

Legal Analysis of the Bulgarian Climate Law and Possibilities for Effective Implementation of the European Climate Law

1. Framework

The framework of this legal analysis is outlined by the following key questions:

- What amendments are to be introduced in the national legislation in order to effectively implement the European Climate Law?
- How well does the current Bulgarian Climate Change Mitigation Act (CCMA) correspond with the European Climate Law (ECL) and/or could the former serve as a framework for the implementation of the latter?

In this analysis, we offer an overview of the principal formulations, the scope and direction of legislative amendments needed to implement the Proposal for Regulation of the European Parliament and the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, hereinafter to be referred to as the European Climate Law (ECL).

2. The European Climate Law as the foundation of future climate neutrality

The ECL is a thoroughly new stage in the development of climate norms within the European Union. It adopts a legally binding objective – to reach climate neutrality by the year 2050, as set down in the European Green Deal. By 2050, the European economy and society are to become climate neutral. The ECL aims to achieve this goal through all policies, in a socially fair and economically effective manner. It includes measures to keep track of progress and adjust our actions accordingly. The European Climate Law will ensure an economic climate of predictability for investors and other participants and will guarantee an irreversible transition to climate neutrality. Notwithstanding the fact that the ECL Regulation is binding in its entirety and is directly applicable in all EU member states (as per Art. 11), they are still required to undertake the necessary measures at Union and national level respectively, to enable the collective achievement of the climate-neutrality objective. The Regulation does not prescribe specific policies or measures, thus allowing the member states some flexibility and taking into account the respective national

regulatory framework for the reduction of GHG emissions by 2030.

The rationale for the adoption of the ECL specifies its purpose – to chart the path to climate neutrality and to enhance confidence in - and trustworthiness of - the EU commitment for the business, workers, investors and consumers alike. Furthermore, the ECL ensures transparency and accountability. Thus, the European Climate Law encourages prosperity and fosters employment opportunities. In this context, its function is to introduce the EU 2050 climate neutrality goal into the legislation, in accordance with the scientific analysis reported by the IPCC and the IPBES, and to facilitate the implementation of the Paris Agreement, including its long-term temperature goal - to keep the global average temperature increase to well below 2°C above the pre-industrial period levels and to pursue efforts to keep it to 1.5 C above the pre-industrial period levels.

Moreover, the ECL also aims to contribute to the implementation of the Sustainable Development Goals. The proposal also provides for the conditions to set out a trajectory leading the Union to climate neutrality by 2050, for regular assessment of progress towards climate neutrality and the level of ambition of the trajectory identified, and mechanisms in case of insufficient progress or inconsistencies with the EU 2050 climate-neutrality objective.

It is worth noting that, in spite of efforts to reduce greenhouse gas emissions, climate change is already having and will continue to have impacts on the EU's environment, citizens and economy. Continued and more ambitious action on adaptation to climate change, including by strengthening the efforts on climate-proofing, resilience building, prevention and preparedness is essential, as well as ensuring a just transition.

3. The role of the Climate Change Mitigation Act (CCMA) as a framework law in the climate sphere

3.1 As a starting point, we shall identify the key elements of the CCMA as a framework law regulating societal relations in the context of the Bulgarian climate policy. The Act was adopted, duly promulgated in the State Gazette and entered into force on 13 March, 2014.

The following key reasons for its adoption seven years ago were indicated:

1. As a EU member state, the Republic of Bulgaria has undertaken various duties under the Climate & Energy Package; the country is a party to the EU ETS introduced with Directive 2003/87/EC. This circumstance involves quite a few obligations that shape an entire sector of the climate policy, and whose implementation shall be instrumental to this country's successful balance between the interests of the industry on one hand, and the ambitious EU goals for progressive reduction of GHG emissions, on the other hand.
2. The climate change policy is entirely horizontal in nature. The specific character of its activities, along with the vast number of reports to the bodies of the UN Framework Convention on Climate Change and the European Commission, call for timely contribution by all competent authorities in the field of climate.

