

# ACT ON THE BLACK SEA COAST SPATIAL DEVELOPMENT

*In force from 01.01.2008*

*Prom. SG. 48/15 Jun 2007, amend. SG. 36/4 Apr 2008, amend. SG. 67/29 Jul 2008, amend. SG. 19/13 Mar 2009, amend. SG. 82/16 Oct 2009, amend. SG. 92/20 Nov 2009, amend and suppl. SG. 45/15 Jun 2012, amend and suppl. SG. 82/26 Oct 2012, amend and suppl. SG. 27/15 Mar 2013, amend. SG. 28/19 Mar 2013, amend. SG. 66/26 Jul 2013, amend. SG. 105/6 Dec 2013, amend. SG. 40/13 May 2014, amend. SG. 98/28 Nov 2014, amend. SG. 9/3 Feb 2015, amend. SG. 61/11 Aug 2015, amend. and suppl. SG. 101/22 Dec 2015, amend. and suppl. SG. 20/15 Mar 2016, amend. and suppl. SG. 36/13 May 2016, amend. SG. 58/18 Jul 2017, amend. and suppl. SG. 96/1 Dec 2017, amend. SG. 103/28 Dec 2017, suppl. SG. 28/29 Mar 2018, amend. and suppl. SG. 56/16 Jul 2019, amend. and suppl. SG. 60/30 Jul 2019, amend. SG. 21/13 Mar 2020, amend. SG. 16/23 Feb 2021, amend. and suppl. SG. 17/26 Feb 2021, amend. SG. 102/23 Dec 2022*

## **Chapter one. GENERAL PROVISIONS**

Art. 1. This act shall provide for the public relations, related to:

1. the conditions and procedure for determining the territorial scope of the Black Sea coast and the coast beach line, the requirements, rules and norms for their planning, use, building and protection;
2. the authorizations and coordination of the activity of the central and territorial bodies of the executive and of the bodies of the local self government, as well as their relations with the natural and legal persons while carrying out the state policy of planning of the Black Sea coast.
3. (new - SG, 27/2013, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) the conditions for managing the sea beaches for the provision of beach services.

Art. 2. The basic purposes of the act shall be:

1. creating conditions for protection, sustainable integrated development and planning of the Black Sea coast;
2. (amend. - SG, 27/2013) provision of free access to the sea beaches;
3. protection, preservation and reasonable use of the natural resources;
4. prevention and decreasing pollution of the Black Sea coast;
5. protection of the sea shore from erosion, abrasion and landslide processes;
6. restoration and protection of the natural landscape and the cultural-historical heritage.

Art. 3. The Black Sea coast shall cover the part of:

1. the territory of the country in the scope of the security zones under Art. 9 and the isles in the internal sea waters and the territorial sea;
2. (amend. - SG, 27/2013) aqua territory of the Black Sea, wide 200M., measured from the coast line.

Art. 4. (1) (amend. - SG, 27/2013) The nationals shall have the right to free access to the sea beaches.

(2) (amend. - SG, 27/2013) The nationals' access to the sea beaches shall be provided by

provisions of the spatial development plans, including the lot plans for building sites of the technical infrastructure, servicing these territories.

(3) (amend. - SG, 27/2013) To parts of the territory of the sites under Art. 6, Para. 4 and 5 the access of the nationals may be restricted only in the cases, related to the national security and defence of the country, security and control of the state border, preservation of protected territories and sites, in case of danger for their health and life, as well as in other cases, provided by and act.

Art. 5. (1) The natural and legal persons shall have the right to information on the provisions of the spatial development plans and on the investment activities, carried out on the territory of the Black Sea coast. The information shall be provided under the Act on access to Public Information and through the internet site of the relevant Municipality.

(2) The acts and actions of the central and territorial bodies of the executive and of the bodies of the local self government, related to the development and spatial development of the Black Sea coast shall be public and shall not be classified information, with the exception of the ones, related to the national security and defence of the country.

## **Chapter two.**

### **SEACOAST BEACH LINE. USE**

Art. 6. (1) The seacoast beach line is a separate territory, consisting of separate sea beaches, part of the sea shore to its belonging aquatory.

(2) (amend. - SG, 27/2013) The sea beach shall be a territory which is a separate part of the seacoast beach line, covered with sand, gravel and other sediments or rock forms as a result of natural or artificially caused processes by human activity of interaction of the sea and the land. To the territory of the sea beach shall also be included the sand dunes, situated behind the beach line or on the sea beach.

(3) The sea beaches shall be exclusive state property.

(4) Public state property, which may not be declared as private shall be:

1. the sea beaches;
2. the shore strengthening and shore protective systems and facilities for protection from harmful impact of the waters, built in properties – state property outside the borders of populated places;
3. the seacoast lakes, lagoons, firths and wet zones, belonging to the sea;
4. the sand dunes;
5. (amend. - SG, 27/2013) the isles, including the ones, created as a result of human activity.

(5) Public municipal property, which cannot be declared as private shall be the shore strengthening and shore protecting systems and facilities for protection from the harmful impact of waters, with the exception of the ones under Para. 4, p. 2.

(6) The site borders under Para. 4 and 5 shall be determined through direct geodesic measurements and shall be reflected in the cadastre map and in the property register under the Act on Cadastre and Property Register.

(7) (Amend. - SG, 27/2013 amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) For the sites under Parr. 4 and 5, specialized maps, register and information system shall be drawn up under the Act on Cadastre and Property Register. The terms and procedure for awarding, creating and maintaining the specialized maps, the register and information system shall be determined by an ordinance of the Minister of the Regional Development and Public Works.

(8) (New - SG, 27/ 2013 amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Where as a result of natural processes of interaction of the sea with land, sea beaches

are formed, concerning one or more properties – private property, the part of the concerned properties shall be expropriated under Chapter Three of the Act on the State Property upon proposal of the Minister of the Regional Development and Public Works.

(9) (New - SG, 27/2013) For creation of the specialized maps and registers under Para. 7, the bodies, which by law have been assigned the protection and control of the protected territories and of the protected zones, shall be obliged to provide information and/or to indicate the frames of the sites under Para. 4, p. 3 and 4.

(10) (new – SG 40/14; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016) The Minister of Tourism shall announce the amendment of the cadastral map and the cadastral registers subject to compliance with the procedure of Chapter Six of the Cadastre and Property Register Act following the acceptance of the specialised maps of the sea beaches.

(11) (new – SG 40/14; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall approve the acts for exclusive state property based on the amended cadastre map and the cadastre register of the sea beaches.

Art. 7. (1) (Amend. and suppl. - SG, 27/ 2013; amend. and suppl. – SG 40/14, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, amend. - SG 60/19, in force from 30.07.2019) The sea beaches or parts thereof with the belonging aquatory shall be maintained and managed through granting of concession under the terms and conditions of this Act. The width of the belonging aquatory, included in the site on concession shall not be more than 200m. The term of the beach concession is up to 20 years.

(2) (Amend. - SG, 27/2013, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) With the concession for sea beach the concessionaire is entrusted to carry out the water rescue activities, on securing the adjoining aquatory, the health and medical services and the sanitary and hygienic maintenance of the sea beach hereinafter referred to as "compulsory activities", as well as to provide beach services under the terms of the concession contract.

(3) (new - SG, 67/2008, repealed - SG, 27/2013, new - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) The Concessionaire pays the grantor a concession fee under the Concessions Act.

(4) (new - SG, 67/2008, repealed - SG, 27/2013, new - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) Sea beaches or parts thereof, for which no concession has been granted, are managed by the Minister of Tourism.

(5) (Former Para. 3, amend. - SG, 67/2008 amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 40/14; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, suppl. – SG 56/19, in force from 16.07.2019, suppl. - SG 60/19, in force from 30.07.2019) The Minister of Tourism may assign the sea beaches under para. 4 or parts of them for rent for up to 5 years, provided that the estimated value of the lessee's revenue is not greater than the European threshold in the sense of the Concession Act. The lessee of a beach is obliged to carry out the obligatory activities and to pay a rental price. Renting shall be done by auction under the Regulation for Implementation the State Property Act, in so far as this Act does not provide otherwise. The terms and conditions of the tender for renting a beach shall be published on the website of the Ministry of Tourism, and in the cases under Para. 6 - on the website of the respective regional administration, at least 30 days before the deadline for submitting the application forms. The order of the Minister of Tourism to conduct a tender for the renting of a sea beach shall be an individual administrative act and shall be subject to preliminary execution under the terms and procedure of the Administrative-Procedure Code.

(6) (New - SG, 67/2008 amend. - SG, 66/2013 in force from 26.07.2013, amend. – SG 20/16, in

force from 15.03.2016) The Minister of Tourism, by an order, may award his/her authorizations under Para. 5 to the relevant Regional Governor.

(7) (New - SG, 67/2008 amend. - SG, 27/2013 amend. - SG. 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016, amend. and suppl. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) The sea beaches, which are not awarded to concession or under rent shall be announce by an order of the Minister of Tourism as not-guarded sea beaches annually by 31 March. The order shall be published on the internet site of the Ministry of Tourism.

(8) (New - SG 20/16, in force from 15.03.2016, suppl. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) For beaches under para. 7, the respective regional governor may propose for approval to the Minister of Tourism a scheme to ensure life guard activities during the summer season. The scheme to be submitted by 30 April of the year concerned. Performing of life guard activity shall be entrusted by the Minister of Tourism and/or by the Regional Governor through a public procurement contract.

(9) (new – SG 27/13, amend. – SG 66/13, in force from 26.07.2013, revoked – SG 40/14, former par. 8, suppl. – SG 20/16, in force from 15.03.2016, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, suppl. – SG 56/19, in force from 16.07.2019) The sea beaches with the belonging aquatory within the borders of the protected territories, under the Annex No 2 in the Protected Areas Act, as well as the sea beaches for nature-friendly tourism, included in the Annex shall not be awarded on concession or for rent. No concession or rental may be granted to any beaches adjoining protected areas under sentence one, lacking free access through a public open road and for which there is no option of providing electricity and water, as well as for the removal, purification or storage of waste water.

(10) (New - SG, 27/2013, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) Concession for construction of artificial sea beaches on state property may be awarded under the terms and conditions of the Concessions Act.

(11) (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018)

Art. 8. (Amend. - SG, 67/2008) (1) (amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, amend. - SG 60/19, in force from 30.07.2019) The Minister of Tourism shall:

1. carry out the preparatory actions for awarding concessions for sea beaches under the terms and procedure of this Act;
2. submit to the Council of Ministers any proposals for awarding concessions for sea beaches;
3. organize the procedures for designation of a concessionaire;
4. conclude concession contracts;
5. carry out procedures for the rental of sea beaches and conclude lease contracts;
6. organize the control over the fulfillment of the obligations under the concession and lease contracts;
7. represent the state in cases initiated in connection with disputes arising under concession contracts, respectively under lease agreements, on the sea beaches.

(2) (In force from 01.01.2009, amend and suppl. - SG, 45/2012 in force from 01.09.2012, amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into

force - SG 103/17, in force from 01.01.2018, amend. - SG 60/19, in force from 30.07.2019) The minimal amount of the concession fee or the rental price for sea beaches shall be defined under methods, adopted by the Council of Ministers upon proposal of the Minister of Tourism.

(3) (new – SG 40/14, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) The amount of the concession fee, respectively of the lease price, shall be determined on a by-case basis, taking into consideration the specific characteristics of the sea beach:

1. the urbanisation degree of the adjacent territories, the adjacent tourist infrastructure and the existing technical infrastructure providing access to the sea beach and the location of the sea beach - proximity to national resorts, resort complexes, vacation, summer house and tourist villages, residential places, camping sites and summer house zones or non-urbanised territories;

2. the natural, weather and environmental characteristics, the area and the specific parameters of the sea beach, of the sea coast and the contiguous aquatory.

## **Chapter two "a".**

### **AWARDING A SEA BEACH CONCESSION (NEW – SG 27/2013, REVOKED - SG 96/17, IN FORCE FROM 02.01.2019, AMEND. ON THE ENTRY INTO FORCE - SG 103/17, IN FORCE FROM 01.01.2018, NEW - SG 60/19, IN FORCE FROM 30.07.2019)**

Art. 8a. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) A sea beach concession shall be awarded under the terms and order of this Act through conducting an open procedure for designation of a concessionaire.

(2) The open procedure shall be conducted at one stage in which the participant is to submit both an application and a bid. The open procedure shall not involve any negotiation.

(3) The grantor's powers within the meaning of this Act shall be exercised by the Council of Ministers.

(4) The activities of awarding the concession under Para. 1 shall include:

1. preparatory actions - awarding and preparing a justification for the concession;
2. conducting a procedure for awarding the concession;
3. the concluding of a concession contract.

(5) The preparatory actions shall start after coordination with the Ministry of Defense, the Ministry of the Interior, the Ministry of Environment and Waters, the Ministry of Culture and the State Agency for National Security. Within 14 days, the relevant authority shall deliver an opinion on the presence or lack of a threat to the national security and defense of the country, to the life and health of all citizens, to the environment, to the protected territories, zones and sites, and to the public order. In case of any danger, the opinion must contain recommendations - with no legal consequences - as to eliminating the danger, and in the event that it cannot be eliminated, no concession is to be awarded. Where the head of the department concerned does not deliver an opinion within the prescribed time limit, it shall be considered that there is no danger.

(6) The procedure for awarding a sea beach concession shall include actions to:

1. adopting a decision to open a concession award procedure;
2. conducting a procedure for designation of a concessionaire;
3. adopting a decision on designation of a concessionaire.

(7) The term of the concession shall start to run from the day of entering into force of the concession contract, and may not be extended, unless such option is provided in the concession contract and

with the extension the general admissible period specified in Art. 7, Para. 1.

(8) Seaside beach concessions shall not provide for payments by the grantor.

Art. 8b. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The object of concession, awarded under the procedure of this Act, shall be the sea beaches with their adjacent waters.

(2) The object of concession may also include accessories specified in the decision under Art. 8d.

Art. 8c. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) Concessionaire shall be the person, to whom a concession is awarded by concluding a concession contract.

