ordinance of the Council of Ministers.

Art. 78. (Amend. and suppl. - SG 70/08; amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10) Every holder of a permit for prospecting and exploration or for exploration, or concessionaire shall be obliged to carry out the activities under the granted permits or concessions for extracting and the respective contract according to the requirements of this Act and the legislation in force for protection of the environment, farm land, forests and the cultural valuables.

Art. 79. (Amend. - SG 70/08, amend. – SG 100/10, amend. – SG 79/20) The extraction of underground natural resources shall be carried out only from deposits registered as commercial discovery according to **Art. 21** and/or from deposits with approved and registered reserves or reserves and resources in the National Balance.

Chapter two.

MINES AND PITS

Art. 80. (Amend. - SG 70/08) (1) (Amend. adn suppl. – SG 100/10) The borders of every mine or pit shall be determined according to the established contours of the reserves and/or the resources of underground natural resources - object of exploitation and the areas, needed for the activities of the

concession outside the extraction under **Art. 37, Para. 1, item 2.**

(2) The borders under Para 1 shall be indicated on the specialised maps under **Art. 17 and 18.**

Art. 81. (Amend. – SG 47/02; amend. - SG 70/08) (1) For every mine and pit shall be drafted:

1. a map of the mine or the pit in a suitable scale;
2. a map and other graphic information on the underground parts of the mine;
3. maps of the general layout of the individual parts of the mine or pit with indicated borders of the reserves and resources and of the mining works;
4. geological plan with the necessary profiles and data for the deposit;
5. mark-shader, technical and other data for the carried out monitoring of the mining activities;
6. the necessary registers, plans and statistical data related to the requirements for the exploitation and the safety and the health of the workers in the mines and pits.

(2) (Amend. – SG 100/10; amend. - SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG 14/15) The maps of para 1, items 1 - 3 shall be worked out on the basis of data from the cadastre, from the large scale topographic map of the country as well as from other specialised maps. The contents of the maps under Para 1, as well as the conditions and order for their creation and maintenance shall be determined by the Minister of Energy and the Minister of Regional Development and Public Works in an ordinance under **Art. 32, Para 3 CPRA.**

Chapter three. OPERATIVE PROJECTS

Art. 82. (Amend. - SG 70/08) (1) (Amend. – SG 100/10; amend. – SG 14/15, amend. – SG 79/20) Prospecting, exploration, extraction and primary processing of mineral resources, the technical liquidation or conservation of geological and mining sites and the recultivation of the affected lands shall be carried out on the basis of comprehensive and annual work projects, agreed by the Minister of Energy or an official authorized by him.

(2) (Repealed – SG 19/11, in force from 08.03.2011)

Art. 83. (Amend. - SG 70/08) (1) (Amend. – SG 19/09, in force from 10.04.2009) The operative projects for prospecting and exploring, extraction and primary processing of underground natural resources must contain data about the volume, the technical and the technological decisions and the term of performing the geological exploration and mine extraction activities, the size of the necessary investments, the measures for protection of the earth's recesses, the environment, the cultural valuables, the safety and health of the workers.

(2) The complete and annual operation projects for prospecting and exploring, extracting and primary processing of underground natural resources shall ensure:

1. the application of methods, technologies and systems restricting the negative influence on the earth's recesses and on the environment;
2. optimal extraction of the reserves and resources at their extracting from the earth's recesses and of the useful components contained in them during their primary processing;
3. compliance with the requirements for depositing and storing the soil materials and technological waste;
4. (suppl. – SG, 100/2010) protection and restoration of the environment, through planning the activities on liquidation or conservation of the geological and exploring or mining extracting sites and re-cultivation (including re-cultivation in stages) of the reference lands and forests;
5. the safety and the health of the workers;

6. (amend. – SG 19/09, in force from 10.04.2009) protection of the cultural valuables.

Art. 84. (Amend. - SG 70/08) (1) (Amend. and suppl. – SG 100/10) The holders of permits for prospecting and exploration or for exploration and the concessionaires shall be obliged to draft complete and annual operational projects for liquidation and conservation of the geological and mining sites and rehabilitation of the affected land, which are inseparable part of the projects under **Art. 83, Para. 2**.

(2) (Amend. – SG 19/09, in force from 10.04.2009) The projects under Para 1 must contain data for the size, the technical fulfilment and the terms of liquidation or conservation and re-cultivation, the measures for protection of the earth's recesses, the environment, the health and safety of the population, and the cultural valuables.

Art. 85. (Amend. - SG 70/08) The requirements towards the scope and contents of the projects under **Art. 83, Para 1** and **Art. 84, Para 1** and of their amendments and supplements, as well as the conditions and order for their coordination with the competent authorities shall be determined in an ordinance of the Council of Ministers.

Art. 86. (Amend. - SG 70/08, amend. – SG 100/10; amend. – SG 14/15) The holders of permits for prospecting and exploration or for exploration and the concessionaires shall report the fulfilment of the projects under **Art. 83** and **84** annually by a written report to the Minister of Energy.

Chapter four. **PROTECTION OF THE EARTH'S RECESSES**

Art. 87. (Amend. – SG 70/08, amend. – SG 100/10) (1) The protection of the earth's recesses during the prospecting, exploring, the extraction and primary processing of underground natural resources shall be provided through their rational use.

(2) The rational use of underground resources in their prospecting, exploration, extraction and primary processing shall include:

1. compliance with the methods, technologies and procedure for the prospecting and exploration of underground resources approved by the work projects;
2. observance of the order approved by operative projects for utilisation of the reserves of underground natural resources;
3. optimal extraction of the reserves of underground natural resources in the exploitation of their deposits;
4. optimal extraction of the useful components of the extracted underground natural resources in their primary processing;
5. protection of the deposits of underground natural resources from industrial and other construction, complicating the exploitation and the rational using of the reserves;
6. compliance with the requirements for depositing, storing and utilisation of the waste from prospecting, extraction and primary processing of underground natural resources;
7. (amend. – SG 79/20) observance of the approved projects for conservation, liquidation, or re-cultivation of the geological and mining sites and for reclamation of damaged areas.

Art. 88. (Amend. – SG 100/10) In order to comply with the requirements for the protection of the earth's recesses through the rational use of underground resources, each holder of a prospecting and exploration permit and for exploration and concessionaire shall be obliged to:

1. carry out the activities related to prospecting, exploring, extraction and processing of

underground natural resources in compliance with the requirements of the acting legislation;

2. (amend. – SG 14/15) work out and approve upon coordination with the Minister of Energy economically substantiated conditions for exploitation of deposits of underground natural resources with the purpose of their optimal extraction from the earth's recesses;

3. (amend. – SG 14/15, amend. – SG 79/20) coordinate with the Minister of Energy the operative projects for prospecting, exploring, extraction and primary processing of underground natural resources, the projects for re-cultivation of damaged terrain and the projects for conservation or liquidation of the sites;

4. observe the order approved by the operative projects for industrial utilisation of the reserves and resources of underground natural resources, their primary processing and the measures for protection and restoration of the earth's recesses and the environment;

5. keep, according to the acting normative provisions the necessary geological and mine surveying and statistical documentation for establishing the changing of the reserves and the resources of underground natural resources and the indices for the degree and the quality of their extracting from the earth's recesses (losses and reduction);

6. extract in an optimal way the useful components from the extracted underground natural resources during their primary processing (dressing);

7. (amend. – SG 14/15) coordinate with the Minister of Energy admissible non-project losses of underground natural resources and useful components during the extraction and primary processing;

8. (amend. – SG 79/20) not develop deposits without approved and registered in the national balance reserves or reserves and underground natural resources;

9. (amend. – SG 14/15) re-cultivate the terrain damaged by the prospecting, exploring, extraction and primary processing of the underground natural resources on the basis of a project coordinated with the Minister of Energy;

10. submit to the bodies for the protection of the earth's and the environment with references and explanations necessary for the performance of their official duties.

Art. 89. (Amend. - SG 47/02, amend. – SG 70/08, revoked – SG 100/10)

Chapter five.

