

Soils Act

Promulgated, SG No. 89/6.11.2007, amended, SG No. 80/9.10.2009, SG No. 98/14.12.2010, effective 1.01.2011, SG No. 92/22.11.2011

Text in Bulgarian: Закон за почвите

Chapter One GENERAL PROVISIONS

Article 1. (1) This Act shall regulate social relations in connection with the protection of soils and their functions, as well as their sustainable use and long-term restoration as an environmental medium.

(2) Soils are a national wealth and a scarce, irreplaceable and essentially non-renewable natural resource, and their protection is a priority and obligation of state and municipal authorities and of natural and legal persons.

Article 2. The purposes of this Act are:

1. prevention of soil degradation and damage to soil functions;
2. lasting protection of soil functions;
3. restoration of damaged soil functions.

Article 3. Soil protection, use and restoration shall be based on the following principles:

1. an ecosystem and comprehensive approach;
2. sustainable use of soils;
3. a priority of preventive control to forestall or limit soil degradation and damage to soil functions;
4. applying good practices in soil use;
5. the polluter pays for the damage caused;
6. public awareness of the environmental and economic benefits of soil protection from degradation and of measures to preserve soils.

Chapter Two MANAGEMENT BODIES FOR SOIL PROTECTION, SUSTAINABLE USE AND RESTORATION

Article 4. (1) State policy for soil protection, sustainable use and restoration at a national level shall be implemented by the Minister of Environment and Water, the Minister of Agriculture and Food, the Minister of Health, and the Minister of Regional Development and Public Works.

(2) Other ministers and heads of central-government departments concerned shall likewise take part in the implementation of the state policy referred to in Paragraph (1), each within his or her respective competences.

(3) Soil protection, use and restoration policy shall be implemented at a regional level by regional governors and at a local level by municipal mayors.

(4) The authorities covered under Paragraphs (1) to (3) shall ensure public participation in decision-making and in the development of strategies, programmes and plans for soil protection, sustainable use and restoration.

Article 5. (1) The Minister of Environment and Water:

1. shall develop a National Programme for Soil Protection, Sustainable Use and Restoration in accordance with the procedure set out in Chapter Five, jointly with the authorities covered under Article 4 (1) and (2);

2. shall coordinate the activities of the authorities covered under Article 4 (1) to (3);

3. shall assign scientific and applied research as a basis for management decisions and for the drafting of statutory instruments;

4. shall prepare and provide observations on draft statutory instruments in the field of soil protection, sustainable use and restoration;

5. shall ensure public participation in decision-making in connection with soil protection, sustainable use and restoration;

6. shall exercise coordination and control compliance with the requirements set out in this Act;

7. shall manage soil monitoring as part of the National Environmental Monitoring System;

8. shall implement the control referred to in Item 1 of Article 31 (1);

9. shall draft an annual report on the state of soils as part of the National Report on the State of the Environment;

(2) The Minister of Environment and Water shall receive assistance in his or her activities from the Executive Environment Agency, the Regional Inspectorates of Environment and Water (RIEW) and the Advisory Council on Soil Protection, Sustainable Use and Restoration.

(3) The Executive Director of the Executive Environment Agency:

1. shall implement soil monitoring as part of the National Environmental Monitoring System;

2. shall establish and maintain a register of areas with degraded soil;

3. shall organize the development and publication of periodical and information newsletters and data sheets on soils.

