

Challenges to Europeanization:
the Transposition and Implementation of EU Waste
Acquis in Bulgaria

Petya Ognyanova Dragneva

School of Law and Department of Politics

PhD, August 2011

Contents

List of Tables	6
List of Figures	6
List of Abbreviations	7
Acknowledgements	8
Abstract	9
Introduction	10
PART ONE: Analytical and Methodological Framework	18
Chapter 1: Analytical Framework	18
Introduction	18
1. Europeanization Concept: Origins, Development and Uses	19
2. Defining Europeanization in ‘Empirical Terms’	25
3. New Institutionalism and Europeanization. Research Implications	29
3.1 The ‘New Institutionalisms’ in Europeanization Research	30
3.2 Application in the Research	38
Conclusions	44
Chapter 2: Research Methodology	45
Introduction	45
1. Methodological Rationale of the Research	45
2. Case Study Research Design	52
3. Qualitative Methods of Data Management	61
Conclusions	66
PART TWO: EU Environmental, Waste and Cohesion Policies.	
Policy Interactions	67
Chapter 3: European Union Environmental Law and Policy	67
Introduction	67
1. European Union Environmental Policy: Origins and Development	69
1.1 Before the Single European Act (1986)	71
1.2 After the Single European Act (1986)	73
2. Regulatory Instruments and Implementation Challenges	79
3. European Union Waste Law: Basic Features, Instruments and Practices	90
Conclusions	101

Chapter 4: Interaction Patterns in a Policy Patchwork	103
Introduction	103
1. Policy Interactions	104
2. Environmental Policy Integration as a One-Way Policy Interaction	109
2.1 EPI: Origins and Development	109
2.2 EPI: Conceptualization	115
2.3 EPI Instruments	120
3. The Policy Puzzle of Cohesion, Environment and Waste	127
3.1 Integration of Environmental Protection Requirements in EU Pre-accession Assistance/Cohesion Policy	128
3.2 EU Pre-accession Assistance/Cohesion Policy: Towards Implementation of Environmental and Waste <i>Acquis</i>	138
Conclusions	142
PART THREE: Europeanization of Waste Policy in Bulgaria	143
Chapter 5: Waste Management in Bulgaria: from Pre-history to Modernity and up to Signing the Association Agreement with the European Union (1993)	147
Introduction	147
1. Waste Practices in Bulgaria up to the 1990s	147
2. Between Communist Legacies and EU Aspirations: Pre-accession Period Prior to Signing the Association Agreement with the EU (1993)	154
Conclusions	160
Chapter 6: Waste Management in Bulgaria Pre-accession: the Road from the Association Agreement (1993) to the Accession Treaty (2005)	163
Introduction	163
1. Initiation of the EU Accession Process: 1993 – 1997	164
2. Bulgarian Waste Reform: Formal Transposition between 1997 and 2001	170
3. Bulgarian Waste Reform: Negotiated Engagements and Key Challenges to Practical Transposition between 2001 and 2005	175
3.1 Administrative and Financial Capacity of Policy Structures	180
3.2 Contested Relations across Levels of Governance	187
3.3 ‘Waste Regions’ and EPI through Environmental Assessments and ISPA	191
Conclusions	197
Chapter 7: Waste Management in Bulgaria Post-accession	200
Introduction	200
1. At the EU Threshold: from the Accession Treaty (2005) to Accession (2007)	200

2. Waste Management in Bulgaria beyond 2007	206
2.1 Funding Scandals and EU Responses	207
2.2 EU Structural and Cohesion Funds for Waste Management in Bulgaria	210
2.3 EU Infringement Actions: Context and Developments	212
2.4 Financing ‘Waste Regionalization’. Progress with Operational Programme ‘Environment 2007-2013’	221
2.5 EPI through Environmental Assessments and EU Structural and Cohesion Funds	224
2.6 Formal Transposition Continued: ‘Waste Regionalization’	227
Conclusions	232
Chapter 8: Revisiting the Research Model: Bulgarian Waste Policy and the Effects of Europe	236
Introduction	236
1. ‘Fitting’ EU Environmental and Waste Rules to the Bulgarian Waste Sector	237
2. Mediating Factors: Explanatory Value. Relevance of the Initial Hypothesis	244
2.1 Domestic Variables	244
2.1.1 Explanatory Value: Multiple Veto Points	244
2.1.2 Explanatory Value: Mediating Formal Institutions	248
2.1.3 Explanatory Value: Political and Organizational Cultures	249
2.1.4 Explanatory Value: Differential Empowerment of Actors	251
2.1.5 Explanatory Value: Political or Partisan Contestation	252
2.1.6 Explanatory Value: Learning	253
2.2 Policy Interactions as a ‘Domesticated’ Variable	254
3. Implementation Dynamics and Pattern of Change	259
Conclusions	261
Chapter 9: Conclusions	263
Bibliography	274
Appendices	320
Appendix I	320
Appendix II	330
Appendix II.1	330
Appendix II.2	332
Appendix II.3	334
Appendix II.4	343
Appendix II.5	361

Appendix II.6	364
Appendix II.7	372
Appendix II.8	374
Appendix II.9	380

List of Tables

Table 1	40
---------	----

List of Figures

Figure 1	12
	269
Figure 2	26
Figure 3	82
Figure 4	88
Figure 5	93
Figure 6	96

List of Abbreviations

CEECs	Central and Eastern European Countries
COWI	Consultancy within Engineering, Environmental Science and Economics
DG	Directorate-General
DG REGIO	Directorate-General Regional Policy
EEA	European Environmental Agency
EAGGF	European Agricultural Guidance and Guarantee Fund
EAP	Environmental Action Programme
EDIS	Extended Decentralised Implementation System
EIA	Environmental Impact Assessment
EMEPA	Enterprise for Management of Environmental Protection Activities
EOP	Environmental Operational Programme
EPI	Environmental Policy Integration
ERDF	European Regional Development Fund
ESF	European Social Fund
EU	European Union
IPA	Instrument for Pre-accession Assistance
IPPC	Integrated Pollution Prevention and Control
ISPA	Instrument for Structural Policies for Pre-accession
LLHIWE	Law on the Limitation of the Harmful Impact of Waste on the Environment
MLG	Multi-level Governance
NIMBY	Not In My Back Yard
NUTS	Nomenclature of Territorial Units for Statistics
PHARE	Poland and Hungary: Assistance for Restructuring Their Economies
QMV	Qualified Majority Voting
RIEW	Regional Inspectorate of Environment and Water
SAPARD	Special Accession Programme for Agriculture & Rural Development
SEA	Strategic Environmental Assessment
TEC	Treaty Establishing the European Community
TEEC	Treaty Establishing the European Economic Community
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union

Acknowledgements

I would like to express my gratitude to everyone who has directly or indirectly supported my work on this thesis. In particular, I would like to thank my family, my supervisors Professor Tamara Hervey (School of Law, University of Sheffield) and Professor Ian Bache (Department of Politics, University of Sheffield). I am also very much indebted to the following contributors to my academic development, in general and to my dissertation, in particular, Dr Rilka Dragneva-Lewers (School of Law, University of Manchester), Dr Antoaneta Dimitrova (Department of Public Administration, Leiden University), Professor Karen Andreson (Nijmegen School of Management, Radboud University Nijmegen), Professor Colin Hay (Department of Politics, University of Sheffield), Dr Tawhida Ahmed (School of Law, University of Sheffield), Professor Simon Bulmer (Department of Politics, University of Sheffield), Dr Ralph Negrine (Department of Journalism, University of Sheffield), the individuals from the European Commission and the Bulgarian public institutions who have taken the pains to meet me for interviews and the research support teams from the School of Law and Department of Politics at the University of Sheffield.

Abstract

The main objective of this research is to explore the process of formal and practical transposition of European Union waste management *acquis* (selected directives). The discussion focuses on the experience of Bulgaria as a former candidate country and a new EU Member State in adopting and applying EU waste legislation. The research analyses the policy adjustments undertaken by Bulgaria towards complying with EU environmental and waste rules and the extent to which these adjustments have translated into actual change in the Bulgarian waste sector. Drawing on the specificities and the pace of the EU-driven transposition process before and after accession, the research considers the quality and type of change that Bulgarian waste policy has undergone since the country's engagement with the European Union.

