

# **Agricultural Land Conservation Act**

Promulgated, SG No. 35/24.04.1996, amended and supplemented, SG No. 14/18.02.2000, supplemented, SG No. 26/29.03.2000, amended and supplemented, SG No. 28/23.03.2001, effective 23.03.2001, supplemented, SG No. 112/23.12.2003, effective 1.01.2004, amended, SG No. 18/28.02.2006, No. 29/7.04.2006, No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No. 13/9.02.2007, SG No. 64/7.08.2007, amended, SG No. 36/4.04.2008, SG No. 43/29.04.2008, amended and supplemented, SG No. 10/6.02.2009, supplemented, SG No. 103/29.12.2009, SG No. 87/5.11.2010, amended, SG No. 19/8.03.2011, effective 9.04.2011, amended and supplemented, SG No. 39/20.05.2011, amended, SG No. 22/16.03.2012, SG No. 38/18.05.2012, effective 1.07.2012, supplemented, SG No. 91/20.11.2012, SG No. 27/15.03.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 14/20.02.2015, amended and supplemented, SG No. 61/11.08.2015, SG No. 100/18.12.2015, amended, SG No. 61/5.08.2016, effective 5.08.2016

Text in Bulgarian: Закон за опазване на земеделските земи

## **Chapter One**

### **GENERAL PROVISIONS**

**Article 1.** This Act arranges the protection against deterioration, the rehabilitation and fertility enhancement of agricultural land as well as the terms and conditions whereby such land may change its type of use.

**Article 2.** (1) Agricultural land is deemed a primary national endowment and shall only be used for agricultural purposes.

(2) Agricultural land shall be used for crop growing as well as for grazing pasture in such a way as not to deteriorate soil fertility and human health.

(3) Altering agricultural land use shall only be allowed by way of exception where and if need is proven, under the terms and conditions of this Act.

(4) (New, SG No. 39/2011, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 100/2015) Construction on agricultural land without altered land use may be applicable for hothouses, and for linear sites under Article 17a, paragraph 2, and for sites which functions are related to the agricultural use of the land – under conditions and by a procedure determined by an ordinance of the Minister of Agriculture and Food and the Minister of Regional Development and Public Works.

(5) (Amended, SG No. 19/2011, effective 9.04.2011, renumbered from Paragraph 4, SG No. 39/2011) Protection against soil deterioration, rehabilitation and fertility enhancement of agricultural land shall also apply for agricultural land within development boundaries of settled areas, as well as for wooded areas which are used for crop growing as well as for pasture.

## **Chapter Two**

### **PROTECTION OF AGRICULTURAL LAND AGAINST DETERIORATION**

**Article 3.** Owners and tenants of agricultural land shall be requested to preserve them from erosion, pollution, salination, acidification, swamping and other types of soil degradation and to sustain and improve their productive qualities.

**Article 4.** (1) The Ministry of Agriculture and Food shall provide agricultural land owners and tenants with official information about:

1. the productive, technological, environmental and economic qualities of agricultural land, including basic prices as well as any potential risks of deterioration of these qualities due to erosion, pollution, salination, acidification and swamping;
2. protection of the top soil and its environmentally vital functions against degradation;
3. the regulatory restrictions on the use of agricultural land;
4. pesticides, fertilisers, industrial or household waste, biologically active and other substances, which are registered and

licensed for application as well as the sanitary requirements to be followed while using such substances, as well as banned substances;

5. the quality of the irrigation water, the sanitary requirements and use limits as well as the water banned from irrigation;
6. anti-erosion crop-rotation for erosion-endangered areas;
7. tillage systems and equipment.

(2) The Ministry of Agriculture and Food shall run an information system for agricultural soil resources. The information system shall maintain a special register for agricultural land:

1. polluted with heavy metals and metalloids, radionuclides, oil products and other organic pollutants, industrial, construction and household waste;
2. threatened by erosion, pollution, salination, acidification and swamping.

(3) The register under Paragraph 2 shall also contain information about:

1. physical and corporate bodies or their successors who have acted as the agents of pollution;
2. restricting and recommending regimes of land use and prescription for redressing of the offences;
3. humus depots;
4. industrial waste fit for reclamation and improvement of agricultural land;
5. short-term and long-term programmes for improvement of the productive qualities of the agricultural land and their protection from erosion, pollution, salination, acidification and swamping.

(4) The Ministry of Agriculture and Food shall have the right to impose restrictions on agricultural land use where the following has been established:

1. agricultural land degradation;
2. non-conformity of crop or animal output with health standards;
3. deterioration of biological functions of the top soil as well as of surface and ground water quality;
4. other cases, stipulated by a law.

(5) The Ministry of Agriculture and Food shall adopt forest development and water management measures protecting the top soil against water and wind erosion.

**Article 5.** (1) A land owner shall freely choose the way to use his agricultural land provided he thereby should not change the type of use and should not cause damage to his own land, the land of others or deteriorate the quality of the surface or ground water.

(2) Where restrictions have been imposed by law on agricultural land use, the owner or the tenant shall be obliged to observe them.

(3) The owners and the tenants of agricultural land shall be responsible for:

1. compliance with the health standards valid for crops or animal output originating from agricultural land;
2. damages inflicted on agricultural land belonging to others as well as for the deterioration of surface or ground water quality.

(4) (New, SG No. 13/2007) The tenants of agricultural lands shall be responsible for the burning of stubble and other crop leftovers on agricultural land, and shall be obliged to participate in their putting out.