3. The effective involvement of all competent authorities and private subjects in the respective procedures is an absolute prerequisite for the timely implementation of this country's obligations under the UNFCCC and the Kyoto Protocol and for this purpose, it is essential to have a clear and comprehensive regulation of their powers, rights and obligations.
4. The purpose of the draft CCMA is to provide an overall legislative structure for societal relations within the context of the climate change policy implementation, by regulating the competent authorities' powers and activities in this sphere and by outlining the circle of private subjects that enjoy rights or have undertaken obligations under various procedures; the CCMA further sets out the key climate-change-mitigation processes and activities implemented by the Republic of Bulgaria on the international and EU plane, as per its commitments.
5. [The draft law](#) fully transposes Directive [2009/29/EC](#) of the European Parliament and of the Council dd. April 23rd 2009 amending Directive 2003/87/EC improving and expanding the GHG quota trading scheme of the Community scheme and [Directive 2008/101/EU](#) of the European Parliament and of the Council dd. November 19th 2008, amending Directive 2007/87/EU to include aviation activities in the GHG quota trading scheme within the Community.

Art. 1 of the CCMA outlines the scope of the law by regulating societal relations, namely:

1. the implementation of the state policy for mitigation of climate change;
2. the application of the mechanisms for fulfillment of the obligations of the Republic of Bulgaria under the United Nations Framework Convention on Climate Change (ratified by law - SG, iss. 28 in 1995) (SG, issue 68/2005) (UNFCCC) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (ratified by law - SG, issue 72 of 2002) (SG, issue 68 of (2005) (Kyoto Protocol) and the Paris Agreement to the United Nations Framework Convention on Climate Change (ratified by law, SG No. 86/2016) (SG No. 2/2017), hereinafter referred to as "the Paris Agreement";
3. the functioning of the National Green Investment Scheme;
4. the functioning of the National system for inventories of emissions of harmful substances and greenhouse gases in the atmosphere;
5. the implementation of the European Emissions Trading Scheme (ETS);
6. the administration of the National Register for Greenhouse Gas Emissions Trading;
7. the measures for reduction of the emissions of the greenhouse gases from the used liquid fuels and energy for the transport;
8. fulfillment of the obligations arising from Decision № 406/2009/EC of the European Parliament and of the Council of 23 April 2009 concerning the efforts of the Member States to reduce their greenhouse gas emissions necessary to meet the Community's commitments to reduce greenhouse gas emissions by 2020 (OJ L 140/136 of 5 June 2009), hereinafter "Decision № 406/2009/EC", "and from Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on mandatory annual reductions in greenhouse gas emissions for Member States for the period 2021 to 2030, contributing to climate action in fulfillment of the commitments under the Paris Agreement, and amending

Regulation (EU) № 525/2013 (OJ L 156/26 of 19 June 2018), hereinafter " Regulation (EU) 2018/842 ";

9. reporting of emissions and removals and the fulfillment of obligations in the land use sector, changes in land use and forestry arising from Regulation (EU) 2018/841 of the European Parliament and of Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the climate and energy framework by 2030 and amending Regulation (EU) № 525/2013 and Decision № 529/2013/EU (OJ L 156/1 of 19 June 2018), hereinafter " Regulation (EU) 2018/841";

10. the functioning of the Voluntary Emission Reduction Scheme.

This is the scope of the Act in its current version that ought to be taken into account when the approach to the implementation of measures under the ECL Regulation is to be assessed. There are a couple of key scenarios:

1. The current CCMA gets repealed and an entirely new law is adopted, or
2. The CCMA gets amended by incorporating the measures provided under the ECL Regulation, similarly to the introduction of measures under other climate regulations.

3.2. In this context, we ought to identify the second essential feature of the CCMA as a framework of climate law. It introduces the requirements of **other EU Climate Directives and Decisions**.