Further to examining the intensity of the Europeanization dynamics in this case, the discussion identifies and explains the workings of other endogenous factors intervening in the Europeanization process. Alongside the domestic variables proposed and tested in existing academic work, this research puts forward for examination a test variable reflecting the existence of policy interactions at EU level, which once 'domesticated' in the national arena, can have significant implications for implementation performance and policy change. This research posits that policy interactions, featuring as a 'domesticated' variable, have to be considered in the context of EU adaptational pressures and in conjunction with the workings of domestic variables.

Therefore, this research contributes to existing theory by analysing the effects of EU policy interactions in the domestic arena as part of the overall Europeanization dynamics. At an empirical level the research addresses the gap in existing studies of the processes of Europeanization and implementation of EU environmental and waste *acquis* in the EU new Member States and ex-candidate countries. More specifically, the thesis contributes to research on Bulgaria and on Bulgarian environmental and waste reforms.

Introduction

The main objective of this research is to explore the process of formal and practical transposition¹ of European Union (hereinafter, the ‘EU’)² waste management *acquis* (selected directives). The discussion focuses on the experience of Bulgaria³ as a former candidate country⁴ and a new EU Member State in adopting and applying EU waste legislation. The research takes particular interest in the policy adjustments undertaken by Bulgaria towards complying with EU environmental and waste rules and the extent to which these adjustments have translated into actual change in the context of the Bulgarian waste sector. Drawing on the specificities and the pace of the EU-driven transposition process before and after accession, the research considers the quality and type of change that Bulgarian waste policy has undergone since the country’s engagement with the European Union. Apart from examining the intensity of the Europeanization dynamics in this case, the discussion also seeks to identify and explain the workings of other domestic and ‘domesticated’⁵ factors intervening in the Europeanization process.

¹ The categories ‘practical transposition’ and ‘implementation’ are used synonymously and interchangeably throughout the research, *see* Knill, 2006

² The ‘European Union’ (EU) as such was established by the Treaty of Maastricht (the Treaty on European Union) which came into force in 1993 and was based on the foundations of the pre-existing European Economic Community. The latter was created by the Treaty of Rome in 1957 and constituted part of the European Communities (ECSC, EURATOM, and EEC) since the Merger Treaty of 1967. The Maastricht Treaty (signed on 7.02.1992 and in force on 1.11.1993) changed the name of the European Economic Community to ‘the European Community’. The Treaty of Amsterdam (signed on 2.10.1997 and in force on 1.05.1999) amended and renumbered the European Union and European Community Treaties (TEU and TEC, respectively). The Treaty of Nice (signed on 26.02.2001 and in force on 1.02.2003) merged the Treaty of the EU (TEU) and the Treaty Establishing the European Community (TEC) into a consolidated version. The latest Treaty amendment was introduced by the Lisbon Treaty (signed on 13.12.2007 and in effect since 1.12.2009) and brought fundamental revisions to the Treaty on European Union (TEU) and the Treaty Establishing the European Community (TEC) with the latter renamed into ‘Treaty on the Functioning of the European Union’ (TFEU). For reference to all these, please *see* the Bibliography. For greater simplicity the demarcation ‘EU’ will be used throughout the thesis even if in relation to earlier points in time, except for the cases where specific reference is made to the Treaties Establishing the European Economic Community and the European Community, respectively.

³ *See* Appendix II.1

⁴ The term ‘candidate country’ used here reflects the EU definition of ‘candidate countries’ as countries applying for EU membership and being granted ‘candidate country’ status once their application is officially accepted by the European Council in line with Art. 49 TEU. ‘Candidate countries’ go through the negotiation process and become ‘accession countries’ after the signature of the Treaty of Accession. The latter status marks an interim period of special arrangements preceding the actual date of accession set out in the Treaty which brings full EU Member State status. *See* http://ec.europa.eu/enlargement/glossary/terms/candidate-countries_en.htm; http://ec.europa.eu/enlargement/glossary/terms/accession-countries_en.htm; In the context of the present research the term ‘accession countries’ is also used with reference to countries undergoing the accession process in its various phases. *See* http://ec.europa.eu/enlargement/the-policy/process-of-enlargement/index_en.htm (Date of reference 20.01.2011)

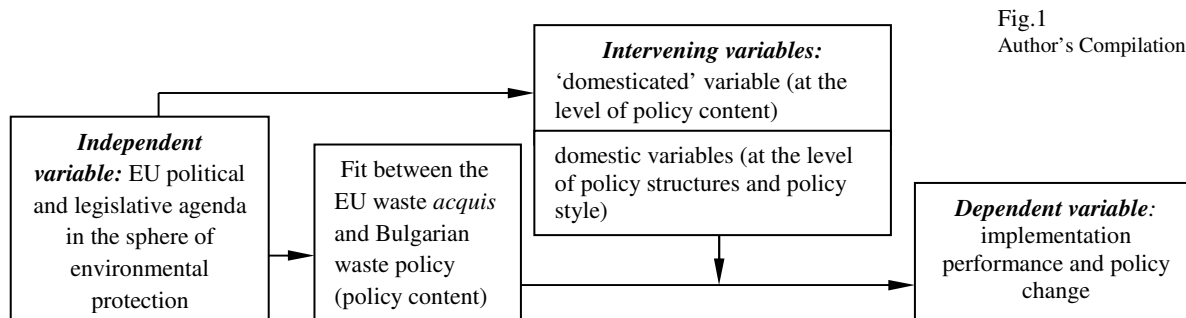
⁵ This qualification will be clarified further below, yet here it needs to be explained that the term was borrowed from Helen Wallace who uses ‘domestication’ to describe a ‘process through which the EU’s top down influence is mediated and possibly even distorted by domestic institutional and political factors’ (Wallace, 2000: 369-70; Jordan and Liefferink, 2004a)

Towards this end, in addressing the research question that explores the *extent to which waste policy in Bulgaria has been Europeanized*, the research draws on the findings of the Europeanization literature and employs a new institutionalist path dependence perspective. The research logic adopted here (See Fig. 1 below) borrows from Risse, Cowles and Caporaso's (2001) three-step Europeanization model and its consequent modifications in Europeanization research (Bache, 2008).

Here the European Union political and legislative agenda in the sphere of environmental protection is taken as an independent variable. The role of the 'goodness of fit' concept is reflected with the aim of determining the strength of the adaptational pressures that map the extent to which domestic institutions would have to change in order to comply with European rules and practices (Risse, Cowles and Caporaso, 2001: 7). The research concurs with the findings of existing Europeanization writings that the 'goodness of fit' perspective does not exclusively precondition and explain domestic change (*Ibid.*). Nevertheless, it acknowledges that the existing waste institutional and infrastructural arrangement, as an element of the content of pre-existing policies, matters in this respect as it would need to be modified in line with the Europeanization impulse (Knill, 2006). In this sense, the findings of the Europeanization literature in support of the assumption that 'the more European measures require domestic adaptations, the higher the probability will be that institutional inertia might have a negative impact on implementation effectiveness' is taken into consideration (Knill, 2006: 364).

Another important element of the above framework that is applied in this research concerns the identification of intervening domestic variables or mediating factors such as multiple veto points, mediating formal institutions, political and organizational cultures, differential empowerment of domestic actors, learning and political or partisan contestation influencing the implementation of EU waste *acquis* in Bulgaria (Risse, Cowles and Caporaso, 2001: 9; Bache, 2008). According to existing research, in cases of adaptational pressures, the potential presence or absence of such factors is critical for the degree of domestic change to be expected.

Alongside the variables proposed and already tested in academic work, the present research puts forward for examination a test variable reflecting the existence of policy interactions at EU level which, once 'domesticated' in the national arena, can have significant and sometimes unpredictable implications for implementation performance and, respectively, policy change (dependent variable) (Glachant, 2001).



The above research model allows for the formulation of the following primary hypothesis pertaining to the salience of this ‘domesticated’ variable that is to be tested in relation to the examination of the effects of the European Union on Bulgarian waste policy as a critical case:

The extent to which Bulgarian waste policy is Europeanized is critically determined by the nature of policy interactions.

