

**ANALYSIS OF THE PUBLIC INVOLVEMENT IN THE DECISION MAKING
PROCESS AND IN THE IMPLEMENTATION OF THE ENVIRONMENT
IMPACT ASSESSMENT PROCEDURE ON THE ECOLOGICAL
POLICY OF BULGARIA**

(Analysis of the interaction between the interested public and the representatives of the
Ministry of Environment and Water regarding the Environment Impact Assessment
Procedure on the ecological policy of Bulgaria)

Introduction. Starting hypothesis, scope and methods of study ad analysis. Basic concepts.

Starting hypothesis, scope and methods of study and analysis.

The topic of this study is the interaction between the public and the representatives of the Ministry of Environment and Water within the Environment Impact Assessment Procedure on the ecological policy of Bulgaria. The time limits include the period from 1991 / the start of the application of the Environment Impact Assessment Procedure / hereinafter referred to as EIA/ and the enforcement of the Environment and Water protection Act - EWPA/ until now – the adoption of the new Environment Act dd. 25 September 2002/.

The ecological policy and especially the Environment Impact Assessment Procedure are interesting for several reasons. First, because the ecological policy is one of the public policies in Bulgaria, which was subject to a few studies after the changes since 1989. Second, ecology is a sphere, in which the negative effects and the risks for the human health can be felt most sensibly. Third, even just formally, on the level of legal regulations the policy includes and allows a wider involvement of the public and the parties concerned in the decision making process and implementation. Last, but not least, the ecological and the nature protection NGOs in Bulgaria are some of the most active organizations with the largest number of members.

The starting hypothesis is, that the public involvement in the decision making process and the implementation of the ecological policy in the country, especially - the

Environment Impact Assessment Procedure is to a great extent a formal, but not a real practice. This is a result of the underdeveloped civil society in Bulgaria, its amorphous structures and the insufficient interest on the part of the official executive institutions in the implementation of a really public policy – as transparent as possible and including at each stage of its implementation - consultations and considering the position of each party involved in the political process in general. This conclusion alone is a logical result of the lack of development of the basic prerequisites for the implementation of the public policy in the general and widely accepted sense – based on the developed market economy and autonomous economic entities, democratic practice, institutions, principles and with the involvement of an active and developed civil society. In this regard Bulgaria, as well as all East-European countries should go a long and difficult way.

The study is based on an analysis of Bulgarian and EU regulations, stipulating the application and the practice of the procedure in Bulgaria and of in-depth interviews with the representatives of the parties interested in the EIA procedure – NGOs, high civil servants from the EIA Directorate of the Ministry of Environment and Water, directly involved in the implementation of the procedure, representatives of the investors, independent EIA experts, representatives of the local authorities, of the NGOs in the Higher Ecological Council, the scientific societies. The study is not pretending to be representative about the opinion and the position of all parties interested in the procedure. The key aim is to outline the core problems and shortcomings in the interaction between the representatives of the Ministry of Environment and Water /MOEW/ and the public interested in the process of application of the EIA procedure. The focus is on the relationship between the Ministry of Environment and Water and the interested population and NGOs.

The study is divided in two basic parts – first: defining the issue, general view of the environment impact assessment procedure and carrying out of public discussions, analysis of the parties, interested in the procedure. The second part highlights the interaction between the interested public and the representatives of the Ministry of Environment and Water. The text follows the following scheme: a description of the organization identity, the communication channels and the style of involvement of each part.

Basic concepts:

In view of the Bulgarian laws on environment and water protection “**Environment impact assessment /EIA/**” means: establishing, analyzing, assessing and decision making process for the possible effects of programs, projects and activities and their practical alternatives regarding the risk for human health and the environment protection in compliance with the environment regulations in force in the country.

Ecological assessment is made of plans, programs and investment proposals for civil works, activities and technologies or amendments thereof, which may have a considerable impact on the environment, such as:

1. (in force since 1.07.2004) plans and programs, in process of preparation and/or approval by central or local executive authorities and the Parliament;
2. investment proposals for civil works, activities and technologies according to Annexes 1 and 2.