(4) The Directors of RIEWs:

1. shall implement soil monitoring under Item 1 of Article 27 (3) at a regional level, the scope and contents being endorsed by order of the Minister of Environment and Water;

2. shall implement the control referred to in Item 10 of Article 13, Articles 16 to 18 and with the Environmental Protection Act and the Waste Management Act on the territory of the respective RIEW;

3. shall exercise control over the conduct of self-monitoring under Article 29 (1);

4. shall implement preventive and current control;

5. shall make recommendations for the inclusion of areas with degraded soils in the register stipulated in Article 21 and shall participate in the inventorying of such areas;

6. shall assist in the process of developing and reporting the implementation of the National Programme for Soil Protection, Sustainable Use and Restoration under Article 24 (1);

7. shall ensure the participation of representatives of RIEWs in:

(a) land assigned-use alteration commissions in accordance with Article 17 (4) of the Agricultural Land Conservation Act;

(b) disturbed ground reclamation commissions in accordance with Article 19 (3) and (4) of the Regulations for Application of the Agricultural Land Conservation Act (promulgated SG No. 84/1996; amended, No. 100/1997, Nos. 14, 48 and 63/2000, Nos. 41 and 66/2001, No. 31/2003, No. 41/2004, Nos. 75 and 78/2006, No. 62/2007);

(c) municipal and administrative regional expert boards on spatial development and in connection with Items 1 and 2 of Article 13;

(d) (amended, SG No. 80/2009) technical councils at the forestry directorate departments for making decisions related to forest-management designs, plans and programmes and in connection with Item 5 of Article 13.

(5) The Advisory Council on Soil Protection, Use and Restoration shall be an auxiliary body to the Minister of Environment and Water and:

1. its composition shall be determined by order of the Minister of Environment and Water and shall include representatives of the bodies covered under Article 4 (1) to (3) and of organizations concerned;

2. the Advisory Council shall prepare observations on strategies, programmes and statutory instruments for soil protection, sustainable use and restoration and shall propose measures to improve the activities of state and municipal authorities in this area;

3. the activities of the Advisory Council shall be governed by regulations endorsed by the Minister of Environment and Water.

Article 6. The Minister of Agriculture and Food:

1. shall organize activities for the protection, sustainable use and restoration of agricultural land in accordance with this Act, the Agricultural Land Conservation Act and the Plant Protection Act;

2. shall develop and maintain a continually updated information system on soil resources;

3. shall implement the control referred to in Item 2 of Article 31 (1);

4. shall provide information to the Minister of Environment and Water within his or her competence;

5. shall participate in the development of the National Programme under Article 24 (1) and of statutory instruments in the field of soil protection, sustainable use and restoration.

Article 7. The Executive Director of the Executive Forestry Agency:

1. shall organize activities for soil protection, sustainable use and restoration in the forest stock in accordance with this Act and the Forestry Act;

2. shall implement the control referred to in Item 4 of Article 31 (1);

3. shall provide information to the Minister of Environment and Water within his or her competence;

4. shall participate in the development of the National Programme under Article 24 (1) and of statutory instruments in the field of soil protection, sustainable use and restoration.

Article 8. The Minister of Health:

1. shall organize the implementation of a health risk assessment and the development of measures to mitigate the harmful effects of degraded soils on human health;

2. shall participate in the development of the National Programme under Article 24 (1) and shall coordinate statutory instruments determining the content of harmful substances in soils;

3. (amended, SG No. 98/2010, effective 1.01.2011) shall assign the directors of regional health inspectorates to carry out a survey of the content of harmful substances in cases of soil pollution in:

(a) sanitary protected areas of water sources and drinking and household water supply facilities and around sources of mineral water used for therapeutic, prophylactic, drinking and hygienic purposes;

(b) urbanized areas or arable agricultural land where the pollution can pose a direct or indirect risk to human health in cases of direct contact with the polluted soils or through the cultivation of agricultural crops;

4. shall provide information to the Minister of Environment and Water within his or her competence.

Article 9. The Minister of Regional Development and Public Works:

1. shall organize monitoring and geohazards protection of landslide-hazard areas;

2. shall determine measures for containment of erosion and abrasion processes in accordance with the procedure set out in Chapter Four, Section VII of the Spatial Development Act;

3. shall implement the control referred to in Item 3 of Article 31 (1);

4. shall provide information to the Minister of Environment and Water within his or her competence;

5. shall participate in the development of the National Programme under Article 24 (1) and shall coordinate statutory instruments in the field of soil protection, sustainable use and restoration.