Its null hypothesis will look as follows:

The extent to which Bulgarian waste policy is Europeanized is not critically determined by the nature of policy interactions.

Seeking to respond to the research question and to scrutinize the viability of the primary hypothesis and its null version, the research engages in a careful process tracing of the development of waste management in Bulgaria (Risse, Cowles and Caporaso, 2001; Checkel, 2005; Bache, 2008).

Such an approach allows for an in-depth examination of the case of Bulgarian waste management over a prolonged period of time (with the key focus placed on the years between the 1960s and 2010) and due consideration of the multiple variables (domestic and ‘domesticated’) intervening in the EU-driven process of change in this sector. At the same time, it helps to disentangle the effects of the EU political and legislative agenda in the sphere of environmental protection as an exogenous factor (independent variable) from these of endogenous factors (intervening variables). Importantly, it also offers a perspective and opportunity for comparison of Bulgarian waste policy pre- and post-accession as the accession status reflects certain variations in Europeanization dynamics. More specifically, process tracing is harnessed here for a number of purposes:

Firstly, process tracing provides insight into Bulgarian waste management practices prior to the engagement of Bulgaria with the European Union. Such an account allows for identifying traits of pre-existing policies with their infrastructural implications and emphasizes the workings of embedded and path dependent policy structures and styles.

Secondly, it shows what changes the accession process necessitates in waste policy, what is being ‘down-loaded’ from the EU by way of legal requirements and whether it concerns changes in policy content, policy structures and/or policy styles (Jordan and Liefferink, 2004; Börzel, 2005: 63). A specific focus on managing municipal waste in line with the provisions of the Landfill Directive and the 2006 consolidated version of the Waste Framework Directive,⁶ insofar as it relates to the former, allows for comparison at the level of policy content of pre-1993 Bulgarian waste policy (that is prior to signing the Association Agreement⁷) against these EU provisions. Such a comparison helps to make speculations as to the ‘goodness of fit’ between EU waste *acquis* and Bulgarian waste policy in terms of policy content. As shown by existing Europeanization literature, the latter can be indicative of the intensity of the adaptational pressure to which Bulgarian waste policy has been exposed, as well as of the implications of this pressure for implementation performance and policy change.

Thirdly, the in-depth examination of the case of Bulgaria offers an opportunity to determine the implications of policy interactions between EU environmental and cohesion policies for the Bulgarian waste management sector. These interactions originate from the EU level and are filtered through the domestic arena. Here, their workings are depicted by a single ‘domesticated’ variable and its relevance for the processes of implementation and change is tested alongside that of other domestic variables already explored in Europeanization research.

Fourthly, exploration and disclosure of trends in implementation performance of Bulgaria in waste management pre- and post-accession reveal the extent to which policy adjustments translate into actual policy change as well as the quality and type of this

⁶ See Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1
See Council Directive 75/442/EEC on waste [1975] OJ L194/39, as amended by Council Directive 91/156/EEC [1991] OJ L 78/32, Council Directive 91/692/EEC [1991] OJ L 377/48 and Commission Decision 96/350/EC [1996] OJ L 135/32, codified by Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2006] OJ L 114 /9 and later repealed by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3. Although this 2006 Directive is repealed by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3, it will be the one discussed in relation to the case of Bulgaria. The 2008 Directive is too recent (to be transposed by Member States by 12.12.2010) for the processes of its transposition and implementation to be examined in this country and its impact cannot be subject to an adequate analysis at present.

⁷ See Agreement, Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part – Protocol 1 on textile and clothing products – Protocol 2 on ECSC products – Protocol 3 on trade between Bulgaria and the Community in processed agricultural products not covered by Annex II to the EEC Treaty – Protocol 4 concerning the definition of the concept of originating products and methods of administrative cooperation – Protocol 5 on specific provisions relating to trade between Bulgaria, of the one part, and Spain and Portugal, of the other part – Protocol 6 on mutual assistance in customs matters – Protocol 7 on concessions with annual limits – Protocol 8 on transboundary watercourses – Final Act – Joint Declarations [1994] OJL 358/3

change (implementation performance and policy change taken as a dependent variable). Thus, the identification of problems, in the formal and practical transposition of EU waste legislation, especially if persisting over time, points to the existence of serious impediments to adaptation and helps to explain resistance to change. It also aids in detecting differences in the Europeanization dynamics with regard to transposition and implementation, respectively.

In the case of Bulgaria, the two time-frames considered - respectively pre-accession and post-accession - are demarcated by the signature of the Treaty of Accession to the European Union (25 April 2005).⁸ In order to draw a continuous timeline of the relations between the EU and Bulgaria and to discuss the way these relations have influenced Bulgarian waste policy, two sub-periods of pre-accession are examined. These cover the time before and after signing the Association Agreement between Bulgaria and the EU (8 March 1993).⁹ As far as post-accession is concerned, the research follows developments in the transposition and implementation of waste legislation in Bulgaria until the end of 2010.¹⁰

Ultimately, on the basis of the analysis of the research findings and their standing against the theoretical propositions informing this dissertation, conclusions are formulated on the effects of the Europeanization dynamics on the Bulgarian waste sector pre- and post-accession.

Towards attaining its analytical and empirical objectives this research draws on academic writings oriented to the following areas of study:

1). on the problems of transposition and implementation of the EU *acquis* in general as well as in specific policy areas (eg. C. Knill, T. Hervey, T. Börzel, K. Collins and D. Earnshaw, F. Duina, M. Hill, J. A. Jordan, C. Kimber, C. Knill and D. Lehmkuhl, C. Knill and A. Lenschow, R. Macrory, P. A. Sabatier, R. Wright, B. Steunenbergh, A. Dimitrova, M. Glachant, T. Daintith, J. Holder, N. Dhondt, etc.);

2). on the problems of EU environmental/waste law and policy in terms of decision-making, transposition and implementation (eg. J. Scott, J. Holder, T. Börzel, P. Jehlicka, A. Jordan and D. Liefferink, R. Wurzel, J. Golub, M. Haverland, M. S. Andersen and D. Liefferink, A. Jordan, C. Knill, A. Lenschow, M. Vasilis, P. Getimis and C. Paraskevopoulos, Bell and McGillivray, G. Van Calster, P. Williams, Macrory

⁸ See Treaty of Accession of Bulgaria and Romania to the European Union, Official Journal L 157/48 of 21.06.2005

⁹ *Op. cit.* 7

¹⁰ This choice of date is dictated by the time limitation of the allocated period of research (March 2008 – May 2011)

and Purdy, L. Krämer, J. Carmin and S. VanDeveer, A. Carius, A. Krüger and I. Homeyer, etc.);

3). on the specificities of the environmental policy integration principle (EPI) and on policy interactions (eg. A. Lenschow, A. Nollkaemper, A. Jordan and A. Lenschow, N. Dhondt, A. Jordan and A. Schout, A. Jordan and D. Liefferink, W. Lafferty and E. Hovden, A. Sgobbi, K. Medarova-Bergström, M. Nilsson, M. Eklund and S. Tyskeng, M. Glachant, F. Scharpf, etc.);

4). on the problems of EU pre-accession assistance and cohesion policy (eg. D. Allen, I. Bache, Bache and Flinders, Bache and George, J. Scott, J. Dieringer and N. Lindstrom, R. Martin, A. Evans, L. Hooghe, G. Marks, M. Vasilis, P. Getimis and C. Paraskevopoulos, M. Baun and D. Marek, T. Hervey, A. Lenschow, etc.);

5). on Europeanization (eg. S. Bulmer and C. Radaelli, I. Bache, A. Jordan and D. Liefferink, R. Wurzel, P. Graziano and M. Vink, T. Börzel, J. A. Caporaso and T. Risse, M. Cowles, K. Featherstone and C. Radaelli, K. Goetz, H. Grabbe, A. Héritier, J. Olsen, H. Wallace, A. Lenschow, M. Thatcher, C. Knill, Schimmelfennig and Sedelmeier, etc.);