The **Public** includes one or more natural persons or legal entities and their associations, organizations and groups, established pursuant to the national legislation. /Environment Protection Act – September 2002, Transitional and Final Provisions, point 24./

Public Concerned means the public, which is affected or might be affected and which is interested in the procedures of approval of plans, programs, investment proposals and in the decision-making process in the issue, or modification of permissions, pursuant to this law or the conditions in the permission /Environment Protection Act – September 2002, Transitional and Final Provisions, point 25./

I. Defining the issue. Nature and main stages in the Environment Impact Assessment Procedure. Public involvement in the EIA procedure.

Defining the issue.

The public involvement is a concept, having emerged in the last three decades of the previous century. It became very popular in the last 10-15 years, especially due to the increased problems, related to the environment pollution and the necessity of involving the citizens into the process of implementing the public policy.

During the past 10-12 years the Environment Impact Assessment Procedure was introduced in almost all European countries. This process involved amendment and modification of the information access rules, directly or indirectly related to the environment problems. There is a considerable increase in the competence of the local authorities, at the level of which the public disposes of more numerous and more efficient forms of impact on the decision-making process and the implementation of the policy.

In Bulgaria in the course of the past 10-12 years /since 1991, when the Environment Protection Act was passed/ the first timid attempts were made for involving the Public, mainly in the EIA procedure. Attempts were made to increase the public involvement in the process of initiating and implementing the public policy in general – participation in the work of the parliamentary commissions; highlighting through the Minister of Environment and Waters of some urgent issues and active search for a dialogue with the government; arranging of actions and public campaigns, initiative committees, writing of statements, participating in expert authorities, supporting nature protection activities, etc.

The public involvement in the decision-making process in issues, which are going to influence the environment status in the developed democratic societies, has become a practical, specific and clearly defined mechanism by the entire process of drawing-up an adequate decision on any arisen problem. The first key point of this mechanism, which is vital for the society, is the issue of the topical, exact and in-time information on issues of

paramount importance for the environment status, i.e. the issue of simple communication among the citizens and the authorities in the society.

The right to information on the environment has been elaborated in several laws, the main being the Constitution of the Republic of Bulgaria (Article 14 – everyone is entitled to search, receive and disseminate information, Article 55 – the citizens are entitled to a healthy environment). The new and the old version of the Environment Protection Act deal with the right of everyone to obtain a topical information on the environment status and guarantees for the observation of this right.

The public involvement methods could be considered in two main aspects:

Formal methods /rights of the citizens of the Republic of Bulgaria/:

- right to an access to information;
- right to freedom of expression;
- right to freedom of speech;
- right to freedom of associations
- right to a healthy environment
- each administrative act is subject to appeal

Informal methods /not legal, but by no means against the law/

- educational: bulletins, workshops, campaigns;
- direct pressure: petitions, claims, subscriptions;
- actions with violence: demonstrations, live chains, processions
- lobbying: consultations, round tables, elaborating of an alternative policy, strategies;
- services: green lines, cabinets for protection of the public interests
- supplementing activities: procedures for public involvement, alternative EIA, civil committees for protection.

The public involvement in the decision making process on issues and problems in view of the environment status could be divided in two main parts – involvement on a local level and on a national level.

On the *national level* the issues are settled by the Parliament and the government and there the public involvement is mainly in warning the central authorities about legal offences and in proposing of consulting or public support.

On the *local level* the issues and problems are settled by the local municipal council and there are much more influence opportunities, mainly due to the easier access to the municipal councilors and due to the more informal work of the municipal authorities – the municipal council.

The changes in the Bulgarian legislation in view of improving the procedure of making ecological decisions and consolidating the public involvement within the ecological policy is closely related to the negotiations with the European Commission for Bulgaria's accession to the European Union, which called for amendments in many laws and by-laws.

The elaboration of a national environment policy should be aligned with the European regulations – i.e. full adoption of Directive 2001/42/EU for the impact of some plans and programs on the environment, passed in June 2001; Directive 85/337/EEC, the amended Directive 97/11/EU for the necessity of an ecological assessment of some public and private projects, which are vital to the environment. Last, but not least pre-accession instruments, such as PHARE, ISPA and SAPARD include a preliminary Environment Impact Assessment.

The essence of the idea for consolidating the public involvement into the EIA procedure is to achieve a more-considered and effective decision and to prevent the health and environment damages. In general the involvement in the ecological decision-making process is accomplished on three levels:

- individual administrative acts – EIA and issue of permits;
- general administrative acts – regarding the plans, programs and the policy in the sphere of ecology;
- regulations.