CONTROL OVER THE PROTECTION OF THE EARTH'S RECESSES THROUGH RATIONAL USE OF UNDERGROUND RESOURCES (TITLE AMEND. – SG 100/10)

Art. 90. (Amend. - SG 70/08) (1) (Amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10; amend. – SG 14/15, amend. – SG 56/15, in force from 24.7.2015) (1) The Minister of Energy shall exercise overall control:

1. on protection of the earth's recesses through rational use of underground resources;

2. over the contents and implementation of the overall and annual work projects for exploring, prospecting, mining and initial processing of underground natural resources, of the permits and plans of mining waste management and of the projects for conservation, liquidation and rehabilitation;

3. on implementation of the contracts for exploring and research or for research of concession contracts;

4. on carrying out exploring, research or mining of underground natural resources:

a) without an issued permit or a granted concession;

b) with permit or with concession, whose force has been terminated under **Art. 68**, or of the signed contract.

(2) The Minister of Environment and Waters shall carry out control over the activities of the granted permits for exploration and research and for exploration and on the granted concessions for mining

and over acting and closed facilities for mining wastes, including of abandoned in relation to fulfilment of the conditions of the decisions, permits and opinions, issued under the conditions and procedure of the legislation for protection of environment. The control shall be carried out in type and volume, provided by **Chapter Nine** of the Environment Protection Act and in compliance with provision of the **Protected Territories Act**, the **Biological Diversity Act**, the **Act on Waters** and the **Waste Management Act**.

(3) The Minister of Labour and Social Policy, through the General Labour Inspectorate Executive Agency shall carry out control over the activities on the granted permits for exploration and research and concessions for mining in relation to conditions for health and safety at labour.

(4) The Minister of Culture shall carry out control over the activities of granted permits for prospecting and exploration and for exploration and concessions for mining and over acting and closed mining waste facilities, where cultural values are affected.

(5) The Mayor of the relevant municipality shall carry out control on performing exploration, research or mining of underground natural resources:

1. without an issued permit or granted concession;
2. with permit or with concession, whose effect has been terminated under **Art. 68**, or of the concluded contract.

(6) The bodies under Para. 1 – 5 may assign performing the control activities to officials of the relevant administration.

(7) (New - SG 79/20, amend. - SG 17/21) Inspections of the implementation of concluded contracts for prospecting and exploration, exploration or extraction concessions may also be carried out by the State Financial Inspection Agency and the National Audit Office within their powers.

Art. 91. (Amend. - SG 70/08, amend. – SG 100/10) The authorities under **Art. 90**, in compliance with their competence shall have the right:

1. (amend. – SG 100/10) to a free access to all sites, buildings and installations of the holder of the permit for prospecting and exploration or for exploration or of the concessionaire within the borders of the ceded area and to mining waste facilities;
2. to organise the performance of markscheider measurements and take samples and specimens for control laboratory tests;
3. (amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10) to give written prescriptions for elimination of established omissions and violations related to the protection of the earth's recesses and through rational using of the underground natural resources and the performance of the operational projects, as well as the protection of the cultural valuables;
4. (amend. – SG 100/10; amend. – SG 14/15) to request the Minister of Energy to suspend, upon written warning, the activities on prospecting, exploring, extraction, processing and use of underground natural resources and mining waste management when the prescriptions under item 3 are not complied with;
5. (amend. – SG 19/09, in force from 10.04.2009, amend. – SG 100/10) to impose fines and/or proprietary sanctions for established violation of the protection of the earth's recesses through rational using of underground natural resources and protection of cultural valuables.

Art. 92. (Amend. - SG 70/08) The control bodies under **Art. 90** shall be obliged to:

1. establish objectively the facts and to register the results from the inspections in protocols of findings;
2. to keep the official, industrial and trade secrets, as well as not to disseminate information related to the inspections before their conclusion.

Art. 92a. (New - SG 79/20) (1) The overall control over the implementation of the contracts for prospecting and exploration or for exploration or for concession for extraction shall be exercised by the

Minister of Energy.

(2) The control over the implementation of the contracts shall include periodic control over the fulfillment of the conditions of the permit or the concession and of the obligations of the holder or the concessionaire, in accordance with the provisions of the contracts.

(3) Control shall be carried out through:

1. officials of the Ministry of Energy;
2. commissions for control over the implementation of the concession contracts (control commissions), appointed by the Minister of Energy;
3. persons, entrusted with control activities.

Art. 92b. (New - SG 79/20) (1) The officials under **Art. 92a, Para. 3**, item 1 shall carry out periodic control through:

1. verification and analysis of the documents for reporting the results of the fulfillment of the obligations of the holder / concessionaire, determined in the respective contract;
2. planned on-the-spot checks, carried out on the basis of a pre-approved schedule;
3. emergency on-site inspections - if necessary.

(2) A statement of findings shall be drawn up for the results of the performed inspections.

Art. 92c. (New - SG 79/20) (1) The control over the implementation of the contracts for prospecting and exploration or for exploration shall be exercised by the officials under **Art. 92a, Para. 3, item 1**.

(2) The officials shall prepare a report to the Minister of Energy on the results of the performed control.

Art. 92d. (New - SG 79/20) (1) The control over the implementation of the mining concession contracts shall be exercised by the officials under **Art. 92a, Para. 3, item 1**.

(2) On the basis of the findings of the control, the officials shall prepare a report to the respective control commission. In case of found non-fulfillment, the report shall propose measures for elimination of the found non-fulfillment of conditions and / or obligations under the respective contract, as well as for referral to the competent authorities - in case of ascertained non-fulfillment of normative requirements.

Art. 92e. (New - SG 79/20) (1) Depending on the number of controlled mining concession contracts, the type of concession sites and their territorial location, the Minister of Energy shall appoint one or more control commissions.

(2) The composition of the commission shall include representatives of the specialized administration of the Council of Ministers and the Ministry of Energy.

(3) The Minister of Energy shall issue an order, appointing the chairman, the deputy chairman of the commission and the other members of the commission.

(4) The Control Commission shall consider the submitted reports under **Art. 92d, Para. 2**. In case of ascertained non-fulfillment the commission shall adopt decisions, by which it shall give instructions to the officials under **Art. 92a, Para. 3, item 1** or make proposals to the Minister of Energy.

(5) The Control Commission shall adopt an annual report on the implementation of the mining concession contracts, which shall be submitted to the grantor after its approval by the Minister of Energy.

(6) The Control Commission shall have the right to propose to the Minister of Energy the assignment to third parties the implementation of certain expert or technical activities, related to the control activity, if necessary.

Art. 92f. (New - SG 79/20) The conditions and the procedure for exercising control over the implementation of the contracts for prospecting and exploration or for exploration or for concession for extraction shall be settled in an Ordinance, adopted by the Council of Ministers on a proposal of the Minister

Chapter six. ADMINISTRATIVE-PENAL PROVISIONS

Art. 93. (Amend. - SG 70/08) (1) (Amend. and suppl. – SG 100/10, amend. – SG 79/20) Whoever carries out prospecting and exploration or exploration of mineral resources without a duly issued permit or with a permit, the action of which has been suspended by the order of **Art. 68** and of the concluded contract, shall be punished by a fine from BGN 1,000 to BGN 10,000, and a property sanction in the amount of BGN 5,000 to 50,000 shall be imposed on a legal person or a sole trader.

(2) (Amend. and suppl. – SG 100/10, amend. – SG 79/20) Whoever carries out extraction of underground natural resources without duly granted concession, or with a concession, whose action has been terminated, as provided by **Art. 68** and by the concluded contract, unless subject to a more severe penalty, shall be punished:

1. in case of a first violation with a fine from BGN 1,000 to 20,000, respectively with a property sanction in the amount of BGN 50,000 to 100,000;
2. in case of repeated violation with a fine from BGN 5,000 to 50,000, respectively with a property sanction in the amount of BGN 200,000 to 300,000;
3. for each subsequent violation with a fine of BGN 10,000 to 100,000, respectively with a property sanction in the amount of BGN 400,000 to 500,000

(3) (Amend. – SG 100/10; amend. – SG 14/15, amend. – SG 79/20) On whoever fails to concede the whole acquired information and documentation about the underground natural resources, as well as the created intellectual product to the National Geological Fund or fails to provide the acquired substance material within 45 days from conclusion of the geological research to the Ministry of Energy, shall be imposed a fine from BGN 1000 to 2000, respectively a proprietary sanction, from BGN 2000 to 4000, and in case of repeated infringement - from BGN 5000 to 10 000, respectively with a proprietary sanction from BGN 10 000 to 20 000.