6). on new institutionalism (eg. K. Thelen and S. Steinmo, B. Guy Peters, M. Levi, D. C. North, C. Offe, P. Pierson, Hall and Taylor, S. Bulmer, I. Bache, C. Hay, Hay and Wincott, March and Olsen, V. Lowndes, M. Pollack, etc.);

7). on the problems of conditionality and institution-building in EU enlargement (A. Dimitrova, F. Schimmelfennig, H. Grabbe, J. Hughes, G. Sasse and C. Gordon, M. Brusis, K. Maniokas, A. Mayhew, U. Sedelmeier, M. Cremona, etc.);

While strongly reliant on these secondary sources in its investigation dedicated to the Europeanization of Bulgarian waste policy, this research hopes to be able to contribute to existing academic work in the following ways. Firstly, empirically it addresses the gap in existing research on the processes of Europeanization and implementation of EU environmental and waste *acquis* in the European Union new Member States and ex-candidate countries. More specifically, the research contributes to studies on Bulgaria and on Bulgarian environmental and waste reforms, in particular. In doing so, it employs an interdisciplinary stance reflecting the perspectives of both law and politics to the researched phenomena. It finds that the Europeanization of Bulgarian waste policy constitutes a process of change entailing the ‘download’ of EU waste legislation through transposition and implementation (Goetz, 2005: 255; Börzel, 2005, 2007; Bache, 2008). Reliance on both disciplines is, therefore, indispensable for tracing the features of this process. Secondly, maintaining this interdisciplinary approach, by way

of a conceptual contribution the present research opens an original line of inquiry into the effects of EU policy interactions in the domestic arena as part of the overall Europeanization dynamics. Alongside its examination of policy interactions, this discussion also complements existing research on the role of domestic mediating factors in Europeanization, with a particular focus on developments in the waste sector. It is expected that the exhaustive analysis of the above-mentioned phenomena will provide grounds for a better understanding of transposition and implementation of the EU *acquis* in the field of environmental protection and waste management, with the hope that it will complement existing policy studies.

Towards these ends the remainder of the thesis is organized in the following way:

PART ONE: ANALYTICAL AND METHODOLOGICAL FRAMEWORK

Chapter 1 focuses on the analytical framework of the research. Firstly, it explores the origins, development, uses and main applications of the concept of Europeanization and examines recent Europeanization findings in the environmental sector. Secondly, the chapter looks into the theoretical explanations of the Europeanization processes discussed in the existing literature based on the new institutionalisms and outlines their implications for the present research.

Chapter 2 discusses the methodological rationale of the research. The chapter, firstly, considers the interdisciplinary character and the ontological and epistemological roots of the study. Then, it expounds on the adopted research design and finally, clarifies the research orientation towards reliance on qualitative methods of data collection and data interpretation.

PART TWO: EU ENVIRONMENTAL, WASTE AND COHESION POLICIES. POLICY INTERACTIONS

Chapter 3 addresses one of the central aspects of the research inquiry pertaining to the EU environmental agenda in order to determine what is being ‘downloaded’ from the EU and what ‘downloading’ as such entails, as well as to throw light on the way waste policy fits in the overall context of the more general EU environmental agenda. The chapter firstly, provides an overview of the origins and development of EU environmental law and policy. It then turns to the basic legal instruments as well as to the implementation problems characterizing the EU environmental sector. Finally, the discussion tackles the specifics of the EU waste law and relates to the research objectives.

Chapter 4 expounds on the concept of policy interactions in order to unveil its key features and to facilitate its identification in the empirical material on Bulgarian waste

management. The chapter firstly, offers a discussion on policy interactions, drawing on the findings of existing academic literature, and constructs a definition for policy interactions tailored for the purposes of this research. It then provides an overview of the debates on the evolution, normative meaning and instruments of the environmental policy integration principle. Finally, the chapter scrutinizes the interrelation between EU environmental policy and EU structural and pre-accession aid in particular with the argument that this interrelation bears direct relevance to waste management in the studied country.

PART THREE: EUROPEANIZATION OF WASTE POLICY IN BULGARIA

Chapters 5, 6 and 7 present and analyse the research findings on the implementation of the waste management *acquis* in Bulgaria. They comprise a chronological account covering periods before and after EU accession.

Chapter 8 comes up with a commentary discussing the empirical findings on Bulgarian waste management in view of the research model.

In conclusion, *Chapter 9* sums up the research findings, revisits the adopted analytical and methodological framework, and discusses the interdisciplinary elements and the distinctive contribution of the research.

PART ONE

Analytical and Methodological Framework

Chapter 1

Analytical Framework

Introduction

In exploring the interaction between the European Union and Bulgaria with regard to the formal and practical transposition of the EU waste management *acquis* (selected directives) the present research enters the Europeanization analytical debate. The research seeks to draw on the empirical basis of the Europeanization approach in order to contribute to the development of a feasible model explaining the role of the European Union political and legislative agenda in the sphere of environmental protection (as an independent variable) in shaping implementation performance and policy change (dependent variable) (Caporaso, 2007). At the same time, the research aims to single out and explore a number of endogenous factors (respectively, domestic and ‘domesticated’) intervening in the Europeanization process in the studied country (intervening variables). When considering implementation performance and policy change, the research primarily examines the impact at the level of policy content. At the same time, it takes into account the workings of intervening factors revealed at the level of policy structures and policy style and their salience for the implementation process. The present discussion draws on the findings of the Europeanization literature in the sphere of environmental protection according to which the ‘EU’s impact is indeed differential’ in the sense that it has been shown to ‘affect the content of national policy more deeply than national policy structures and policy style’ (Jordan and Liefferink, 2004b: 230; Börzel, 2007: 228).

Towards meeting these ends, the present chapter discusses the Europeanization concept at length. It, firstly, explores the origins and development of Europeanization to proceed with its main applications. In line with the research purposes presented above and considering the contextual character of the case studied, the chapter focuses on Europeanization findings in the environmental sector, in particular. It also examines the Europeanization process as diffused through the lens of ‘enlargement governance’ literature underlining the asymmetrical pattern of EU relations with the candidate

countries and new Member States (Dimitrova, 2002). Finally, the present chapter explores the theoretical underpinnings of the Europeanization processes in the face of new institutionalism as discussed in existing literature and outlines their implications for the present research.

1. Europeanization Concept: Origins, Development and Uses

The influence of the European Union on the domestic arena has been recognized by both supporters and contestants of the Europeanization concept. As Jordan and Liefferink (2004a: 1) put it ‘today, it is almost axiomatic that the EU “matters” while ‘ten years ago, this statement might have generated controversy in some quarters’. Nevertheless, while on the one hand the literature considers Europeanization research as a blow of ‘new fresh air’ (Lenschow, 2006), on the other hand scholars refer to it as a ‘disorderly’ (Olsen, 2002: 922) ‘cultish fad’ (Caporaso, 2007: 24) and recognize the danger of its overstretching, especially if in the wrong hands (Bache and Jordan, 2006: 17). Certainly, by acknowledging that ‘Europeanization is not itself a theory’ but rather a ‘phenomenon which a range of theoretical approaches have sought to explain’ (Bulmer, 2007: 47) authors do not render it irrelevant (Börzel, 2007: 230). They rather engage in exploring its theoretical and empirical underpinnings and placing model building on an equal footing with defining and theorizing (Olsen, 2002: 921; Caporaso, 2007: 24).

Despite the above mentioned challenges, research has provided evidence of the growing interest in the Europeanization concept as shown in the existing social science literature. For instance, Featherstone and Radaelli have developed a typology of ‘Europeanization’ reflecting the usage of the term in the academic writings since 1981 and showing a rapid increase in recent years (Featherstone, 2003: 5). Other authors have sought to examine the reasons behind the increased use of this term by looking at the pace of European integration and examining the explanatory potential of the traditional integration theories (Caporaso, 2007). According to the majority of their findings, integration theories prove to be ‘inadequate to account for the differential impact of Europe’ (Börzel, 2005: 48) on the Member States and the accession countries, thus providing for the opening of a new analytical space (Bache and Jordan, 2006: 18; Caporaso, 2007).