(2) The concession shall be awarded to the participant designated as a concessionaire by the decision under Art. 8l, Para. 2.

(3) Where the participant designated as a concessionaire is a legal entity or a non-trader association, the concession shall be awarded to a newly established trading company, in which the legal entity is the sole owner of the capital, respectively the participants in the association hold all the capital in the ratio from the contract for association. Where the participant designated as a concessionaire is a trader, the concession agreement may be concluded with a newly established trading company, in which the participant holds all the capital, if provided for in the concession documentation.

(4) Where the participant designated as a concessionaire is an individual, the concession shall be awarded to a newly established trading company, in which the participant is the sole owner of the capital, or to a newly registered by him sole trader.

(5) In the cases of Para. 3 and 4, the person concluding the concession contract shall be bound by the bid of the participant designated as concessionaire.

Art. 8d. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The Minister of Tourism shall ensure the preparation of a justification for the concession, and shall submit to the Council of Ministers a proposal for awarding a sea beach concession.

(2) The Minister of Tourism, or an official authorized by him, shall order the preparation of a justification of the sea beach concession to experts from the Ministry of Tourism and/or to external consultants.

(3) The order under Para. 2 shall contain:

1. term for preparation of the justification of the concession, which may not be longer than one month;

2. the experts and/or external consultants charged with the preparation of the justification;

3. the maximum amount of the funds for preparing the justification, which is spent from the approved expenses for concession activity for the respective year.

(4) The justification for the sea beach concession shall contain:

1. the subject and object of the concession and, where applicable, the accessories to the object;

2. purposes and term of the concession;

3. estimated value, determined in accordance with Art. 28 and 29 of the Concessions Act;

4. legal basis for awarding the concession;

5. main technical and other characteristics of the object of the concession, including a description of its accessories;

6. a description of the services and activities that may be performed with the object of the concession, and the conditions for their provision;
7. analysis of the effectiveness of the concession in terms of the grantor and the financial and economic aspects of the concession;
8. other features of the object of the concession;
9. conclusions and recommendations;
10. the applications, on the basis of which the justification was drawn up.

Art. 8e. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The decision of the Council of Ministers to open a procedure for awarding a concession for a sea beach shall contain:

1. the subject and object of the concession;
  2. accessories - when such are included in the object of the concession;
  3. the maximum term of the concession;
  4. the conditions for realization of the concession;
  5. the basic rights and obligations under the concession contract;
  6. the conditions and/or prohibitions for leasing the object of the concession and for subcontracting its activities;
  7. the type and amount of guarantees for performance of the obligations under the concession contract and/or other collateral;
  8. the conditions and the form for payment of the concession fee, including:
    - a) the amount of the minimum annual concession fee for the duration of the concession;
    - b) the procedure for payment of the concession fee;
  9. the requirements related to national security and defense of the country, if any;
  10. the conditions for the protection of the environment, human health and the protected territories, zones and sites;
  11. other requirements related to the nature of the concession;
  12. the criteria for the evaluation of bids and their relative weight;
  13. the amount and method of payment of the guarantee for participation in the concession award procedure;
  14. empowering the Minister of Tourism to organize and carry out the procedure for awarding the sea beach concession;
  15. requirements towards the professional or technical abilities and/or financial and economic status of participants, which are related to the specifics of the subject and object of the concession.
- (2) The decision under Para. 1 shall be promulgated in the State Gazette and may be appealed within 10 days of its promulgation pursuant to Chapter Six of the Concessions Act.
- (3) (Revoked - SG 17/21)

Art. 8f. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The sea beach concessionaire shall be designated through an open procedure under Art. 8a, Para. 2.

- (2) Any natural or legal person or association of such persons may participate in the procedure.
- (3) If there is any ground for exclusion, the participant shall be removed from the procedure determining the concessionaire.
- (4) The grounds for exclusion shall be:
  1. an effective sentence, whereby a participant or a member of its management or supervisory

body, or any person authorized to represent, make decisions or exercise control within those bodies, has been convicted of a criminal offense under Art. 108a, 159a – 159d, 192a, Art. 212, Para. 3, Art. 248a, 253, 253a, 254b, 301 - 302a, 304 - 305a, 307, 321 and 321a of the Penal Code, or an effective sentence or other court order for a similar crime in accordance with the legislation in the country, in which the participant is established;

2. a judicial or administrative act already enforced, which establishes that the participant has not fulfilled obligations related to the payment of taxes or compulsory social security contributions within the meaning of Art. 162, Para. 2, item 1 of the Tax-Insurance Procedure Code and the interest thereon in the Republic of Bulgaria, or similar obligations under the legislation of the country, in which the participant is established;

3. an administrative or judicial act already in force, prohibiting a participant from participating in procurement or concession procedures under the legislation of the country, in which the participant is established;

4. a substantial failure on the part of the participant to fulfill an obligation under a concession contract, a sea beach rental contract or a public procurement contract, which has led to the termination of the respective contract in accordance with the legislation of the country, in which the participant is established;

5. a registration of the participant, or related persons thereto, 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. a declared bankruptcy or liquidation, or open bankruptcy proceedings of the participant, or the presence of a similar procedure according to the legislation of the country, in which he is established.

(5) Any of the following circumstances, established in the conduct of the procedure for designation of a concessionaire and certified by appropriate evidence, shall also be grounds for exclusion:

1. the presence of a conflict of interest that cannot be overcome by the removal of the person, for whom there is a conflict of interest;

2. an attempt by the participant to exercise undue influence on the decision-making process of the grantor, to obtain confidential information which may give him an unjustified advantage in the procedure for designating a concessionaire, or to present incorrect, incomplete or misleading information that may affect the decisions to remove participants from the procedure for designating a concessionaire, selecting or appointing a concessionaire;

3. failure on the part of the participant to provide information necessary to certify the lack of grounds for exclusion or fulfillment of the requirements on professional or technical ability and/or to the financial and economic status determined by the grantor;

4. the participant has not submitted all the information required by participants in the concession award procedure, or the information provided by him is incorrect or incomplete.

(6) The grounds for exclusion under Para. 4 shall not apply where:

1. in the cases of Para. 4, item 1, the participant is rehabilitated, as well as when 5 years have expired or by the end of the procedure for determining a concessionaire 5 years will have elapsed from the serving of the imposed punishment and the participant has provided evidence that he has paid the due compensations for the damages resulting from the crime;

2. in the cases of Para. 4, item 2:

a) when 5 years have expired, or by the end of the procedure for designating a concessionaire 5 years will have elapsed from the entry into force of the relevant act and the participant has provided evidence that he has fulfilled the obligations, including for interest or fines accrued, or

b) the period referred to in letter “a” has not expired but the participant has provided evidence that:

aa) he has fulfilled his obligations by paying, or that rescheduling, deferral or securing the liabilities, including accrued interest or fines, has been admitted, or

bb) he was informed of the exact amount of the obligations due as a result of the infringement at



the time when he was unable to take the measure referred to in letter "a" before the deadline for submitting the application;

3. in the cases of Para. 4, item 3, the term for which the exclusion has been imposed has expired;

4. in the cases of Para. 4, item 4, the participant has provided evidence that he had paid the due compensations, including for the damages resulting from the respective violation;

5. in the case of Para. 4, item 5, the participant has provided 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 is present;

6. (new - SG 17/21) the cases under para. 4, 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.

(7) The circumstances under Para. 4 and 5 shall be certified by documents and declarations.

(8) The participant, whose bid application is ranked first, shall be designated as a concessionaire.

Art. 8g. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The Prime Minister shall, within 7 days from the entry into force of the decision under Art. 8e, appoint a commission to organize and hold the open procedure, hereinafter referred to as "the commission". The Commission shall be made up of five members, including the Chair and the Vice-Chair.

(2) The Chair of the commission shall be the Minister of Tourism, or an official from the Ministry of Tourism, and the Vice-Chair and members shall be representatives of the Ministry of Tourism and one representative of the specialized administration of the Council of Ministers.

(3) The Prime Minister may make changes in the composition of the commission upon death, long-term illness, termination of employment, conflict of interest or other objective reason leading to the inability of a member to perform their duties, as well as at the person's request to be let go.

(4) The commission member may not be a person:

1. for whom there is a conflict of interest present;

2. who is a related party to a participant in the procedure, and when the latter is a legal entity - to a member of its management or control body.

(5) The members of the Commission shall be obliged within three days from:

1. receiving the order appointing the commission, to file a declaration of absence of conflict of interest;

2. receiving the knowledge of the fact that a related person is involved in the procedure, to submit a request for release from the commission.

(6) The Chair, the Vice-Chair and the members of the commission shall be obliged to keep the confidentiality of the information provided to them in connection with the conduct of the procedure, for which they shall fill out a declaration upon their appointment.

(7) The commission shall meet when more than half of its members are present.

(8) Decisions of the Commission shall be taken by a majority of more than half of its members present.

Art. 8h. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The Chair of the commission shall convene a meeting within 7 days of the commission's appointment.

(2) At its first meeting, the commission shall:

1. determine the date, place and time of the open procedure, and the date by which applications

with bids for participation in the procedure are accepted, the deadline for submission of bids being no more than 30 days;

2. approve the documentation for the concession and determine the terms and conditions for its publication on the website of the Ministry of Tourism;

3. approve the template of the declaration for protection of the confidentiality of the information contained in the concession documentation;

4. If necessary, the Commission may attract experts and officials of the Ministry of Tourism to assist its activity, while observing the requirements for the protection of confidentiality of information.

(3) Minutes shall be kept for the meetings of the commission.

(4) The Chair, the Vice-Chair, the members of the commission, the experts and the employees under Para. 2, item 4 shall be obliged to keep the secret of the information contained in the proposals, not to move the materials for the procedure outside the designated meeting place of the commission and not to make statements to the mass media before the promulgation in the State Gazette of the decision of the Council of Ministers to designate a concessionaire, for which they complete a declaration.

Art. 8i. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019)

(1) Where, within the time limit specified in Art. 8h, Para. 2, item 1, no application has been received with an offer, the commission shall have the right, by a decision, to extend - once - the deadline for their submission to 15 days from the date of the announcement of the new term on the website of the Ministry of Tourism.

(2) The open procedure shall also be conducted when there is only one participant.

(3) The open procedure shall not be conducted when there are no persons who have declared their participation.

Art. 8j. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The documentation for the sea beach concession shall be prepared in accordance with the decision under Art. 8e and shall contain:

1. the subject and object of the concession and the main technical and other characteristics of the object of the concession, including a description of its accessories;

2. documents certifying the ownership and/or individualizing the object of the concession, where applicable;

3. a description of the services and activities that may be performed with the object of the concession and the conditions for their provision;

4. conditions for participation;

5. requirements regarding the content of the developments under the terms of the procedure;

6. evaluation criteria, as well as the methodology for the evaluation of bids;

7. a description of the organization of the procedure;

8. specimens of the application and its annexes, as well as of the proposals on the evaluation criteria;

9. information on the date, place and time of the open procedure and the opening of bids, and the date by which applications with bids for participation in the procedure are accepted;

10. a draft concession agreement and revision clauses, when such are foreseen;

11. the amount of the guarantee for participation in the procedure and the manner of payment thereof in accordance with the decision under Art. 8e;

12. other requirements towards the participants and the content of the application and the bid.

(2) The documentation shall be published on the website of the Ministry of Tourism in accordance with Art. 8h, Para. 2, item 2.

Art. 8k. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) Participants in the procedure shall submit, within the time limit set by the commission, an envelope containing the application with the annexes and documents thereto, and the bid in a separate envelope in fulfillment of the conditions of the procedure. The submitted applications with bids shall be registered with the Ministry of Tourism and entered in a registry in the order of their submission.

(2) Participants shall enclose with their bids a declaration stating which part of the information contained in the bid is a trade secret.

(3) When concluding the concession contract, the designated concessionaire participant shall be bound by the content of the submitted bid.

(4) Additions and amendments to the already submitted applications with bids shall not be allowed. Tender applications submitted after the deadline set by the commission shall not be accepted and shall not be considered.

(5) On the announced day and time for carrying out the procedure, the commission – in open session - shall open the envelopes with the application for participation, in the order of their entry in the registry under Para. 1, and shall verify that the requirements of the concession documentation have been met.

(6) On the day as per Para. 5, in closed session, the commission shall open the envelopes with the bids of the participants, whose applications have been admitted to participation, and shall evaluate and rank the bids, in compliance with the evaluation criteria set out in the decision under Art. 8e, and the concession documentation.

(7) By way of exception, in case of more proposals or a greater complexity and/or volume of bids, the Chair of the commission shall set a term of up to 7 days for the commission to familiarize itself with all bids.

Art. 8l. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The commission shall draw up a report, a draft decision of the Council of Ministers on the designation of a concessionaire, and a record of the results of the open procedure within three days of its completion.

(2) The Council of Ministers shall adopt a decision on the designation of a concessionaire, which shall be promulgated in the State Gazette. The decision shall authorize the Minister of Tourism to conclude a concession contract on behalf of the grantor with the winning bidder (participant), to organize the control over the execution of the concession agreement, as well as to bring the claims of the grantor in court, and to represent the state in matters related to the execution of the concession agreement.

(3) The decision under Para. 2 shall be subject to appeal regarding its legality under the procedure of Chapter Six of the Concessions Act within 10 days after its promulgation in the State Gazette.

(4) For the conclusion and termination of the procedure for designation of a concessionaire, the rules of section XI of Chapter Three shall apply, with the exception of Art. 116 and Art. 117, Para. 2 and 3, and Chapter Six of the Concessions Act. The reasoned decision of the Council of Ministers to terminate the procedure for designation of a concessionaire may be appealed under the procedure of Chapter Six of the Concessions Act.

Art. 8m. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the

entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) The Concessions Act shall apply to the outstanding issues related to the strategic development and planning of seaside beach concessions, the financing of the activity and the National Concession Register.