(4) (Amend. – SG 100/10, amend. – SG 79/20) On any holder of a permit for prospecting and exploration or for exploration or any concessionaire, who impedes the access to a site by the competent authorities under **Art. 90** or infringes rights in carrying out operations under granted permits for prospecting and exploration or for exploration or concessions for extracting, shall be imposed a proprietary sanction from BGN 5000 to 10 000.

(5) (Amend. - SG 79/20) In the cases under Para. 2, along with the property sanction, the sanctioning body shall decree confiscation in favour of the state of the extracted quantities of mineral resources, as well as of the technical means belonging to the offender, which have served for extraction, transportation or transfer of the extracted mineral resources. When the offender has disposed of the extracted quantities of mineral resources, the sanctioning body shall order the confiscation in favour of the state of their monetary equivalent. Confiscation shall not be allowed when the value of the property clearly does not correspond to the nature and gravity of the administrative violation.

Art. 94. (Amend. - SG 70/08) (1) (Amend. – SG 100/10, amend. – SG 56/15, in force from 24.7.2015, suppl. – SG 79/20) Whoever does not perform his obligations related to protection of the earth's recesses through rational use of the underground natural resources, or carries out actions of management, including, but not only of depositing, processing, use and disposal of mining waste without permit under **Art. 22e, Para 3** and/or management plan under **Art. 22d, Para. 5**, shall be punished with a fine of BGN 10 000 to 100 000, or a proprietary sanction from BGN 50 000 to 500 000.

(2) (Amend. – SG 56/15, in force from 24.7.2015, suppl. – SG 79/20) Whoever fails to comply with

the conditions under an issued permit under Art. 22e, Para. 3 and/or an approved management plan under **Art. 22d, Para. 5** shall be punished with a fine of BGN 1000 to 10 000, or a proprietary sanction from BGN 5000 to 50 000.

(3) For repeated violation under para 1 and 2, unless subject to a more severe penalty, the fine or the proprietary sanction shall be in triple amount.

Art. 94a. (New – SG 79/20) (1) Whoever performs activities related to production or non-production installations, including drilling activities or combined activities in the territorial sea, the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, without a duly agreed internal emergency response plan and / or its amendment, in accordance with the Ordinance on the requirements for prevention of accidents in prospecting and exploration or exploration or extraction of mineral resources - oil and natural gas, in the territorial sea, the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, shall be punished by a fine from BGN 10,000 to BGN 50,000, and a property sanction in the amount of BGN 50,000 to 100,000 shall be imposed on the legal person or sole trader.

(2) Whoever carries out activities related to production or non-production installations, including drilling activities or combined activities in the territorial sea, the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, without a duly accepted report on major hazards or its amendment, in accordance with the Ordinance on the requirements for prevention of accidents in prospecting and exploration or exploration or extraction of mineral resources - oil and natural gas, in the territorial sea, the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in the Black Sea, shall be punished by a fine from BGN 50,000 to BGN 100,000, and a property sanction in the amount of BGN 100,000 to BGN 200,000 shall be imposed on the legal person or sole trader.

Art. 95. (Amend. – SG 100/10) (1) (Amend. – SG 14/15, amend. – SG 79/20) The violations under **Art. 93, 94 and 94a** shall be established by acts issued by officials of the Ministry of Energy.

(2) The violations under **Art. 93, Para. 1 and 2** may be established also by acts of officials of the Municipal administration, authorized by the Mayor on whose territory the breach has been committed.

(3) (Amend. – SG 14/15) The penal decrees shall be issued by the Minister of Energy or by officials authorised by him.

(4) The violations under **Art. 93, Para. 1 and 2** may be established also by acts of officials of the Ministry of Environment and Waters or the Ministry of Culture, where the penalty decrees shall be issued by the relevant Minister of officials authorized by him/her.

Art. 96. (1) (Suppl. - SG 70/08, amend. – SG 79/20) Whoever, by his action or inaction, violates the requirements for technical safety and labour safety, or creates danger for the health of the workers under **Art. 83, para 2, item 5**, shall be punished by a fine of BGN 5000 to 20 000 and a legal person or a sole trader - proprietary sanction of BGN 20 000 to 50 000, unless subject to a more severe penalty.

(2) (Amend. - SG 79/20) The violations under Para. 1 shall be established by acts of officials from the Executive Agency "General Labour Inspection", and the penal decrees shall be issued by the executive director of the Executive Agency "General Labour Inspection" or by an official authorized by him.

Art. 97. Proceedings for the imposing of administrative sanctions and on the appeal of penal decrees shall be carried out by the order of the **Administrative Violations and Penalties Act**.

Additional provisions

§ 1. In the context of the Act:

1. (amend. - SG 70/08, amend. – SG 100/10, amend. – SG 79/20) "geological discovery" is the presence of an underground natural resource established as a result of activities related to the permit prospecting and exploration or for exploration, characterized by assessment of its resources.

1a. (new - SG 86/23, in force from 13.10.2023) "geothermal resources" is a concept within the meaning of § 1, item 67 of the additional provisions of the Energy from Renewable Sources Act.

1b. (new - SG 86/23, in force from 13.10.2023) "geothermal energy" is a concept within the meaning of § 1, item 43 of the additional provisions of the Energy from Renewable Sources Act.

1c. (new - SG 86/23, in force from 13.10.2023) "deep geothermal resources" is a concept within the meaning of § 1, item 69 of the additional provisions of the Energy from Renewable Sources Act.

1d. (new - SG 86/23, in force from 13.10.2023) "shallow geothermal resources" is a concept within the meaning of § 1, item 70 of the additional provisions of the Energy from Renewable Sources Act.

2. (amend. - SG 70/08, amend. – SG, 100/2010, suppl. - SG 86/23, in force from 13.10.2023) "activities under granted permits for prospecting and exploration or for exploration or under concessions for extraction" are all activities related to the prospecting, exploring, discovering, preparation for extraction, the extraction and the primary processing of underground natural resources and geothermal resources, for which the permit has been issued or concession has been granted and which are carried out in compliance with the conditions and the order of the permit, the concession and the respective contract;

3. (amend. - SG 70/08, suppl. - SG 86/23, in force from 13.10.2023) "activities, not related to prospecting, exploring, extraction and primary processing of underground natural resources" are storing of waste, using the earth's recesses for reservoirs of carbon nitrogen or geothermal resources, engineering activity of national importance - tunnels, motorways, pipes for transporting carbon nitrogen and others;

4. (amend. - SG 70/08, suppl. - SG 86/23, in force from 13.10.2023) "extraction" is the entire technological process of extraction of solid, liquid, gaseous natural and geothermal resources from the earth's recesses, including transformation of their natural state;

5. (amend. - SG 70/08) "reserves" is a certain quantity or volume of mineral resources in the deposit of underground natural resources which is technically possible, ecologically and economically feasible to be subject of extraction;

6. "earth's recesses" is the part of the earth crest accessible by the human activity;

7. (amend. - SG 70/08) "pit" is a combination of mining works for open-air extraction and facilities for processing underground natural resources;

8. (amend. - SG 70/08) "conditions" is a combination of requirements for the quality and the quantity of the underground natural resources in the deposit complied with the mining and technical, ecological and economic conditions for their exploitation;

9. (revoked – SG, 100/2010);

10. "metal underground resources" are natural mineral raw materials containing metals or metal compounds in quantities and in type suitable for their technological extraction and industrial using;

11. (amend. - SG 70/08) "mine" is an industrial unit (enterprise), including one or several sites for extraction by open, underground and combined methods and facilities for primary processing of underground natural resources;

12. "mining region" is the area of the deposit where the mine is located expanded by the necessary territory of technological nature for the normal functioning of the mine;

13. (amend. - SG 70/08, amend. - SG 86/23, in force from 13.10.2023) "deposit of underground natural resources" is a natural or technogenic heaping of mineral and organic substances (mineral resources), or the existence of a deep geothermal resource which, under certain technical, ecological, financial and economical conditions, could be subject of extraction;

