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HISTORICAL DEVELOPMENT OF THE BULGARIAN ENVIRONMENTAL LAW

Abstract: This article is dedicated to the historical development of the Bulgarian environmental law. The attention is paid to the stages of this development as well as to some of the adopted acts during corresponding period. The main features of the development of environmental legislation for this period are outlined. Finally some general conclusions and recommendations are given from the examined regulation.

Key Words: Bulgarian Environmental Law, Historical Development, Structure of Existing Bulgarian Environmental Legislation.

Introduction

The formation and development of environmental law in every country is determined by several factors, such as the level of the anthropogenic impact on the environment through various forms and dimensions, geographical position of the country, legal traditions and customs, scientific and technical progress connected with the economic situation, political regime, cultural development, etc. It regulates various kinds of public relations on the occasion of the environment as a whole or its components. In my opinion, these public relations can be separated to a two big groups: a) public relations on the protection of the components of the environment from pollution; b) public relations on the rational (i.e. sustainable) use of natural resources. First group of these relations is connected with the quality of the environment or its components, and the second group – with the necessary quantity of natural resources for the separate kinds of use of natural resources². In the light of the increasing anthropogenic impact on the environment and degradation of the state of the environment on a world-wide scale related to it³, I think that the importance of the environmental law as an independent branch of law⁴ and its role for solving of the

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² See Пенчев, Г. Екологично право. Обща част. София: Феня, 2011, с. 24 (Penchev, G. Environmental Law. General Part. Sofia: Feneya, 2011, p. 24); Penchev, G. Theoretical Grounds of Environmental Law. - Revista Europea de Historia de las Ideas Politicas y de las Instituciones Publicas. Malaga, 2015, № 9, Diciembre, p. 55.

³ The United Nations Environment Programme in its publication from 1992 finds out growing degradation of the environment on a world-wide scale in spite of the efforts on a national and international level. See Saving Our Planet. Challenges and Hopes. Nairobi: UNEP, 1992, p. 175.

⁴ My opinion on the Bulgarian environmental law as an independent branch of law in the national legal system is based on the following arguments: a) presence of specific public relations – subject of legal regulation; b) presence of specific legal institutes (legal tools); c) presence of specific legal principles; d) presence of well developed system of special acts in the field of the protection of the environment. See: Penchev, G. Environmental Law. General Part, pp. 23-26; Penchev, G. Theoretical Grounds of Environmental Law, p. 55; Пенчев, Г. Принципи на българското екологично право. София: Фондация „Граждани на новата



complicated environmental problems will be growing-up. But for the successful understanding of the meaning of the environmental law it is necessary to be taken into account its formation and development which is different for every country.

I. Periods of historical development of the Bulgarian environmental legislation

After Russian–Turkish war during 1877–1878 Bulgaria gained its independence from Ottoman Empire and started its free development as a independent country. In 1879 was promulgated its first Constitution and it became a kingdom. Ten years after the liberation, in 1888 was established first university in Bulgaria – University of Sofia “Saint Kliment Ohridski” and in 1892 was established first Faculty of Law in Bulgaria in the structure of above mentioned University. The development of the Bulgarian environmental legislation started in parallel with the development of legal education in the country⁵ in relation to the necessity of legal cadres for the administration and judicial system. From historical point of view, it could be differentiated 3 periods of the development of the Bulgarian environmental legislation which will be considered briefly below.

I.1. First period: 1878–1944

This period is characterized by the development of legislation related to the protection of certain natural resources or protected natural areas (so-called “sectorial environmental legislation” related to the protection of only certain environmental components). The forest, hunting and fishing legislation was more developed. For example, on the use and conservation of forests was adopted following acts: Forest Act (FA) of 1883 (State Gazette – SG - № 2 of 1884), FA of 1889 (SG, № 26 of 1890), FA of 1897 (SG, № 92 of 1897), FA of 1904 (SG, № 68 of 1904, as amended), FA of 1922 (SG, № 24 of 1922) and FA of 1925 (SG, № 124 of 1925, as amended). As we see, the forest legislation during this period was unstable. Ownership on forests was private and public (state or municipal). In accordance with FA of 1904 the use of state or municipal forests was given through a concession or auction and the territory of former Kingdom of Bulgaria was divided in 6 forestry regions⁶.