Art. 8n. (New - SG, 27/2013, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The Minister of Tourism and the designated concessionaire-participant shall conclude a concession contract within one month from the entry into force of the decision under Art. 8l, Para. 2. Prior to the conclusion of the concession contract, the participant designated as a concessionaire shall submit to the grantor evidence supporting the facts and circumstances declared in the application regarding the grounds for exclusion under Art. 8f, Para. 4, items 1, 2 and 6. The grantor shall not be entitled to require the submission of evidence under sentence two, when the information is accessible through a free electronic public register.

(2) In case of refusal to conclude the contract, the designated concessionaire-participant shall lose the guarantee for participation in the procedure.

(3) If, by the expiration of the term for concluding the concession contract, the participant designated as a concessionaire has not concluded a concession contract or has not presented the evidence under Para. 1, the grantor may – with a decision - designate the second-ranked participant as a concessionaire. The decision may make it possible, as a condition, to improve proposals on the evaluation criteria of bids.

(4) Negotiations shall be held when a condition for improving the proposals on the evaluation criteria is set. A concession agreement may not be concluded with the second-ranked participant designated as concessionaire, when the negotiations do not reach agreement on the improvement of proposals on the evaluation criteria, made by the participant.

Art. 8o. (new – SG 20/16, in force from 15.03.2016, revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018, new - SG 60/19, in force from 30.07.2019) (1) The concession contract shall be concluded in accordance with the bid of the participant designated as concessionaire, and when it is concluded with the second-ranked participant - in accordance with the bid of the participant or with the results achieved during the negotiations.

(2) The concession contract shall be concluded in writing and shall contain:

1. the parties to the contract, data on the commercial and other registrations of the concessionaire and the persons representing him;
2. subject and value of the concession;
3. the requirements of the subject of the concession;
4. a description, characteristics and indicators of the object of the concession, and its accessories, where applicable;
5. the date of entry into force of the contract, the preliminary conditions, if any, the specific term of the concession, as well as the total term of all eligible extensions provided for by a review clause, if any;
6. the terms, procedure and deadlines for submission of the object of the concession at the beginning and end of the concession, as well as in case of early termination of the concession contract;
7. the conditions for carrying out the concession and the burdens, if any;
8. the allocation of risks between the concessionaire and the grantor;
9. the rights and obligations of the parties, including the conditions and terms for the implementation thereof;
10. the amount, terms and procedure for payment of the concession fee;
11. an indexation clause, where such is provided, containing the conditions and procedure for updating the initial value of the concession and/or the concession fee;

12. the type, amount, terms and manner of providing the guarantees and the collateral for performance of the obligations under the contract;

13. the applicable obligations related to national security and defense of the country, to the life and health of citizens, to the environment, to protected territories, zones and sites and to public order, where applicable;

14. the applicable obligations for insurance of the object of the concession;

15. the conditions and procedure for financing the elimination of any environmental damage caused;

16. the conditions and procedure for carrying out accountability and control over the performance of the concessionaire's obligations, including the implementation of the financial and economic model;

17. liability for non-fulfillment of the obligations under the contract;

18. the terms, procedures and deadlines for exchange of information between the parties, including by electronic means, and for monitoring and control over the performance of the contract;

19. the terms and procedure for settling disputes between the parties;

20. revision clauses, where provided, as well as the grounds, procedure and consequences of early termination of the contract;

21. the requirements regarding the condition in which the object of the concession is transferred to the grantor after the expiry of the concession period;

22. the applicable law;

23. other, depending on the applicable provisions of the legislation in force.

(3) Where applicable, the concession contract shall also contain the shares of the concession and the types of activities under the concession subject to be performed by subcontractors for each of the subcontractors specified in the application or the bid.

(4) The bid of the participant designated as concessionaire shall be an integral part of the concession contract.

Art. 8p. (New - SG 60/19, in force from 30.07.2019) (1) Within one month from the entry into force of the concession contract, an official, designated by the Minister of Tourism, shall send by electronic means a notice for the awarded concession to be posted in the National Concession Register.

(2) The notice of the awarded concession shall be published in an electronic form and shall contain the results of the conducted procedure for designation of a concessionaire, including:

1. the grantor;

2. estimated value and value of the concession;

3. the specific term of the concession;

4. conditions for entry into force of the concession contract;

5. information for the concessionaire regarding:

a) the name of the natural or legal person, respectively;

b) the form of participation - alone or in association;

c) the persons representing the economic operator according to the register in which it is entered, if any;

d) the activities specified in the application or bid that will be subcontracted;

6. the criteria for awarding the concession;

7. other, specified in the electronic form.

(3) On the day of sending the notice of the awarded concession for publication, an official designated by the Minister of Tourism shall open a batch of the concession in the National Concession Registry, and shall publish the concession contract therein. The concession contract published in the

National Concession Registry shall have in it deleted the legally protected information, the information constituting a trade secret, as well as the information classified as confidential.

## **Chapter two "b".**

### **IMPLEMENTATION OF THE CONCESSION CONTRACT. SUBCONTRACTING AGREEMENT. AMENDMENT AND TERMINATION OF THE CONCESSION CONTRACT (NEW - SG 60/19, IN FORCE FROM 30.07.2019)**

Art. 8q. (New - SG 60/19, in force from 30.07.2019) (1) For the implementation of the concession contract, the provisions of Section II of Chapter Four shall apply, with the exception of Art. 130 and 132 of the Concessions Act.

(2) For the duration of performance of the concession contract, the onset of grounds for exclusion shall not be allowed, both for the concessionaire and for the members of its management or supervisory body. The concessionaire shall notify the grantor of the onset of grounds for exclusion within 30 days of the occurrence of the exclusion grounds or of receipt of any information about the occurrence by a third party.

(3) In the notification under Para. 2, the concessionaire shall specify the measures he will take to remedy the consequences and to effectively prevent future cases of unlawful occurrences, as well as the time limit for taking these measures. The measures can be staff-related and organizational, such as: breaking off any links with persons or organizations involved in the unlawful occurrences; personnel reorganization measures; implementation of reporting and control systems; setting up an internal audit structure to monitor compliance, as well as adopting internal rules for accountability and redress.

Art. 8r. (New - SG 60/19, in force from 30.07.2019) (1) With the subcontracting contract, the concessionaire shall assign the performance of specific activities in the subject of the concession.

(2) A subcontract may be concluded only with a person who meets the professional and technical requirements in accordance with the performed activity.

(3) The concessionaire shall be jointly and severally liable with the subcontractor for the performance of the activities assigned by the subcontracting agreement.

Art. 8s. (New - SG 60/19, in force from 30.07.2019) The concessionaire shall, within 10 working days of the conclusion, submit to the grantor the subcontracting agreement, as well as information about the subcontractor, including:

1. the name of the natural, respectively legal person;
2. contact information, including e-mail address;
3. the persons who represent the subcontractor according to the register in which it is entered, if there is such a register;
4. evidence of professional and technical requirements in accordance with the performed activity.

Art. 8t. (New - SG 60/19, in force from 30.07.2019) (1) In case of a subsequent occurrence of danger for the national security and defense of the country, for the life and health of citizens, for the environment, for the protected territories, zones and sites and for the public order, the party to the concession contract, which has learned about it, shall immediately notify the other party.

(2) When the presence of a circumstance under Para. 1 is ascertained by a competent authority,

the latter shall immediately notify the grantor.

(3) Upon the occurrence of a circumstance under Para. 1, the concession contract shall be amended, if any of the grounds under Art. 8u is present, or shall be terminated.

Art. 8u. (New - SG 60/19, in force from 30.07.2019) (1) The concession contract may only be amended in the cases specified by this Act.

(2) The amendment of the concession contract may not release the concessionaire from the operational risk assumed.

(3) The concession contract may be amended when:

1. the revision clause, specified in the concession documentation, provides for the option for amendments, regardless of their value, or

2. the value of the amendment is less than 10 percent of the value of the concession and does not lead to a change in the overall nature of the concession, or

3. the change, regardless of its value, is not significant within the meaning of Art. 137, Para. 5 of the Concessions Act.

(4) When the concession contract is re-amended on the grounds of Para. 3, item 2, the threshold of 10 percent of the value of the concession shall be calculated in relation to the sum of the original value of the concession and the value of the previous amendments, regardless of their basis.

(5) The review clause, provided for in the concession documentation, shall contain an option or an opportunity for change in the value of the concession or its duration. The revision clause shall clearly, precisely and unequivocally define the scope and nature of the options and amendments envisaged, without allowing the subject of the concession to be changed.

(6) Where, after the conclusion of the concession contract, a circumstance arises, which the grantor could not have foreseen at the award of the concession and which necessitates amendment of the concession contract, the contract may be amended, if this does not lead to a change in the overall nature of the concession, to increasing the initial value of the concession by more than 50 percent and to extending the duration of the concession by more than one third of the term specified in the contract.

(7) The increase to 50 percent under Para. 6 shall be calculated from the original value of the concession without accumulating the values of previous changes regardless of their basis.

(8) Any amendment to the concession contract which does not meet the conditions under Para. 3 and 6 shall be invalid.

(9) When calculating the value of a concession, it shall be updated in accordance with the indexation clause, where such is provided for by the concession contract and, when not provided, by the average inflation value for the previous 12 months.

(10) The average annual inflation shall be determined by an index of the National Statistical Institute.

(11) Amendment to the concession contract shall be made by additional agreement following a reasoned proposal by one of the contracting parties.

(12) The grantor shall make, accept or refuse to accept a proposal for modification of the concession contract.

(13) Where the amendment of the concession contract is within the scope of the decision to open the procedure or designate a concessionaire, the amendment shall be made without issuing a new decision by the grantor.

(14) Within 30 days of the conclusion of the additional agreement, the official designated by the Minister of Tourism shall publish a notice in the National Concession Register for amendment of the awarded concession in accordance with Annex № 9 of the Concessions Act.

Art. 8v. (New - SG 60/19, in force from 30.07.2019) (1) Where either party claims that a reason has arisen for amending the concession contract, but no agreement can be reached for the amendment of the contract, the dispute shall be settled in accordance with the Code of Civil Procedure.

(2) After the entry into force of the court judgment, the parties shall sign an additional agreement for the amendment of the contract, or the concession agreement shall remain unchanged.

Art. 8w. (New - SG 60/19, in force from 30.07.2019) (1) The concessionaire shall notify the grantor of a prepared transformation with universal succession, and shall make a proposal for replacement of the concessionaire by a successor. To the proposal, the concessionaire shall provide information on the conditions of the prepared transformation, as well as evidence that the successor is eligible for participation and that for him there are no grounds for exclusion.

(2) Where the successor meets the requirements of Para. 1, the grantor shall adopt a decision, agreeing to the replacement of the concessionaire. The decision shall be adopted within two months from the submission of the request or from the elimination of irregularities therein. Upon the entry into force of the transformation, the grantor and the successor shall enter into an additional agreement to amend the concession contract by replacing the concessionaire.

(3) When the successor fails to meet the requirements of Para. 1, the grantor shall adopt a decision refusing the replacement of the concessionaire.

(4) Upon transformation of the concessionaire by changing the legal form, the concessionaire or his successor shall notify the grantor of the performed transformation. In this case, the requirements of Para. 1 - 3 shall not apply.

Art. 8x. (New - SG 60/19, in force from 30.07.2019) (1) The concession contract shall be terminated upon the expiry of the duration of the concession.

(2) Prior to the expiry of the concession period, the concession contract shall be terminated by the grantor without notice, when there is evidence that at the date of conclusion of the concession contract, there was a ground for exclusion for the concessionaire.

(3) Prior to the expiration of the term of the concession, the concession contract shall be terminated:

1. with the complete loss of the object of the concession;
2. upon termination of the concessionaire company - from the date of termination of the company;
3. in case of bankruptcy of the concessionaire - from the date of entry into force of the court decision;
4. in case of a court decision for termination of the concession contract - from the date of entry into force of the court decision;
5. on other grounds stipulated by law or by the concession contract - from the date specified therein.

(4) In the cases of Para. 3, the party which has learned of the occurrence of the grounds for termination, shall notify the other party of the termination of the concession contract within 10 days from learning about it.

(5) The concession contract may be unilaterally terminated by the grantor:

1. in the event of a subsequent threat to the national security and defense of the country, to the life and health of the citizens, to the environment, to the protected territories, zones and sites and to public order, unless there is a ground for amendment of the contract, or

2. when the concessionaire has not notified the grantor of the occurrence of grounds for exclusion within the term under Art. 8c, Para. 2, or has failed to take, in time, the measures specified by him



for the elimination of the consequences and effective prevention of future cases of unlawful acts;

3. when the transformation with universal succession of the concessionaire has been carried out:

a) without adopting the decision of the grantor agreeing to replace the concessionaire, unless the successor proves that he is eligible for participation and that for him there is no grounds for exclusion, or  
b) upon adopted decision of the grantor refusing to replace the concessionaire.

(6) The concession contract may be terminated unilaterally or by mutual agreement under conditions stipulated by law or the concession contract.

(7) In case of non-performance of an obligation under the concession contract, the correct party may terminate it with a written notice, giving the other party an appropriate term for performance with a warning that after the expiration of the term, the party shall consider the contract terminated.

(8) Any unilateral termination of the concession contract, making of a proposal or acceptance of a proposal for termination of the contract by mutual agreement shall be carried out by decision of the grantor.

(9) In the decision under Para. 8, the grantor shall indicate the consequences of termination of the concession contract as provided in the contract.

(10) The concession contract shall also be terminated when declared invalid by a court decision entered into force.

(11) The provisions of the Commerce Act and the Obligations and Contracts Act shall apply accordingly to any unresolved issues of termination of the concession contract.

(12) An official designated by the Minister of Tourism shall send information within 14 days to the National Concession Register on the termination of the concession contract.

## **Chapter two "c".**

### **CONTROL ON THE IMPLEMENTATION OF THE CONCLUDED CONCESSION CONTRACTS (NEW - SG 60/19, IN FORCE FROM 30.07.2019)**

Art. 8y. (New - SG 60/19, in force from 30.07.2019) (1) The control over the implementation of the concession contracts shall include periodic control of the fulfillment of the conditions of the concession and of the obligations of the concessionaire under the concession contract in compliance with what is provided in it.