14. (amend. - SG 70/08) "non-metal natural resources" are natural mineral resources, which in their natural state after extraction or in the form of separate minerals or chemical compounds extracted from

them, can be used in the material production;

15. (amend. - SG 70/08) "oil and natural gas" are all-natural liquid and gaseous carbon nitrogens in the earth's recesses;

16. (amend. - SG 70/08) "protection of the earth's recesses" means the observation of the requirements and order for using the earth's recesses, stipulated by the normative acts, as well as the requirements for the reasonable and rational use of the underground natural resources in exploring, extraction and primary processing;

17. (amend. - SG 70/08) "optimal extracting" is the fullest possible extraction of the reserves and resources from the deposits during their extraction, as well as of the useful components and elements contained in them during their primary processing by applying suitable and ecological technologies;

18. (amend. - SG 70/08, amend. – SG, 79/20) "separate parts (sectors) of deposit" are separate parts of a deposit of underground natural resources with established reserves or reserves and resources, which can be ceded independently for extraction under concession in compliance with the requirements for protection of the earth's recesses, the environment and work safety;

19. (amend. - SG 70/08, amend. – SG 100/10, amend. - SG 86/23, in force from 13.10.2023, suppl. - SG 67/25) "commercial discovery" is a deposit of underground natural resources, discovered and registered as a result of activities under permit for prospecting and exploration or for exploration or for exploration or under a granted concession for the extraction of underground resources under Art. 2, para. 1, items 1 - 4 - only for the underground resources under **Art. 2, para. 1, item 8**, discovered as a result of the activities for the extraction of underground resources within the boundaries of the granted concession area at a place and a moment when their development, extraction and/or primary processing of underground natural or geothermal resources from them are economically feasible, ecological and have commercial value according to current market criteria;

20. (amend. – SG 100/10) "area of the permit" is the area on which rights are ceded for prospecting and exploring or for exploring underground natural resources;

21. (amend. - SG 70/08, suppl. - SG 86/23, in force from 13.10.2023) "underground natural resources" are natural solid, liquid and gaseous mineral and organic formations and geothermal resources in the earth's recesses and the mining waste from the exploration, extraction and their primary processing which can be used in the material production;

22. (amend. – SG 100/10) "using the land according to the purpose of a permit" is the passing through the real estate or temporary accommodation and carrying out activities for the needs of the prospecting and exploring or for the exploring;

23. (amend. - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "primary processing" or "processing" is mechanical, physical, biological, thermal or chemical processes or combination of processes carried out on extracted underground natural resources with the purpose of extraction of useful components and elements, including changes of the size, classification, separation, filtration and use, as well as repeated treatment of already deposited wastes, except for melting, thermal production processes (without production of quicklime) and all metallurgical processes;

24. (amend. - SG 70/08, amend. – SG, 100/2010, amend. – SG, 56/2015, in force from 24.7.2015, suppl. – SG, 79/20, amend. - SG 86/23, in force from 13.10.2023) "mining waste" is waste in solid, liquid or slurry state – direct result from activities of exploration, mining and initial processing and storage of underground natural resources, including open and underground mining of underground natural resources including through feelers, processing of the excavated material, or extraction of by-products, including rare earth elements, from the exploration or production of geothermal energy, notwithstanding of their owner or holder and from the moment, in which they have been generated; no mining waste are the wastes, which are not direct result of activities of exploration, mining, initial processing and storage of underground natural resources, wastes, formed during activities of exploration, mining and initial processing of underground natural resources in the continental shelf and in the exclusive economic zone of the Republic of Bulgaria in

the Black Sea and wastewaters, which are injected and/or re-injected in the subsurface, for which permit is required under **Art. 118a, Para. 7 and Para. 9, p. 1** of the Act on Waters.

24a (new – SG, 56/2015, in force from 24.7.2015) “utilization of mining wastes” is any activity, which results in utilization of the waste for a useful purpose, instead of other materials, which would have been used for fulfilment of a certain function, where this has been favourable for the environment in compliance with the Environmental Protection Act and the acts of secondary legislation on the implementation thereof, and with the provision of this act.

25. (amend. - SG 70/08, amend. – SG, 100/2010, suppl. – SG, 56/2015, in force from 24.7.2015) "prospecting operations" are the activities carried out in fulfilment of obtained permit for prospecting and exploration or for exploration and of concluded contract with the purpose of discovery of deposit and its assessment, as well as its characteristics and its probable behaviour during extraction, including: geological, geophysical, geochemical and other necessary specialised observations, analyses and research, drilling or mining, their putting down, leaving or conclusion, technological tests, as well as the related unforeseen operations; The exploration operations shall not include activities of development of underground resources or such, directly connected to mining of underground resources.

26. (amend. - SG 70/08, amend. – SG, 100/2010) "expenses for prospecting and exploring or for exploring" are the expenses, spending and liabilities made in fulfilment of the prospecting operations;

27. "expenses for development" are the expenses, the spending and the liabilities made by the concessionaire during the development of the deposit before assuming permanent extraction;

28. (amend. - SG 70/08) "resources" are the probable quantities or volumes of mineral resources in the deposit which are not outlined or proven convincingly enough by geological exploration works or for which there is a lack of sufficient technical, technological, ecological and economic assessment, necessary for the designing and fulfilment of extraction;

29. (amend. - SG 70/08) "construction materials" are various natural magma, metamorphic and sediment rocks and rocks varieties used for construction purposes in their natural form or after processing;

30. (amend. - SG 70/08) "solid fuel" is every solid organic energy and technology formations, such as turf, coal, bitumolites and others;

31. "holder of permit" or "concessionaire" is every individual or corporate body carrying out activities in the Republic of Bulgaria by virtue of given permit or granted concession in compliance with this Act and other applicable laws;

32. (amend. - SG 70/08) "prospecting and/or exploring" is a combination of activities aimed at prospecting, discovering, exploring and assessment of deposits of underground natural resources with the purpose of determining their location, quantity or volume, quality and other geological and economic, mining technical, technological and ecological parameters necessary for designing and performing extraction;

33. (amend. - SG 70/08) "rock-lining materials" are natural sediment, magma or metamorphic rocks and rock varieties with express line and decoration qualities;

34. (amend. - SG 70/08, suppl. - SG 86/23, in force from 13.10.2023) "infrastructure of an underground natural and geothermal resources deposit" are the roads to access the deposit, the opening constructions (shafts and shtolns) and others related to the concession activities;

35. (new - SG 70/08) "repeated offence" shall be any offence, committed after entry into force of a penal order for punishing the offender for the same type of offence.

36. (new - SG 70/08) "technical-economic assessment" shall be a full analysis of the available geo-engineering, technical, technological, ecological, economical and legal information and shall include specification of the efficiency of the future investment works, related to engineering, construction and manufacturing activity of the mining undertaking; it shall be based on fully explored reserves and resources, calculated on the basis of technically and economically reasoned and ecological conditions;

37. (new - SG 70/08) "geological-economic assessment" shall be a preliminary analysis of the

available geo-engineering, technical, technological, ecological, economical and legal information and shall include justification of the need of investment in geo-exploration activities of promising sectors of the deposit; it shall be based on quantitative assessment of the established deposit resources and shall be a form of technical and economic reasons for possible industrial significance of the resources based on analogy with other deposits;

38. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "complete working project" shall include the basic conception for carrying out the operations for the term of permit or for the term of concession and shall contain information of their total volume, the technical and technological solutions, the term of performing the prescribed geological exploration, mining and processing operations, the conservation, technical liquidation and rehabilitation activities, the amount of the necessary investments, the measures for protection of the earth's recesses, the environment, the safety of the population and human health;

39. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "annual working project" shall include detailed information and calculations regarding the technical and technological solutions, the term of performing the prescribed geological exploration, mining and processing operations, the conservation, technical liquidation and rehabilitation activities, the amount of the necessary investments, the measures for protection of the earth's recesses, the environment, the safety of the population and human health;

40. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "mining waste facility" means any area - dump, tailings, or any other, designated for the accumulation or deposit of mining waste, whether in a solid or liquid state or in solution or suspension, for the following time-periods:

a) unlimited - for Category A waste facilities and facilities for waste characterised as hazardous in the waste management plan;

b) more than 6 months - for facilities for hazardous waste generated unexpectedly;

c) more than one year - for facilities for non-hazardous non-inert waste;

d) more than 3 years - for facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, extraction and processing and storage of peat and inert waste.