In the field of hunting economy and conservation of game resources was adopted Hunting Act (HA) of 1897 (SG, № 92 of 1897), HA of 1904 (SG, № 34 of 1904) and HA of 1926 (SG, № 252 of 1926), and in the field of fisheries was adopted Fisheries Act of 1883 (SG,

epoca”, 2017, с. 267 (Penchev, G. Principles of Bulgarian Environmental Law. Sofia: Foundation “Citizens of New Era”, 2017, p. 267). About views of another authors for some countries on this problem, see for example Penchev, G. Theoretical Grounds of Environmental Law, pp. 56-57 and quoted there literature.

⁵ See Penchev, G. Bulgarian Legal Education–History and Nowadays. - Revista Juridica de Investigacion e Innovacion Educativa. Malaga, 2012, № 6, Junio, pp. 47–54.

⁶ See in details Костов, Д. История на горското законодателство. – В: Горско и природозащитно право. Сборник нормативни актове. София: Сиела, 1998, с. 9-22 (Kostov, D. History of the Forest Legislation. – In: Forest and Nature Protection Law. Sofia: Ciela, 1998, pp. 9-22).



№ 15 of 1883), Fisheries Act of 1921 (SG, № 235 of 1922) and Ordinance-Act⁷ on Fisheries of 1936 (SG, № 107 of 1936).

In the field of protected natural areas was adopted Ordinance-Act on Conservation of the Native Nature of 1936 (SG, № 59 of 1936). The protected natural areas were divided to a 4 categories, as follows: reserves, people's parks, natural monuments and natural-historical sites (Art. 1). They were proclaimed by the order of the minister of agriculture and real estate (Art. 2)⁸. A progressive peculiarity of this normative act for this historical period can be mentioned. It concerns the legal possibility for members of a public organization - the Bulgarian Tourist Union - to draw up acts of administrative violations of this ordinance-act (Art. 6).

During examined period it was adopted one act in the field of water economy – Act for Water Trade Unions of 1920 (SG, № 165 of 1920, as amended). Water trade unions were cooperative organizations of private owners of land, founded for water use. The positive peculiarity of this act was so called “General State Program on Waters” as an annex to it which included measures for water protection and use in accordance with the valleys of the rivers⁹.

The controlling authority in the field of water economy, forestry, hunting and fisheries was Ministry of Agriculture and State Property.

1.2. Second period: 1944-1990

This period is related to a big change of political regime in Bulgaria after Second World War which affected also the legislation in examined field. The form of state apparatus was changed from monarchy to republic and political regime was related to so-called “socialistic development of the state”. This was done with the second Bulgarian constitution adopted in 1947 after a referendum (“Constitution of the People's Republic of Bulgaria” - SG, № 284 of 1947, as amended). According to Art. 7, sec. 1 of this Constitution, natural resources in the earth bowels, forests and waters were announced as a state property. Nationalization of a number of real estates was carried out. Besides the nationalization of a part of the natural resources, a centralized institutional approach to the management of the individual natural resources is characteristic for this period.

In 1971 was adopted next Constitution of the People's Republic of Bulgaria (SG, № 39 of 1971, as amended). According to Art. 16, sec. 1 of this Constitution, underground treas-

⁷ The name of “Ordinance-Act” is related to extraordinary legislation in Bulgaria introduced after a military coup in 1934.

⁸ See in details Стайнов, П. Защита на природата (правни изследвания). София: БАН, 1970, с. 36-37 (Staynov, P. Conservation of Nature (Legal Research). Sofia: BAS, 1970, pp. 36-37).

⁹ See in details Пенчев, Г. Историческо развитие на законодателството на НР България по опазване на водите от замърсяване. – Проблеми на морското право. София, 1989, № 2-3, с. 49-50 (Penchev, G. Historical Development of the Legislation of the PR Bulgaria on Protection of Waters from Pollution. – Problems of Maritime Law. Sofia, 1989, № 2-3, pp. 49-50); Пенчев, Г. Правни средства за рационалното използване на водите на Република България. – Юридически сборник. Бургас, 1995, Т. III, с. 137-138 (Penchev, G. Legal Tools for Rational Use of Waters of the Republic of Bulgaria. – Judicial Collection. Burgas, 1995, Vol. III, pp. 137-138).



ures, forests and waters were also announced as a state property. In art. 31 was established an obligation for state and local authorities, as well as for natural and legal persons to protect nature and natural resources, including air, water and soil.