MAIN STAGES IN THE EIA PROCEDURE

- FIRST: considering the necessity of EIA
- SECOND: defining the scope, setting out the alternatives and the elements to be assessed.
- THIRD: Assessment of the impact – elaborating an EIA Report
- FOURTH: Drawing in and participation of the Public into the EIA process;
- FIFTH: Documentation and information, presentation of the EIA Report either as a separate document, or as a part of the plan or the program;
- SIXTH: Decision-making – taking into account conclusions, statements and recommendations;
- SEVENTH: Monitoring – setting of follow-up measures for the overall impact on plans and programs.

The new Environment Protection Act provides for public discussion of the necessity of EIA at the level plan or program, project – the so-called *screening* and determining the scope of the assessment – *scoping*. The initiative for carrying out the first and the earliest consultations with the public belongs to the investor.

PUBLIC DISCUSSION OF EIA RESULTS

The public discussions of the EIA results shall be arranged together by the municipal authorities and the competent authority, issuing the EIA report.

Representatives of the municipal administration, of governmental organizations and NGOs, of the public as well as interested natural persons and legal entities shall participate in the discussion.

The procedure of the public discussion of the EIA report is as follows:

1. *Providing the EIA documentation.* The EIA Assignor shall submit one copy thereof to the municipal administration, on the territory of which the respective

- program, construction plan, or project shall be carried out, or on the territory of which the respective activity shall be carried out.
2. The competent authorities shall point out a place, date and time of the public discussion, as well as a place and time for public access to the EIA documentation, and shall announce them through the mass media or in another suitable way, at least one month prior to the meeting for public discussion.
 3. The meeting for public discussion shall be managed by a representative by the competent authority, issuing the EIA decision.

The minutes of the public discussion shall be made by the competent environment authority, and the submitted written statements from the public discussion shall be attached thereto.

The competent authorities shall submit one copy of the materials with the results of the public discussion to the Assignor of EIA Report within 14 days from the date of carrying out the public discussion. The Assignor of EIA Report shall assign the Report to be supplemented in compliance with the notes and recommendations from the Minutes of the public discussion and the written statements, attached thereto, by the deadline, fixed by the competent authority for decision-making under the EIA.

The costs for the public discussion shall be on the account of:

1. the Assignors of EIA Report – the costs for announcing the public discussion;
2. the Competent Authorities – the costs, related to providing of premises, where the access to the EIA documentation shall be given and where the public discussion shall take place, as well as the costs for participation of their representatives in the public discussion;
3. the participants in the public discussion of EIA – the expenses for traveling, per diem, etc, related to the preliminary acquainting with the EIA documentation and for their participation in the public discussion.

This is the general view of the ideal model of the EIA procedure and the public involvement therein. This model shall help us to outline the basic problems of the real implementation of this process, the hindrances, the difficulties, encountered by each party

in the course of implementation of this part of the ecological policy throughout the country. The scope of this study shows to what extent some of these requirements still sound abstract and a wish, how much they have become a real practice.

Analysis of the parties, involved in the decision-making process and in the implementation of the Environment Impact Assessment Procedure.

Provisionally the participants in the EIA procedure could be divided in three basic groups: governmental, investor and public.

Governmental group. This group comprises all participants in the process at the level of administration – both national and local administration, participating in the carrying out of the procedure. i.e.:

- *The Minister of Environment and Waters*, who makes a decision on any EIA procedure, represents the competent authority and coordinates the overall ecological policy in the country.
- *Representatives of the EIA Directorate at the Ministry of Environment and Water.* On the central level they manage and inspect the overall decision-making process and the implementation of the procedure. They contact the investor and acquaint him in details with the basic requirements and terms for the implementation. They are involved in the arranging and carrying out of the public discussions. They provide information and documentation regarding the procedure to the interested public. They contact the representatives of the municipality, interested in this case and carry out the initial notification for the public discussion. They carry out consultations on the procedure with experts from other interested ministries – the Ministry of Agriculture and Forestry, the Ministry of Health and the Ministry of Regional development and Public Works. They coordinate the alignment of the Bulgarian legislation in this sphere with the EU requirements. They inform in time the interested NGOs about the procedures and the public discussions thereof. On the grounds of the provisions of the Public Information Access Act and the Environment Protection Act they submit information to the investors from the register of independent experts and assist for effecting contacts with them.