The mining waste facility shall include any dam wall or another structure, serving for containing stopping, restricting or maintaining in another way the facility.

40a (new – SG, 56/2015, in force from 24.7.2015) "tailing" is a natural or engineering facility for depositing grained waste with different quantities free water, obtained after processing of underground natural resources and purifying and recycling industrial waters.

40b (new – SG, 56/2015, in force from 24.7.2015) "heap" is engineering facility for storage solid mining waste on the surface of earth.

40c (new – SG, 56/2015, in force from 24.7.2015) "dam wall" is engineering facility, designed to hold or restrict water and/or wastes in a certain mining waste facility.

41. (new - SG 70/08) "operator of a mining waste facility" shall be a natural or legal person, carrying out exploration, extraction and primary processing of underground natural resources, or a person, authorized by him, which shall be responsible for the mining waste management, including regarding their temporary storage and for a certain time after closure of the mining waste facility;

42. (new - SG 70/08) "mining waste management" shall be the activities of transporting, depositing, and storage of mining waste, as well as constructing, exploitation and closure of the mining waste facilities and performance of after-closure monitoring, maintenance and technical supervision of the closed facility;

43. (new - SG 70/08, suppl – SG, 56/2015, in force from 24.7.2015) "inert waste" means mining waste that does not undergo physical, chemical or biological transformations with the time, which will not dissolve, serve out, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health; The total contents of infiltrate and polluters in the wastes and eco-toxic infiltrate must be

minimal, not threatening the quality of surface and/or underground waters.

43a (new - SG, 56/2015, in force from 24.7.2015) "infiltrate" is any liquid, passing through the deposited mining wastes and emitted from, or containing in a certain mining waste facility, including polluted flow, which may affect unfavourably the environment if it is not treated correctly.

44. (new - SG 70/08) "unpolluted soil" means soil that is removed from the upper layer of the ground during exploration and extraction, which does not contain harmful substances of natural and/or anthropogenic source, the concentration of which adversely affects the soil functions in the sense of the Soils Act;

45. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "hazardous waste" is such mining waste, which possess one or more hazardous properties, indicated in Annex N 3 to the Act on Waste Management

46. (new - SG 70/08) "primary processing waste" means the solid waste or slurries that remain after the treatment of underground natural resources by separation processes (e.g. crushing, grinding, size-sorting, flotation and other physical-chemical techniques) to remove the valuable minerals from the less valuable rock;

47. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "major accident" means an occurrence on the mining site in the course of an operation involving the management of mining waste, leading to a serious danger to human health and/or the environment, whether immediately or over time, on-site or off-site;

48. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "substantial change" means a change in the structure or operation of a mining waste facility that, in the opinion of the authority under Art. 90, Para. 2, may have significant negative effects on human health or the environment;

49. (new - SG 70/08, amend. – SG, 56/2015, in force from 24.7.2015) "the public concerned" means natural and/or legal persons, their associations, organizations or unifications, affected, may be affected or have interest in taking decision under Part One, Chapter Eight, including non-governmental organization, assisting for environment protection and meeting the requirements of the Bulgarian legislation.

50. (new - SG 70/08) "hydro-chemical data" shall be data of the main chemical and physico-chemical characteristics of the composition of water and their dependence of the chemical, physical and biological processes;

51. (new - SG 70/08) "weak acid dissociable cyanide" means cyanide and cyanide compounds that are dissociated with a weak acid or dissolved strong acid at a defined pH;

52. (new - SG 70/08) "mining waste holder" means the natural or legal person producing mining waste or who is in possession of it;

53. (new - SG 70/08) "discovery potential" means the preliminary and/or detailed assessment of the deposit parameters and of the quantity and quality of the underground natural resources found in it on the basis of calculated resources and/or reserves.

54. (new – SG 61/10) "River courses", "adjacent lands to rivers and reservoirs" and "river bank flooded strips" are the lands as per the Waters Act.

55. (new – SG, 56/2015, in force from 24.7.2015) "hazardous substance" is a substance or a mixture, which are hazardous in the meaning of § 1, p. 6 of the Additional Provision of the Act on Protection of Hazardous Impact of Chemical Substances and Mixtures;

56. (new – SG, 56/2015, in force from 24.7.2015) "rehabilitation" is a notion in the meaning of § 1, p. 1 of the Additional Provisions of the Act on Protection of Agricultural Lands.

57. (New, SG, 79/20) "investment proposal" shall be a term within the meaning of § 1, item 17 of the Additional Provisions of the Environmental Protection Act;

58. (New, SG, 79/20) "object of concession" shall be the mineral resources, representing exclusive state property, for which the extraction concession has been granted;

59. (New, SG, 79/20) "accessories to the concession" shall mean buildings, facilities and linear

engineering networks of transport, water supply and sewerage, electricity supply, heat supply, gas supply, electronic communications, hydro-melioration, waste treatment and geo-protection activities, ensuring the unimpeded and normal implementation of the concession activities;

60. (New, SG, 79/20) "related parties" shall be a term within the meaning of § 1, item 16 of the Additional Provisions of the Concessions Act.

§ 1a. (new - SG 70/08) This Act shall implement the requirements of Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC.

Transitional and concluding provisions

§ 2. The found cases in which activities are carried out, stipulated by this Act, shall be settled according to its provisions, from the date of its enactment.

§ 3. Persons carrying out activities for prospecting and/or exploring of underground natural resources shall, within three months from enactment of this Act, file application to the bodies under Art. 7 for bringing the activity in compliance with the conditions and the order of this Act.

§ 4. Within 3 months from entry into force of this Act, the acts of secondary legislation on its implementation shall be adopted.

§ 5. In Art. 4, para 1, item 1 of the Concessions Act (prom., SG, No 92 of 1995; No 16 of 1996 - Decision No 2 of the Constitutional Court of 1996; amend., No 44 of 1996, No 61 and 123 of 1997, No 93 of 1998) the words "natural" and "prospecting, exploring and" are deleted.

§ 6. In the Municipal Property Act (prom., SG, No 44 of 1996; amend., No 104 of 1996, No 55 of 1997, No 22 and 93 of 1998) Art. 69, item 3 is amended as follows:

"3. inert and other materials used for meeting the construction needs of the population and extracted by pits in volume not larger than 10 000 cubic meters annually;"

§ 7. This Act revokes the Mines and Pits Act (prom., Izv., No 92 of 1957; corr., No 17 of 1958; amend. and suppl., No 68 of 1959, No 104 of 1960; SG, No 84 of 1963, No 27 of 1973, No 36 of 1979, No 27 and 56 of 1986, No 35 of 1996, No 11 of 1998).

§ 8. In the Sea Territories Act of the Republic of Bulgaria (prom., SG, No 55 of 1987; amend., No 11 and 59 of 1998) Art. 43 is revoked.

§ 9. The implementation of the Act is assigned to the Council of Ministers.

The Act was adopted by the 38th National Assembly on February 26, 1999 and was affixed with the official seal of the National Assembly

Transitional and concluding provisions TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 102. The following amendments shall be done to the Act on the underground treasures (prom. - SG 23/99; amend. - SG 28/00; 108/01; 47/02; 86/03; 28 and 94/05):

.....
2. The words "Administrative Proceedings Act" shall be replaced by "Administrative procedure code".
.....