(2) Where the concession contract does not provide for a procedure for control by the grantor, the control shall be carried out in accordance with a procedure determined by the Minister of Tourism.

(3) The control over the implementation of the concession contracts concluded shall be exercised by the Minister of Tourism through officials of the respective administration.

(4) The officials under Para. 3 shall carry out control by means of periodic inspections of the fulfillment of the obligations of the concessionaires under the specific concession contracts, including the fulfillment of the obligations for concession fees.

(5) The inspection under Para. 4 shall be carried out by:

1. inspection and analysis of the documents, specified in the concession contract, for reporting the results of the performance of the obligations of the concessionaire;
2. planned on-the-spot checks carried out on the basis of a pre-approved timetable;
3. extraordinary on-site inspections;
4. geodetic or other field measurements.

(6) The inspections under Para. 4 shall conclude with findings regarding the concessionaire's performance of:

1. the conditions for realization of the concession;

2. the obligations under the concession contract;
3. the time limits for fulfilling the obligations;
4. the fulfillment of the obligations for concession fees;
5. compliance with the normative acts which regulate the activities related to the respective subject of the concession.

(7) (Amend. - SG 17/21) An official designated by the Minister of Tourism shall submit to the National Concession Register annually, by 30 September, information on the implementation of the concession contract for the previous year. The information shall be sent in a template maintained in the National Concession Register.

(8) On the basis of the information under Para. 7 for all concession contracts he has concluded, the Minister of Tourism shall prepare and submit to the Council of Ministers an annual report on the implementation of the projects and concession contracts, included in the respective action plan.

Art. 8z. (New - SG 60/19, in force from 30.07.2019) (1) Depending on the number of controlled concession contracts, the type of concession sites and their territorial location, the Minister of Tourism shall appoint one or more committees to control the actions of officials.

(2) The Minister of Tourism shall issue an order declaring:

1. the Chairman and the Vice-Chairman of the control committee;
2. the names of the other members of the control committee.

(3) The commission shall include representatives of the specialized administration of the Council of Ministers, the Ministry of Tourism, the Ministry of Finance and the Ministry of Environment and Waters.

(4) No person may be a member of the committee who:

1. has a material interest in a concession - subject to the control of the control committee;
2. (amend. - SG 17/21) is a related person within the meaning of § 1, item 22 of the additional provisions of the Concessions Act with a concessionaire who is a party to a contract -subject to the control of the committee, or with a subcontractor thereof;
3. does not meet the conditions under items 1 and 2 and there is a ground for withdrawal from the particular concession.

(5) The control committee shall adopt rules for its work, which are to be approved by the Minister of Tourism.

(6) The meetings of the control committee shall be attended by the persons under Art. 8y, Para. 3, whose reports are on the agenda. The control committee may, if necessary, invite other persons to its meetings or during inspections.

(7) The control committee shall have the following powers:

1. to consider submitted reports and other documents, adopting decisions by which:
  - a) to give instructions to officials;
  - b) to make proposals to the body organizing the control over the concession contracts;
2. to carry out on-site inspections, if necessary;
3. to consider issues related to the implementation, amendment and termination of the concession contracts;
4. to propose to the Minister of Tourism the assignment of the implementation of certain expert or technical activities related to the control activities of third parties;
5. to perform other actions related to the control of the concession contracts, determined by the order of appointment and its rules of operation.

(8) In adopting its decisions, the control committee shall take into account the results of the expert and technical activities performed under Para. 7, item 4.

(9) The control committee shall adopt an annual report on the implementation of the concession contracts, which, after approval by the Minister of Tourism, shall be submitted to the grantor.

(10) The annual report shall contain:

1. summary results for each concession regarding:
  - a) the performance of the concession contracts reported by the concessionaires;
  - b) the checks and expertise carried out;
2. actions taken to eliminate any problems encountered in the performance of the concession contracts and in carrying out the control activity;
3. analysis of the performance and non-performance of the concession contracts - subject to the performed control;
4. conclusions and recommendations for elimination of problems encountered during the implementation of the concession contracts, and improvement of the control activity.

(11) In carrying out their activities, members of the control committees and officials shall have the right:

1. to free access to the objects of concession to be controlled;
2. to require and verify documents, data, information and reports related to the performance of the concession contract;
3. to require from the inspected persons written explanations regarding the performance of the concession contract.

(12) In the absence of assistance from the inspected persons, the officials and members of the control committee may, in advance or as necessary in connection with the performance of their official duties, request assistance from the competent authorities, including the police authorities.

### **Chapter three.**

#### **ZONES FOR TERRITORIAL STRUCTURAL PROTECTION**

Art. 9. On the territory of the Black Sea coast, the following security zones shall be established:

1. "A" zone with regime of special territorial structural protection;
2. "B" zone with specific characteristics of the territory and special regime for protection of the territorial and aquatorial resources.

Art. 10. (1) (Amend. - SG, 27/2013; suppl. – SG 40/14) "A" Zone shall cover the part of the aquatory of Black Sea under Art. 3, p. 2, the coastal beach line and part of the territory, falling in a line of width of 100 m. outside the territories of the residential places, measured horizontally from the borders of the sea shore or the sea beaches.

(2) In "A" zone the following shall be banned:

1. (repealed. - SG, 27/2013)
2. construction of solid fences;
3. building fences, restricting the free walking access to the sites under Art. 6, Para. 4 and 5, apart from the cases under Art. 4, Para. 3;
4. searching, exploring and exploitation of natural minerals and ores, with the exception of the activities, related to exploration of healing mud, salt, mineral waters and building of geological protective, shore protective and shore strengthening facilities;
5. discharging unclean waste waters, where the quantity and quality of the unclean waters shall meet the requirements for individual emission restrictions, indicated in the permit for discharging , issued under the requirements of the Act on Waters;

6. construction and exploitation of depots and other facilities and installations for use and treatment of waste;

7. use of products for plant protection and mineral fertilizers with the exception of the registered biological products for plant protection and fertilizers;

8. development of industries, emitting pollution substances, indicated in the Annex I of the Convention of the Protection of the Black Sea against Pollution.

9. (new – SG 20/16, in force from 15.03.2016, revoked – SG 36/16)

(3) In "A" zone outside the territory of the sea beaches, the following shall be permitted:

1. construction of ports and port facilities, of shore strengthening, shore protecting and geological protecting facilities, of waste water treatment plants, as well as other sites of the technical infrastructure, needed for service of the urban territories, not falling in the bans under Para. 2;

2. construction of other sites, apart from the ones, indicated in p. 1, while observing the following norms for each land property:

a) (amend. - SG, 27/2013 in force from 16.03.2015; amend. – SG 40/14, in force from 16.03.2015) density of construction (Dconst.) – up to 20%;

b) (amend. - SG, 27/2013 in force from 16.03.2015; amend. – SG 40/14, in force from 16.03.2015) Intensity of construction (Iconstr.) – up to 0,5;

c) (amend. - SG, 27/2013 in force from 16.03.2015; amend. – SG 40/14, in force from 16.03.2015) minimal green area (Agreen)– minimum 70%, where half of it must be provided for trees;

d) (amend. - SG, 27/2013 in force from 16.03.2015; amend. – SG 40/14, in force from 16.03.2015) character of construction – law, with height up to 7.5 m;

3. (amend. - SG, 27/2013; amend. – SG 40/14) placing of:

a) movable facilities for commercial, entertainment and other service activities whereby in the zoned lands, the development indicators established in the detailed spatial development plan - construction density, construction intensity ratio - may not be exceeded and the established minimal green area may not be reduced;

b) components of urban facilities - public transport stops, benches, lighting fixtures, , waste collection containers, water taps, fountains and clocks;

c) advertisement, information and monumental or decorative elements under terms and procedures specified in a local council regulation.

4. (amend. - SG, 27/2013) carrying out the activities under Para. 4, p. 5-8, as well as other activities, not falling in the bans under Para. 2;

5. construction of under water or sailing sites in the aquatory under Art. 3, p. 2, related to the tourist functions of the sea coast.

(4) On the territory of the sea beaches shall be allowed:

1. (amend. - SG, 67/2008) placement of beach facilities, by providing not less than 50% of the active beach area for free placement of beach facilities on behalf of the visitors;

2. (amend. – SG 40/14) placement of movable sites and facilities for:

(a) carrying out the obligatory activities on the sea beach;

(b) sports and entertainment activities and fast service facilities;

3. construction of technical infrastructure, needed for use of the sites under p. 2, as well as for the needs of the national security and defence of the country and for provision of safety of ship sailing;

4. construction of shore strengthening, shore protective and geodesic protective facilities;

5. realization of landscape and park structuring events;

6. (amend. - SG, 19/2009 in force from 10.04.2009) carrying out specialized activities on protection of single and group cultural values;

7. carrying out studies, related to protection of the environment;

8. (new - SG, 27/2013; suppl. – SG 40/14) construction of underground pipes, networks and

facilities of the technical infrastructure, where there is no other technical option or when another technical solution is clearly economically unfeasible.

(5) (new - SG, 27/2013; revoked – SG 40/14).

(6) (new - SG, 27/2013) the zone of the active beach area under Para. 4, p. 1 for free placement of beach facilities on behalf of the visitors shall be equal as an access to the sea with the zones with placed by the concessioner beach facilities, which he provided for payment to the visitors of the sea beach. The zone shall be signaled on the sea beach and on the signs, placed by the concessioner on the relevant sea beach.

(7) (Former Para. 5 - SG, 27/2013; amend. – SG 40/14) The sites under Para. 4, item 2, sub-item “b” may occupy in total up to 2 per cent of the area of the sea beach.

(8) (new - SG, 27/2013; amend. – SG 40/14) To the fast food sites under Para. 4, item 2, sub-item “b” use of additional trade area on the sea beach shall be admitted outside the area under Para. 7, which shall not occupy more than 2% of the sea beach area.

(9) (new – SG 40/14) In cases referred to in par. 7 and 8 the area of shifting (white) dunes, fixed dunes with herbaceous vegetation and wooded dunes shall not be included in the beach area.

(10) (Former Para. 6 - SG, 27/2013; prev. par. 9 – SG 40/14) The territories from "A" zone, falling within the borders of protected territories or of protected zones shall keep their regimes of protection, use and management, determined under the Act on the Protected Territories and of the Act on the Biological Diversity.

(11) (new – SG 20/16, in force from 15.03.2016) On the territory of the sea beaches for environmentally friendly tourism activities under par. 4, item 2, letter "b" and item 8 shall be prohibited.

Art. 10a. (New - SG 36/16 (\*), amend. – SG 56/19, in force from 16.07.2019) (1) In zone "A" and in zone "B" outside the territory of the sea beaches, the sand dunes and the categorized campsites within landed estates or parts thereof owned by the state, municipalities, private individuals or legal entities, falling within forest areas or in agricultural lands, as well as in undeveloped properties included in the boundaries of urbanized areas, without any change in their purpose, can be accommodated places for temporary placement of tents, campers or caravans.

(2) The sites under Para. 1 shall not be categorized as campsites within the meaning of the Tourism Act. Allowed in them shall only be the placement of structures as per Art. 153, Para. 1, item 5 of the Forestry Act - architectural elements for recreation and non-commercial tourism, such as: recreation areas, gazebos, shelters, benches, tables, information boards, water fountains, wooden fences, grills and other non- construction within the meaning of the Forestry Act and the Spatial Development Act.

(3) (Amend. - SG 102/22, in force from 01.01.2023) The terms and procedure for determining the sites under Para. 1, the rules and norms for their accommodation and use, as well as for the stay therein, shall be determined by an ordinance of the Minister of Regional Development and Public Works, the Minister of Agriculture, the Minister of Environment and Waters and the Minister of Tourism.

(4) The sites under Para. 1 shall not fall within the boundaries of protected areas of the categories under Art. 5, items 1, 3, 4 and 6 of the Protected Areas Act.

Art. 11. (1) "B" zone shall cover the territories, falling in the line with width 2km from the borders of "A" zone, with the exception of the urban territories of the populated places, determined on the date of the enforcement of the act.

(2) In "B" zone the following shall be banned:

1. construction and exploitation of depots and other facilities and installations for use and treatment of waste;

2. discharging of untreated waste waters, where the quantity and quality of the treated waters

must meet the requirements for individual emission restrictions, indicated in the permit for discharge, issues under the requirements of the Act on Waters;

3. use of products for plant protection and mineral fertilizers with the exception of the registered biological products for plant protection and fertilizers;

4. development of industries, emitting polluting substances, indicated in Annex I of the Convention for the Protection of the Black Sea against Pollution.

(3) The territories of "B" zone, falling in the borders of protected territories or of protected zones, shall keep their regimes of protection, use and management, determined by the Act on Protected Areas and of the Act on the Biological Diversity.

Art. 12. In "B" zone shall be permitted carrying out activities, not falling in the bans of Art. 11, Para. 2 and 3 and construction, related to:

1. creating new or extension of the borders of populated places, resorts and resort complexes while observing the following norms for each regulated land property:

- a) density of construction – by 30%;
- b) intensity of construction – by 1,5;
- c) minimal green area – 50%, where the half of it must be provided for trees;
- d) character of construction – middle, of height up to 15 m;

2. establishing new or extension of the borders of the holiday villages while observing the following norms for each regulated land property:

- a) density of construction – by 30%;
- b) intensity of construction – by 1,2;
- c) minimal green area – 50%, where the half of it must be provided for trees;
- d) character of construction – low, of height up to 10 m;

3. establishing new or extension of the borders of the villa zones while observing the following norms for each land property:

- a) density of construction – by 40%;
- b) intensity of construction – by 0,8;
- c) minimal green area – 50%, where the half of it must be provided for trees;
- d) character of construction – low, of height up to 7,0 m;

4. construction of sites, networks and facilities of the technical infrastructure, not falling in the bans under Art. 11, Para. 2.