Hereinafter below will be shown some adopted laws in some sectors of environmental legislation during this period.

In the field of forestry were adopted 2 acts: Management and Use of Forests Act of 1948 (SG, № 71 of 1948, as amended) and FA of 1958 (SG, № 89 of 1958, as amended). With the FA of 1958 were regulated: a) establishment of so-called “State Forest Fund” for forest territories; b) forest categorization according to their functions, and c) afforestation measures which increased the area of forests¹⁰.

In the field of hunting were adopted following acts: Hunting act of 1948 (SG, № 230 of 1948, as amended)¹¹ and Hunting Economy Act of 1982 (HEA - SG, № 91 of 1982, as amended). The HEA of 1982 regulated: a) division of the country in so-called “hunting-economy areas”; b) conditions and permits for hunting in the hunting season; c) special measures for protection of a wild fauna – object for hunting and hunting economy.

In the field of fisheries were adopted following acts: Fisheries Act of 1961 (Notifications of the Presidium of the National Assembly – NPNA - № 89 of 1961, as amended)¹² and Fishing Economy Act of 1982 (SG, № 91 of 1982, as amended). The act of 1982 regulated kinds of waters for fishing economy purposes, conditions for amateur fishing, fishing economy measures for protection and use of water fauna – object for fisheries, etc.

The controlling authority in the field of forestry, hunting economy and fisheries was Ministry of Forests and Forest Economy.

In the field of the protection of the earth bowels was adopted Ores and Quarries Act of 1957 (NPNA, № 92 of 1957, as amended)¹³. It regulated the regime of extraction of useful excavations under the control of the ministry responsible for building and territorial development.

In the field of the protection of water could mentioned 2 acts with greater importance. First of them was Water Act (WA) of 1969 (SG, № 29 of 1969, as amended) which regulated conditions for different kinds of water use. The control was divided to different state authorities according to the kind of water use¹⁴. Second of them was Air, Water and Soil Protection from Pollution Act of 1963 (SG, № 84 of 1963, as amended) which has more complex character concerning the protection from pollution of three major components of the environment. The control function in this field has former Committee on Protection of Nature

¹⁰ See in details Дерменджиев, И. Общество и околна среда. София: ОФ, 1982, с. 46-48 (Dermendzhiev, I. Society and Environment. Sofia: NF, 1982, pp. 46-48); Kostov, D. Op. cit., pp. 23-25; Staynov, P. Op. cit., pp. 54-58, 70-78.

¹¹ See Dermendzhiev, I. Op. cit., pp. 49-51; Staynov, P. Op. cit., pp. 81-91.

¹² See Dermendzhiev, I. Op. cit., pp. 51-53; Staynov, P. Op. cit., pp. 184-192.

¹³ See Staynov, P. Op. cit., pp. 126-139.

¹⁴ See in details Dermendzhiev, I. Op. cit., pp. 53-54; Пенчев, Г. Правни средства за рационалното използване на водите на Република България, с. 140-156 (Penchev, G. Legal Tools for Rational Use of Waters of the Republic of Bulgaria, pp. 140-156); Staynov, P. Op. cit., p. 142-143, 155.



Environment, later transformed into the Ministry of the Environment in 1991 and into the existing Ministry of Environment and Waters (MEW) in 1997¹⁵.

In the field of the agricultural land use could mentioned following acts with greater importance: Labor Land Ownership Act of 1946 (SG, № 81 of 1946, as amended), Protection of Working Land Act of 1967 (SG, № 47 of 1967, as amended)¹⁶, Protection of Arable Land and Pastures Act of 1973 (SG, № 27 of 1973, as amended)¹⁷.

In the field of natural protected areas were adopted following acts: Decree for Conservation of the Native Nature of 1960 (NPNA, № 74 of 1960) and Nature Conservation Act of 1967 (NCA - SG, № 47 of 1967, as amended). With Art. 12 of NCA, however, in the Bulgarian environmental legislation an attempt has been made to introduce a comprehensive approach to the conservation of natural resources, because for the first time was proclaimed the obligation that the different types of activities do not must "violate" the unity of the natural environment (in the sense of "the environment") and that "no natural resources should be harmed in the development of others". There were established 6 categories of "natural protected objects" in this act, as follows: reserves, "people's parks", natural monuments, protected areas, historical sites and separate endangered species of flora and fauna (Art. 15)¹⁸.