The intellectual origins of the Europeanization concept can be traced back to the work of Peter Gourevitch on international sources of domestic politics in 1978 (Bache

and Jordan, 2006: 18; Vink and Graziano, 2007: 3). Another early use of that approach is to be found in Robert Ladrech's research on the impact of Europeanization in France (Ladrech, 1994: 69). Nevertheless, the roots of this concept should, certainly, not be associated with one or two academic writings only as they rather reflect a massive 'turn' in social sciences (Jordan and Liefferink, 2004a: 4). However, as Simon Bulmer points out, this intellectual evolution does not appear to be a 'tidy' process as, for example, some of the relevant writings, particularly of representatives of the legal academic sphere, have not used the terminology of Europeanization while referring to its basic concepts (Jordan and Liefferink, 2004a: 4; Bulmer, 2007: 48).

Nevertheless, two main phases in the development of Europeanization studies are identified in the existing literature (Jordan and Liefferink, 2004a: 4). The first one emerged in the 1990s incorporating three separate but much related strands of research. The first strand is associated with a 1994 working paper by Andrew Moravcsik taking a clear top-down argument in line with his liberal intergovernmentalist stance that European integration strengthens the state and national governments (Bulmer and Lequesne, 2005: 11; Bulmer, 2007: 49).

In contrast and counter to Moravcsik's approach, as a representative of the second strand, Wayne Sandholtz (1996) argued that integration provides an option for the domestic actors to choose arenas and allies and, thus, induce changes in domestic institutions and policies. A similar perspective was defended by Marks *et al.* in 1996 with a particular focus on the multi-level policy dimension of the integration process (*Ibid.*). Furthermore, the second strand of Europeanization research also focused on analysing the implementation of individual EU policies. It looked into the concept of 'misfit' (or 'mismatch' (Héritier, 2001: 44)) found to occur when EU requirements exercise pressure by 'asking states to do what they cannot, or do not want to do' (Scharpf, 1978: 363; Jordan and Liefferink, 2004a: 4; Bache and Jordan, 2006: 18).

The third strand of research belonging to the first phase of Europeanization studies relates to a 'transformation of governance' argument advanced by Beate Kohler-Koch and concerns a shift of power between multiple levels of authority and a subsequent change in the state character caused by this process (Bulmer, 2007: 49).

A common feature of the academic works belonging to the three strands presented above is that all of them treat European integration as an independent rather than a dependent variable with the potential of explaining domestic implementation outcomes or change (Jordan and Liefferink, 2004a: 4).

It is exactly their more general nature that clearly distinguishes them from the literature featuring the second phase of the Europeanization research. The latter has been considered more ‘fine-grained’ and has been associated primarily with the findings of the new institutionalist theoretical literature (Bulmer, 2007: 49). The relationship between Europeanization and new institutionalism will be tackled in greater detail in section 3 of this chapter. Before turning to this, however, it is necessary to see how the various patterns of governance identified by the EU integration research have influenced the evolution of the Europeanization concept, or more specifically which governance processes are understood as Europeanization (Bulmer and Radaelli, 2005: 342).

There is an abundance of Europeanization typologies in the literature. For instance, Johan Olsen (2002: 923-24) identifies five variants of Europeanization, as follows. Firstly, he uses the concept in relation to ‘changes in external boundaries’ as featured by discussions on enlargement governance and the extension of policies, rules, institutional requirements and values to the new Member States. Secondly, Olsen identifies Europeanization in relation to ‘developing institutions at the European level’. More specifically, he denotes a process of building central governance capacity at EU level facilitating or constraining domestic actors, accordingly, in making and enforcing binding decisions. Thirdly, Olsen uses Europeanization as a term describing ‘central penetration of national systems of governance’. The latter involves the division of responsibilities and powers between different levels of governance as well as the adjustment processes in terms of institutional structure, policy and patterns of political behaviour that national and sub-national entities undergo in the framework of the EU multi-tiered system of governance. Fourthly, Europeanization is found to denote a process of ‘exporting forms of political organization’ in the sense of EU external relations policy. More specifically, the approach focuses on exporting typically European forms of political organisation and governance beyond EU territory as well as on relations with non-European actors and institutions, etc. The fifth and final usage of Europeanization as ‘a political unification project’ discussed by Olsen is very similar to the second one as it concerns the degree to which ‘Europe is becoming a more unified and stronger political entity’.

On the basis of this categorization, Simon Bulmer identifies two main trends in Olsen’s typology of Europeanization. The first one relates to a process of capacity-building at EU level and the second features the transfer of policies, norms, arrangements and so forth from ‘Europe’ to other jurisdictions (Bulmer, 2007: 47).

In a similar vein, Bulmer and Radaelli (2005: 342-345) provide another typology of the Europeanization process. They connect it with three patterns of EU governance: governance by negotiation; governance by hierarchy incorporating positive and negative integration dynamics; and facilitated coordination. These patterns throw light on the analytical relation between EU governance and the Europeanization processes.

For instance, governance by negotiation involves a negotiation dynamic envisaging the participation of member governments seeking to ‘up-load’ (Börzel, 2005: 63) their preferences to the EU level. As extensively discussed in the existing literature the more a Member State exports its national policies to the EU level, the less costly the adaptation to EU policies and legal norms appears to be as ‘up-loading reduces the need for legal and administrative adaptation in down-loading’ (*Ibid.*). This pattern has been considered in Europeanization research in general and in empirical studies on the implementation of EU environmental legislation in the Member States, in particular. For instance, Knill (2001),¹¹ Jordan (Jordan and Liefferink, 2004; Bache and Jordan, 2006) and Knill and Liefferink (2007) explore the case of the Europeanization of British environmental policy. According to their findings, Britain had to evolve from a ‘policy taker’ to a ‘policy shaper’ in order to get rid of its image of the ‘Dirty Man of Europe’ acquired in the 1980s due to implementation problems in the environmental sector.

In the same line of thought, Tanja Börzel (2001) distinguishes between three categories of governments with regard to their implementation performance, classifying them respectively as pacesetters – the ones that upload successfully; foot-draggers – the ones preferring to delay and obstruct the process; and fence-sitters – governments that neither upload nor obstruct but rather work strategically with either the pacesetters or the foot-draggers. Using these categories, Börzel considers the above mentioned case of Britain and notes that while the UK had the necessary means to upload its policies to the EU level, its Eurosceptic stance turned it into a foot-dragger (Börzel, 2005: 234).

Tanja Börzel (2005), and respectively Klaus Goetz (2005) also look at the cases of the new Member States. Goetz categorizes them ‘primarily as “downloaders” of EU law, policies and practices, “policy-takers” with only limited opportunities for “uploading” country-specific preferences and priorities as “policy-makers”’ (Goetz,

¹¹ Knill (2001) examined the administrative implications of the implementation of the following environmental pieces of legislation: Large Combustion Plant Directive, Drinking Water Directive, Access to Information Directive, EIA Directive and EMAS Regulation (*see Bibliography*). The examination of these has been taken up in subsequent research.

2005: 255; Bache, 2008: 79).¹² In the position of candidate countries (belonging to the 2004 and 2007 enlargement waves, respectively), these states were required to align with the EU *acquis* featuring ‘the common body of EU legislation’, ‘not just on paper, but, of course also in fact’ to be admitted to the EU.¹³ At the same time, their officials had not participated in the making of this legislation (Carmin and VanDeveer, 2005a: 13). Considering this, Börzel recognizes the danger that these states could possibly join the EU group of laggards in the environmental sector because of their minimum upload to the EU level (Börzel, 2007). The latter, of course, follows from their new-comer status in the EU as well as from the asymmetrical nature of their accession negotiations. Goetz gives a good example with the Accession Partnerships, featuring more as unilateral acts rather than agreements in the legal sense (2005: 264). The bottom-up Europeanization perspective, then, does not seem much suited to illustrate the cases of the new Member States and the accession countries.

The second typological pattern of governance by hierarchy, advanced by Bulmer and Radaelli (2005) appears to be more compatible with those cases. It relates to a situation where EU supranational institutions have accumulated significant delegated power and use a ‘set of command and control mechanisms’ to exercise their powers *vis-a-vis* the Member States or the accession countries, accordingly. In order to follow the Europeanization dynamics in this process, the authors distinguish between cases of positive and negative integration. Legal literature has considered a similar distinction between ‘positive law’ and ‘negative law’. On the one hand, ‘positive law’ relates to regulating through producing EU rules. On the other hand, ‘negative law’ refers to removing national rules that obstruct the integration process as, for example, in the case with national regulation hampering cross-border trade (Daintith, 1995).