Art. 12a. (New - SG, 27/2013) Structuring and construction of land properties, parts of which fall in both "A" and "B" zones shall be defined by a detailed structuring plan – plan for regulation and construction. In compliance with the structure zone in which falls the part of the land property with the plan for regulation and construction in the borders of regulated land property shall be defined as sub-zone in the scope of security "A" zone with limited indicators of construction under Art. 10, Para. 3 and sub-zone in the scope of security "B" zone with limited indicators for construction under Art. 12. The admitted construction in each of the zones shall be defined on the basis of the area of the land property, falling in the relevant sub-zone.

Art. 13. (1) The construction permits for building of the permitted sites in "A" zone and in "B" zone shall be issued in case of available necessary technical infrastructure for energy supply, water supply for discharging and treatment of waste waters, as well as for collection and treatment of household and

construction waste.

(2) In case of lack of technical infrastructure under Para. 1, it may be constructed in the conditions and procedure of Art. 69 of the Spatial Development Act.

(3) (Amend. - SG, 27/2013, amend. - SG, 66/2013, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016) Placement of movable sites and facilities on the territory of the sea beaches, including the used additional trade area under Art. 10. Para. 8 and on the territory of the national resorts shall be permitted by the Chief Architects of the Municipality on the basis of a scheme, approved by the Minister of Tourism.

(4) (New - SG, 27/2013; amend. – SG 40/14) Within zone "B it shall be admissible to place:

1. movable facilities for commercial, entertaining and other service activities; in the zoned lands the development indicators established in the detailed spatial development plan - construction density, construction intensity ratio - may not be exceeded and the established minimal green area may not be reduced;

2. moveable urban facilities - public transport stops, benches, lighting fixtures, waste collection containers, water taps, fountains and clocks;

3. advertisement, information and monumental or decorative elements under terms and procedures specified in a local council regulation.

In regulated land properties in "B" zone shall be admitted placement of movable sites, if they do not exceed the established in the detailed structure plan structure indicators – density of construction, coefficient of intensity of construction and the determined minimal green area is not decreased.

(5) (New - SG, 27/2013) The movable sites and facilities under Para. 3 shall be connected with the existing networks and facilities of the technical infrastructure with temporary connections, which shall be entered in the permit for placement under Art. 56, Para. 2 of the Spatial Development Act.

(6) (New - SG, 27/2013; amend. – SG 40/14; amend. – SG 101/15) The movable objects and facilities on the territory of the sea beaches, as well as the ones located in zone "A" and zone "B", which do not meet the provisions of Para. 3 and 4 and Art. 10, Para. 3, p. 3 shall be removed following the procedure described in Art. 57a of the Spatial Development Act.

(7) (New - SG, 27/2013) The permits for placement of the movable sites and facilities on the sea beaches shall be issued once for the term of the concession or rent and shall be valid by the end of the concession term – or rent term or by any change of the scheme under Para. 3.

(8) (New – SG 56/19, in force from 16.07.2019) The chief architect of the respective municipality shall grant or refuse to issue the permit under Para. 3 within 30 days of receipt of the request.

Art. 14. (1) The state and municipalities shall provide transport connections with Republican or local roads, as well as pedestrian and bike alleys to the sea beaches in compliance with the provision of the Act on Roads.

(2) The sites for transport connection and for pedestrian and bike movement shall be defined by a detailed structure plan for the relevant territory of the Municipality.

(3) Owners of immovable properties, through which the detailed structure plan envisaged passing of sites for walking movement shall establish right to passing in favour of the relevant Municipality under Art. 192, Para. 1 of the Spatial Development Act within 3 month term after the enforcement of the plan.

(4) In case of a refusal of the owners to establish right to passing within the term under Para. 3, the property or part of it shall be expropriated in favour of the relevant Municipality under the conditions and procedure of the Act of the Municipal Property.

Art. 15. (Suppl. - SG, 27/2013; amend. – SG 40/14) (1) Carrying out construction and

engineering works in the national resorts along the Black Sea coast shall be prohibited from 15 May until 1 October.

(2) Beyond the cases referred to in para. 1 the period and the territories along the Black Sea coast in which construction and engineering works are prohibited shall be determined by the local council upon proposal by the mayor of the municipality. The decisions of the local council shall be adopted on an annual basis not later than 1 March of the respective year and shall be published on the Internet page of the municipality.

(3) Should the local council fail to adopt a decision within the term under par. 1, the implementation of construction and engineering works in the resort territories of residential places, resorts, resort complexes, vacation villages (summer-house and tourist settlements) and the camping sites along the Black Sea coast shall be prohibited from 15 May to 1 October.

(4) Exceptions from par. 1, 2 and 3 shall be allowed only for emergency maintenance works and geo protection measures and activities.

Art. 16. (1) (Amend. - SG, 27/2013) The improved structural plans for territories, falling in "A" zone and in "B" zone shall be adopted by the municipal expert council of structure of territory.

(2) (Amend. - SG, 36/2008, amend. - SG, 27/2013, amend. – SG, 58/17, in force from 18.07.2017, amend. - SG 102/22, in force from 01.01.2023) The council composition under Para. 1 shall include obligatorily representatives of the regional services of the Ministry of Environment and Waters, the Ministry of Agriculture, the Ministry of Health, representatives of the Ministry of Defence, the Ministry of Interior, the Ministry of Transport, Information Technologies and Communications and of the relevant Regional Governor, one representative of the Chamber of Architects in Bulgaria and of the Chamber of Engineers in the investment design and representatives of the municipal administration, determined by the order of the Municipality Mayor under Art. 5, Para 4 of the Spatial Development Act.

(3) (Amend. - SG, 10/2009, amend. - SG, 19/2009 in force from 10.04.2009, amend. - SG, 92/2009, in force from 20.11.2009, repealed - SG, 27/2013)

(4) (Repealed - SG, 27/2013).

Art. 17. (1) (Former text of Art. 17, amend. - SG, 27/2013) Change of the function of farm land and land properties in the forest territories, falling in "A" zone and in "B" zone for creating or extension of urban territories or construction of separate or of group land properties shall be permitted only if this has been provided by an enforced general structural plan for the relevant territory of the Municipality and approved under and approved detailed spatial plan under the Spatial Development Act.

(2) (New - SG, 27/2013) Apart from the cases under Para. 1, change of the function of the farm lands and land properties in the forest territories shall be carried out on the basis of an enforce detailed spatial plan for:

1. sites of national significance;
2. national sites in the meaning of the Act on State Property;
3. sites of national significance;
4. municipal sites of first level significance;
5. sites – public ownership;
6. (announced to be anti-constitutional by a Decision of the CC No. 12/13 - SG 105/2013) sites with certificate for class investment under the Act on Encouragement of Investments;
7. sites of the technical infrastructure;
8. special sites, related to defence and security of the country;
9. (revoked - SG 21/20, in force from 13.03.2020)
10. immovable cultural values.



Art. 17a. (New - SG, 27/2013) (1) (amend. – SG 40/14) Construction and placement of movable sites and facilities, change of function and establishment of restricted property rights over the shifting (white) sand dunes, fixed dunes with herbaceous vegetation (grey dunes) and wooded dunes falling in the borders of "A" zone, "B" zone or in the urban territories of the populated areas after the borders of "A" zone shall be banned, apart from the cases, where by an enforced detailed spatial plan, construction has been envisaged of:

1. sites of national significance;
2. (announced to be anti-constitutional by a Decision of the CC No. 12/13 - SG 105/2013; amend. – SG 40/14) underground line facilities of the technical infrastructure not falling within item 1 and 3 - where there is no other technical option or where another technical solution is apparently economically unfeasible;

3. special sites, related to defence and security of the country.

(2) (New – SG 56/19, in force from 16.07.2019) Forbidden shall be the putting up of any pavilions and tents, and the traffic, parking and stay of any vehicles, trailers and semi-trailers on shifting (white) dunes, fixed dunes with herbaceous vegetation (grey dunes) and wooded dunes falling within zone A, zone B or in the urbanized areas of the populated areas beyond the boundaries of zone A, except in the case of permitted construction under Para. 1.

(3) (New – SG 56/19, in force from 16.07.2019) The prohibition of passing, parking and stay of vehicles, trailers and semi-trailers under Para. 2 shall not refer to the cases of any rescue activity on the territory of the sea beach.

(4) (Previous Para. 2 – SG 56/19, in force from 16.07.2019) The bans under Art. 10, Para. 2 and Art. 11, Para. 2 shall also apply to the sites under Para. 1.

Art. 17b. (New - SG 60/19, in force from 30.07.2019) (1) The passage, parking and stopping of vehicles, trailers and semi-trailers on the territory of the sea beach shall be prohibited.

(2) The prohibition for passing, parking and staying of vehicles, trailers and semi-trailers under Para. 1 shall not apply to the cases for carrying out the compulsory activities authorized under the relevant order under Art. 7, Para. 2, for the provision of beach services and carrying out emergency services on the beach.

## **Chapter four.**

### **SPATIAL DEVELOPMENT OF THE SEACOAST**

Art. 18. (1) Spatial development of the Black Sea coast shall be carried out on the basis of:

1. (amend. - SG, 82/2012, in force from 26.10.2012) the concepts and schemes for spatial development under the Regional Development Act;

2. (amend. - SG, 27/2013) general spatial development plans for the whole territory of the municipalities under Art. 3, p. 1;

3. detailed spatial development plans of the municipalities under Art. 3, p. 1 for:

- a) existing urban territories;

- b) new urban territories, envisaged on the relevant general spatial development plan, including territories of "A" zone and "B" zone;

4. (amend. - SG, 27/2013) specialized detailed spatial development plans under Art. 111 of the Spatial Development Act.

(2) The plans under Para. 1, p. 2 – 4 shall contain rules and norms for their application.

(3) The plans under Para. 1, p. 2 and 3 shall be coordinated with the rules and provision of the Spatial Development Act and the acts of secondary legislation for its application, unless they contradict this act.

(4) (Amend. - SG, 82/2012, in force from 26.10.2012) The requirements for the volume, contents, technical fulfillment and development of the plans under Para. 1 shall be determined by the Ordinance under Art. 117 of the Spatial Development Act.

Art. 19. (1) (Amend. - SG, 82/2012, in force from 26.10.2012) The scope and contents, as well as the conditions and procedure for assigning, development, adopting and applying the conceptions and schemes of the spatial development shall be determined by the Regional Development Act.

(2) (Amend. and suppl. - SG, 27/2013, amend. - SG, 66/2013, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Assigning of development of the general spatial development plans under Art. 18, Para. 1, p. 2, as well as their amendments shall be carried out by the Minister of Regional Development and Public Works or the municipality Mayor after coordination with the Minister of Regional Development.

(3) (Amend. - SG, 66/2013, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. - SG 16/21) The general spatial development plans under Para. 2 shall be adopted by the National expert council on spatial development and regional policy upon proposal of the relevant Municipal council and shall be approved by an order of the Minister of Regional Development and Public Works, which shall be published in the State Gazette.

(4) Creating, coordination, announcement, adoption and approval of the improved spatial development plans under Art. 18, Para. 1, p. 3, as well as their amendments shall be carried out under the conditions and procedure of the Spatial Development Act.

(5) (Amend. - SG, 82/2012, in force from 26.10.2012) The approval of the plans under Para 2 and 4 shall be carried out after conducting the procedures for ecological assessment under the Act on Protection of the Environment. The ecological assessment shall be part of the relevant plan.

Art. 20. (repealed. - SG, 82/2012, in force from 26.10.2012)

Art. 21. (1) The general spatial development plans for the municipality territories under Art. 3, p. 1, as well as the rules and norms for their application shall determine:

1. (new - SG, 82/2012, in force from 26.10.2012) the general structure of the territory and the spatial development requirements to the development of the territory and aquatory;

2. (new - SG, 82/2012, in force from 26.10.2012) the territories for carrying out economic activity;

3. (new - SG, 82/2012, in force from 26.10.2012) the sites of the technical infrastructure of national and regional significance;

4. (new - SG, 82/2012, in force from 26.10.2012) the events for protection of the environment, biological diversity, the natural resources and cultural values;

5. (new - SG, 82/2012, in force from 26.10.2012) the territories and aquatories with restriction regimes of spatial planning and construction;

6. (new - SG, 82/2012, in force from 26.10.2012) general regime for use of waters, forest, land and recreation resources;

7. (amend. - SG, 82/2009 , in force from 16.10.2009, former p. 1 - SG, 82/2012, in force from 26.10.2012, amend. - SG, 66/2013, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. - SG 9/15, in force from 03.03.2015) limit admissible recreation capacities of the resort populated

areas and village formations, resorts, resort complexes, holiday villages and villa zones on criteria, determined by an ordinance of the Minister of Health, the Minister of Regional Development and Public Works, the Minister of Environment and Waters and the Minister of Tourism;

8. (amend. - SG, 19/2009, in force from 10.04.2009, former p. 2 - SG, 82/2012 in force from 26.10.2012) the needed events for shore strengthening, protection, recreation and improvement of the aesthetic qualities of the territories, the measures for protection and recreation of the nature of the landscape and the cultural values;

9. (former p. 3 - SG, 82/2012, in force from 26.10.2012) the territories and zones, in which no new construction and extension of the construction limits of the existing urban territories is not admitted;

10. (former p. 4 - SG, 82/2012, in force from 26.10.2012) the spatial development rules and norms for construction of existing and future urban territories;

11. (former p. 5 - SG, 82/2012 in force from 26.10.2012) the urban, farm, forest and violated territories;

12. (former p. 6 - SG, 82/2012, in force from 26.10.2012) the territories, which will be constructed as sea shore parks and gardens;

13. (former p. 7 - SG, 82/2012, in force from 26.10.2012) the specific requirements, rules and norms for spatial development and aquatory.

(2) The general spatial development plans for the municipality territories under Art. 3, p. 1 shall reflect:

1. the borders of the seashore beach line, defined under Art. 6;

2. the borders of the zones under Art. 10, 11 and 12;

3. the territories of the protected and recreation forests;

4. the territories of the protected territories and protected zones;

5. (amend. - SG, 19/2009, in force from 10.04.2009) the territories and parts of the aquatory having status of cultural values;

6. the borders of the territories with restricting regime, submitted to requirements, related to security and defence of the country, including security and control of the state border.