Article 10. Regional Governors:

1. shall develop and implement programmes for soil protection, sustainable use and restoration in the respective administrative region in accordance with the National Programme under Article 24 (1);

2. shall interact with local self-government authorities and the local administration;

3. shall implement the control referred to in Item 5 of Article 31 (1).

Article 11. Municipal Mayors:

1. shall develop and implement the programmes under Article 26;

2. shall make proposals for the inclusion of areas with degraded soils in the register under Article 21;

3. shall implement the control referred to in Item 6 of Article 31 (1).

Chapter Three

SOIL PROTECTION AND SUSTAINABLE USE

Article 12. Processes which degrade soils shall be as follows:

1. erosion;

2. acidification;

3. salinisation;

4. compaction;
5. organic matter decline;
6. contamination;
7. sealing;
8. landslides.

Article 13. For the purpose of soil protection and sustainable use and containment of the processes covered under Article 12, the following shall be prohibited:

1. destruction of existing erosion proofing and irrigation and land reclamation facilities in cases where this leads to soil degradation;
2. destruction of existing landslide containment and consolidation facilities;
3. use of agricultural practices leading to salinisation, acidification and contamination of soils with harmful substances;
4. use of soil cultivation technologies which lead to erosion, compaction and damage to the soil structure;
5. destruction of or disturbance to the integrity of protective forest belts;
6. irrigation with polluted water which contains harmful substances in excess of the permissible levels
7. disposal into soils of sewage sludge which does not meet the requirements of the Ordinance on the Procedure and Manner for Recovery of Sewage Sludge through its Use in Agriculture (SG No. 112/2004);
8. application of fertilizers, compost and other improving agents, biologically active substances and nutrient substrates to soils which do not meet the conditions defined in the Plant Protection Act;
9. use of pesticides which do not meet the requirements set out in the Ordinance on Plant Protection Products Authorization (promulgated SG No. 81/2006, amended, No. 62/2007);
10. implementation of manufacturing activities leading to salinisation, acidification and contamination of soils with harmful substances;
11. incineration or any other form of uncontrolled final disposal, abandonment and unauthorized dumping of waste on the soil surface, including agricultural waste, outside the scope of the Waste Management Act;
12. burning of stubble and other plant residues on the soil surface.

Article 14. (1) The degree of soil contamination shall be determined by means of standards for permissible content of harmful substances in soils in accordance with an ordinance of the Minister of Environment and Water, the Minister of Agriculture and Food and the Minister of Health.

(2) The standards for permissible content of harmful substances in soils referred to in Paragraph (1) shall be determined at three levels:

1. safe concentrations;
2. maximum permissible concentrations;
3. intervention concentrations.

Article 15. (1) For the purpose of protection of the humus layer, which is subject to special protection, the following shall be prohibited:

1. destruction or contamination of the humus layer;
2. spreading a humus layer directly onto salinised and contaminated layers;
3. storage of humus for more than 15 years;
4. storage of humus in depots of a height exceeding 10 m.

(2) The procedure for the use of the humus layer shall be determined by Ordinance No. 26 on the Reclamation of Disturbed Ground, Improvement of Unproductive Land, Removal and Use of the Humus Layer (promulgated SG No. 89/1996, amended, No. 30/2002).

Article 16. Legal or natural persons which or who own or use land properties shall be prohibited from degrading the soils in their own and in neighbouring land properties and shall be obliged to take measures to prevent harmful modifications in them.

Article 17. The owners and users of underground, surface and overhead physical infrastructure networks and facilities shall be obliged to maintain them in serviceable condition and to prevent soil Degradation.

Article 18. The owners and operators of landfills of waste, including tailings ponds, slime ponds , etc., as well as of installations for storage of waste and/or dangerous chemical substances, preparations and products, shall organize and operate the said installations in a manner precluding soil Degradation.

