

УДК 502.3:502.175

JEL Classification: K33, K42, Q5

## SYNCHRONIZATION BETWEEN BULGARIAN AND EUROPEAN LEGISLATION ON CONSERVATION OF AIR QUALITY

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*The article examines and analyzes the legal requirements and policies of EU in the field of conservation of air quality and its application in Bulgarian legislation. In the examined field the national legislation is fully synchronized with EU requirements.*

**Keywords:** *protection of clean air, atmospheric air quality, European Environmental Law.*

**Problem statement.** Legal issues related to the conservation air quality, are extremely relevant to the present day, and will continue to be of interest to both legal theory and the enforcement of the legislation on environmental protection.

Subject of this study are the legal aspects of the current European Union (EU) Law related to the protection of the environment and, in particular, to the current legislation in the field of Clean Air and the synchronization of the Bulgarian legislation with it. Attention will be directed only to that EU legislation in this area, which is binding and is addressed to all Member States, because it represents the greatest interest for the Republic of Bulgaria in the light of commitments to full EU membership. However, those EU legal acts, which are: a) non-binding; b) of a temporary effect; c) addressed to only one member state or associated with it, will not be considered.

When analyzing the EU legal acts in this field, only those acts of Bulgarian legislation relating directly to the regulated by the EU acts ground will be mentioned as well as the legal measures taken by our country for the purpose of synchronization of the Bulgarian legislation with the EU *acquis* in this area. While comparing our

legislation with the relevant EU legislation, the attention will be focused primarily on their conformity with the requirements laid down in the latest EU legal acts.

**Legal Framework of the European Union on Protection of Ambient Air.**

Air pollution poses serious risks to human health and the environment in the EU. In the last few decades, this problem, caused by the increasing human impact on the environment, has become increasingly topical. This situation is a typical example of the conflict between economic and environmental interests of society. Contemporary globalization of problems with environmental protection (for example - the greenhouse effect, ozone layer, transboundary air pollution, etc.), require international cooperation in solving them. Therefore, the development and implementation of Community environmental law in the EU and its synchronization with the national law of each State of the Union is the only alternative to providing a legal basis for the protection of the environment and keeping of high standards of the local policy for protection of ambient air.

**Review of the Environmental Protection Policy.**

Environmental protection and air quality in particular are vital for both the EU and the associated countries. No part of the General Legislation of the Community (acquis communautaire) can not in practice be separated from the rest.

EU environmental policy is based on the fundamental principle of joint development of the economy, the market economy and environmental protection. In essence, it is a set of ideas, principles and practical approaches to solving environmental problems grounded on and implemented through the relevant mandatory or optional acts [1].

Legal basis for the environmental policy of the European Community (EC) is the EU Treaty of Maastricht [2] where the protection of the environment is included as one of the objectives of the Union. The exact formula (Art. 2) is recorded as reaching a "high level of protection and improvement of environmental quality." The Maastricht Treaty (Title XIX) no longer speaks of "environmental action" but of "environmental policy". Art. 174 specifies the objectives, principles and conditions for the development of environmental protection policy, art. 175 settles the procedure for decision-making and art. 176, though only in general, outlines the relationship between national law and Community law.

The basic principles of environmental policy are:

1. Principle of protection.
2. Principle of prevention.
3. The "polluter pays" principle.
4. Principle of minimization.
5. Principle of "sustainable and high level of protection."
6. Principle of complementarity (principle of subsidization).
7. Principle of integration.

EU creates legal norms - the so called Acts of the European Union. The objectives laid down in the EU treaties are achieved through four types of instruments (Art. 189 EU Treaty, now Art. 24): regulations, directives, decisions and recommendations.

The effect of these laws is set down under Art. 249 of the EU Treaty and the amendments. Some of them are mandatory, while others do not. Some apply to all EU countries, while others only to a few.

A regulation is a legislative act that has "comprehensive application". It has direct validity and is binding in each Member State. "

The directive sets targets to be achieved by the Member States within a specified period. This period allows national governments to adapt to the new regulations.

The directive is a legal norm "... mandatory for each Member State to which it is directed to with respect to the goals to be achieved, but leaves the form and methods of their implementation and passing to the discretion of the national authorities of the Member States." Directives usually bring in norms and standards for limits on emissions of hazardous and noxious substances);

According to the EC Treaty decisions are "... fully binding on those to whom they are intended" (eg. an EU country or enterprise) and apply directly.

Recommendations (opinions) are tools that allow the institutions to make a statement without imposing legal obligations on those to whom they are directed.

### **Hierarchy in Protection of Ambient Air.**

Since environmental issues related to protection of the atmospheric air in their entirety are complex, for their successful resolution the European law focuses on the creation of "preventive" legislation and common standards, procedures for quality control of air including:.

- determining common quality standards for air pollutants by types and levels of air pollution;

- determining (national) limits of the total emissions of pollutants;

- developing legislation that is aimed specifically at the sources and sectors (industry, vehicles, fuel quality, energy production, etc.).

The requirements of EU legislation and the policies to protect ambient air in the EC are applied by priority to the following sectors and types of air pollutants:

- Air quality;

- Quality of liquid fuels;

- Large combustion plants and industrial processes;

- Volatile organic compounds;

- Substances that deplete the ozone layer (ODS);

- Fluorinated greenhouse gases (F-Gases);

Founding legislation (regulations, directives and decisions) in the EU engaged in the legal protection of ambient air are:

- Convention on transboundary air pollution over long distances (Protocols, Decisions);

- Framework directives and decisions of the EU;
- European strategies and programs;

Convention on Long Range Transboundary Air Pollution [] was signed in Geneva in 1979 by the governments of 34 countries and the European Community and entered into force in 1983. It is the first international legal document relating to the management of air quality on a regional scale. In the period 1984-1999 the Convention was supplemented by 8 records. At present, 50 countries are parties to the Convention. Its basic principles are:

- restriction and gradual reduction and prevention of air pollution, including transboundary air pollution over long distances /art.2/;

- exchange of information, consultation, research work and monitoring for the development of policy and strategy as a means of combating the discharge of air pollutants /art.2/;

- exchange of information, research work and technical measures aimed at combating the discharge of air pollutants and transboundary air pollution over long distances /art.4/;

- timely consultations between the countries practically affected by transboundary pollution of air /art.5/.