Art. 22. (1) (Amend. - SG, 27/2013, suppl. - SG 28/18) To the general and detailed spatial development plans under Art. 18, Para. 1, p. 2 and 3, specialized schemes for the belonging aquatory shall be developed in accordance with the provisions of the Maritime Spatial Plan of the Republic of Bulgaria.

(2) (Amend. - SG, 27/2013.) The schemes under Para. 1 shall define the zones for:

1. (amend. - SG, 27/2013) sanitary security;

2. development of water sports;

3. underwater archaeology and underwater tourism;

4. (amend. - SG, 28/2013) shore strengthening, shore protecting and geological protecting facilities, as well as for other facilities or sites, related to the tourist function of the seashore and the economic fishing;

5. carrying out activities, related to the national security and defence of the country.

(3) (Amend. - SG, 27/2013) Schemes under Para. 1 shall be adopted and approved as part of the general and detailed spatial development plans under Art. 19, Para. 3 and 4.

#### **Chapter four "a".**

#### **FINANCING AND CONTROL (NEW – SG, 27/2013)**

Art. 22a. (New - SG, 27/2013) (1) (amend. - SG 96/17, in force from 02.01.2019, amend. on the

entry into force - SG 103/17, in force from 01.01.2018) The revenues from concession fees and from rents of sea beaches shall be distributed as follows:

1. (amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) 50% of the sum of the concession fee and 50% of the rental price shall be transferred to the budget of the municipality, on whose territory is the relevant beach; the municipality shall report on its budget the transferred sum of concession fee as revenue from concessions;

2. (suppl. – SG 40/14, amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) 10% of the rental price, of the concession fee respectively, shall be transferred to the regional budget, on whose territory is located the relevant beach.

3. (new - SG 60/19, in force from 30.07.2019) forty percent of the amount of the concession fee and forty percent of the rental price shall be received as revenue into the budget of the Ministry of Tourism.

(2) (amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) The money from concession fees and rents of sea beaches, as well as from defaults, guarantees and compensations shall come in as revenue to the budget of the relevant Ministry or institution.

(3) (revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018)

(4) (amend. – SG 40/14) The received revenues under Para. 1, p. 2 shall be spent for:

1. conducting procedure for letting for rent sea beaches;

2. control on the implementation of the signed contracts for rent of sea beaches;

3. (suppl. – SG 20/16, in force from 15.03.2016) placement of warning signs and sanitary-hygiene maintenance of the unguarded beaches, located on the territory of the relevant municipality of the region, for which there have not come any revenues under Para. 1, p. 1, and of the sea beaches for ecological tourism as well;

4. (amend. – SG 98/14, in force from 28.11.2014, amend. and suppl. – SG 20/16, in force from 15.03.2016) provision of life-guard activities on sea beaches declared unguarded during the respective summer season pursuant to a scheme approved by the Minister of Tourism, proposed by the regional governor, and on the sea beaches for ecological tourism as well.

(5) (amend. - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018) Financing of the activities on granting the sea beaches on concession shall be carried out under the Act on Concessions.

Art. 22b. (New - SG, 27/2013) (1) The current control on the implementation of the rental contracts of the sea beaches shall include periodic control of the fulfillment of the rent conditions of the tenant under the rental contract in compliance with the provisions in it.

(2) The current control for the implementation of the signed rental contracts shall be carried out by the body, which has signed the relevant rental contract.

Art. 22c. (New - SG, 27/2013) (1) Depending on the number of the controlled rental contracts, on the type of the rented sites and on their location, the body, which organized the control on their implementation shall appoint 1 or more commissions for control.

(2) The body under Para. 1 shall issue an order, which shall determine:

1. the commission chairperson and deputy chairperson;

2. the names of the other commission members.

(3) In the commission composition shall not participate a person, who:

1. has material interest from the rent – subject to the commission control;

2. is related person in the meaning of the Commerce Act with a tenant, who is party of the

contract – subject of the commission control or his/her sub-party.

Art. 22d. (New - SG, 27/2013) (1) The control commission shall adopt rules for its operation, which shall be confirmed by the body, which has appointed it.

(2) The control commission shall hold meeting under a schedule, confirmed by the body, which has appointed it.

(3) The control commission shall meet, where more than half of its members are present and shall adopt its decision with majority of more than half of its members.

Art. 22e. (New - SG, 27/2013 ) (1) The control commission shall have the following functions:

1. carries out checkups and analyses of the documents for reporting the results of the implementation of the tenant's duties, determined by the rental contract;

2. carries out planned checkups on site on the basis of preliminary approved schedule;

3. carries out extraordinary checkups on site – if needed;

4. makes proposals to the body, which organizes the control on the rental contract;

5. adopts decisions on other issues, related to the implementation, amendment and termination of contracts;

6. refers the competent bodies – in case of found failure of fulfillment of normative requirements;

7. offers to the body, which organizes the control on the implementation of the rental contract, assignment to third persons the fulfillment of certain expert or technical activities, related to the control activity.

(2) While carrying out their activity, the control commission members shall have the right to:

1. free access to the rented sites, subject to control;

2. request and check documents, data, information and references, related to the implementation of the rental contract;

3. request from the checked persons written explanations, related to the implementation of the rental contract.

## **Chapter five.**

### **ADMINISTRATIVE ENFORCEMENT AND ADMINISTRATIVE PUNITIVE PROVISIONS (TITLE AMEND. - SG 20/16, IN FORCE FROM 15.03.2016)**

Art. 22f. (New – SG 20/16, in force from 15.03.2016, amend. – SG 56/19, in force from 16.07.2019) (1) Any person who, in violation of the law, limits the right of citizens to unlimited and cost-free access to sea beaches, or sets fees for this, shall be punished with a fine from BGN 2 000 to 4 000, or with a proprietary sanction from BGN 5 000 to 10 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 3 000 to 6 000, or a proprietary sanction from BGN 6 000 to BGN 12 000.

Art. 23. (Amend and suppl. - SG, 27/2013, amend. – SG 56/19, in force from 16.07.2019) (1) Whoever, in violation of the law, places any fencing limiting the free access to the sites under Art. 6, Para. 4 and 5, shall be liable to a fine of BGN 3 000 to BGN 5 000, or a pecuniary sanction of BGN 5 000 to BGN 10 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 4 000 to

8 000, or a proprietary sanction of BGN 6 000 to BGN 12 000.

Art. 23a. (New – SG 56/19, in force from 16.07.2019) (1) Whoever violates the provisions of Art. 15, shall be liable to a fine of BGN 1 000 to BGN 10 000, or to a pecuniary sanction of BGN 10 000 to BGN 50 000, unless subject to a more severe penalty.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 2 000 to 20 000, or a proprietary sanction from BGN li 8 all be fine from BGN 4 p of20 000 to 100 000.

Art. 24. (Amend. – SG 56/19, in force from 16.07.2019) (1) Whoever violates the provision of Art. 10, Para. 4, item 1, shall be liable to a fine from BGN 1 000 to BGN 5 000, or a pecuniary sanction of between BGN 5 000 and BGN 10 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN Nbe liable to a fine of BGN 1 2 000 to 6 000, or a pecuniary sanction from BGN 6 000 to 12 000. .

Art. 24a. (New - SG, 27/2013) For production of sand from the sea beaches and sand dunes, the natural persons shall be punished by a fine of BGN 500 to 5000, and the sole traders and legal persons shall be imposed by a property sanction in the amount of up to BGN 10000, if they are not subject to a heavier punishment.

Art. 24b. (new - SG 101/15) (1) The mayor of the municipality shall be imposed a fine of BGN 1 000 to 5 000 for failing to fulfill the obligation under Art. 13, para 6.

(2) The acts establishing the administrative violations under para 1 shall be drawn up by officials of the National Construction Control Directorate, and the penal decrees shall be issued by head of the National Construction Control Directorate or by official, authorized by them.

Art. 24c. (New – SG 56/19 (\*)) (1) Whoever puts up a tent or pavilion, or parks a camper or caravan in someone else's unregulated landed estate in zone "A" or in zone "B" outside the locations, specified under the order of Art. 10a, shall be liable to a fine from BGN 500 to 1 000, unless subject to a more severe penalty. Where the offense is committed again, the penalty shall be a fine from BGN 1 500 to 3 000.

(2) Whoever sets up locations for putting up tents, campers or caravans in violation of the provisions of Art. 10a, shall be liable to a fine of BGN 2 000 to 5 000, or to a pecuniary sanction of BGN 10 000 to 20 000, unless subject to a more severe penalty. Where the offense is repeated, the penalty shall be a fine of BGN 6 000 to 10 000, or a pecuniary sanction from BGN 12 000 to 60 000.

Art. 25. (Amend. – SG 56/19, in force from 16.07.2019) (1) Whoever places a removable object or facility on the territory of the sea beach in violation of Art. 10, Para. 4, item 2 or Art. 13, Para. 3, if another law does not provide for a heavier punishment, shall be punished with a fine from BGN 1 000 to 5 000, or a proprietary sanction from BGN 5 000 to 10 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be fine from BGN 2 000 to 6 000, or a proprietary sanction from BGN 6 000 to 12 000.

Art. 26. (New – SG 56/19, in force from 16.07.2019) (1) Whoever places a removable object or facility on the territory of an unguarded sea beach, on a beach for environmentally friendly tourism, or its adjacent aquatory, without being entitled to this, shall be liable to a fine of BGN 5 000 to 10 000, or a pecuniary sanction of BGN 10 000 to 50 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 6 000 to 12 000, or a pecuniary sanction from BGN 12 000 to 60 000.

Art. 27. (New – SG 56/19, in force from 16.07.2019) (1) Whoever, in violation of Art. 10, Para. 6, does not fulfill the requirement of ensuring equal access to the sea with respect to the active beach area zone as per Art. 10, Para. 4, item 1, where visitors may place their beach accessories cost-free, shall be liable for a fine of BGN 1 000 to 5 000, or a property sanction of BGN 5 000 to 10 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 2 000 to 6 000, or a pecuniary sanction from BGN 6 000 to 12 000.

Art. 28. (New – SG 56/19, in force from 16.07.2019) Whoever, in violation of Art. 10, Para. 6, fails to mark with a signboard the zone of active beach area as per Art. 10, Para. 4, item 1, where visitors may place their beach accessories cost-free, shall be liable to a fine from BGN 500 to 1 000, or a proprietary sanction from BGN 700 to 1 400.

Art. 29. (New – SG 56/19, in force from 16.07.2019) (1) Whoever violates the provision of Art. 10, Para. 7 or 8, shall be liable to a fine from BGN 1 000 to 5 000, or a pecuniary sanction of between BGN 2 000 and BGN 20 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 2 000 to 6 000, or a v sanction from BGN 4 000 to 40 000.

Art. 30. (New – SG 56/19, in force from 16.07.2019) (1) Whoever, in violation of the law, places movable objects and facilities on shifting (white) dunes, fixed dunes with herbaceous vegetation (grey dunes) and wooded dunes falling within zone “A”, zone “B” or within urbanized territories of settlements beyond the boundaries of zone “A”, unless another law provides for a heavier penalty, shall be liable to a fine from BGN 2 000 to BGN 5 000, or a pecuniary sanction of BGN 3 000 to BGN 10 000.

(2) Whoever, in violation of the law, places a tent, pavilion, shelter, hut or another type of facility on shifting (white) dunes, fixed dunes with herbaceous vegetation (grey dunes) and wooded dunes falling within the boundaries of zone “A”, zone "B" or within the urbanized territories of the settlements beyond the boundaries of zone "A", unless another law provides for a heavier penalty, shall be liable to a fine from BGN 500 to 1 000, or by a proprietary sanction from BGN 1 000 to 3 000.

(3) (Suppl. - SG 60/19, in force from 30.07.2019) Whoever, in violation of the law, passes with or stops a vehicle to stay or park on the territory of the sea beach or on shifting (white) dunes, fixed dunes with herbaceous vegetation (grey dunes) and wooded dunes falling within the boundaries of zone “A”, zone “B” or in the urbanized territories of the settlements beyond the boundaries of zone "A", unless another law provides for a more severe penalty, shall be liable to a fine from BGN 1 000 to 3 000, or a proprietary sanction from BGN 3 000 to 5 000.

(4) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 3 000 to 6 000, or a proprietary sanction from BGN 5 000 to 20 000.

(5) Where the violation under Para. 2 and 3 is repeated, the penalty shall be a fine from BGN 1 000 to 3 000, or a proprietary sanction from BGN 5 000 to 10 000.

Art. 31. (New – SG 56/19, in force from 16.07.2019) (1) Whoever, without being entitled to this, has placed beach accessories which he provides to visitors to the seaside against payment, and/or makes those available to visitors to the seaside as an addendum to any sold goods or services free of charge or at an implied price for another good or service, shall be liable to a fine of BGN 2 000 to BGN 6 000, or a

proprietary sanction of BGN 4 000 to BGN 20 000.

(2) Where the violation under Para. 1 is repeated, the penalty shall be a fine from BGN 5 000 to 10 000, or a proprietary sanction from BGN 10 000 to 40 000.

Art. 32. (New – SG 56/19, in force from 16.07.2019) (1) The acts establishing the violations under Art. 22f, 24, 24a, 25, 26, 27, 28, 29, Art. 30, Para. 1 and 2, and Art. 31 shall be drawn up by officials designated by the Minister of Tourism.

(2) In the cases under Art. 7, Para. 6, the acts establishing the violations under Art. 24, 25, 27, 28, 29, Art. 30, Para. 1 and 2 and Art. 31 shall be drawn up by officials designated by the regional governors.

(3) The acts establishing the violations of Art. 10, Para. 2, item 2, Para. 3, items 1 and 2, Art. 12 and Art. 17a, Para. 1 - beyond the cases under Art. 30, shall be drawn up by officials designated by the order of Chapter Twenty-third of the Spatial Development Act.

(4) The acts establishing the violations under Art. 23, 23a and 24c shall be drawn up by officials from the relevant municipal administrations designated by the mayor of the municipality.

(5) In the event where the Minister of Tourism is referred to an offense under Art. 23 and 24c and no administrative penal proceedings have been initiated under the procedure of Para. 4, the acts establishing violations shall be drawn up by officials designated by the Minister of Tourism or by the regional governors.