- *Representatives of the Directorates and agencies within the system of MOEW, who consult and give statements on the current Environment Impact Assessment, take part in the Higher Expert Ecological Council.*
- *Representatives of the other ministries, interested in the procedure - the Ministry of Agriculture and Forestry, the Ministry of Health and the Ministry of Regional Development and Public Works. The statements provided by them are of special value to the decision-making of the EIA procedure. They are members of the permanent body of the Higher Expert Ecological Council.*
- *Representatives of the Higher Expert Ecological Council to the Ministry of Environment and Water. It consists of a permanent body – co-chairman the Deputy Minister of Environment and Water, according to the specific character of the studied EIA reports, employees in the EIA Department, Heads of Departments at MOEW, representatives of the Ministry of Health, the Ministry of Regional Development and Public Works and the Ministry of Agriculture and Forestry. The additional body of the council is formed according to the specific character of the studied EIA reports and consists of representatives of the Bulgarian Academy of Science, the Scientific Research Fund to the Ministry of Education and Science as well as representatives of organizations and movements with ecological interests, specialists from MOEW and its subsidiaries, specialists from other authorities – non-academic institutions. They discuss the EIA reports, provide written statements and participate in the decision-making process.*
- *The fifteen regional inspectorates to the Ministry of Environment and Water are competent authorities for carrying out the EIA procedure in project-sites of regional and municipal importance. In this capacity they take an active part in the organizing and implementing the public discussion and the decision-making of the procedures. They coordinate and inspect the entire process. They provide information and documentation on the procedure to the interested public. They inform the public about the carrying out of the public discussion. They perform consultations with the other authorities within the inspectorate and other interested ministries. They consult the investor on the manner and procedure for the Environment Impact Assessment. The draft-decision is considered by*

- representatives of the Regional Expert Ecological Council, including representatives of all EIA departments, interested in the procedure, representatives of the interested Ministries and of the interested public. The Director of the Regional Inspectorate decides and signs the implemented EIA.
- *The Municipal Administration* has two roles under the EIA procedure. First, in the capacity of an interested party in any procedure, taking part in the organizing and carrying out of the public discussion, provides information and documentation to the interested parties and the public and takes the Minutes of the discussions held. Second, in the role of investor of a project of municipal importance, contacting and assigning independent experts to prepare an EIA report, initiates at an early stage public discussions and makes the wide public familiar with the project.
 - *Independent experts*. Experts, who pursuant to the Environment and Water Protection Act have the required professional qualification and are listed in the public register of the Ministry of Environment and Water, who elaborate EIA reports on assignment of the investor.
 - *Politicians, Members of Parliament*, involved in the process at the decision-making level. Their involvement is expressed in exerting a certain influence in the decision-making process under a given procedure. In most of the cases, even still illegally, they carry out lobbying consultations with representatives of decision-making competent authorities.
 - *The governments, organizations and the interested public in neighboring countries*. It is a matter of projects and programs of the so-called “cross-border impact” – an impact, not especially of global character, which has emerged on the territory of a country, as a result of the proposed activity, with a physical source of impact located fully or partially on a territory, under the jurisdiction of another country.

The **investors** are represented as an autonomous participant in the EIA procedure, because it is difficult to attach them neither to the first, nor to the second group of participants. In most cases they appear as *private* or *state* investors. Under the stipulations of the regulations in this sphere the term Investor means a natural person, or a legal entity, assignor of the plan, program or investment proposal,

assigning to independent experts to carry out Environment Impact Assessment. He provides the complete documentation and information thereto. He organizes and carries out a public discussion at the early stage of the EIA procedure. He pays the expenses for elaboration of the EIA Report and the effected consultations.