In the field of the protection of marine environment could be mentioned Act for Marine Areas of the Republic of Bulgaria of 1987 (SG, № 55 of 1987, as amended). In Art. 58, sec. 1 was established prohibition for pollution of the marine environment from different sources and with liquid or solid harmful substances¹⁹. This act was repealed by existing Marine Areas, Inland Waterways and Ports Act of 2000 (MAIWPA - SG, № 12 of 2000, as amended)²⁰.

¹⁵ See in details Dermendzhiev, I. Op. cit., pp. 67-82; Пенчев, Г. Историческо развитие на законодателството на НР България по опазване на водите от замърсяване, с. 51 (Penchev, G. Historical Development of the Legislation of the PR Bulgaria on Protection of Waters from Pollution, p. 51); Пенчев, Г. Правни средства за рационалното използване на водите на Република България, с. 162-163 (Penchev, G. Legal Tools for Rational Use of Waters of the Republic of Bulgaria, pp. 162-163); Staynov, P. Op. cit., pp. 155-161.

¹⁶ See in details Staynov, P. Op. cit., pp. 113-116.

¹⁷ See in details Dermendzhiev, I. Op. cit., pp. 59-64.

¹⁸ See Dermendzhiev, I. Op. cit., pp. 43-46; Staynov, P. Op. cit., pp. 60-69.

¹⁹ See in details on this act Божанов, С. Правна защита на българските морски пространства от замърсяване. - Проблеми на морското право. София, 1987, № 2, с. 85-89 (Bozhanov, S. Legal Protection of the Bulgarian Marine Areas from Pollution. – Problems of Maritime Law. Sofia, 1987, № 2, pp. 85-89); Пенчев, Г. Опазването на водите на Черно море от замърсяване. - Проблеми на морското право. София, 1988, № 1, с. 59-69 (Penchev, G. Protection of Waters of Black Sea from Pollution. – Problems of Maritime Law. Sofia, 1988, № 1, pp. 59-69).

²⁰ See in details on MAIWPA Божанов, С. Законодателна уредба в областта на околната среда. София: Арго Пъблишинг, 2006, с. 199-205 (Bozhanov, S. Legislative Regulation in the Field of the Environment. Sofia: Argo Publishing, 2006, pp. 199-205); Божанов, С. Правна защита на българските морски пространства от замърсяване. София: Деметра, 2009, с. 73-78, 134-136, 175-190 (Bozhanov, S. Legal Protection of the Bulgarian Marine Areas from Pollution. Sofia: Demetra, 2009, pp. 73-78, 134-136, 175-190); Пенчев, Г. Екологично право. Специална част. София: Феней, 2012, с. 95-104 (Penchev, G. Environmental Law. Special Part. Sofia: Feneya, 2012, pp. 95-104); Penchev, G. Legal Protection of the Marine Environment from Pollution in the Republic of Bulgaria. - In: Mare Nostrum. Księga jubileuszowa prof. dr.



1.2. Third period: 1990 up to nowadays

This period is characterized by a transition to a market economy and further democratization of the social processes in Bulgaria. The development of environmental legislation has also been influenced by the desire of Bulgaria to achieve regular membership in the European Union (EU) and the related to it approximation of Bulgarian with EU law. Since 1 January 2007, the Republic of Bulgaria has become a regular member of the EU and, accordingly, the legal acts of the primary and secondary EU law on environmental protection, which are obligatory for the member states, are additional source of Bulgarian environmental law.

In 1991 is adopted the existing new Constitution of the Republic of Bulgaria (SG, № 56 of 1991, as amended) which served as the basis for the adoption of new environmental laws. There are 5 provisions of this new Constitution, which are related to environmental protection, as follows: Art. 15 – obligation for State to ensure the protection of the environment; Art. 18, sec. 1 – enumeration of natural resources – object of “exclusive state ownership”²¹; Art. 21 – indication of land as a “national wealth”; Art. 22 – legal possibility for foreign natural and legal persons to be owners of land in Bulgaria in accordance with international treaties; Art. 55 – basic right of the citizens to a healthy and favorable environment and their basic obligation for protection of the environment²². In relation to other additional sources of Bulgarian environmental law it must be mentioned also Art. 5, sec. 4 of the Constitution, 1991 were it is stated that: “Any international agreement which have been ratified by the constitutionally established procedure, promulgated and having come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise”. That is why the international agreements to which Bulgaria is a party in accordance with Art. 5, sec. 4 of the Constitution, are in the circle of sources of Bulgarian environmental law.

hab. Leonarda Lukaszuka. Gdansk: Fundacja Promocji Przemysłu Okretowego i Gospodarki Morskiej, 2015, s. 352–353.