Chapter Four

INVENTORYING AND SURVEYING AREAS WITH DEGRADED SOILS. RESTORATION OF DAMAGED SOIL FUNCTIONS. RECLAMATION OF DISTURBED GROUND

Article 19. The purpose of restoration of the functions of degraded soils shall be as follows:

1. preventing risks to the environment and to human health;
2. protection of the other environmental media covered under Article 4 of the Environmental Protection Act;
3. improving soil fertility in agricultural and forestry use.

Article 20. (1) Inventorying and surveying areas with degraded soils and restoration of damaged soil functions shall be implemented through:

1. preliminary surveys and research;
2. detailed surveys, including an assessment of risks to the environment and to human health;
3. developing and implementing projects for the restoration of areas with degraded soils;
4. monitoring and maintenance of the areas with restored soil functions.

(2) (Amended, SG No. 80/2009) Inventorying and surveying of areas with degraded soils, the necessary restoration measures and the maintenance of restoration activities shall be implemented in accordance with ordinances adopted by the Council of Ministers on a motion by the Minister of Agriculture and Food with regard to Items 1 to 5 of Article 12, the Minister of Environment and Water with regard to Item 6 of Article 12, and the Minister of Regional Development and Public Works

with regard to Item 7 and 8 of Article 12, each within his or her competences.

Article 21. The Executive Environment Agency shall establish and maintain a register of areas with degraded soils, containing information about the location, the source of degradation, the type and the area of degradation, a risk assessment and an estimate of the funds spent on the survey and restoration.

Article 22. Restoration of areas with degraded soils shall be implemented by the party which caused the degradation, and in cases where this party is not identified, by the owner or user of the said areas.

Article 23. (1) In cases of disturbed ground, reclamation projects shall be implemented in accordance with the procedure stipulated in the Agricultural Land Conservation Act and the Subsurface Resources Act.

(2) Projects referred to in Paragraph (1) shall be cleared with the Minister of Environment and Water and written observations of the respective RIEW shall be attached thereto.

(3) A fee determined by the rate schedule of fees collected within the system of the Ministry of Environment and Water shall be collected for the clearance of reclamation projects.

Chapter Five

PROGRAMMES FOR SOIL PROTECTION, SUSTAINABLE USE AND RESTORATION

Article 24. (1) The Minister of Environment and Water, together with the authorities covered under Article 4 (1) and (2), shall develop a National Programme for Soil Protection, Sustainable Use and Restoration and shall submit it for approval by the Council of Ministers.

(2) The programme referred to in Paragraph (1) shall be subject to an environmental assessment in accordance with the procedure set out in the Environmental Protection Act.

(3) The National Programme for Soil Protection, Sustainable Use and Restoration shall be developed for a 10-year period and shall contain:

1. an analysis and assessment of the condition of the soils and of the sources of soil degradation, disaggregated by sector of the national economy;
2. an assessment of the opportunities and restrictions at an international and domestic level;
3. the objectives and priorities for soil protection, sustainable use and restoration;
4. sources of funding for attainment of the objectives;
5. a five-year action plan with specific institutional, organizational and investment measures, timelines, responsible institutions, resources needed and sources of funding;
6. a schedule of organization, monitoring and reporting on the implementation of the action plan;
7. an assessment of the results and, if needed, changes in the measures referred to in Item 5.

(4) The main criteria in determining the priorities of the National Programme for Soil Protection, Sustainable Use and Restoration shall be:

1. sustainable use of soils as a natural resource;
2. protection and improvement of soil fertility;

3. reduction of harmful effects on soils caused by natural processes and phenomena and by anthropogenic factors;
4. prevention and reduction of risks to human health and protection of the other environmental media;
5. compliance with the principles of sustainable development, including the principles of organic agriculture;
6. restoration of damaged soil functions;
7. obligations assumed by the State under international instruments related to soils.