Positive integration features a distinctive top-down process involving the Member States, on the one hand, engaged in ‘downloading’ agreed ‘policy templates’ primarily related to market-correcting policies such as environmental policy, cohesion policy, social policy and so forth (Jordan and Liefferink, 2004; Bulmer and Radaelli, 2005: 344; Carmin and VanDeveer, 2005a: 13). On the other hand, the supranational institutions and the European Commission, in particular, as the ‘guardian of the treaties’ have to ensure that EU legislation is properly transposed and applied in the Member

¹² As shown when discussing the situation of the United Kingdom as the ‘Dirty Man of Europe’ from the 1980s, the existing literature also uses the formulation ‘policy shapers’. See Börzel, 2003; Jordan, 2004: 205; Börzel, 2007: 237

¹³ See European Commission (1997), Guide to the Approximation of European Union Environmental Legislation, Brussels, available at: <http://ec.europa.eu/environment/archives/guide/preface.htm> (Date of reference 20.04.2010) (p. 3)

States (Art. 17 TEU (ex-Art. 211 TEC));¹⁴ Knill, 2006: 353). In cases of non-compliance with certain provisions of EU law, the Commission undertakes a number of informal and formal steps to warrant the adequate transposition or implementation of the relevant acts.¹⁵ Nevertheless, if no note has been taken, the Commission instructs an infringement procedure against the ‘laggard’ in line with the provisions of Art. 258 TFEU (ex-Art. 226 TEC) and Art. 260 TFEU (ex-Art. 228 TEC).¹⁶

By contrast with the vertical mechanisms of governance by negotiation (uploading) and positive integration (downloading), negative integration involves the establishment of horizontal relations between the EU and the Member States. It applies to areas where the removal of barriers provides for the creation of a common policy as is the case with ‘market-making’ arrangements like the single market, utilities sectors (telecommunications, transport, and electricity), border controls, tax regimes, etc. In this setting, it is the competition amongst rules or actors ‘that accounts for Europeanization rather than the need for national policy to comply with EU policy’ as in the case of positive integration (Bulmer and Radaelli, 2005: 345).

Finally, the facilitated coordination pattern follows a similar horizontal logic as that of negative integration. Nevertheless, it refers to policy areas where the national governments are most powerful and the EU legislation envisages soft normative instruments setting the EU primarily as an arena for exchange of ideas and benchmarking (Bulmer and Radaelli, 2005; Bache, 2008). In practice, these circumstances apply to areas such as common foreign and security policy, police cooperation and the whole range of policies falling within the scope of the Open Method of Coordination (*Ibid.*).

The above presented controversies and analytical angles from which Europeanization has been approached in the social science literature, even being relatively modest samples of the available academic writings, account for the lack of a single and precise definition of the Europeanization analytical phenomenon (Lenschow, 2006: 57). What

¹⁴ *Op.cit.* 2

The logic of presentation of the Treaty articles that is adopted here will reflect the numbering introduced by the Treaty of Lisbon (2009) followed by clarification on article equivalents of earlier Treaty versions put in brackets, as follows: (ex-Art. X EEC, ex-Art. X TEC or ex-Art. X TEU). Where there is historical connection to original Treaty texts that needs to be highlighted, or where secondary literature is quoted, reference will be made to the numbering of the relevant Treaty version. It will be accompanied, however, by the corresponding equivalents of subsequent re-numbering modifications such as those of the Treaty of Amsterdam (1999) and/or the Treaty of Lisbon (2009), in brackets, for example (ex-Art. X TEC and/or now Art. X TFEU, now Art. X TEU).

¹⁵ These will be discussed in greater detail in Part II, Chapter 3 dealing with the ‘European Union Environmental Law and Policy’. Specific examples will also be provided in Part III in relation to the case of Bulgaria.

¹⁶ *Discussed* by Scott, 1998; Jordan, 1999; Börzel, 2001; Bell and McGillivray, 2006; Knill, 2006; Knill and Liefferink, 2007

is more, according to Bulmer and Radaelli, the prospect of formulating one single predominant interpretation of Europeanization appears to be highly ‘improbable’ (2005: 356).

2. Defining Europeanization in ‘Empirical Terms’

Despite the proliferation of uses of the Europeanization concept, a number of key definitions have been developed that, arguably, narrow its boundaries and make it more usable for specific empirical research. The first important step in this direction has been taken by Robert Ladrech (1994) in his article on the EU and France mentioned above. In his study, Ladrech examines the effects of EU membership in France and underlines the salience of indigenous factors mediating the Europeanization process. In his view, these factors play an important role in shaping the nature of the Europeanization effects in France, and would do so elsewhere through a mechanism of ‘national-specific adaptation to cross-national inputs’ (Ladrech, 1994: 84; Bache and George, 2006: 61). Ladrech, therefore, argues that ‘homogenization or harmonization across boundaries is not a realistic expectation when considering national adaptation to EC-generated inputs’ (*Ibid.*).

Similar conclusions are advanced in numerous subsequent academic writings.¹⁷ For example, Risse, Cowles and Caporaso (2001: 1) have made a significant contribution to Europeanization research by pointing to the existence of ‘domestic adaptation with national colours in which national features continue to play a role in shaping outcomes’. At the same time, however, they have defined Europeanization, as ‘the emergence and development at the European level of distinct structures of governance’ (*Ibid.*), that is, in a way that very much contradicts the very focus of their empirical model examining the Europeanization impact on domestic structures from a largely, but not exclusively top-down perspective. However, recognizing the ‘problems’ with the above definition, later on Caporaso refers to Europeanization as ‘the impact of European integration on domestic politics’ (Caporaso, 2007: 27; Bache, 2008: 21).

Jordan and Liefferink have employed a similar approach to Europeanization in their empirical research on EU environmental policy. They have formulated ‘the most simple definition’ that they consider most suited to meet the empirical objectives of their

¹⁷ For instance, *see* also Bulmer and Burch, 1998: 603; Bulmer and Radaelli, 2005: 341; Bache and Jordan, 2006: 30 and Bache, 2008: 9

substantive research agenda, the latter qualified in the literature as ‘the most comprehensive study to date’ (as of 2007; Börzel, 2007: 228), that is of Europeanization ‘as the impact of the EU on its [M]ember [S]tates’ (2004a: 1, 6). It is exactly this strictly top-down perspective that mirrors the understanding of Europeanization also adopted in the present research due to the following reasons. Firstly, this definition has been tested by the authors of Jordan and Liefferink’s volume in a wide range of environmentally-related cases. Similarly, here it will be applied to a specialized sphere of environmental policy, that is, waste management. As explained by Jordan and Liefferink, environmental policy ‘naturally lends itself to a top down definition’ as it constitutes a regulatory area in which the EU prescribes relatively concrete models of domestic compliance (*Ibid.*). Secondly, engagement with the case of Bulgaria as a former candidate country (relevant to the discussion of developments in waste management prior to Bulgaria’s accession to the EU) and a new Member State (since 2007), as shown above, invites a discussion in the framework of governance by hierarchy from the perspective of positive integration. Third, it allows for accommodating factors such as pre-accession conditionality and post-accession compliance pressure as part of the Europeanization dynamics. Fourth, although focusing on EU as a driver of change, this definition still leaves room for examination of EU generated, yet ‘domesticated’ by the national context, policy interactions (‘domesticated’ variable) as well as of domestic factors.

As Caporaso (2007: 24) notes, the ‘research challenge involves both inventing definitions and model building’. These two conditions have jointly served as baseline factors in utilizing Europeanization for the purposes of empirical research. The most influential model for conducting empirical research ‘remains essentially top-down’ (Bache, 2008: 11). Risse, Cowles and Caporaso (2001) develop such a model founding it on a three-step approach (See Fig. 2 below). Subsequent empirical studies build upon this approach by criticizing it, modifying it or developing it even further depending on the specifics of the EU policy sector they are exploring (Bulmer and Radaelli, 2005; Bache, 2008).