²¹ In accordance with Art. 18, sec. 1 of the Constitution: “The state shall enjoy exclusive ownership rights over the underground resources; beaches and national thoroughfares, as well as over waters, forests and parks of national importance, and the natural and archaeological reserves established by law.”

²² See in details Божанов, С. Законодателна уредба в областта на околната среда, с. 45-47 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 45-47); Друмева, Е. Конституционно право. 5. Доп. и прераб. изд. София: Сиела, 2018, с. 218-219, 221, 796-799 (Drumeva, E. Constitutional Law. 5. Suppl. and Rev. Ed. Sofia: Ciela, 2018, pp. 218-219, 221, 796-799); Наумова, С. Основни въпроси на екологичното право. 2. Прераб. и доп. изд. София: БАН-ИДП, 2012, с. 56 (Naumova, S. Basic Questions of the Environmental Law. 2. Rev. and Suppl. Ed. Sofia: BAS-ISL, 2012, p. 56); Пенчев, Г. Конституционни основи на опазването на околната среда в Република България. – Правен преглед. София, 2001, № 1, с. 58-70 и цитираната там литература (Penchev, G. Constitutional Grounds of the Protection of the Environment in the Republic of Bulgaria. – Legal Review. Sofia, 2001, № 1, pp. 58-70 and quoted there literature); Пенчев, Г. Екологично право. Обща част, с. 38-40 (Penchev, G. Environmental Law. General Part, pp. 38-40).



In 1991 was adopted for a first time an act with the title “Environmental Protection Act” (SG, № 86 of 1991, as amended)²³ which was repealed 11 years after with the existing Environmental Protection Act (EPA) of 2002 (SG, № 91 of 2002, as amended). After EPA, 1991 have started a process of updating of sectorial environmental legislation dedicated to separate natural resources or activities with significant impact on the environment, such as: FA of 1997 (SG, № 125 of 1997, as amended)²⁴, which was repealed by the existing FA of 2011 (SG, № 19 of 2011, as amended)²⁵, Restriction of Harmful Impact of Waste on the Environment Act of 1997 (SG, № 24 of 1997, as amended), which was repealed with the Waste Management Act (WMA - SG, № 86 of 2003, as amended)²⁶, which was in turn repealed by the existing WMA (SG, № 53 of 2012, as amended)²⁷, etc.

Hereinafter will be presented in brief the structure of the existing Bulgarian environmental legislation, but in the light of the domestic sources of environmental law.

II. Structure of the existing Bulgarian environmental legislation

The structure of Bulgarian environmental legislation consists in division of normative acts depending on an objective criterion, especially the object of legal protection. In the light of this criterion, it must be concluded that this branch of legislation has its own specific structure. Some authors consider that it includes two groups of regulations – general and special²⁸. In my opinion, it includes three groups of regulations: a) general; b) special; and c) regulations in other branches of legislation that contain ecological provisions²⁹.

The first group of regulations is called “general” because it covers the protection of the environment as a whole, i.e. as a system of inter-related components. Now this group includes EPA, 2002 and regulations for its implementation (i.e. secondary legislation in this field). It includes many legal institutes with general meaning for the protection of the environment, such as right to information on the environment (Art. 17-31), environmental assessment of plans and programs (Art. 81-91), environmental impact assessment of investment proposals for construction, activities and technologies (Art. 81-83 and Art. 92-

²³ See on this act for example Божанов, С. Законът за опазване на околната среда поражда проблеми. – Еволюция, екология, екополитика. София, 1992, № 2, с.18-23 (Bozhanov, S. The Environmental Protection Act Generates Problems. – Evolution, Ecology, Eco-policy. Sofia, 1992, № 2, pp.18-23).

²⁴ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 306-308 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 306-308); Kostov, D. Op. cit., pp. 25-26.

²⁵ See on this act Пенчев, Г. Екологично право. Специална част, с. 177-183 (Penchev, G. Environmental Law. Special Part, pp. 177-183).