(5) The Minister of Environment and Water shall report to the Council of Ministers on an annual basis on the implementation of the plan referred to in Item 5 of Paragraph (3) as part of the report on the National Environmental Strategy.

Article 25. (1) Regional governors shall develop programmes for soil protection, sustainable use and restoration in the administrative region in accordance with the National Programme under Article 24 (1) for a period of at least 5 years.

(2) The programmes referred to in Paragraph (1) shall be an integral part of the administrative regional development programmes.

Article 26. (1) Municipal mayors shall develop programmes for soil protection, sustainable use and restoration in the municipality in accordance with the programmes under Article 25 (1) for a period of at least 3 years.

(2) The programmes referred to in Paragraph (1) shall be an integral part of municipal environmental protection programmes.

Chapter Six

SOIL MONITORING

Article 27. (1) Soil monitoring shall be part of the National Environmental Monitoring System and shall include the collection, assessment and summarization of information on soils by means of periodic monitoring and measurement of particular qualitative and quantitative indicators characterizing soil condition and changes as a result of the impact of natural and anthropogenic factors, as well as the maintenance of an information system and early warning systems.

(2) The objective of soil monitoring shall be to analyze the current condition of soils, identify negative processes in good time, and forecast their development.

(3) The data needed for the implementation of soil monitoring shall be received from the following sources:

1. soil monitoring networks, consisting of posts and testing grounds;
2. self-monitoring by the operators under Item 1 of Article 29 (1) and by the initiators of development proposals under Item 2 of Article 29 (1);
3. the information system under Article 30 (1);
4. the information under Item 4 of Article 6, Item 3 of Article 7, Item 4 of Article 7 and Item 4 of Article 9.

Article 28. The soil monitoring procedure shall be determined by an ordinance of the Minister of Environment and Water.

Article 29. (1) The following shall conduct self-monitoring:

1. the operators of manufacturing facilities and installations listed in Annex 4 to Article 117 (1) of the Environmental Protection Act;
2. the initiators of development proposals for which an environmental impact assessment is conducted in accordance with

the procedure stipulated in the Environmental Protection Act and for which an integrated permit is issued.

(2) The parties referred to in Item 1 of Paragraph (1) shall conduct self-monitoring of the soils within the boundaries of the sites where the facilities and installations are located in accordance with the conditions and procedure determined in the integrated permit issued under the procedure set out in Chapter Seven, Section II of the Environmental Protection Act.

(3) The parties referred to in Item 2 of Paragraph (1) shall conduct self-monitoring of the soils within the boundaries of the sites on which they implement the development proposals.

(4) The conditions and procedure for conduct of monitoring under Paragraph (2) shall be cleared with the RIEWs and the Executive Environment Agency within the framework of the integrated permit issuing procedure.

(5) For the conduct of monitoring, the parties referred to in Item 2 of Paragraph (1) shall draft a plan for self-monitoring on the basis of the conditions set out in the Environmental Impact Assessment (EIA) decisions. Any such plan shall be cleared with the RIEWs and the Executive Environment Agency within the framework of the EIA procedure.

(6) Upon the clearance procedure under Paragraphs (4) and (5), the respective competent authorities shall determine the information under Item 2 of Article 27 (3), as well as the procedure and method of providing the information.

(7) The parties referred to in Paragraphs (2) and (3) shall keep the information on the self-monitoring for a period of at least 15 years.

Article 30. (1) (Amended, SG No. 80/2009, SG No. 92/2011) The Ministry of Agriculture and Food shall establish and maintain an information system on soil resources in accordance with the Agricultural Land Conservation Act and with this Act.

(2) The following shall be carried out by means of the information system referred to in Paragraph (1):

1. inventorying of the soil resources of the country;
2. providing data on the condition of soil resources by means of ground and remote sensing methods in order to compile maps based on a geographical information system;
3. providing data on the main characteristics and properties of soil resources;
4. determining the spatial distribution and productive potential of soil resources on the basis of uniform systematization of soils for use in agriculture and forestry;
5. providing data and assessments of compulsory restrictions on the use of soils;
6. providing information on sustainable use of soils.