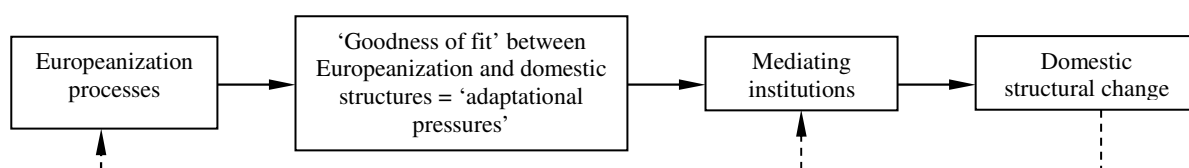


Fig. 2
Source: Risse, Cowles and Caporaso, 2001: 6

The first step it involves relates to identifying the relevant Europeanization process at the European level leading to a particular domestic change. The nature of the Europeanization process depends on the independent variables examined (formal or informal norms, rules, regulations, procedures and practices) as well as on the degree of domestic structural change produced. The first step, thus, poses a central question on whether policy adjustments that can be expressed, for instance, through transposition and implementation of EU rules in the domestic arena, lead to domestic change (Risse, Cowles and Caporaso, 2001: 6).

The second step relates to the necessity to identify the compatibility or the ‘goodness of fit’ between EU requirements and the existing domestic arrangements. This degree of ‘fit’ determines the intensity of the ‘adaptational pressures’ of the EU processes on the Member State. The degree of adaptational pressures, in turn, serves as indication as to the extent to which domestic reality would have to change in order to comply with EU rules and policies (*Ibid.*). Poor fit or misfit produces strong adaptational pressures, while good fit provides for weak pressures.

This logic can be applied to the level of policies. For instance, European policies can lead to a ‘policy misfit’ between EU rules, on the one hand, and domestic policies, on the other. These policy misfits then exert adaptational pressures on underlying institutional structures. Alternatively, Europeanization may produce effects on embedded domestic institutional structures directly (*Ibid.*; Börzel, 2007: 22).

In any event, the degree of fit ‘may vary from policy sector to policy sector’ and may exhibit strong variation across Member States (Risse, Cowles and Caporaso, 2001: 7, 8). According to proponents of the three-step approach, the existence of misfit and adaptational pressure is ‘a necessary but not a sufficient condition for domestic change’ (*Ibid.*; Caporaso, 2007: 29; Bache, 2008).

In fact, in the latter case, it is the presence or absence of mediating factors that is crucial for the degree and nature of change to be expected in response to the EU impulse. Examination of the potential of such factors to enable or block adaptation substantiates the third step of the approach. Risse, Cowles and Caporaso single out five factors revealing such a potential: multiple veto points, mediating formal institutions, political and organizational cultures, differential empowerment of domestic actors, and learning. Other authors exploring Europeanization implications in various policy sectors propose and examine a long list of additional factors that could influence the EU-Member States (accession countries) relations, such as, political or partisan conflict (Bache, 2008: 17), formal and informal institutions (Caporaso, 2007: 30), domestic

economic pressures, long-term industrial transformations or emergence of new public management (Börzel, 2007: 230), stage of regulation in relation to European policies, the level of sectoral reform capacity (Héritier and Knill, 2001), policy interactions (Glachant, 2001: 4) and so on.¹⁸

As mentioned above, this Europeanization model has been contested due to weaknesses it has revealed in relation to the ‘goodness of fit’ concept. Critics, for example, have argued that the notions of ‘fit’ and ‘misfit’ account for a ‘snapshot’ comparison between national arrangements and EU requirements. In this sense, these notions have been assumed to miss the dynamics of the process accompanying EU-Member State (accession countries) interaction (Jordan and Liefferink, 2004a: 11 referring to Dyson and Goetz, 2003). For instance, the ‘degree of coercion’ that the notions of adaptational pressure and misfit imply holds danger of downplaying the importance of more subtle and prolonged processes such as learning (Bache, 2008: 160).

Other critics have underlined that EU frameworks and policies do not have ‘absolute’ existence but are subject to interpretation (Bache, 2008: 16 referring to Dyson and Goetz, 2003). Furthermore, in the absence of a clear EU requirement or model that is to be ‘downloaded’ to the domestic arena, the application of ‘goodness of fit’ can prove to be problematic (Bache 2008).

There are also academics who have advanced the argument that ‘misfit is not a necessary condition for domestic change’ and that it is possible for Europeanization to occur even when national and EU policies are ‘fitted’ and there are other intervening variables shaping the stimulus-response process (Haverland, 2000; Héritier, 2001; Jordan and Liefferink, 2004a: 11). Another weakness that has been identified relates to states presenting cases of ‘policy voids’ (Goetz, 2007: 262) in which institutions need to be built on an ‘empty space’ (Offe, 1996: 210-217) and no misfit could, therefore, be found (Jordan and Liefferink, 2004a: 11).

Similarly, scholars call for caution when treating fit and misfit as something that can easily be measured (Bache, 2008: 160). It is important for advocates of this approach to explain precisely what aspects of policy they compare in order to reach a judgement on ‘fit’ or ‘misfit’ (Jordan and Liefferink, 2004a: 11; Steunenbergh and Toshkov, 2009).

These debates come to underline the multi-faceted profile of the Europeanization framework. Variation also exists with regard to other key issues of Europeanization

¹⁸ Not all of them, however, use the language of Europeanization as such, for example *see* Glachant, 2001

such as the methods used for ‘quantification’ of change taking place (Jordan and Liefferink, 2004a: 7). The literature broadly distinguishes between three main types of outcomes depending on the degree of domestic change as follows. Firstly, ‘absorption’ corresponds to low change in which EU requirements are being incorporated by states without substantial modifications of national policy. ‘Accommodation’, in turn, amounts to modest change of mediating and ‘patching up’ new policies and institutions onto existing ones without fundamentally changing the latter (Héritier, 2001). Finally, ‘transformation’ entails a situation in which states are forced to substantially alter or replace existing policies and is, therefore, linked to a high degree of domestic change (Börzel and Risse, 2003: 69; Jordan and Liefferink, 2004a: 8; Börzel, 2005: 58; Bache, 2008: 11).

While recognizing the controversies around the application of the Europeanization tools presented above, this research draws on the strengths of the latter with the ambition to decipher the case of Europeanization of the Bulgarian waste policy. Consensus has been reached in academic research that key to unravelling Europeanization dynamics is, respectively, the understanding of what is being ‘downloaded’ from the EU (its legal status and precision), how it fits and is mediated by the domestic context and what is the change produced (Bache, 2008). Such a multi-dimensional perspective appears most suited to address the present research question. It offers the tools for examining a complex setting in which a highly regulated and cross-sectoral EU environmentally-related policy like waste policy through very specific, technical and consequential rules (the Landfill Directive and the Waste Framework Directive) is ‘downloaded’ by Bulgaria while a candidate country, and later, as a new Member State. In this process of transposition and implementation unfolding over a long period of time (20 years approximately) multiple variables in the face of the EU, ‘domesticated’ and domestic factors, play a role.

This complex picture necessitates the use of a ‘multi-theoretic’ approach for explaining implementation performance and change such as new institutionalism (Lowndes, 2002: 108). Firstly, new institutionalism has the theoretical potential for examining the multi-faceted dynamics of the intricate Europeanization setting and secondly, it has broad potential for approaching a variety of political phenomena in differentiated and nuanced ways (Bache, 2008: 12).

3. New Institutionalism and Europeanization. Research Implications

3.1 The 'New Institutionalisms' in Europeanization Research

According to the findings of Europeanization and implementation research focused on the environmental sector in particular, variation in implementation performance can be explained neither by the types of regulatory instruments used, nor by the operation of particular 'country-specific' factors alone. Recent attempts to explain this cross-country variance in the Europeanization context have been largely instructed by institutional theories (Knill and Liefferink, 2007: 172). Indeed, as Simon Bulmer (2007: 51) underlines 'an awareness of the new institutionalisms is indispensable for understanding how Europeanization is theorized'. Even more, as Bache (2008: 12) reminds 'much of the Europeanization literature is institutionalist by nature'. Seeking to unravel the relationship between Europeanization and new institutionalism, it is important to refer to the origins and development of institutionalism in the political science literature.