The Public Group includes:

- *Local representatives of the public* from the affected settlement, owners of real property, land, directly affected by the changes in the ecological equilibrium. They participate in the consultations with the investor and express their opinion/statement regarding the considered project. They are entitled to require and obtain information and documentation on the procedure within the legal deadline. They are entitled to appeal to court any decision on the EIA procedure.
- *Representatives of scientific institutions*. They are involved on an expert basis in the implementation of the procedure, as a part of the body of the Higher Ecological Expert Council. They consult the investor and assist the participation of the public concerned and NGOs in the certain procedure. They investigate the process of the implementation of the procedure.
- *NGOs* working in a specific sphere of ecology and environment protection, who are directly interested in a EIA procedure. They take part in the carrying out of the public discussion on the procedure. They draw up statements thereto, that are taken into consideration within the EIA Report. They require and are entitled to obtain information on the carried out procedure within the legal time-limits. They have to right to appeal to court any decision of the Ministry of Environment and Water regarding the EIA procedure.
- *The Media – both national and regional*. They participate in the information of the public on the performed EIA procedures. They shape the public opinion on a given problem, and thus they could influence indirectly the decision-making on a certain EIA procedure.
- *The public concerned in other countries* for projects and programs of cross-border importance.

The Environment Impact Assessment Procedure is a challenge for each of the participants in this complex and un-equivalent process. For decades, the procedure has developed and thus changes should be made both in the practice and in the regulations. Inevitably they have an impact on the involvement, place and role of each of the interested parties.

Part Two: Analysis of the organizational external and internal identity, the communication channels and the behavior style of the interested parties in their interaction with the public.

This part of the analysis focuses on the organizational identity of the representatives of MOEW and the public concerned on the one part and how they organize their interaction within the EIA procedure.

The analysis of the interaction should take into account, that the interaction could not be considered one-sidedly. Its complex and contradictory character depends on the preparation, the organizational identity, the communication channels and the behavior style of each party. All these components should be placed in the context of the environment they evolve and function – political, economic and social. We should bear in mind, that each of the subjects has his own logic, determining his behavior to a great extent.

Therefore I venture to amend my initial idea of the structure of the presented analysis. The logic of the text imposes the alignment of each of the analysed components. In the beginning of this part of the text, based on the regulations in force and the information obtained from the in-depth interviews the main trends have been outlined for the organizational identity, the communication channels and the style of their behavior within the EIA procedure. The other part of the text deals with the subjects through the prism of their interaction and the mutual alignment of each component, which does not allow their independent analysis beyond the context of their connections and relations.

Analysis of the internal and external identity of the representatives of the interested public and Ministry of Environment and Water.

The representatives of MOEW organize and carry out their activity:

- within the organizational structure of the ministry;
- joint working groups with representatives of the other Ministries concerned - Ministry of Agriculture and Forestry, Ministry of Health and Ministry of Regional Development and Public Works;
- inter-ministry consultations and working groups;
- Higher Expert Ecological Council;

- Fifteen Regional Inspectorates on Environment and Water.

Representatives of the interested public and the NGOs:

- organizing of public campaigns in view of the EIA procedure;
- independent participation;
- organizing of Initiative committees;
- joint actions of the Initiative committees and the NGOs;
- joint actions of the interested population and the Initiative Committees;
- joint actions of interested population and the NGOs.

Main channels of involving the interested public:

- submitting of written statements and claims to the competent authority;
- participation in the decision making process under the EIA procedure through participation of representatives of NGOs as members and during the sessions of the Higher Expert Ecological Council (HEEC);
- public discussions of the EIA procedure;

Style of participation and decision-making:

- direct participation in the public discussions;
- indirect participation by means of presentation of independent statements within 14 days after the public discussion
- appealing to court of a decision taken by MOEW under an EIA procedure.
- filing of claims with the competent authority

Interaction between the representatives of the Ministry of Environment and Water with the interested public.

Representatives of MOEW carry out and organize their activity under the procedure within the ministry, its agencies, the Higher Expert Council and the joint working groups with the other ministries, interested in the performed procedure, participate in the carried out consultations of the investor with interested public. Being a competent authority for the projects, programs and the investment proposals of national

significance they carry out consultations with the interested public, undertaking to reflect their opinion and statements in the drawn up Environment Impact Assessment Report.

They organize their communication and interaction with the public on the grounds of the provisions of the laws and the by-laws in the sphere of the environment.