Pursuant to paragraph 2 of the Act, the stipulations of 7 directives are introduced:

1. *Directive 2003/87/EC of the European Parliament and of the Council, 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC;*

2. *Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms*

3. *Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC as to include aviation activities in the greenhouse gas emission allowance trading within the Community;*

4. *Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community;*

5. *Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC;*

6. *Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels;*

7. *Directive EU 2018/410 of the European Parliament and of the Council 14 March 2018*

amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investment, and Decision (EU) 2015/1814.

Additionally, the CCMA contains measures on the implementation of 5 Decisions (two of the European Commission (EC) and three of the European Parliament and of the Council) and 11 Regulations.

An example for such decision, for which implementing measures are provided in the CCMA is *Decision 529/2013/EU of the European Parliament and of the Council of May 21st 2013 on accounting rules on greenhouse gas emissions and removals resulting from activities relating to land use, land-use change and forestry and on information concerning actions relating to those activities*

Examples of regulations, for which measures are provided in the CCMA: *Regulation EU 2018/842 of the European Parliament and of the Council of May 30th 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 and Regulation 2018/841 of the European Parliament and of the Council of May 30th 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU*

3.3. Regulations on the implementation of the CCMA

Within its framework, the law also contains ordinances for the implementation of particular texts from the CCMA, delegating the power to adopt them to the Council of Ministers. They should be taken into account as elements of the legal framework of the climate policy. Pursuant to Art. 5 of the CCMA, the Council of Ministers adopts, by proposal of the Minister of the Environment and Waters, regulations on:

1. The procedure and manner of issuing and revising GHG emission licences to industrial installations and the monitoring of industrial and aircraft operators under the EU ETS;
2. The conditions, order and manner of reporting and verification of the reports filed by the industrial and aircraft operators, and for the drafting and inspection of new applications;
3. The procedures and manner of administration of the National GHG Emissions Register;
4. The procedure and manner for organizing the national inventories of the emissions of harmful substances and greenhouse gases in the atmosphere;
5. The conditions, procedure and manner for the preparation of the reports and for the verification of the reports of the suppliers of liquid fuels, alternative fuels and energy for transport.

3.4. Strategic documents

On the strategic level, CCMA stipulates the adoption of two climate-related documents. The Integrated National Plan in the field of Climate and Energy is drafted by the Minister of Energy jointly with the Minister of the Environment and Water and other resource ministers (Art. 8

CCMA). The first plan for the 2021-2030 period, adopted by the Council of Ministers on 27 February 2020, is developed, in line with the text of Art. 3 Regulation EU 2018/1999 on the Governance of the Energy Union and Climate Action, by the inter-ministerial working group with representatives of 12 ministries and government agencies.

The National Strategy for the key measures for adaptation to the consequences of climate change is prepared by the Ministry of the Environment and Water in consultation with the National Expert Council on Climate Change. It spans over a period of more than 20 years, with the sole exception of the first strategy drawn for the period until 2030. The Strategy is adopted by the Council of Ministers (Art. 9 CCMA). The [National Strategy and Action Plan 2030](#) was adopted in October 2019.

3.5. Bearing on the framework law on the environment

The Law on Environmental Protection (LEP) also contains regulations on climate change, insofar as it comprehensively regulates the strategic process in terms of the overall protection, monitoring and management of the environment. It identifies the principles for the inclusion of environmental policies (also climate and biodiversity policies) in other sectors.

The LEP contains important regulations on the integration, in the environmental impact assessments (EIA), of project proposals that could be affected by climate change or could themselves affect the climate. E.g. Art. 93(4) p. 'f' of the LEP stipulates that the necessity of EIA shall be weighed by the risks of major accidents or disasters related to the investment proposal, including the ones **caused by climate change**. According to Art.95(4) of the LEP, the EIA shall define, describe and assess in an appropriate way the significant direct and indirect impacts of an investment proposal on the subsoil and soil, water, air and **climate**.