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions TO THE CONCESSIONS ACT

(PROM. - SG 36/06, IN FORCE FROM 01.07.2006)

§ 23. The Act shall enter into force from the 1st of July 2006, except for art. 42, para 3 and art. 58, para 4, which shall enter into force from the date of accession of the Republic of Bulgaria to the European Union.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE PUBLIC PROCUREMENT ACT

(PROM. – SG 37/2006, IN FORCE FROM 01.07.2006)

§ 160. The Act shall enter into force from the 1st of July 2006, except for § 12, item 1, letter "a" (with regards to item 2) and letter "g" (with regards to second sentence), § 13, item 1, letter "c", § 20, item 2, letter "c" (in the part regarding the notifying of the European commission about amendments of the lists) and letter "i" (with regards to items 17 - 22), § 46, item 4 (with regards to para 7), § 47, § 78, item 3 (with regards to second sentence) and § 125, which shall enter into force from the 1st of January 2007.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY EFFICIENCY ACT

(PROM. - SG 55/07, IN FORCE FROM 06.07.2007)

§ 28. In the Underground Natural Resources Act (promulg. SG 23/1999; amend. – SG 28/2000, SG 108/2001, SG 47/2002, SG 86/2003, SG 28 and 94/2005, SG 30, 36 and 37/2006) following amendments and supplementations shall be done:

.....

2. Everywhere in the Act the words " the Minister of Energy and Energy Resources" and "the Minister of Industry" shall be replaced by "the Minister of Economy and Energy".

.....

§ 31. This Act shall enter into force from the day of its promulgation in the State Gazette, except the provisions of § 26, Items 1, 2, 3, 4, 5 and 6, which shall enter into force from 1 July 2007, and the provision of § 27, which shall enter into force from 1 January 2008.

Additional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE UNDERGROUND NATURAL
RESOURCES ACT

(PROM. - SG 70/08, AMEND. – SG, 56/2015, IN FORCE FROM 24.7.2015)

§ 84. Everywhere in the Act:

1. The words "National Geofund" and "the National Geofund" shall be replaced respectively by "National Geological Fund" and "the National Geological Fund".

2. The words "the geological and technical information" and "geological and technical information" shall be replaced respectively by "the information and documentation" and "information and documentation".

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE UNDERGROUND NATURAL
RESOURCES ACT

(PROM. - SG 70/08, AMEND. – SG, 56/2015, IN FORCE FROM 24.7.2015)

§ 85. The acts of secondary legislation shall be issued within 6 months from entry into force of this Act.

§ 86. The procedures initiated before entry into force of this Act shall be concluded under the previously effective order within two years of its entry into force.

§ 87. The concessionaires to concession contracts concluded by the date of entry into force of this Act shall preserve their rights and duties under the conditions of the concluded contracts until expiration of the concession.

§ 88. (1) Within 6 months from entry into force of this Act all owners of mining waste shall bring their activity in compliance with this Act.

(2) The existing mining waste facilities shall be brought in compliance with the requirements of this Act by 1 May 2012.

(3) The provision of Art. 22h shall enter into force from 1 May 2014.

§ 89. (repealed – SG, 56/2015, in force from 24.7.2015)

§ 90. The provisions of Chapter Eight "Management of Mining Waste" of Part One shall apply to mining waste facilities closed by 1 May 2008.

(2) The closure of mining waste facilities the operation of which is stopped before 1 May 2006, which has to end by 31 December 2010, shall be carried out under the previous order according to the approved working projects for liquidation and rehabilitation.

(3) By 1 May 2012 the Executive Agency on Environment shall draw up a list of the closed mining waste facilities on the territory of the Republic of Bulgaria, including abandoned facilities, causing serious adverse effects to the environment and human health.

§ 91. (1) When at the date of entry into force of this Act, there is an effective concession contract for extraction of underground natural resources under the revoked Para 2 of Art. 3, the functions of the municipal council shall be taken by the Council of Ministers, and the functions of the municipality mayor - by the Minister of Regional Development and Public Works. In such cases the concessionaires shall preserve their rights and obligations under the concluded concession contract, unless they contradict to this Act.

(2) Where by the date of entry into force of this Act certain activities have been taken for granting concession for extraction of underground natural resources, except in the cases of § 4, 4a and 4b of the Transitional and Concluding Provisions of the Concessions Act, the procedure shall be completed under the order of this Act. Where the actions are related to grant of concession for extraction of underground natural resources under the revoked Para 2 of Art. 3, the procedure shall be completed by the Minister of Regional Development and Public Works.

(3) The municipality mayors shall present to the Minister of Regional Development and Public Works:

1. within 7 days from entry into force of this Act - the original documents for completing the procedure under Para 2, second sentence;

2. within three months from entry into force of this Act:

a) the municipal property acts of the underground natural resources, drawn up on the grounds of § 7, Item 2 of the Transitional and Concluding Provisions of the Local Government and Local Administration Act and on the grounds of the revoked Para 2 of Art. 3;

b) the originals of the concluded concession contracts for extraction of underground natural resources under the revoked Para 2 of Art. 3 accompanied by all annexes and additional agreements thereto, as well as the originals, contained in the files of the granted concessions.

Transitional and concluding provisions TO THE CULTURAL HERITAGE ACT

(PROM. – SG 19/09, IN FORCE FROM 10.04.2009)

§ 44. The Act shall enter into force from 10 April 2009, except for Art. 114, par. 2 and Art. 126, which shall enter into force from 10 April 2010.

Relevant acts of the European legislation

Directive 94/22/EEC of the European Parliament and of the Council of 30 May 1994

Transitional and concluding provisions
TO THE Act AMENDING THE TOURISM ACT

(PROM. – SG 82/09, IN FORCE FROM 16.10.2009)

§ 59. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. – SG 46/10, IN FORCE FROM 18.06.2009)

§ 40. This Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE UNDERGROUND NATURAL RESOURCES ACT

(PUBL. – SG, 100/2010)

§ 102. (1) The Council of Ministers shall adopt the strategy under Art. 7, Para. 1 within the term of up to 6 months after the enforcement of this Act.

(2) The Council of Ministers shall adopt the acts of secondary legislation on the implementation of the Underground Natural Resources Act and shall bring the acts of secondary legislation into alignment with this Act within 6 months from its entry into force.

§ 103. (1) The Rules of Procedure of the Ministry of Economy, Energy and Tourism of the Ministry of Environment and Waters and of the Ministry of the Regional Development and Public Works shall be complied with this Act within 2 months after its enforcement.

(2) The Minister of Finance shall perform the needed correction on the budgets of the Ministry of Environment and Waters, the Ministry of the Regional Development and Public Works, the Ministry of Economy, Energy and Tourism for 2010, after the amendments of the Rules of Procedure come into force under Para. 1.

(3) The labour and official relations of the officials of the Ministry of Environment and Waters, and the Ministry of the Regional Development and Public Works, performing functions under the Underground Natural Resources Act, shall pass to the Ministry of Economy, Energy and Tourism under the conditions and procedure under Art. 87a of the Civil Servants Act and Art. 123 of the Labour Code and in compliance with the Rules of Procedure of the administrations.

§ 104 (1) The available information and documentation on the date of the enforcement of this Act, in relation to maintaining the National Geological Fund and the specialized maps and registers, including in electronic form, shall be submitted to the Minister of Economy, Energy and Tourism, within the term of 2 months after the enforcement of this Act.

(2) The Minister of Economy, Energy and Tourism shall organize the creation of electronic data base for the National Geological Fund within the term of 6 months after this Act comes into force.

(3) The Minister of Economy, Energy and Tourism shall provide the maintenance of updated information for the procedure of all the procedures under this Act on the internet site of the Ministry of Economy, Energy and Tourism.

§ 105. (1) Within the term up to 2 months after the enforcement of this Act, the Minister of Environment and Waters and the Minister of the Regional Development and Public Works shall submit to the Minister of Economy, Energy and Tourism all the records on the applications and open procedures, related to granting permits for prospecting and exploration or for exploration and of concessions for extraction, which have not been finalized.

(2) The procedures, started before the entry into force of this Act, shall be finalized by the Minister of Economy, Energy and Tourism according to the current procedure.

(3) The procedures under Chapter Six of the Environmental Protection Act for investment proposals for extraction and initial processing of natural resources, having started with an issued certificate for trade discovery under the Underground Natural Resources Act in force on 8 of August, 2008, or under a granted concession, shall be finalized, as provided by the procedure in force up to 8 August, 2008. In the cases, where the decision of the competent body of the environment is unapproved about the investment proposal, the granted concession shall be terminated, and the certificate for trade discovery shall be invalid.

§106. (1) The concessionaires and holders of permits on signed concession contracts and contracts for prospecting and exploring and for exploring on the date of the enforcement of this Act, shall keep their rights and obligations under the conditions of the signed contracts.