According to the experts, involved in the study, the Ministry of Environment and Water takes all efforts to establish a constructive dialogue with representatives of the interested public, but nevertheless it meets little understanding by them. The experience and the qualifications of the officials in the EIA Directorate enable a strict and optimum application of the procedure in compliance with the European and world-wide requirements. The experts involved in the EIA process make use of various forms of training and post-graduate qualifications in order to improve this communication. According to them in the last few years the Bulgarian NGOs have learned how to participate in the procedure. It could be maintained, that some of them have reached the maturity stage, where they could be adequately involved, in presenting valuable statements and in participating in the consultations with the independent experts and the investors. Unfortunately, they are just a few, the representatives of ministry have achieved a good interaction with them and keep them informed about the current EIA procedures. Fifteen NGOs obtain this information regularly. According to the experts they are those NGO representatives, who are regularly interested in and participate in the EIA procedures. Pursuant to the new law each of them should state its interest itself and only then it should be included in the data basis of the ministry.

The fact, that representatives of the third sector from the ecological sphere become members and attend the sessions of the Higher Expert Ecological Council means that there is a will for a dialogue. It is another question how much constructive and efficient this participation is, two out of four non-permanent representatives have a right to vote. The practice shows, that it could by no means amend an already taken decision. From the point of view of the representatives of the third sector their participation in the this authority of MOEW is more than for the form's sake. Their statements and opinions are not considered, their participation by no means has stimulated MOEW to strive to demotivate them, and also refused to provide an information to them, such as the internal rules for organizing of the activity of the Council and the due remuneration for

participation, as for an example one of the NGO representatives therein said “We don’t want to attend the sessions of HEEC and seldom go here”. Most of their colleagues are convinced, that they can do nothing to change to situation. The question remains open, whether all the methods and forms have been used on the part of the sector in order to optimize their interaction with the state authority. No matter how insignificant their participation in the Higher Expert Ecological Council is, it is a form of direct participation in the decision-making process regarding the EIA procedure. A shortcoming of the representatives of the third sector is, that they do not succeed in using this form efficiently. Despite their objections, of having used all the communication channels, a well-organized and motivated participation could result in changes in the attitude of the Council and could make the other participants to consider it.

As far as the affected population is concerned, according to the representatives of the ministry, they have not learned yet to organize efficiently their participation in public discussions and to give their constructive opinion. One of the reasons thereto is, that the population concerned has not become familiar with the EIA procedure and can not be involved efficiently in the public discussions, if not prepared by the NGO campaigns in advance. The other reason is the weak organization.

By now the most successful form of participation are the Initiative Committees. Their positions are strong in the places, where a definite public interest is available. ‘They organize their activities like in a textbook’, said one of the interviewed persons, ‘they manage to mobilize the local public concerned and by means of subscriptions and written statements, and in some places by means of organized actions they impose their positions. Their documentation is immaculate and one could think, that these people, most of which with secondary education have been trained in numerous qualification courses. They organize their lobbying campaigns very well in compliance with all requirements with a perfect command of the lobbying techniques. Usually they are arranged and initiated by a powerful personality, having an influence in the region, carrying out the complete campaign, while the other just support his actions. In some cases this personality succeeds in uniting representatives of various interests to participate. Although not very often these organizational structures of the local population concerned succeed in establishing of a good interaction with the representatives of the Ministry of

Environment and Water and the NGOs interested in the same EIA procedure. Most of them, however, prefer the independent participation. In general these are temporary organizational forms of the interested public, which are dissolved after the completion of the campaign.

Very often the local citizens are at contrary positions with the representatives of NGOs and succeed in imposing their own opinion. The contradiction is due to the strong social and economic interests, arising inevitably within the investment process. It is very difficult to satisfy at the same time the purely economic interests of an investment proposal and to avoid the damages to the environment, resulting thereof. Under the grave economic and social situation in the country it proved to be more valuable to open new jobs, for example, than to consider the high cost of the soil or water pollution.

Two major aspects should be highlighted:

- Even rarely, there are some cases, in which the positions of the representatives and the Ministry of Environment and Water coincide with the position of the NGOs.
- in places, where there is a keen public or local interest the NGOs almost never succeed in imposing their demands.

The position of the NGOs can not be considered equivalently either. From the point of view of one part of the participants in the study, there is no communication between the interested public and MOEW at all. The opinion of the other part is, that the Ministry of Environment and Water is one of the most easy ones for interaction. In this case everything depends on the organizational preparation, the communication channels and the style of behavior of each party in the implementation of the interaction in question.