(5) (Renumbered from Paragraph 4, SG No. 13/2007) The owners and tenants of agricultural land shall be entitled to tax or borrowing preferences provided they duly apply:

1. the statutory restrictions on agricultural land use;
2. the recommendations for protecting the top soil and its biological functions;
3. anti-erosion facilities;
4. organic agriculture or agriculture with restricted use of herbicides, pesticides and mineral fertilizers;
5. projects for rehabilitation and improvement of the productive qualities of agricultural land.

(6) (Renumbered from Paragraph 5, SG No. 13/2007) The physical and corporate entities shall bear responsibility if their activities result in deterioration of the quality or biological functions of agricultural land.

**Article 6.** (1) The following shall be prohibited:

1. the use of pesticides, mineral, foliage-boosting or micro fertilizers as well as of biologically active substances having no biological and toxicological registration by the special commissions or councils at the Ministry of Agriculture and Food, the Ministry of Health and the Ministry of Environment;
2. (amended, SG No. 14/2000) the burning of stubble or other crop leftovers on agricultural land;
3. the spreading on agricultural land of organic slurry from industrial or other water or from household waste without permission by the competent authorities with the Ministry of Agriculture and Food;
4. the destruction or altering of anti-erosion or irrigation facilities without the explicit consent of the competent authorities.

(2) To use water containing harmful substances or waste above the admissible limits for irrigation shall be disallowed.

(3) The organisations involved in irrigation water management or supply, shall periodically control water quality. In the event of finding harmful substances or waste above the admissible limits, these organisations shall inform users and suspend water supply until water quality is restored. Water users shall be entitled to seek compensation for damages or lost earnings for the period of suspension.

## **Chapter Three**

### **REHABILITATION AND IMPROVEMENT OF THE PRODUCTIVE QUALITIES OF AGRICULTURAL LAND**

**Article 7.** (1) Recreation and improvement of eroded, polluted, salinated, acidified or swamped agricultural land is a set of measures or technologies aimed at:

1. rehabilitation of deteriorated biological functions of the top soil;
2. reduction or elimination of human or animal health risks resulting from the consumption of plant or animal products;
3. preservation or improvement of the soil fertility.

(2) The rehabilitation or improvement of eroded, polluted, salinated, acidified or swamped agricultural land shall be carried out based on coordinated and approved technologies or projects to be planned in advance.

(3) The technologies or projects shall be approved by an advisory council at the Ministry of Agriculture and Food with contribution from the Ministry of Environment and Water and the Ministry of Health.

(4) Contractors to apply the technologies or projects shall be selected by tender launched by the expert council under Paragraph 3.

**Article 8.** (1) (Amended, SG No. 14/2000, SG No. 18/2006, amended and supplemented, SG No. 10/2009, amended, SG No. 61/2015\*) The Ministry of Agriculture and Food shall annually administer through its budget revenues from: the fees under Article 30, Paragraph 1; rent or lease payments for the use of land from the State Land Stock, as well as sales of such land; the fines collected pursuant to this Act, revenue from state fees collected by land ownership authorities according to the tariff specified in Article 31, Paragraph 2 of the Agricultural Land Ownership and Use Act, as well as the expenses incurred in

implementing and enforcing this Act as well as expenditures under Article 10, Paragraph 10 of the Agricultural Land Ownership and Use Act.

(2) (New, SG No. 14/2000, amended, SG No. 10/2009, SG No. 38/2012, effective 1.07.2012, repealed, SG No. 100/2015).

(3) (New, SG No. 14/2000, repealed, SG No. 100/2015).

(4) (Previous paragraph 2, SG No. 14/2000) Polluters or deteriorators of agricultural land shall be liable to defray the cost of activities under Article 7 or to reimburse the state for having made such expenses.

(5) (Previous paragraph 3, SG No. 14/2000) The state shall take over the expenses in addressing the causes of failing to follow up on recommendations to protect the top soil with its biological functions given that such failure is a result of the action or inaction of state bodies or if the perpetrator of damage is unknown.

**Article 9.** (1) The terms and conditions in adopting the projects or technologies or for their development and maintenance shall be prescribed by order of the Minister of Agriculture and Forests.

(2) The land owners whose land is subject to projects or technologies shall be requested to follow the requirements or prescriptions thereof.

(3) For failure to comply with the requirements or prescriptions under Paragraph 2, land owners shall owe the invested funds to the state.

**Article 10.** The Ministry of Agriculture and Food or the municipality, may cede free of charge, over a contracted period, the right of land use to a physical or a corporate entity, which has rehabilitated or improved, by its own means, state or municipal low productive agricultural land.

## **Chapter Four**

### **LAND RECLAMATION**

**Article 11.** (1) Subject to reclamation shall be:

1. mines, quarries or other land with deteriorating soil qualities;
2. cinder depots, landfill sites, tailings ponds or other waste-holding facilities;
3. old river beds;
4. tracks of abandoned canals, roads, railways or construction sites, after dismantling of the installations, linings or upper construction.

(2) The reclamation shall be done on the basis of an agreed or approved project, which is an inseparable part of the development works.

(3) (New, SG No. 103/2009, amended, SG No. 19/2011, effective 9.04.2011, SG No. 100/2015) The reclamation project referred to in Paragraph 2 shall be approved by the Minister of Agriculture and Food, or an official authorized by the Minister, in the cases where the project entails the reclamation of land for agricultural purposes and/or for its inclusion into wooded areas.

(4) (New, SG No. 100/2015) Out of the cases under paragraph 3, approval of the reclamation project shall be done by:

1. Minister of Environment and Water or by an official, authorized by him - for cinder depots, as well as landfills and other waste-holding facilities within the meaning of the Waste Management Act;
2. Minister of Energy or by an official, authorized by him, for reclamation arising from the activities of the operators under