(6) The acts establishing violations of Art. 10, Para. 2, item 4 shall be drawn up by officials designated by the order of Chapter Six of the Underground Natural Resources Act.

(7) The acts establishing violations of Art. 10, Para. 2, item 5 and Art. 11, Para. 2, item 2 shall be drawn up by officials designated by the order of chapter twelve of the Waters Act.

(8) The acts establishing violations of Art. 10, Para. 2, item 6 and Art. 11, Para. 2, item 1 shall be drawn up by officials, designated by the order of Chapter Six, Section II, of the Waste Management Act.

(9) The acts establishing violations of Art. 10, Para. 2, item 7 and Art. 11, Para. 2, item 3 shall be drawn up by officials designated by the order of Chapter Eight of the Plants Protection Act.

(10) The acts establishing violations under Art. 31, carried out on an unguarded beach and on a beach for eco-friendly tourism, shall also be drawn up by officials designated by the regional governors.

(11) The acts establishing violations under Art. 30, Para. 3 shall be drawn up by officials designated by the directors of the regional directorates of the Ministry of Interior.

Art. 33. (New – SG 56/19, in force from 16.07.2019) Penal decrees shall be issued:

1. by the Minister of Tourism or officials authorized by him - for the violations established by the order of Art. 32, Para. 1 and 5;

2. by the regional governors or officials authorized by them - for the violations established by the order of Art. 32, Para. 2, 5 and 10;

3. by the competent bodies designated by the order of Chapter Twenty-third of the Spatial Development Act - for the violations established by the order of Art. 32, Para. 3;

4. by the mayor of the municipality or officials authorized by him - for the violations established by the order of Art. 32, Para. 4;

5. by the competent authorities designated by the order of Chapter Six of the Underground Natural Resources Act - for the violations established by the order of Art. 32, Para. 6;

6. by the competent authorities designated by the order of Chapter Twelfth of the Waters Act - for the violations established by the order of Art. 32, Para. 7;

7. by the competent authorities designated by the order of Chapter Six, Section I of the Waste Management Act - for the violations established by the order of Art. 32, Para. 8;



8. by the competent authorities designated by the order of Chapter Eight of the Plant Protection Act - for the violations established by the order of Art. 32, Para. 9;

9. by the directors of the regional directorates of the Ministry of Interior or officials authorized by them - for the violations established by the order of art. 32, Para. 11.

Art. 34. (New – SG 56/19, in force from 16.07.2019) In order to prevent and terminate any administrative violations under this Act, as well as to prevent and eliminate the harmful consequences thereof, the competent authority or officials empowered by him shall apply enforcement administrative measures.

Art. 35. (New – SG 56/19, in force from 16.07.2019) (1) In order to terminate administrative violations established by the order of Art. 32, Para. 1 and 5, as well as to prevent and eliminate the harmful consequences thereof, the Minister of Tourism or an official authorized by him shall:

1. issue mandatory prescriptions for the removal of the violation at the expense of the offender;

2. issue mandatory prescriptions to the offender to remove any beach accessories, whose occupied area violates the percentage ratio under Art. 10, Para. 4, item 1; the offender shall execute the mandatory prescription under sentence one at its own expense;

3. issue mandatory prescriptions to the offender to remove the movable objects under Art. 10, Para. 4, item 2, whose area exceeds the permissible area of movable objects and/or of the additional commercial area from the area of the beach; the offender shall execute the mandatory prescription under sentence one at its own expense;

4. stop any activity of the movable objects under Art. 10, Para. 4, item 2, placed there by the offender, as well as the access to them, including by sealing and closing, until the violation has been remedied;

5. remove the violation at the expense of the concessionaire or tenant.

(2) In order to terminate administrative violations established by the order of Art. 32, Para. 4, as well as to prevent and eliminate the harmful consequences thereof, the mayor of the municipality, or an official authorized by him, shall issue obligatory prescriptions for the removal of the violation at the expense of the offender.

(3) Implementing the enforced administrative measures shall be carried out by a motivated order of the Minister of Tourism, of the mayor of the municipality respectively, or of officials, authorized by them.

(4) The order for the implementation of the enforced administrative measures shall be immediately enforceable.

(5) The order under Para. 3 may be appealed by the interested persons under the order of the Administrative-Procedure Code.

(6) The appeal of the order under Para. 3 shall not stop its execution.

Art. 36. (New – SG 56/19, in force from 16.07.2019) (1) In order to prevent and terminate administrative violations established by the order of Art. 32, Para. 3, enforced administrative measures shall be applied by type, by competent authorities that apply them, and by the way of their implementation, as determined by the Spatial Development Act.

(2) In order to prevent and terminate administrative violations established by the order of Art. 32, Para. 7, enforced administrative measures shall be applied by type, by competent authorities that apply them, and by the way of their implementation, as determined by the Waters Act.

(3) In order to prevent and terminate administrative violations established by the order of Art.

32, Para. 8, enforced administrative measures shall be applied by type, by competent authorities that apply them, and by the way of their application, as determined by the Waste Management Act.

Art. 37. (New – SG 56/19, in force from 16.07.2019) Finding violations, the issuance, appeal and execution of the penalty decrees shall be carried out by the order of the Administrative Violations and Penalties Act.

### **Additional provisions**

§ 1. In the meaning of this act:

1. (revoked - SG 96/17, in force from 02.01.2019, amend. on the entry into force - SG 103/17, in force from 01.01.2018)

2. "Sea shore" is a narrow line of land on the contact and interrelation between the land and the sea. It consists of underwater and above the water part and is characterized by various transverse profile, developed close by the shore line, in the water and land.

3. (new - SG, 27/2013 ) "Shore line" is the line of crossing the surface of the land with the level of the water at the moment of measurement.

4. (new - SG, 27/2013; amend. – SG 40/14) "Sand dunes" are formations resulting from the accumulation of sand as a result of the interaction of sea, land and wind. The basic types of dunes are emerging movable dunes, movable (white) dunes, immovable dunes with grass (grey dunes) and dunes, covered with plants.

5. (new - SG, 67/2008, former p. 3 - SG, 27/2013) "Active beach area" is the area of sea beach, which is used:

a) for carrying out the obligatory activities;

b) (amend. – SG 40/14, repealed – SG 56/19, in force from 16.07.2019)

c) by the visitors of the beach for: placement of paid and not paid (personal) beach facilities; free walking movement on the territory of the beach, including on movable pedestrian paths, comfortable use of the movable sites and facilitating movement and use of the beach services by disabled people.

6. (new - SG, 67/2008, former p. 4 - SG, 27/2013) "Beach items" are umbrellas, lounges, beddings, beach mattresses, etc, used by the visitors of the sea beach.

7. (new - SG, 27/2013; amend. – SG 40/14) "Additional trade area" is part of the sea beach area around movable fast food facilities under Art. 10, Para. 4, p. 2, on which are admitted movable stages and tents, umbrellas, pavilions and other foldable facilities protecting from the sun with tables and chairs for consummation.

8. (new - SG, 27/2013) "Water attraction services" are the service, related to use of sailing vessels for sport, tourism and entertainment for payment and provided under Art. 5, Para. 4 of the Act on Sea Areas, Internal Water Ways and Ports of the Republic of Bulgaria.

9. (new – SG 20/16, in force from 15.03.2016) "Sea beach for ecological tourism" is a sea beach, included in the Annex to Art. 7, para. 9, which in view of the natural resources available needs to be saved through conservation of biodiversity and of ecosystems with wise use of natural resources, and on whose territory business activities shall be prohibited.

§ 2. For unsettles issues in Chapter Three, Four and Five shall be applied the provision of the Spatial Development Act.

## **Transitional and concluding provisions**

§ 3. Heads of trade companies and undertakings under Art. 1, Para. 3 of the Commerce Act on the territory of the Black Sea shore, who in their production activity emit hazardous substances, included in Annexes I and II of the Convention for Protection of Black Sea against Pollution, shall undertake the needed measures for restriction of their emitting in the relevant norms, by developing programmes which are submitted to confirmation by the Minister of Environment and Waters or under Chapter Seven, Section II of the Act on Protection of the Environment, not later than 1 year after the enforcement of this act.

§ 4. The general spatial development plans in force in the scope of which fall the spatial development zones under this act shall be complied with the requirements of Art. 10, 11, 12 and 21 within the term of 2 years after the enforcement of this act.

§ 5. (1) The bans under Art. 10, Para 2 and Art. 11, Para. 2 shall not apply to the legally constructed and permitted sites, as well as to approval of investment designs on acting detailed spatial development plans.

(2) The illegally constructed sites on the territory of the sea beaches and of the sites under Art. 4, Para. 2, p. 1 shall be removed by the persons, who have built them within 1 month term from the enforcement of the act, where the building places shall be re-cultivated by them after removal of the sites.

(3) After expiry of the term under Para. 2 the sites shall be removed within 6 month term by the bodies of the Directorate for national construction control under the conditions and procedure of the Spatial Development Act.

§ 6. The approval of the plans under Art. 18, Para. 1, p. 3, which on the date of the enforcement of this act have been introduced for announcement, adoption and approval under Art. 128 of the Spatial Development Act shall be finalized under the current procedure by in observation of the requirements of this act.

§ 7. The signed by the enforcement of this act concession contracts for parts of the seashore beach line shall be complied with the provision of this act and of the Concession Act, as follows:

1. for the sea beaches, which are outside the construction borders of the urban territories and for which there are not enforced detailed spatial development plans, the concession contracts shall be complied with the conditions of the concession for service;

2. for the sea beaches, which fall thoroughly or partially in the construction borders of the urban territories, for which there are enforce detailed spatial development plans and in whose borders are also included other territories, the concession contracts shall be complied with the conditions of the concession for service, and the provision of the detailed development plans shall be included under Art. 70, Para. 3, p. 3 of the Concession act as duty for additional investment on behalf of the concessioner, which shall include carrying out partial construction mounting works, needed for realization of the detailed development plan;

3. (new - SG, 67/2008) for the sea beaches with acting concession contracts, which include sand dunes, the area of the dunes shall remain in the concession area by termination of the concession contract;

4. (new - SG, 67/2008) apart from the cases under Art. 7, Para. 3 the term of all acting concession contracts shall be extended with the consent of the concessioner by 31 December of the year, in which expires the agreed concession term.

§ 8. (amend. – SG 61/15) \* The borders of "A" zone and "B" zone, defined in Art. 10 and 11 shall be expressed officially in 6-month term from the enforcement of the act on cadastre maps – under Chapter six of the Act on Cadastre and Property Register or on the cadastre plans, approved under the repealed Act on Single Cadastre of Peoples Republic of Bulgaria (publ., SG, 35/ 1979 amend., 102/1981, 45/1984, 104/1996; repealed., 34/2000) and Act on Territorial and Urban Spatial Development (publ., SG, 29/1973, corr., 32/1973, amend. 87/1974, 3 and 102/1977, 36/1979, 3/1980, 45/1984, 19/1985, 36/1986, 14/1988 , 31/1990 ; corr., 32/1990; amend., 15/1991, 63/1995, 104/1996, 41 and 79/1998 ; corr. 89/1998, 124 and 133/1998, 26 and 86/1999, 14 and 34/2000; repealed 1/2001), and on the plans and maps approved under the Act on Property and use of Farm Lands and the Act on Restoration of Property on Forests and Forest Fund Lands – under § 4 of the Transitional and Final Provisions of the Act on Cadastre and Property Register.

§ 9. The ordinances under Art. 6, Para. 7 and under Art. 21, Para. 1, p. 1 shall be issued within 6 month term after the enforcement of the act.

§ 10. (Amend. - SG, 66/2013 in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. – SG 20/16, in force from 15.03.2016) the implementation of the act shall be assigned to the Minister of Regional Development and Public Works and the Minister of Tourism.

§ 11. The act shall come into force from 1 January 2008.

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The act was adopted by the 40th National Assembly on 1 June 2007 and has been sealed by the official stamp of the National Assembly.

**Transitional and concluding provisions**  
**TO THE ACT, AMENDING AND SUPPLEMENTING THE CONCESSION ACT**

(PUBL. - SG, 67/2008)

§ 53. The initiated preparatory actions and open procedure for awarding concession on the date of the enforcement of this act shall be finalized under the current procedure.

.....  
§ 55. The acting concession contracts for sea beaches shall be complied with the provision of Art. 10, Para. 4, p. 1 of the Act on Spatial Development of the Black Sea Coast within the term of 3 months after the enforcement of this act.

§ 56. The provision of § 54, p. 2, on Art. 8, Para. 2, sentence two shall enter into force from 1 January 2009.

**Transitional and concluding provisions**

## **TO THE ACT ON CULTURAL HERITAGE**

(PUBL. - SG, 19/2009 IN FORCE FROM 10.04.2009 )

§ 44. the act shall come into force from 10 April 2009 with the exception of Art. 114, Para. 2 and Art. 126, which shall be enforced from 10 April 2010.

## **Transitional and concluding provisions TO THE ACT, AMENDING THE ACT ON TOURISM**

(PUBL. - SG, 82/2009 IN FORCE FROM 16.10.2009)

§ 59. The act shall be enforced from the day of its publication in the State Gazette.

## **Transitional and concluding provisions TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON CULTURAL HERITAGE**

(PUBL. - SG, 92/2009, IN FORCE FROM 20.11.2009)

§ 48. The act shall be enforced from the day of its publication in the State Gazette.

## **Transitional and concluding provisions TO THE ACT ON PUBLIC-PRIVATE PARTNERSHIP**

(PUBL. - SG, 45/2012, IN FORCE FROM 01.01.2013)

§ 16. The act shall be enforced from 1 January 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which shall be enforced from 1 September 2012.

## **Transitional and concluding provisions TO THE ACT, AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PUBL. - SG, 82/2012, IN FORCE FROM 26.11.2012)

§ 149. The act shall be enforced within 30 day term from its publication in the State Gazette with the exception of § 16, § 35, p. 2 and § 39, which shall be enforced from 1 January 2016.