Key European Directives relating to limit concentrations of specific pollutants in ambient air are:

- Frame Directive 96/62 / EC on the assessment and management of ambient air quality (AAQ)

- Directive 99/30 / regarding emission of sulfur dioxide, nitrogen oxides, lead and particulate matter (PM) in ambient air;

- Directive 2001/80 / EC on the limitation of emissions of certain pollutants into the air from LCP;

- Directive 2000/69 / EU on emission levels of gas and carbon monoxide in ambient air;

- Directive 2002/3 / on emission levels of tropospheric ozone in ambient air (repealing 92/72 / EC);

- Directive 2004/107 / EC of the European Parliament and of the Council on the content of arsenic, cadmium, nickel and polycyclic aromatic hydrocarbons in ambient air;

- Directive 99/13 / EC on the limitation of emissions of VOCs in certain industrial activities;

The main objectives of the European Community Directives relating to the permissible concentrations of pollutants in ambient air are:

- establishing of standards for ambient air quality in the Community for polluters;

- guaranteeing common methods and criteria in the assessment of air quality;
- providing information about air quality and its delivery to the public;
- guaranteeing the maintenance of ambient air quality in the places where it is good and its improvement in the other cases;

Long-term objectives of the European strategy for protection of ambient air:

- reducing by 47% the expected loss of life as a result of exposure to certain substances;

- reducing of deaths due to exposure to ozone pollution by 10%;

- reducing by 74% and 39% respectively the acidification of forest areas and surface water;

- reducing by 43% the areas or ecosystems exposed to eutrophication;

To achieve long-term objectives the SO<sub>2</sub> emissions must be reduced by 82%, NO<sub>x</sub> emissions by 60 percent, VOC emissions by 51%, ammonia emissions by 27% and emissions of PM 2.5 by 59% compared to the values in 2000.

#### **National Legislative Framework on Preservation of Ambient Air.**

The synchronization of European legislation in the field of preservation of ambient air was launched in 2000 with the entering into force of Regulation №7 / 1999 for assessment and management of air quality. The regulation introduced into the national law the requirements of the Framework Directive 96 / 62ES for assessment and management of air quality.

Consistently, in the period 2000–2007, the four daughter directives of the Framework Directive 99/30 / EC (2002/3 / EC, 2000 / 69ES and 2004/107 / ES) for the emissions of sulfur dioxide, nitrogen oxides, lead and particulate matter (PM) in ambient air were transposed in the national law.

This synchronization in Bulgarian legislation regulates the relevant emission content of atmospheric pollutants, the specific requirements for the number and type of stations for monitoring of the air, reference methods and tools for the measurement of atmospheric pollutants, frequency and duration of measurements, providing information to the population, exchange of information and reporting to the European Union.

In 2010 Directive 2008/50 / EC on ambient air quality was transposed to the national legislation.

In the period 2011 - 2013 the Major European legislation on Protection of Ambient air (regulations, directives and decisions) in the field of Air Quality, Quality of liquid fuels, large combustion plants and industrial processes, volatile organic compounds that deplete the ozone layer, Fluorinated greenhouse gases were also synchronized with the Bulgarian legislation [4].

Major national regulation for the protection of the atmosphere is the Clean Air Act (promulgated. - SG. 45 1996 .; SG. 99 SG. 102/2006) []. The Act sets the goal to protect the health of the people and their offspring, the animals and plants and their communities and habitats, natural and cultural treasures from the harmful effects of pollution .

**Conclusions and directions of feather researches.** From the above-discussed legislation, some general conclusions can be made:

1. There is a large number of national legislation in the field of protection of the ambient air in our country. As a result of the EU membership and the ongoing European integration, the Republic of Bulgaria is successfully adapting our national legislation in this field to the European environmental legislation.

2. The Republic of Bulgaria participates in a number of bilateral and multilateral agreements in the field of protection of the ambient air. In this area, Bulgarian legislation is fully synchronized with the requirements of the EU legislation.

3. Efficient application of the above mentioned national legislation guarantees the implementation of a state environmental policy which observes the fundamental rights of Bulgarian citizens to a healthy and favorable environment acc. art. 55 of the Constitution of the Republic of Bulgaria.

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**СИНХРОНИЗАЦІЯ БОЛГАРСЬКОГО І ЄВРОПЕЙСЬКОГО ЗАКОНОДАВСТВО В  
СФЕРІ ЗБЕРЕЖЕННЯ ЧИСТОТИ АТМОСФЕРНОГО ПОВІТРЯ**

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У статті розглядаються правові вимоги та політики по в галузі охорони атмосферного повітря та його застосування в болгарському законодавстві. Проаналізовані області в національному законодавстві, що повністю синхронізується з вимогами ЄС.

**Ключові слова:** захист чистого повітря, якість атмосферного повітря, Європейське екологічне законодавство.

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В статье рассматриваются правовые требования и политики в сфере охраны атмосферного воздуха и его применение в болгарском законодательстве. Проанализированы сферы в национальном законодательстве, что полностью синхронизируется с требованиями ЕС.

**Ключови думи:** защита чистого воздуха, качество атмосферного воздуха, Европейское экологическое законодательство.