The access to information is the key for any procedure regarding the environment. It is not just a matter of permission for EIA, there are permissions for the use of water, for transportation and storage of waste, there is a permission for launching a production of chemical substances, at least ten to fifteen permissions in the field of the environment in addition to the permission for EIA. The alphabet of the public involvement is the access to information. The EIA procedure is only the next step. According to the EIA procedure the interested parties are entitled:

- to be informed within the legal deadlines about the date and place, where the public discussion on EIA will be held,
- to participate therein,
- to submit written statements and claims, which should be included in the EIA Report,
- to appeal existing decisions before the Supreme Administrative Court.

The Ministry of Environment and Water does not manage to provide the required information in time to some of the NGOs, and in most cases, it refuses to provide them at all. Representatives of the Program for access to information say, that MOEW is the only ministry, that has refused an information even after appealing to the court and has not provided yet.

The NGOs are seldom informed about the carried out EIA procedures and the associated public discussions. In most cases they do not obtain access to the EIA Reports. Their statements and opinions are not taken into consideration and there has not been a single case, in which as a result of negative statements a Report to be returned for reworking. There are just a few cases of successful procedures for the NGOs due to the pressure organized by NGOs.

In general this is the overall opinion of the prevailing part of the NGO representatives, participating in the study. They think, that everything, depending on the third sector has been done already, all the efforts have been made to establish a constructive dialogue, but there is no understanding. In order to improve the process of interaction between the public concerned and the representatives of the ministry:

- a large educational campaign should be organized and convened regarding the ecological policy, and especially the EIA procedure,
- the terms and opportunities for providing information on the procedure should be extended,
- the public concerned should be informed regularly through the web page of MOEW, about the EIA procedures and the organized public discussions about them.
- the quality of the EIA reports should be improved;
- a tool should be found how the expert to become really independent from the investor;

- all possible alternatives of each procedure should be taken into consideration and reported.

They see as an insufficiency in their own work and the interaction with the Ministry:

- the low degree of experience and preparation of the experts regarding the EIA procedure,
- the difficult communication and interaction with representatives of other NGOs,
- in most cases the chaotic and unorganized behavior, related rather to dealing with a specific problem, than with organized participation in the specific procedure.
- the lack of well-grounded and professionally prepared arguments;
- the lack of sufficient activity and interest in the procedure;
- the lack of sufficient financial means for organizing and carrying out of successful public campaigns;
- difficult and not good enough interaction with media representatives.

In general they think, that in the cases, when they manage to organize in coalition their activities, they almost always succeed, but unfortunately this seldom happens.

Another NGO group, involved in the study has established a good interaction with representatives of the Ministry of Environment and Water. For them it could be maintained, that they have an organized behavior towards the institution. They have took and active part in most of procedures. They have submitted their competent and well-grounded professional opinion in all cases, when their opinion was needed. Representatives of the organizations in various regions in the country know at any time exactly which EIA procedure is under way and where a public discussion thereof is being carried out. Written notifications for almost each EIA procedures could be found in their registers. In their work with the ministry they contact experts – lawyers and plan their participation case by case. According to them the individual participation in the procedure is more successful, than the coalitional participation. The reason thereof is, that it is difficult to establish a good interaction and coordination with most of the NGOs in this sphere. The practice of their participation shows something else, that in each campaign, organized by them, the preliminary acquaintance of the public with the EIA procedure, its purposes and logic and the nature of the investment proposals play a key

role in the adequate participation of the local population in the organized public discussions. By now they have managed to finance the organizing and the carrying out of such campaigns.

In addition to the statements and the participation in public discussions, the interested public uses also the other channel of direct interaction with the Ministry of Environment and Water – appealing at court of a decision of MOEW regarding an EIA procedure. From the practice by now there is only one case, in which the public has managed to appeal such a decision. In general NGOs and the public could appeal only the procedure, but not the decision itself, which in most cases does not lead to very good results. This is due is not just the procedure for appealing, but the low legal culture and qualification of the interested public. According to unofficial information only two lawyers give legal advises to the NGOs in the sphere of ecology, no matter how strange it could sound. Last, but not least the fact, that limits the successful participation of the interested public is the low degree of knowledge about the EIA procedure in the courts.