## **Transitional and concluding provisions**

## **TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON SPATIAL DEVELOPMENT OF THE BLACK SEA COAST**

(PUBL. - SG, 27/2013; AMEND- SG 40/14)

§ 24. (1) The general and detailed spatial development plans under Art. 3, p. 1, approved by the enforcement of this act shall keep their force.

(2) By the enforcement of the norms of Art. 10, Para. 3, p. 2, letters "a" – "d" under §9, p. 3, letter "a" of this act the drafts of general and detailed development plans, whose development has been permitted by the Spatial Development Act or the Act on Saptial Development of the Black Sea Coast, as well as the drafts for amendment of the acting detailed development plans for the territory under Art. 3, p. 1, whose development has been admitted by the competent body, shall be finalized under the provisions in force.

(3) Detailed development plans shall be terminated, providing construction in land properties in the borders of "A" zone and "B" zone or in urban territories of populated areas after the borders of "A" zone, in which fall sand dunes, apart from the cases under Art. 17a.

§ 25. (1) The initiated and not finalized by the enforcement of this act procedures on coordination and approval of investment projects and issuance of permits for construction shall be approved under the current conditions and current procedure.

(2) For date of initiation of procedure for approval of an investment project and issuance of permit for construction shall be considered the date of introduction of the investment project for coordination and approval by the competent body. For initiated procedure shall also be considered availability of coordinated by the competent body idea investment project on the date of the enforcement of this act.

(3) By the reflection of the borders of the sand dunes in the cadastre map and in the specialized maps and registers under Art. 6, Para. 7, the coordination and approval of investment projects and issuance of permits for construction shall be carried out after a written opinion of the Minister of Regional Development and Waters or official, authorized by him/her, certifying that there are no sand dunes in the property.

(4) Investment projects shall not be coordinated and approved and permits for construction shall not be issued in land properties in the borders of "A" zone and "B" zone or in urban territories of populated places after the borders of "A" zone, in which fall sand dunes, apart from the cases under Art. 17a.

§ 26. (revoked – SG 40/14)

§ 27. The initiated preparatory actions and open procedures for awarding concessions at the entry in force of this act shall be finalized under the current procedure.

§ 28. (revoked – SG 40/14)

§ 29. For the unsettled issues the provisions of the Concession Act and the Rules on its implementation shall apply.

§ 30. The borders of "A" zone and "B" zone, defined in Art. 10 and 11 shall be expressed on the cadastre maps under the Act on Cadastre and Property Register or on the cadastre plans, approved under the repealed Act on the Single Cadastre of the Peoples Republic of Bulgaria (publ., SG, 35/1979; amend. 102/1981, 45/1984, 104/1996; repealed 34/2000) and the Act on Territorial and Urban Spatial Development (publ., SG, 29/1973; corr., 32/1973; amend., 87/1974, 3 and 102/1977, 36/1979, 3/1980, 45/1984, 19/1985, 36/ 1986, 14/1988, 31/1990; corr., 32/1990; amend. 15/1991, 63/1995, 104/1996, 41 and 79/ 1998; corr., 89/1998; amend. 124 and 133/1998, 26 and 86/1999, 14 and 34/2000; repealed 1/2001) and on plans and maps, approved under the Act on Property and Use of Farm Lands for restoration of the ownership on forests and forest fund lands – under § 4 of the Transitional and Final Provisions of the Act on Cadastre and Property Register.

§ 31. within 1 year term from the enforcement of this act, the Ministry of Environment and Waters shall provide to the Agency of geodesy, cartography and cadastre information for expression of the sand dunes in the cadastre map and in the specialized maps and registers under Art. 6, Para. 7. Within 6 month term after provision of the information, the borders of the sand dunes shall be expressed on the cadastre map and specialized maps and registers.

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§ 42. Para. 9, p. 3, letter "a" shall come into force 2 years after the publication of the act in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT, AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT**  
**ACT**

(PUBL. - SG, 66/2013, IN FORCE FROM 26.07.2013)

§ 59. In the Act on Spatial Development of the Black Sea Coast (publ., SG, 48/2007.; amend., 36 and 67/2008, 19, 82 and 92/2009 and 45 and 82/2012, 27 and 28/2013) everywhere the words "Minister of Regional Development and Public Works", "Ministry of Regional Development and Public Works" shall be replaced by: "Minister of Regional Development" and "Ministry of Regional Development".

.....

§ 117. The act shall come into force on the day of its publication in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT, AMENDING AND SUPPLEMENTING THE ACT ON THE BLACK SEA**  
**COAST SPATIAL DEVELOPMENT**

(PUBL. - SG, 40/2014; AMEND. – SG 101/15)

§ 20. (1) The schemes for moveable facilities within zone "A" and zone "B" approved prior to the entry into force of this Act shall be brought into compliance with the requirements hereof within six

months from its entry into force.

(2) The moveable facilities allowed under the current procedures which do not comply with the requirements hereof and of the new schemes under paragraph 1 shall be removed by the owners of the plots of land within one month after the approval of the new schemes under paragraph 1. After this deadline the facilities shall be removed under the procedure of article 57a of the Spatial Development Act by the authorities of the National Construction Control Directorate under the procedure of the regulation under article 13, paragraph 6.

§ 21. The concession agreements concluded prior to the entry into force of this Act and contracts for lease of seaside beaches shall be brought into compliance with the provisions hereof within six months of its entry into force.

§ 22. The seaside beach concession granting or lease procedures, started prior to the entry into force of this Act shall be concluded under the existing terms.

§ 23. (1) The Council of Ministers shall adopt a new methodology under article 8, paragraph 2 within three months of the entry into force of this Act.

(2) (revoked – SG 101/15)

§ 24. Until the completion by the Geodesy, Cartography and Cadastre Agency of the activities under article 6, paragraph 7, the seaside beach concession or lease procedure shall be conducted on the basis of an exclusive state property act and/or adopted specialised map for the respective seaside beach, and/or effective amendment of the cadastre map and cadastre registers.

§ 25. (1) The municipal council decisions under article 15, paragraph 2 for 2014 shall be adopted by 15 May at the latest.

(2) In case the municipal council would fail to adopt a decision within the deadline under paragraph 1, the performance of construction and engineering works on the territories under article 15, paragraph 2 shall be prohibited from 31 May to 1 October 2014.

§ 26. Territories of the settlements under article 10, paragraph 1 shall be the territories under § 5, item 6 of the Spatial Development Act, specified with an effective detailed spatial development plan, as applicable on the date of entry into force of this Act.

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§ 29. Paragraph 12, item 2, letter "a" comes into force on March 16, 2015.

### **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.



**Concluding provisions**  
**TO THE ACT AMENDING THE TOURISM ACT**

(PROM. - SG 9/15, in force from 03.02.2015)

§ 6. 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 SUPPLEMENTING THE BLACK SEA COAST SPATIAL**  
**DEVELOPMENT ACT**

(PROM. - SG 20/16, IN FORCE FROM 15.03.2016)

§ 22. (1) Structural regulations of the Ministry of Tourism and Ministry of Regional Development and Public Works shall be brought into conformity with this Act within one month of its entry into force.

(2) The Minister of Finance shall make the necessary changes to the budgets of the Ministry of Tourism and the Ministry of Regional Development and Public Works for 2016, from the entry into force of the amendments to the structural regulations under par. 1.

(3) The employment legal terms and the official legal terms of the employees of the Ministry of Regional Development and Public Works, performing functions as per the Black Sea coast spatial development Act, shall transfer to the Ministry of Tourism under the terms and conditions of Art. 87a of the Civil Servants Act and Art. 123 of the Labour Code, and in accordance with the structural regulations of the administrations.

(4) As of the date of entry into force of this Act, the available information and documentation in connection with the sea beaches in the Republic of Bulgaria, as well as in connection with granting concessions and letting of sea beaches under the Black Sea Coast Spatial Development Act, including in electronic form, shall be submitted by the Minister of Regional Development and Public Works to the Minister of Tourism within one month from the entry into force of this Act, including:

1. the originals of the concluded contracts for concession and rent of sea beaches with all annexes and amendments thereto, as well as the originals, contained in the files of granted concessions and rents;

2. correspondence on applications and open procedures, related to granting concessions and contracts for rent of sea beaches which have not been completed;

3. control and backup files of concluded concession contracts and contracts for rents of sea beaches.

(5) Concessionaires and tenants of the concluded as of the date of entry into force of this Act concession contracts and contracts for rent, shall retain their rights and obligations under the terms of the contracts.

(6) The payments due as of the date of entry into force of this Act shall be administered by the Ministry of Tourism.

(7) The term of all existing concession contracts and contracts for rent which expire until September 30, 2016, shall be extended with the consent of the concessionaire or the tenant until a new contract is concluded with a concessionaire or a tenant, but not later than 31 December 2016.

(8) The control over the contracts concluded at the date of entry into force of this Act for concession and for rent shall be exercised by the Minister of Tourism from the time of receipt of the

documents under par. 4.

§ 23. (1) Administrative and legal proceedings, instituted and pending until the entry into force of this Act, related to procedures for concession or letting of sea beaches, as well as to the fulfillment of obligations under concluded concession contracts and contracts for rent, shall be completed by the Minister of Tourism.

(2) The instituted administrative penal proceedings for established violations of the provisions of Art. 10, para. 4, 6, 7 and 8, Art. 24 and 24a, which have not been completed until the entry into force of this Act, shall be completed by the Minister of Tourism.

§ 24. The terms of the tender for the rental of sea beaches under the Regulation for implementation of the State Property Act for the year 2016 shall be published at least 15 days prior to the deadline for submission of applications for participation, and for subsequent tenders - at least 10 days prior to the deadline for submission of applications for participation.

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§ 26. Within 6 months of entry into force of this Act, the Council of Ministers shall bring the acts of secondary legislation in accordance with the provisions of this Act.

§ 27. The Act shall enter into force from the date of its promulgation in the State Gazette.

#### **Concluding provisions**

### **TO THE ACT AMENDING AND SUPPLEMENTING THE BLACK SEA COAST SPATIAL DEVELOPMENT ACT**

(PROM. - SG 36/16)

§ 3. Paragraph 2 shall enter into force with the entry into force of the terms and conditions for camping outside categorized campgrounds, determined in the Tourism Act.

#### **Concluding provisions**

### **TO THE ACT AMENDING THE ACT ON BULGARIAN FOOD SAFETY AGENCY**

(PROM - SG 58 FROM 2017, IN FORCE FROM 18.07.2017)

§ 76. The act shall enter into force on the day of its promulgation in the State Gazette.

#### **Transitional and concluding provisions**

### **TO THE CONCESSIONS ACT**

(PROM. - SG 96/17, IN FORCE FROM 02.01.2018, AMEND. - SG 103/17, IN FORCE FROM 01.01.2018)

§ 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;

3. (new - SG 103/17, in force from 01.01.2018) paragraph 34, which shall enter into force on 1 January 2019.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON LIMITATION OF**  
**THE ADMINISTRATIVE REGULATION AND THE ADMINISTRATIVE CONTROL**  
**OVER THE BUSINESS ACTIVITY**

(PROM. - SG 103/17, IN FORCE FROM 01.01.2018)  
§ 68. The Act shall enter into force on 01 January 2018.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON THE SEA WATERS,**  
**THE INTERNAL WATER WAYS AND THE PORTS OF THE REPUBLIC OF BULGARIA**

(PROM. - SG 28/18)

§ 49. (1) The Council of Ministers shall adopt the Maritime Spatial Plan of the Republic of Bulgaria by 31 March 2021.

(2) The requirement for compliance with the Maritime Spatial Plan of the Republic of Bulgaria shall not apply to the draft detailed spatial development plans under Art. 52b, para. 1, specialized spatial development plans under Art. 112e, specialized schemes under Art. 22, Para. 1 of the Act on the Black Sea Coast Spatial Development.

**Concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON THE BLACK SEA**  
**COAST SPATIAL DEVELOPMENT**

(PROM. – SG 56/19, IN FORCE FROM 16.07.2019)

§ 13. The ordinances under Art. 10a, Para. 3 and Art. 21, Para. 1, item 7 shall be issued within 6 months after the entry into force of this Act.

§ 15. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 9 concerning Art. 24c, which shall enter into force within one year from the entry into force of the ordinance under Art. 10a, Para. 3.

**Transitional and concluding provisions**  
**TO THE ACT SUPPLEMENTING THE CONCESSIONS ACT**

(PROM. - SG 60/19, IN FORCE FROM 30.07.2019)

§ 2. (1) (In force from 01.01.2019) The activities for awarding sea beach concessions, for which

a decision of the Council of Ministers is adopted under the repealed Art. 8e, Para. 1 of the Act On The Black Sea Coast Spatial Development, shall be completed pursuant to the repealed Chapter Two "a" of the Act On The Black Sea Coast Spatial Development.

(2) (In force from 01.01.2019) The contracts concluded on the basis of the activities under Para. 1, regardless of the date on which they were concluded, shall retain their validity and are to be fulfilled in accordance with the terms and conditions agreed in them.

(3) The provisions of Chapter Two "b" of the Act On The Black Sea Coast Spatial Development regarding the amendment, termination and duration of a concession contract shall apply to the contracts under Para. 2.

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§ 7. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 2, Para. 1 and 2 which shall enter into force on January 1st, 2019.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE REGIONAL DEVELOPMENT**  
**ACT**

(PROM. - SG 21/20, IN FORCE FROM 13.03.2020)

§ 56. 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 SUPPORT TO**  
**AGRICULTURAL PRODUCERS ACT**

(PROM. - SG 102/22, IN FORCE FROM 01.01.2023)

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§ 106. The act shall enter into force on January 1st, 2023, with the exception of Art. 33a, Para. 2 which enters into force on March 1st, 2023.

Appendix to Art. 7, par. 9  
(new – SG 20/16, in force from 15.03.2016 )

1. Sea beach Irakli.
2. Sea beach Bjala – Karadere.
3. Sea beach Coral.

Editor`s note

\* **Editor`s note:** The amendment to this issue of the State Gazette refers to replacing a word with its synonym, which is practically untranslatable in English.