(3) The information covered under Paragraph (2) shall be in the public domain.

Chapter Seven CONTROL

Article 31. (1) Control over soil protection, sustainable use and restoration shall be implemented by:

1. the Minister of Environment and Water or officials empowered by the Minister, with regard to Item 10 of Article 13, Articles 16 to 18, to implementation of the programmes under Article 24 (1) and Article 25 (1), as well as with regard to the Environmental Protection Act and the Waste Management Act;

2. the Minister of Agriculture and Food or officials authorized by the Minister, with regard to Items 3, 4, 6, 7, 8, 9 and 12 of Article 13, Article 15 (1) and Article 16, and with regard to the Agricultural Land Conservation Act and the Plant Protection Act;

3. the Minister of Regional Development and Public Works or officials authorized by the Minister, with regard to Items 1 and 2 of Article 13, and with regard to the Spatial Development Act;

4. the Executive Director of the Executive Forestry Agency or an official authorized by the Chairperson with regard to Items 1, 2, 4, 5, 11 and 12 of Article 13 and with regard to the Forestry Act;

5. regional governors, with regard to the implementation of the programmes under Article 26;

6. municipal mayors, with regard to Item 11 of Article 13.

(2) Parties subject to control shall ensure access to all sites and shall provide the necessary information to the respective competent authorities upon the implementation of their control functions.

Article 32. Control over soil protection, sustainable use and restoration shall be preventive, current and follow-up.

Article 33. (1) The purpose of preventive control shall be to prevent soil degradation and shall be implemented in accordance with:

1. the Environmental Protection Act, through:

(a) an environmental assessment upon the approval of plans and programmes under Chapter Six, Section II of the same Act;

(b) an environmental impact assessment under Chapter Six, Section III of the same Act;

(c) integrated permits under Chapter Seven, Section II of the same Act;

2. the Protected Areas Act, by means of management plans of protected areas;

3. the Biological Diversity Act, by means of management plans for special protection areas.

(2) Preventive control shall also cover:

1. soil use regimes in accordance with the ordinances referred to in Article 20 (2) and with the Agricultural Land Conservation Act;

2. prohibitions to perform particular activities in accordance with Article 13 and Article 15 (1).

Article 34. (1) Current control shall be implemented by means of document examination and/or on-site inspection and shall cover:

1. the condition of the soils;

2. activities which could degrade the soils;

3. the implementation of:

(a) plans and programmes for soil protection, sustainable use and restoration;

(b) measures contained in the observations on environmental assessments in environmental impact assessment decisions and in permits issued in accordance with the Environmental Protection Act;

(c) investment projects and development proposals.

(2) Upon the implementation of current control, the respective competent authorities under Article 31 (1) shall, where necessary, issue mandatory prescriptions on the basis of memorandums of ascertainment drawn up on detected violations.

Article 35. Follow-up control shall be implemented through inspection of the implementation of the prescriptions issued by the authorities under Article 34 (2).

Chapter Eight

COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE PENALTY PROVISIONS

Article 36. (1) The competent authorities under Article 31 (1) shall apply coercive administrative measures, suspending activities which create conditions for degradation or which directly degrade soils.

(2) The measures referred to in Paragraph (1) shall be applied by a reasoned order which shall be appealable under the procedure set out in the Administrative Procedure Code.

(3) The type of coercive administrative measure and the manner of its application shall be determined in the order referred to in Paragraph (2).

(4) The lodgment of an appeal shall not stay the execution of the coercive administrative measure applied unless the court orders otherwise.

Article 37. (1) Any person, whose activities lead to soil degradation, or who or which fails to restore the soils to the condition required by the competent authorities after degradation caused by the said person, shall be liable to a fine of BGN 500 to 2,000 or, respectively, to a pecuniary penalty of BGN 5,000 to 10,000.