BASIC CONCLUSIONS:

To a great extent the initial hypothesis of the study was justified. On the part of the regulations in force and the requirements of the Ministry of Environment and Water it has really managed to adopt all the European directives and requirements under the EIA procedure. The formal tools have been established for a stronger participation of the public in the decision making process and the implementation of the procedure. In the new Environment and Water Protection Act the public discussion is placed at the very beginning of the analysis of the necessity of performing of an Environment Impact Assessment. If we study the schedule and the stages of the procedure in details, we shall see that an obligatory consultation with representatives of the interested public is required. It is another matter, that the internal logic and organization of the work of the civil servant within the system MOEW still do not allow him to become aware enough, that the constructive dialogue with representatives of the public is of mutual benefit to both parties. In the course of the analysis of the in-depth interviews made with representatives of the Ministry of Environment and Water, EIA Directorate two aspects were outlined. According to one part of them, the Ministry has a long-term experience in

the application of the EIA procedure and the advance of our country is much greater, that that of the other East European countries. All this is a prerequisite, that the well-qualified staff of the EIA experts has a very good training and is open for interaction with NGOs and the interested public. It is a matter of mutual understanding professional, and organizational preparation to have a good interaction with the actors of the Civil Society.

Another group of representatives of MOEW, working directly with representatives of the public concerned, defend the opinion, that there is a lot to be done in the work of the ministry regarding the considered interaction. The internal rules should at least be elaborated in view of providing of information on the procedure. In their opinion, for the past years a lot of the representatives of the interested public have learned how to participate efficiently in the procedure and it is easy to work with them. However there is another part, with which a dialogue can not be established by no means, due to the difficult communication, the contradictions and the chaotic behavior in the participation of the third sector and the public in the EIA procedure.

The most important opinions, outlined in the analysis of the in-depth interviews with the representatives of NGOs could be divided in three types. The first – insisting on the proposition, that there is no communication and interaction with representatives of MOEW and such can not exist and the reason therefore is the institution itself. According to them the third sector has done its job and there is nothing to be done any more.

The second group has quite an opposite position – the communication and interaction with representatives of the EIA Directorate of MOEW are some of the best and if there are any contradictions, they are due to the insufficient preparation and motivation of the NGOs to participate in the procedure, and this is the reason for their lack of activity.

For the third group, if there are any problems in the interaction between the two parties, each of them is to blame: MOEW, because the new law, instead of increasing the scope of the procedure and the participation of the interested public, narrows the circle and centralizes its behavior; and the NGOs and the representatives of the local population, because they are not familiar enough with the EIA procedure and they lack professional qualification and expert assistance.

In conclusion the participation of the interested public, including the NGOs depends a lot on their preliminary organizational preparation, the elaborated style of behavior and

the communication channels, used by them most often. On their part, they depend on the degree of preparedness on the procedure, not only legal, but expert as well. Depending on the chosen behavior style – aggressive behavior or a dialogue and cooperation with the Ministry of Environment and Water, the interaction is efficient or inefficient. The study, made by the Centre for Ecological Legislation “DEMETRA” and the INFOECOCLUB on the EIA procedures in several regional inspectorates shows, that in the cases in which the NGOs participate most actively, more public discussions were really held and most statements of the NGOs have been considered. The advantage of the NGOs in the interaction process is, that they are more flexible than the representatives of the Ministry of Environment and Water, whose logic follows only the stipulations of the laws and the by-laws. Therefore it is groundless to have representatives of interested public, who are not qualified and motivated enough, although they have less information sometimes.

I venture to finish with the words, of one of the interviewed representatives of the NGOs, because in my opinion, it outlines clearly the conclusions made so far.

“I would attack the official, who refuses to give me a copy of the EIA Report, in a file. I would attack the official, who refuses to give me an information on the monitoring of the choice of requirements for the EIA decision. I would also attack the NGOs, when they want to make an inquiry on EIA, for instance on day 28 of the legal term, for providing of information, maintaining that he has not enough time, and does not remember to request a copy on file. I would blame the NGOs, blame, not attack, because unlike the civil servants they are not responsible for the unprofessionally prepared and unclear arguments. In general, everyone working outside the Government should be aware, that he has to be prepared in the best way, because this is the essence of each NGO, that they have more freedom and flexibility in their reactions, and the logic, that they have always to prove themselves with more competence”.