4. The European Climate Law and choice of national policies and measures in the CCMA

While the ECL Regulation has direct effect throughout the EU Member States, it still demands them to undertake, as needed, any measures conducive to the collective goal of climate neutrality. Yet, the ECL does not prescribe any specific policies or measures – therefore, the Member States are allowed flexibility within the GHG emissions reduction until 2030 regulatory framework. In this regard, a new law – or an amended CCMA – should unequivocally regulate the chosen national policies and measures for GHG reduction, as well as other mitigation and adaptation measures.

A few fundamental texts within the ECL directly refer to the implementation of such policies and measures. For instance, the climate neutrality goal, as set down in Art. 2(1) of the ECL, stipulates that the GHG emissions and capture, as regulated by EU legislation, have to be balanced by the year 2050, resulting in zero net emissions by this deadline. Art. 2(2) states that the respective EU institutions and relevant national agencies shall undertake **the necessary measures** – both on the EU and national level – to jointly reach the climate neutrality goal. Along this path, they will firmly abide by the principle of fairness and solidarity between member states.

Art. 4 of the ECL refers to the adaptation to climate change. It stipulates that relevant Union institutions and the Member States shall ensure continuous progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change in accordance with Article 7 of the Paris Agreement. Member States such as Bulgaria Member States shall develop and implement adaptation strategies and plans that include comprehensive risk management frameworks, based on robust climate and vulnerability baselines and progress assessments. In this regard, the National Strategy and Action Plan adopted in 2019 should be subjected to critical analysis and evaluation to arrive at a judgement whether it corresponds to the ECL goals – and if so, to what extent. The CCMA should also be analysed on these terms – a matter to be discussed in Section 5 below.

Art. 8 of the ECL contains an important element – public participation in the shaping and implementation of climate policies towards the 2050 climate neutrality goal. In this context, the ECL Regulation amends Regulation 2018/1999 on the multilevel climate and energy dialogue. Each member state starts a multilevel climate and energy dialogue, in which *the local authorities, civil society, industrial community, investors, other stakeholders and the broad public may be actively involved in discussions of the EU climate neutrality goal*, as defined in Art. 2 of the ECL Regulation; the above would also consider the various longer-term scenarios charted in climate and energy policies and would monitor progress in this sphere. It is assumed that a structure should be built to serve this purpose.

Unless an entirely new law is adopted, the CCMA needs to be revised significantly to serve the above purpose. As also stated in Section 5, in the current law, the public participation in the decision-making and climate policy-shaping processes is reduced to the passive reception of information on quite technical topics, such as the national GHG emissions stocktaking reports.

5. Some shortcomings of the CCMA

This paper does not represent a comprehensive, detailed analysis of all legislative amendments that will be influenced by the ECL Regulation. Besides, the fundamental question is still open – should a new law be adopted, or should the current one get amended. Nevertheless, we shall delineate a few shortcomings of the CCMA which are significant as it stands now, even outside the context of the ECL, insofar as they are not in line with the legislative achievements in other EU Member States.

5.1. The first problem is that Art. 8-10 of the CCMA outlines far too scarcely the climate planning framework by indicating the scope of strategic documents and the authorities competent to adopt them. It fails to specify the requirements for their purposes, content and the discussion process. It does not stipulate a national commitment to a concretely defined, long-term and research-based emission reduction goal. The legislation seems to serve a single purpose – to implement Bulgaria’s share of the EU 2030 goal (i.e., the national goal as per the EU Effort-Sharing Regulation).

There is no process to guarantee that policy development would achieve the national goals for 2030

or 2050. For example, the best practices include the adoption of a carbon budgeting cycle (be it annual or 5-year), through which the country commits to a set volume of GHG emissions to be provided within each of the cycles; they also provide meticulously defined policies that are to be adopted in order to ensure the mitigation measures, the banking rules and the loaning from one cycle into the next one. In reality, there is no backcasting of policies, which would guarantee that today's policymaking fosters achievement of the long-term goal.