(2) Any person, who or which violates the provisions of Articles 17 and 18, shall be liable to a fine or, respectively, to a pecuniary penalty of BGN 2,000 to 5,000.

(3) Any person, who or which breaches the prohibitions under Items 10 and 11 of Article 13, shall be liable to a fine or, respectively, to a pecuniary penalty of BGN 250 to 1,000.

(4) In cases of a repeated violation under Paragraphs (1) to (3), the fine, and respectively, the pecuniary penalty, shall be imposed in a double amount.

Article 38. For any violations under Items 1 to 9 of Article 13, Article 15 (1) and Article 16, a fine or respectively, a pecuniary penalty, shall be imposed in accordance with the procedure established by the Agricultural Land Conservation Act, the Plant Protection Act, the Spatial Development Act, and the Forestry Act.

Article 39. For any violations under Article 29 (2), (3), (4), (5) and (7) and Article 31 (2), a fine or, respectively, a pecuniary penalty, shall be imposed in accordance with the procedure established by the Environmental Protection Act.

Article 40. Any person, who or which violates the provisions of this Act, with the exception of the provisions of Articles 37 to 39, shall be penalized in accordance with the procedure defined in the Ordinance on the Procedure for Determining and Imposing Sanctions in Cases of Damage to or Pollution of the Environment in Excess of Permissible Levels (SG No. 69/2003).

Article 41. The written statements ascertaining administrative violations under this Act shall be drawn up by officials designated by the respective competent authorities under Article 31 (1).

Article 42. On the basis of the statements drawn up under Article 41, the respective competent authorities under Article 31 (1) shall issue penalty decrees.

Article 43. The ascertainment of violations, the issuance, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning of this Act:

1. "Anthropogenic factors" shall be factors which may cause soil degradation as a result of human activity.
2. "Acidification" shall be a naturally occurring process, the intensity of which depends on anthropogenic factors, and which leads to increased soil acidity.
3. "Ecosystem approach" shall be recognition of the ecological requirements of the components of a given ecosystem as mutually connected and developing.
4. "Soil erosion" shall be a physical phenomenon related to the detachment and movement of soil particles by wind, rainwater and irrigation water in the course of occurrence of natural processes and/or the impact of anthropogenic factors.
5. "Soil contamination" shall be a process of accumulation of harmful substances of natural and/or anthropogenic origin in soils, the properties and concentration of which cause damage to soil functions, irrespective of whether they exceed the permissible levels effective in the country.
6. "Sealing of soils" shall be a permanent covering of soil surfaces with an impermeable material due to building development and/or infrastructure construction.
7. "Soil salinisation" shall be a process in which the content of water-soluble salts and/or exchangeable sodium in the soil is increased in quantities influencing adversely its properties and, respectively, its productive potential.
8. "Comprehensive approach" shall take into consideration and include soil protection policies in the process of development, implementation and control of policies in other areas, such as transport, energy, industry, agriculture, etc.
9. "Intervention concentration" shall be the content of harmful substances in soils expressed in mg/kg, which, if exceeded, leads to damage to soil functions and to environmental and human health hazards.
10. "Soil fertility" shall be the capacity of soils to create conditions for the development of plants, as well as to supply them throughout their vegetative period with the necessary quantities of absorbable nutrients and water.
11. "Repeated violation" shall be any violation which is committed within one year of the entry into force of a penalty decree whereby the offender was penalized for a violation of the same type.
12. "Soils" shall be the upper layer of the earth's crust, inasmuch as it performs soil functions, including their liquid components (soil solutions) and gaseous components (interstitial air), excluding groundwater, river-beds and the bottoms of water basins.
13. "Organic matter" shall be a complex system of humus substances, proteins, amino acids, carbohydrates, fatty acids, waxes, resins, lignin etc.
14. "Maximum permissible concentration" shall be a content of a harmful substance in the soil expressed in mg/kg, which, if exceeded in particular conditions, leads to damage to the soil functions and to environmental and human health hazards.
15. "Safe concentration" shall be a content of a harmful substance in the soil expressed in mg/kg, which, if exceeded, does not lead to damage to the soil functions and to environmental and human health hazards.
16. "Agricultural waste outside the scope of the Waste Management Act" shall be animal faeces (solid and liquid waste manure), animal carcasses and other non-hazardous substances used or resulting from agricultural activities.
17. "Soil degradation" shall be a process of occurrence of adverse changes in the structure and/or the physical and chemical properties of soils leading to damage to basic soil functions.
18. "Degraded soils" shall be soils which are eroded, acidified, polluted, salinised, compacted, sealed, or soils with declined organic matter.