(2) The control on the signed contracts for prospecting and exploring and for exploring and for extraction natural resources on the date of the enforcement of this Act, shall be exercised by the Minister of Economy, Energy and Tourism.

(3) Within the term of 2 months after the enforcement of this Act, the Minister of Environment and Waters and the Minister of the Regional Development and Public Works shall submit to the Minister of Economy, Energy and Tourism all the control and archive files of signed contracts for prospecting and exploring and for exploring of concessions for extraction.

§ 107. (1) The operators of equipment for mining wastes according to the acting at the moment of the enforcement of this Act permits for prospecting and exploration or for exploration of concessions for extraction, as well as all the natural or legal persons, in whose holding are the equipment for mining wastes, shall submit to the Ministry of Economy, Energy and Tourism within 1 year after the enforcement of this Act a request for approval of a management plan of the mining wastes or issuing a permit for management of mining wastes, stored in equipment of "A" category.

(2) For approval of the management plan of mining wastes, the operators shall submit:

1. a management plan of mining wastes under Art. 22e;
2. an assessment risk report of the mining wastes and the equipment for their storage under Art.

22b, Para. 5.

(3) For issuing a permit for mining wastes management, stores in equipment of "A" category, the operators shall submit also a proposal for financial guaranty under Art. 22h.

(4) The monitoring of all closed under Council of Ministers Decree N 74 of 1998 for liquidation of the results of extraction and procession of Uranium raw material (publ., SG 39/1998, amend. 48/2000, 78/2005, 108/2007 and 93/2009) Council of Ministers Decree N 140 of 1992 for restructuring the mining extraction and closing in stages ineffective production powers (publ. SG, 61/1992, amend. 69/1992, 54, 91 and 107/1993; corrected, 2/1994; amend. N87/1994, 19/1995, 16/1996, 42/1997, 98/1998, 75 and 112/1999, 36 and 101/2000, 62/2003 and 2 and 93/2009) and Council of Ministers Decree N 195 of 2000 on technical liquidation, conservation and overcoming harmful results in terminating or restricting the production activity in the coalmining extraction (publ. SG, 81/2000; amend. 18/2001, 74/2002, 78/2005, 42/2007 and 93/2009)

equipment for mining wastes shall be done by the relevant one man trade companies with funds from the state budget through assignment as provided by the Public Procurement Act and while observing the provisions of the Ordinance under Art. 22k.

(5) Within the term of 1 year after the enforcement of this Act the regional Governors of whose territory are situated closed equipment for mining wastes outside the cases under Para. 4, with unknown operator, shall submit the Ministry of Economy, Energy and Tourism a request for approval of a plan for own monitoring.

(6) The monitoring over the equipment under Para. 5 shall be performed by the Regional Governor, on whose territory is situated the equipment, in cooperation with the regional inspection on the environment and waters through assigning under the Public Procurement Act and while observing the provisions of the Ordinance under Art. 22k.

§108 (1) Where on the date of the enforcement of this Act there is a signed concession contract for extraction of natural resources under the revoked by §3 of the Act Amending and Supplementing the Underground Natural Resources Act (SG, 70/2008), Para. 2 and of Art. 3 and the obligation under §91 of the Transitional and Final Provision of the Act, Amending and Supplementing the Underground Natural Resources Act have not been implemented (SG, 70/2008), the functions of the Municipal council shall be transferred to the Council of ministers, and the functions of the Mayor of the Municipality – to the Minister of Economy, Energy and Tourism. In these cases the concessionaires shall keep the rights and obligations under the signed concession contract, unless they contradict to this Act.

(2) The Mayors of Municipalities, who have not fulfilled the actions under § 91, Para. 3 of the Transitional and Final Provisions of the Act, Amending and Supplementing the Act on the Natural Resources (SG, 70/2008), shall submit to the Minister of Economy, Energy and Tourism within the term of up to 31 May 2011 the following:

1. the original documents for finalizing the production, in the cases where the action are for granting a concession for extraction of natural resources under the revoked Para. 2 of Art. 3;
2. the acts for Municipal property for natural resources, drawn up under § 7, item 2 of the Transitional and Final Provisions of the Local Government and Local Administration Act, and under the revoked Para. 2 of Art. 3;
3. the scripts of the signed concession contracts for extraction of natural resources under the revoked Para. 2 of Art. 3 with all the Annexes and additional agreements, as well as the scripts, contained in the files of the granted concessions.

§109. Paragraph 66, item 1, letter “a” shall come into force from 1 July 2011, and §66, item 2, shall come into force from 1 January 2011.

Concluding provisions

TO THE ACT ON STORAGE OF CARBONE DIOXIDE IN THE EARTH’S BOWELS

(PROM. – SG 14/2012, IN FORCE FROM 17.02.2012)

§ 6. This Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ALW ON THE PUBLIC-PRIVATE PARTNERSHIP

(PROM. – SG 45/2012, IN FORCE FROM 01.01.2013)

§ 16. This Act shall enter into force from 1st of January 2013, except for the §4, §5, § 7, § 8, § 9, §

10 and § 13 which shall enter into force from 1st September 2012.

Relevant acts of the European legislation

Directive 94/22/EEC of the European Parliament and of the Council of 30 May 1994

**Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 64. In the Underground Natural Resources Act shall be made the following amendments:

2. The words “the Minister of Regional Development and Public Works” shall be replaced respectively by “the Minister of Regional Development” everywhere in the text.

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTATING THE ACT ON PROHIBITION OF
CHEMICAL WEAPONS AND ON CONTROL OF TOXIC CHEMICAL AGENTS AND THEIR
PRECURSORS**

§ 62. In the Underground Natural Resources Act the words "the Minister of Economy, Energy and Tourism" and "the Ministry of Economy, Energy and Tourism" shall be replaced by "the Minister of Energy" and "the Ministry of Energy" everywhere.

§ 63. The procedures under the Underground Natural Resources Act, started till this Act enters into force, shall be finished by the Minister of Energy.

**Transitional and concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON UNDERGROUND
NATURAL RESOURCES**

(PUBL. – SG, 56/2015, IN FORCE FROM 24.7.2015)

§ 27. The Council of Ministers shall comply the Ordinance under Art. 22k and the other acts of secondary legislation with the provisions of this act within 6 months from its entry into force.

§ 28. (1) The issued before the enforcement of this act and the amendment in the Ordinance under Art. 22k permits and approved plans for mining waste management shall apply, unless they contradict with the act and the Ordinance under Art. 22k.

(2) The Minister of Energy, or an official authorized by him shall comply the issued permits for management of mining wastes with the provision of this act within 6 month term from the enforcement of the amendments in the Ordinance under Art. 22k.

(3) The operators of mining wastes shall comply the approved plans for mining waste management with the provision of this act within 6 – month term from the enforcement of the amendments in the Ordinance under Art. 22k.

§ 29. (1) Within 3 month term from the enforcement of this act, the Minister of Energy shall notify in writing the applicants for receiving permit for prospecting and exploration or for exploration or of a mining concession, on whose application there is no an enforced act of a competent body for confirming an interest of granting the permit or concession.

(2) Within 3 month term from the notification under Para. 1, the applicants for receiving permit for prospecting and exploration or for exploration or of a mining concession shall confirm their interest in granting the permit or concession.

(3) Failure to confirm an interest within the term under Para. 2 shall be ground for termination of the procedure.

§ 30. (1) Within 3- month term from the enforcement of this act, the Minister of Energy shall notify in writing the persons, who have been granted a permit for prospecting and exploration or for exploration or a mining concession, but have not concluded a contract, for confirmation of interest in concluding a contract.

(2) Within 3 month term from the notification under Para. 1, the persons, who have been granted permit for prospecting and exploration or for exploration and mining concession shall confirm their interest in concluding a contract.

(3) Failure to confirm an interest within the term under Para. 2, the permit for prospecting and exploration or for exploration or mining concession shall lose its legal force.

§ 31. The control of implementation of the concluded by 24 February 2015 contracts for exploration and prospecting or exploration and granting a underground natural resources mining concession, including processional representation of the state in judicial cases, related to implementation of these contracts shall be carried out by the Minister of Energy.

§ 32. The act shall come into force from the day of its publication in the State Gazette.