Even though it might be acceptable to persist with the current approach – since the EU 2030 goal (which will be revised in the immediate future) is related to the implementation of the collective EU 2050 goal in line with the best national climate law practices - the legislation should commit the government to the goal of climate neutrality (zero net emissions) by 2050, at latest. The widely shared stance, that all EU countries are better off than the global average, leads to the conclusion that all EU Member States must be in a position to adopt the 2050 climate neutrality objective and work to this end. A number of EU countries have already commenced unilateral actions to incorporate this goal in their national laws.

The value of a precisely defined long-term objective consists in the fact that it creates an effective starting point for policy development in tune with the said long-term objective. Thus, all short-term policies along the way are also addressing the end goal.

5.2. Issues with the introduction of the requirements set out in Regulation 2018/1999 on the governance of the Energy Union and climate action CCMA does not expressly state that it fulfils the requirements of Regulation 2018/1999 on the governance of the Energy Union and climate action.

More specifically, Art.11 of the Regulation introduces the requirement of a multilevel dialogue on climate and energy in compliance with the national rules. The local authorities, civil society, business, investors and other stakeholders, and the general public may be actively involved in discussions of various scenarios of energy and climate policies, including long-term ones; furthermore, they may monitor progress, unless a structure has already been created to serve this purpose. Even though Section 1.3 of the [Integrated Energy and Climate Plan of the Republic of Bulgaria 2021-2030](#) already contains a description of consultations carried out with national and EU organisations, and of the ensuing results, this particular framework should be laid down in the CCMA in order to be transparent, predictable and independent from the administrative will of the key ministries.

5.3. National Expert Council on Climate Change

The fact that the National Expert Council on Climate Change at the Ministry of the Environment and Water is not an independent agency, is a shortcoming *per se*. The majority of its members represent different ministries and government agencies, and barely a few are members of the Bulgarian Academy of Sciences, of the National Association of Local Municipalities and of NGO

whose activities are related to climate change mitigation¹. This style of establishing an advisory body does not follow the best international practices, as the members should be independent experts since their purpose is to advise the government and ministries on the development of climate policies and carbon budgeting, on the monitoring of progress and on the implementation of policies.

5.4. Public participation

Public participation, in the decision-making process and in the shaping of climate policies in accordance with the law, is virtually non-existent. It is reduced mostly to passive awareness of strictly technical issues, such as the national GHG emissions stocktaking reports. For instance, according to Art. 62, the Minister of the Environment and Water is bound to provide to the public comprehensive information on emission allowances, project activities with the direct participation of Bulgaria or authorised third parties and emission reporting, under the Law on Access to Public Information or Chapter II of the Environmental Act, depending on the nature of the required information.

Under Art. 63 of the CCMA, the Executive Director of the Executive Environment Agency shall publish annually, on the EEA website, national reports on the GHG emissions stocktaking in the Republic of Bulgaria; annual verified reports by installation and aircraft operators and the names of installation and aircraft operators who violate the requirement to allocate sufficient allowances corresponding to their verified emissions.

There is a marked absence of specific regulations on the public participation and dialogue with civil society on climate issues. The best practice models place a heavy emphasis on the processes of reaching public consensus about the ways to achieve the long-term national climate goal. Furthermore, the public is supposed to be involved in the development of national 2030 climate plans, also as per Regulation 2018/1999 on the governance of the Energy Union and climate actions. Therefore, this gap in the CCMA is alarming, as it results in a lack of transparency and full participation of the public in the decision-making on climate.

5.5. Parliamentary control

The law does not foresee a controlling function for the national parliament – for instance, the Minister of the Environment and Water is not obliged to report on the development and implementation of climate policies. The best practices, whose model we should follow, guarantee close involvement of the national parliaments because this fosters non-partisan understanding and support, which in its turn gradually promotes long-term political will and leadership.

6. Principles for the introduction of the ECL

¹ For instance, an Internet search does not reveal the names of the members because the Rules of Procedure (as well as the law) only define representatives of which ministries, agencies and institutions are eligible to become members of the National Expert Council.