²⁶ See on this Act Пенчев, Г. Екологично право. Специална част, с. 295-306 (Penchev, G. Environmental Law. Special Part, pp. 295-306).

²⁷ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 266-273 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 266-273); Пенчев, Г. Бележки върху новия Закон за управление на отпадъците. – Търговско право. София, 2012, № 4, с. 99-105 (Penchev, G. Notes on the New Waste Management Act. – Trade Law. Sofia, 2012, № 4, pp. 99-105).

²⁸ See Dermendzhiev, I. Op. cit., p. 41; Staynov, P. Op. cit., pp. 35-44.

²⁹ See Penchev, G. Bulgarian Environment Policy. – Water and Environment Manager. Lavenham (UK), 1999, Vol. 4, № 6, November, p. 23; Пенчев, Г. Екологично право. Обща част, с. 41-43 (Penchev, G. Environmental Law. General Part, pp. 41-43).



102), monitoring on the state of the environment (Art. 169-175), prevention of big accidents with hazardous substances (Art. 103-116h), complex permits of some industrial activities (Art. 117-129), etc. Besides, this act transposes into Bulgarian legislation some environmental directives of the EU.

The second group of regulations in examined field is called “special” because it regulates the protection from pollution and the rational (sustainable) use of separate natural resources or activities which significantly affect the state of the environment. Some of them are: Clean Air Act of 1996 (SG, № 45 of 1996, as amended)³⁰, Protected Areas Act of 1998 (SG, № 133 of 1998, as amended)³¹, Underground Natural Resources Act of 1999 (SG, № 23 of 1999, as amended)³², WA of 1999 (SG, № 67 of 1999, as amended)³³, Hunting and Game Protection Act of 2000 (SG, № 78 of 2000, as amended)³⁴, Fisheries and Aquaculture Act of 2001 (SG, № 41 of 2001, as amended)³⁵, The Biological Diversity Act of 2002 (SG, № 77 of 2002, as amended)³⁶, Genetically Modified Organisms Act of 2005

³⁰ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 167-171 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 167-171); Naumova, S. Op. cit., pp. 192-196; Пенчев, Г. Екологично право. Специална част, с. 23-33 (Penchev, G. Environmental Law. Special Part, pp. 23-33).

³¹ In accordance with Art. 5 of this act, there are 6 categories of protected areas: reserves, maintained reserves, national parks, natural parks, natural landmarks, protected sites. See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 223-228 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 223-228); Naumova, S. Op. cit., pp. 214-216; Пенчев, Г. Екологично право. Специална част, с. 188-196 (Penchev, G. Environmental Law. Special Part, pp. 188-196); Христова, Н. Историческо развитие на административноправния режим на националните паркове. - Административно правосъдие. София, 2017, № 1, с. 5–30 (Hristova, N. Historical Development of the Administrative Law Regime of the National Parks. – Administrative justice. Sofia, 2017, № 1, pp. 5-30); Христова, Н. Обект на административноправния режим на националните паркове. - Норма. София, 2017, № 10, с. 67–80 (Hristova, N. Object of the Administrative Law Regime of the National Parks. – Norma. Sofia, 2017, № 10, pp. 67-80); Христова, Н. Административноправен режим на националните паркове. София: Дамян Яков, 2018, с. 31-32 (Hristova, N. Administrative Law Regime of National Parks. Sofia: Damyan Yakov, 2018, pp. 31-32).

³² See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 309-310 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 309-310); Пенчев, Г. Екологично право. Специална част, с. 161-169 (Penchev, G. Environmental Law. Special Part, pp. 161-169).

³³ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 186-190 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 186-190); Naumova, S. Op. cit., pp. 198-201; Пенчев, Г. Екологично право. Специална част, с. 53-64, 73-87 (Penchev, G. Environmental Law. Special Part, pp. 53-64, 73-87).

³⁴ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 311-312 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 311-312); Пенчев, Г. Екологично право. Специална част, с. 256-266 (Penchev, G. Environmental Law. Special Part, pp. 256-266).

³⁵ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 312-313 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 312-313); Пенчев, Г. Екологично право. Специална част, с. 272-286 (Penchev, G. Environmental Law. Special Part, pp. 272-286).