Transitional and concluding provisions TO THE CONCESSIONS ACT

(PROM. - SG 96/17, IN FORCE FROM 02.01.2018)

§ 41. The Act shall enter into force within one month from its promulgation in the State Gazette with the exception of:

1. Article 45, Para. 5, which enters into force within 12 months of the promulgation of the Act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193, which shall enter into force on 31 January 2019.

Transitional and concluding provisions TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act

in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL PROTECTION ACT

(PROM. - SG 98/18, IN FORCE FROM 27.11.2018)

§ 49. The Act shall enter into force on the day of its promulgation in the State Gazette with the exception of:

1. paragraph 3, items 1 and 3 concerning Art. 94 para. 1, item 9 and para. 4, § 4, item 2, § 5, 6, § 7, item 2, § 8, 10-12, § 15, item 2, § 16, 17, 21 - 26, 30 and 31, which shall enter into force nine months after its promulgation;

2. paragraph 40, item 24, which shall enter into force on 11 August 2006.

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE UNDERGROUND NATURAL RESOURCES ACT

(PROM. – SG, 79/20)

§ 84. (1) The applications for granting of concessions, submitted within the terms under § 4, 4a or 4b of the Transitional and Final Provisions of the repealed Concessions Act (promulgated, SG, 36/06; amended, 53, 65 and 105/06, Nos. 41, 59 and 109/07, Nos. 50, 67 and 102/08, Nos. 47, 99 and 103/09, Nos. 52 and 54/10, issues 50 and 73/11, issues 45 and 102/12, issues 15, 24 and 66/13, issues 98 and 107/14, issue 14/15 and issues 13 and 43/16, repealed, issue 96/17), for which no decision of the Council of Ministers has been adopted until the entry into force of this Act, shall be considered under the conditions and by the order of Para. 2 - 9, applying also the conditions under § 4, 4a or 4b of the Transitional and Final Provisions of the repealed Concessions Act.

(2) The applicants, who have submitted the applications under Par. 1, shall submit to the Minister of Energy the concession analyzes - ecological, financial-economic and legal analysis, according to Annex № 1, the declarations under Art. 23, Para. 3 and the documents under Art. 23a, Para. 3, 4 and 5.

(3) Within three months from the entry into force of this Act, the Minister of Energy shall notify the applicants in writing of the obligation under Para. 2. The term for submission of the concession analyzes, the declarations and the documents under Para. 2 shall be three months from receipt of the notification.

(4) The concession analyzes, the declarations and the documents under Para. 2 shall be checked within 14 days from their submission. In the presence of irregularities and / or incompleteness, including when the concession analyzes do not meet the requirements of Annex № 1, a written notification shall be sent to the applicant, indicating the identified irregularities and / or incompleteness, instructions and deadline for their elimination, which cannot be shorter than 30 days and longer than 60 days from receipt of the notification.

(5) When within the term under Para. 3, sentence two, the required concession analyzes, declarations and documents under Para. 2 have not been presented, respectively within the term under Para. 4, sentence two the irregularities and / or incompleteness have not been eliminated, the right to obtain a concession without tender or competition shall be repaid from the date of expiration of the term under Para. 3, sentence two, respectively of the term under Para. 4, sentence two.

(6) The Minister of Energy shall carry out the coordination under Art. 26 after acceptance of the concession analyzes, declarations and documents under Para. 2.

(7) The Minister of Energy shall assess the expediency and legality of granting a mining concession

in accordance with the conditions under Art. 56, Para. 1, when all received statements under Art. 26, Para. 1 are positive.

(8) Within 6 months from the receipt of the statements under Para. 7, the Minister of Energy shall submit to the Council of Ministers a motivated proposal for granting a concession, a draft decision of the Council of Ministers and a draft concession contract.

(9) The Council of Ministers shall adopt a decision to grant a concession for extraction by right. The decision shall contain the requisites under Art. 54a, Para. 3.

(10) For the extraction of mineral resources until the conclusion of the concession contract, respectively until the repayment of the right to obtain a concession without tender or competition, the applicants under Para. 2 shall pay a concession payment, determined under Art. 61, together with the due interest and VAT for the respective period.

§ 85. (1) The concessionaires under the concluded contracts for concession for extraction of mineral resources under the revoked Para. 2 of Art. 3 of the Mineral Resources Act, which have not been brought in compliance with the current legislation, shall submit to the Minister of Energy the declarations under Art. 23, Para. 3 and the documents under Art. 54, Para. 2, items 2 and 3, in case they have not provided them by the entry into force of this Act. The concluded contracts shall be brought in compliance with the current legislation.

(2) Within three months from the entry into force of this Act, the Minister of Energy shall notify the concessionaires in writing of the obligation to submit the declarations and documents under Para. 1. The time limit for their submission shall be three months from the receipt of the notification.

(3) When within the term under Para. 2, the required documents or concession contract under Para. 1 are not presented, not brought in compliance with the current legislation, the same shall be terminated by a decision of the Council of Ministers, due to contradiction with the Act.

§ 86. (1) The concessionaires on granted concessions for extraction of mineral resources, under which the concession contracts do not envisage an obligation for preparation and submission of a complete working project for liquidation or conservation of the mining site and for reclamation of the affected lands, shall prepare and submit the project to the Minister of Energy for coordination within one year from the entry into force of this Act.

(2) The Minister of Energy shall have the right to suspend the contract under Art. 68 of the Mineral Resources Act in case of non-fulfillment of the obligation within the term under Para. 1.

§ 87. (1) The contracts, concluded before the entry into force of this Act shall retain their effect and shall be executed in accordance with the conditions agreed in them.

(2) The provisions of this Act, regarding the amendment, including the term, and the termination of the contracts, as well as the provision of § 86 shall apply to the contracts under Para. 1.

§ 88. The procedures for granting permits for prospecting and exploration or for exploration or concessions for extraction of mineral resources, started and not completed before the entry into force of this Act, shall be completed according to the existing order.

§ 89. (1) The Council of Ministers shall adopt the Ordinance under Art. 61, Para. 3 within one year from the entry into force of this Act.

(2) The legislative normative acts on the application of the Act shall be brought in compliance with this Act within one year from its entry into force.

§ 90. For the concession contracts, which have entered into force until the entry into force of this Act, under which mining activity has not started, the three-year term under Art. 67, Para. 1, item 7 shall start running from the entry into force of this Act.

§ 91. For concessions for extraction of mineral resources, the term of which expires within 6 months before, or up to one year from the entry into force of this Act, the concessionaire may make a motivated proposal under Art. 36, Para. 2 or 3 within 6 months from the entry into force of this Act,

provided that as of the date of submission of the application the conditions under Art. 36, Para. 2 or 3 have been fulfilled.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY FROM RENEWABLE
SOURCES ACT

(PROM. - SG 86/23, IN FORCE FROM 13.10.2023)

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§ 84. All existing permits and concessions under the Underground Resources Act at the date of entry into force of this act shall remain in force.

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§ 90. The act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL CODE

(PROM. - SG 61/25, IN FORCE FROM 31.01.2026)

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§ 61. The Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. paragraphs 23, 24, 25, 26 and § 45, item 1, items 3 - 6, item 7, letter "a", item 8, items 12 - 15 and items 17 - 40, § 46, item 1, letter "a", letter "bb" and letters "b" - "k", items 2 - 7, § 47 and 59, which shall enter into force three months after the promulgation of the law in the State Gazette;

2. paragraphs 1 - 15, 19, 21, 22, 27, 28, 32, 33, 34, 35, 36, 37, 42, 43, § 45, item 2, item 7, letter "b", items 9, 10 (regarding the words "after the words "chapter one" a comma is placed and "chapter one "a" is added), items 11 and 16, § 46, item 1, letter "a", letter "aa" regarding the words "in the text before item 1 the words "under Art. 108a, 109, 110 (preparation for terrorism), Art. 111" are replaced by "under Art. 114a - 114c"; § 48, 50, 51, 53 - 57, § 58, item 1 (regarding the words "after the words "chapter one" a comma is placed and "Chapter one "a" is added), items 2 - 4 and § 60, which shall enter into force 6 months after the promulgation of the Act in the State Gazette.