In order to successfully introduce the European Climate Law in Bulgaria, we need to analyse the scope of the concrete legislative measures that need to be clear, to guarantee legal certainty and predictability for all affected persons. It is highly advisable to involve all stakeholders into the consultation processed at the earliest possible stage. While no law is perfect – laws invariably get amended at some point in order to reflect the flux in the scientific, social, economic and political sphere - we should always strive to adopt laws that would not need to be amended far too soon – especially where principal positions such as the national commitment to the clearly outlined, long-term emission reduction goal are concerned, together with the rules for public involvement and functioning of the National Expert Council.

Similarly, insofar as the law offers the overall regulatory framework but is also enforced via ordinances (such as the ones indicated in Art. 5 CCMA), the latter should also meet the clarity, transparency and legal certainty standards, and be consulted with all stakeholders. The effectiveness – or ineffectiveness – of a law often depends on its enforcement, and in this sense the law ought to define the ‘administrative capacity building’ measures for its enforcement. It should also regulate involvement of the business, and of civil society, in its enforcement, monitoring and control.

The readiness of our country to adopt high-quality measures in conformity with the ECL Regulation through an Act and ordinances, may be supported by an analysis of best practices globally and across the European Union; when applied, these should take into account the Bulgarian social and economic specificities, the climate conditions and the interests of all stakeholders. Such an analysis could also provide an answer to the fundamental question related to the future of the national climate law – should we adopt an altogether new law, or should we amend the current CCMA by incorporating the ECL Regulation measures within it.

The timeframe for the introduction of these legislative amendments should also be considered very carefully. If we would follow the model of other, already implemented EU Regulations, we would get a rough idea about the period needed to introduce measures in the national legislation, once the Regulation comes into force and effect. Regulation 2018/842 on the binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013, as well as Regulation 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, were adopted on 30 May 2018 and entered into force on 19 June 2018. Respectively, the law amending the CCMA which stipulates the fulfilment of obligations pursuant to these regulations² was promulgated in State Gazette, issue 25 on 25 March 2020 – in other words, almost two years after the date of commencement of the EU Regulation.

² A new section is created in Chapter 5, with Art. 67a and 67b, Section II „a“ Fulfilment of obligations under Regulation EU 2018/842 and Regulation EU 2018/841 Art. 67a. (1) Until 2030, the Minister of the Environment and Water shall perform annual inspections of the GHG emissions in the Republic of Bulgaria by types of sources as per Art. 2 (1) of Regulation EU 2018/842 on the reduction of GHG emissions down to the levels specified in Annex I to Regulation EU 2018/842.

7. Prerequisites and framework conditions for an entirely new law, or for amendments to the existing one

Which preconditions would tip the scales towards a decision to adopt an entirely new law, or conversely, towards an amendment of the current CCMA to integrate the ECL Regulation?

As per Art. 11(1) of the Bulgarian Law on Normative Acts, *“A law may be repealed or replaced by a new act pertaining to the same subject matter on the express condition that the envisaged changes are numerous and significant.”* In this context, an evaluation must be performed of the new sections, chapters and regulations that the ECL lends, in terms of scope, within the CCMA – or else, the overall structure of a new law should be carefully assessed. An impact assessment is also feasible – it could be performed within 5 years of the date of adopting the new law, or sooner (as per Art.22(2) of the Law on Normative Acts). No such assessment has been carried out yet, even though the CCMA was adopted more than seven years ago.

Towards the date of this report, the Parliament is dissolved and a new one will be elected on the 11 July this year. This means that – in the most optimistic scenario – discussions on the legislative amendments related to the introduction of the ECL shall commence in autumn, at earliest. Even this prognosis is entirely contingent on the goodwill of the new Parliament, which will hopefully prioritise the matter and will be willing to adopt a new Act or amend the current CCMA.

And yet another essential factor - the expert and administrative readiness and capacity of the Ministry of Environment and Water, alongside other relevant agencies, to start a meaningful and thorough debate by employing the results of various efforts and initiatives, such as this project.

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