³⁶ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 245-249 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 245-249); Naumova, S. Op. cit., pp. 216-223; Пенчев, Г. Екологично право. Специална част, с. 203-215 (Penchev, G. Environmental Law. Special Part, pp. 203-215).



(SG, № 27 of 2005, as amended)³⁷, Protection from Noise in the Environment Act of 2005 (SG, № 74 of 2005, as amended)³⁸, Soils Act of 2007 (SG, № 89 of 2007, as amended)³⁹, FA of 2011, WMA of 2012, etc.

The third group of regulations is formally included in the other branches of the legislation, but they contain ecological provisions. Some of them are: Penal Code of 1968 (SG, № 26 of 1968, as amended), Protection from the Harmful Impact of the Chemical Substances and Mixtures Act of 2000 (SG, № 10 of 2000, as amended), Marine Areas, Inland Waterways and Ports Act of 2000 (SG, № 12 of 2000, as amended), Spatial Development Act of 2000 (SG, № 1 of 2001, as amended), Save Use of Nuclear Power Act of 2002 (SG, № 63 of 2002, as amended), Public Health Act of 2004 (SG, № 70 of 2004, as amended), Disasters Protection Act of 2006 (SG, № 102 of 2006, as amended), etc.

Conclusions

Finally some general conclusions and recommendations could be given from the examined regulation.

1. Historical development of the Bulgarian environmental law is influenced by several factors, such as characteristics of the historical situation, level of environmental knowledge and culture of the society, level of economic development and scientific and technical progress related to it, etc.
2. Ancient Roman orator Marcus Tullius Cicero said many years ago that “Historia est magistra vitae” (“History is life’s teacher”)⁴⁰. I think that this phrase is also relevant to the development of the environmental law in every country because “lessons of its history” must be taken into account by the legislator in process of adoption of environmental laws if he wants for these laws to be efficiently applicable.
3. The major reason for current environmental degradation in spite of the adopted national environmental laws, EU regulations and international agreements is the unsatisfactory level of morality and of awareness of the objectivity of natural laws⁴¹. In rela-

³⁷ See on this act Пенчев, Г. Екологично право. Специална част, с. 235-243 (Penchev, G. Environmental Law. Special Part, pp. 235-243).

³⁸ See on this act Пенчев, Г. Правна защита от вредното въздействие на шума в околната среда в Република България. - В: Право и бизнес – усъвършенстване на нормативната уредба. Т. II. София: УНСС, 2017, с. 61–64 (Penchev, G. Legal Protection from Harmful Impact of the Noise in the Environment in the Republic of Bulgaria. – In: Law and Business – Improvement of the Legal Regulation. Vol. II. Sofia: UNWE, 2017, pp. 61-64).

³⁹ See on this act Божанов, С. Законодателна уредба в областта на околната среда, с. 213-218 (Bozhanov, S. Legislative Regulation in the Field of the Environment, pp. 213-218); Naumova, S. Op. cit., pp. 201-207; Пенчев, Г. Екологично право. Специална част, с. 118-123, 132-137 (Penchev, G. Environmental Law. Special Part, pp. 118-123, 132-137).

⁴⁰ See Magistra vitae. – In: Wikipedia. The Free Encyclopedia [online]. [viewed 27.09.2018]. Available from: https://en.wikipedia.org/wiki/Magistra_vitae

⁴¹ See on this problem for example Боголюбов, С. Законы природы и законы общества. – Государство и право. Москва, 2016, № 11, с. 26-27, 30 (Bogolybov, S. Laws of Nature and Laws of Society. – State and Law. Moscow, 2016, № 11, pp. 26-27, 30); Бринчук, М. Право как ресурс деградации природы, общества и государства. - Государство и право. Москва, 2012, № 4, с. 29–38 (Brinchuk, M. Law as a Resource for Degradation of Nature, Society and State. – State and Law. Moscow, 2012, № 4, pp. 29-38);



tion to it, I think that the influence of religious traditions, and especially of Christian religion, to environmental law will play a very important role in finding of solution of this problem. In the New Testament is written that “God is Love” (1 John 4:18) and in fact the love to nature is a variety of the love to God. That is why love to nature should be on the ground of the upbringing, education and culture of the society in every country. Besides love to nature could be a very strong motive for the norms creator of the environmental rules on a national (i.e. the legislator), regional (for example EU) and international level to achieve a very good balance between ecological and economic interests of the society.

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