19. "Soil compaction" shall be a physical process of partial disruption of the soil structure occurring as a result of the incorrect use of agricultural machinery in unsuitable conditions.

20. "Soil functions" shall be the capacity of soils to perform ecological, economic, social and cultural functions such as:

(a) biomass production, including in agriculture and forestry;

(b) storage, filtering and transformation of nutrients and water;

(c) source of raw and prime materials;

(d) a physical and cultural environment for humans and their activities;

(e) conservation of biodiversity (habitat, species and genes), of carbon reserves and of the geological and archaeological heritage.

21. "Humus layer" shall be a layer of one or more soil horizons with a humus content of at least 1% (or with an organic carbon content of at least 0.6%), determined in averaged samples taken at 10 cm intervals.

FINAL PROVISIONS

§ 2. The Protection of Soil Against Pollution Act (promulgated, SG No. 84/1963; amended, SG No. 26/1968, SG No. 29/1969, SG No. 95/1975, SG No. 3/1977, SG No. 1/1978, SG No. 26/1988, SG No. 86/1991, SG No. 100/1992, SG No. 45/1996, SG No. 85/1997, SG No. 11/1998, No. 67 and 113/1999) is hereby superseded.

§ 3. The Environmental Protection Act (promulgated, SG No. 91/2002; corrected, SG No. 98/2002; amended, SG No. 86/2003, SG No. 70/2004, SG No. 74, 77, 88, 95 and 105/2005, Nos. 30, 65, 82, 99, 102 and 105/2006, Nos. 31 and 41/2007) shall be amended and supplemented as follows:

1. The heading of Section III of Chapter Three shall be amended as follows: "Soil Protection, Sustainable Use and Restoration".

2. In Article 39 (2):

(a) Item 1 shall be amended as follows:

"1. prevention of soil degradation;"

(b) Item 6 shall be amended as follows;

"6. elimination and/or mitigation of harmful modifications of soil quality caused by soil-degrading processes, according to the requirements of the types of land use."

3. In Item 5 of Article 61 (5), the words "the Soils Act" shall be added after the words "the Water Act".

4. In Article 72a, the words "the Soils Act" shall be added after the words "the Water Act".

5. In Item 1 (f) of Article 144 (1), the words "land and" shall be deleted.

6. In Article 146 (1), the words "the Soils Act" shall be added after the words "the Water Act".

§ 4. Statutory instruments of secondary legislation on the application of this Act shall be issued within one year of its entry into force.

This Act was adopted by the 40th National Assembly on 23 October 2007 and the official seal of the National Assembly

has been affixed thereto.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Forestry Act

(SG No. 80/2009)

.....
§ 71. In the Soils Act (Promulgated - SG No. 89/2007) the following amendments shall be made:

.....
3. Everywhere in the Act the words:

a) "the chairman of the National Forest Agency" and "chairman of the National Forest Agency" shall be replaced with "The Executive Director of the Executive Forestry Agency" and "Executive Director of the Executive Forestry Agency";

b) "The Minister of Agriculture and Food Supply" and "Minister of Agriculture and Food Supply" shall be replaced with "The Minister of Agriculture and Food" and "Minister of Agriculture and Food".