Until the 1950s, the political science research agenda was dominated by the so-called 'old' (Thelen and Steinmo, 1992: 3) or 'traditional' (Lowndes, 2002: 92) institutionalism. It focused on formal rules and organisations as well as on official structures of government and employed a rather descriptive epistemological approach that was considered lacking particular theoretical or methodological focus (*Ibid.*).

A contrasting institutionalist trend of 'grand theorizing' developed in the 1950s and early 1960s under the influence of the so-called 'behavioural revolution'. In their quest for understanding politics and explaining political outcomes, behaviouralists directed their research interest towards examining informal distributions of power, attitudes and political behaviour rather than formal features of governmental institutions. Nevertheless, this reformed institutionalist agenda still missed significant explanatory elements. It was focused too much on the characteristics, attitudes and behaviours of individuals and groups while ignoring the specifics of the particular institutional settings. For instance, it was not able to explain the existence of cross-country variations (*Ibid.*).

Attempts to explain these variations were made no sooner than the late 1970s and the 1980s when the 'new institutionalism' emerged (Hay, 2002: 10-11). The term 'new institutionalism' itself was coined in a seminal article ('The New Institutionalism: Organizational Factors in Political Life') by March and Olsen in 1984.

By contrast to the old, the new institutionalist research agenda has employed a multi-theoretical approach drawing on a variation of ontologically different political theories (Hay, 2002). For this reason, new institutionalism has been regarded as a 'broad, if

variegated, approach to politics’ maintaining the common assertion that ‘institutions are the variable that explain most of the political life and they are also the factors that require explanation’ (Peters, 1999: 150).

New institutionalism has, thus, been accepted as an ‘umbrella term’ in the social science literature (Bulmer, 1997: 7) seen as comprising a number of variants. For instance, Guy Peters developed a typology containing seven different strands of new institutionalism (Peters, 1998; Lowndes, 2002: 95-96).¹⁹ Among these, three main variants, identified by Hall and Taylor (1996) as the ‘three new institutionalisms’, are mostly discussed in the institutionalist literature²⁰ namely rational choice, sociological and historical institutionalism.²¹

Rational choice institutionalism draws on the basic assumptions of rational choice theories in its analysis of institutions (Peters, 1998: 3; Hay, 2002). Here, in connection to the present research, it will be necessary to mention two of its main features. First, rational choice institutionalism concerns the way actors’ preferences relate to the particular institutional context in which multiple decisions are being taken, as well as to their implications for the outcome produced. The rational theoretical assumption, therefore, explores the extent to which actors are able to anticipate the likely consequences of particular institutional arrangements. In this context, institutions are regarded as opportunity structures or veto points. Behaving mainly instrumentally towards maximizing the attainment of their preferences, actors calculate which institutional arrangements are most likely to facilitate them in implementing their strategies. For instance, they can invest effort in reducing transaction costs by developing particular institutional arrangements without which this facilitation would not have been possible (Hall and Taylor, 1996: 943 referring to Williamson, 1985). To put it bluntly, actors take advantage of the available opportunities or get obstructed by the existing veto points. March and Olsen (2004) characterize this behaviour as a way of following a ‘logic of consequentiality’ (Hall and Taylor, 1996: 944; Scully, 2005: 21; Bulmer, 2007: 50). Rational institutionalists consider this logic endogenous to the actors’ behaviour in the sense that actors develop their preferences on the basis of their rationality and genuine interest in utility maximisation (Lowndes, 2002: 95; Scully,

¹⁹ These include normative institutionalism, rational choice institutionalism, historical institutionalism, empirical institutionalism, international institutionalism, sociological institutionalism and network institutionalism.

²⁰ See Hall and Taylor, 1996; Hay, 2002; Bourne and Cini, 2005; Börzel, 2005; Bulmer, 2007; Bache, 2008; Pollack, 2008, etc.

²¹ Hall and Taylor have pointed to the existence of a fourth new institutionalist school in economics. However, they have acknowledged that it overlaps with rational choice institutionalism and have, hence, treated both variants as part of the same theoretical strand (Hall and Taylor, 1996: 936).

2005: 21). This rational institutionalist analysis can find its application in the Europeanization literature, for example, with regard to the way domestic actors respond to new opportunities opened by the process of European integration or in relation to power shifts among domestic actors in the process of Europeanization (Bulmer, 2007: 50).

A second point that should be made when discussing the rational institutionalist framework in the context of Europeanization, in particular, concerns the design of institutions or rules in view of achieving specific behaviour at the domestic level. Institution-building, in this context, appears driven by actor's interests, and is therefore, 'potentially reversible' (Wiener, 2005: 38).

This view has been largely contested by representatives of the historical institutionalist strand as it fundamentally contradicts their basic concept of institutional path dependence (*Ibid.*). Similarly, rational choice institutionalism has been criticized for excessive affinity towards formal modelling that, in turn, leads to snapshot analysis of processes (Pierson, 2000: 263; Bulmer, 2007: 50). Using predominantly game theory techniques and mathematical modelling, rational institutionalists are often accused of 'applying mathematical precision to very imprecise concepts – or put more crudely, doing mathematics on a metaphor' (Scully, 2005: 30).

Nevertheless, despite the existing criticism, this logic of strategic consequentiality has contributed significantly towards better understanding the basics of institutional design. According to these, institutions must function properly and accomplish the task or mission set for them while using the available resources needed for the implementation of their function. At the same time, it has been acknowledged that this 'being fit' concept should walk hand in hand with the idea of institutions 'making sense' (Offe, 1996: 201). The latter approach, on the one hand, points to the dual nature of institutions. On the other hand, it underlines the salience of structure-oriented approaches in new institutionalism theory. In contrast to agency-oriented rational actor models, structural approaches drawing on organizational sociology, argue that social, institutional and/or cultural environments influence preference formation and, thus, contribute towards determining behaviour (Wiener, 2005: 38).

Therefore, sociological institutionalists are 'concerned with the realm of norms, ideas, discourse, organizational culture and psychology of politics' (*Ibid.*). In this sense, the logic of consequentiality defended by rational institutionalists is complemented by the somehow contrasting 'logic of appropriateness' (March and Olsen, 2004). March and Olsen define the logic of appropriateness as a 'perspective that sees human action as

driven by rules of appropriate or exemplary behaviour, organized into institutions' (March and Olsen, 2004: 2). On these grounds, rules are complied with on the basis of their legitimacy and natural rightfulness (*Ibid.*) According to the proponents of sociological institutionalism, institutions determine the arrangements linking 'roles/identities, accounts of situations, resources and prescriptive rules and practices'. More specifically, they 'create actors' and 'organize the relations and interactions' among them (March and Olsen, 2004: 5). Concepts like communicative action, social practices and learning play a key role in this constructivist analysis.

Sociological institutionalism has informed a number of Europeanization studies (Börzel and Risse, 2000; Bulmer, 2007: 51; Bache, 2008). For example, research on Europeanization of citizenship norms and environmental standards has shown that 'norms entailing prescriptive rules emerge through processes of learning and diffusion' at supranational level (Wiener, 2005: 39). Sociological institutionalism has also examined research agendas on processes through which 'domestic elites use language to shape domestic perceptions of the European issue' (Bulmer, 2007: 51).

It is interesting to note that sometimes cases exist in which actors find rules and situations rather ambiguous and difficult to interpret. They are constrained by the incompatibility between prescriptive rules and existing capabilities. For instance, prescribed policy rules and targets may not meet with adequate capabilities to implement the relevant rules and reach the respective targets (March and Olsen, 2004: 10). In such cases of incompatibility, constructivist logic seems to suffer an "analytical gap", which separates analysis of interaction at the supranational level from the expectation of rule-following triggered by norm diffusion at the domestic level' (Wiener, 2005: 40). An, arguably, plausible explanation for the existence of such unexpected outcomes (Pierson, 1996: 127) has been provided through the arguments of historical institutionalism.

Historical institutionalism is considered the third main variant of the new institutionalism theoretical framework.²² It is said to accumulate 'the most extensive body of empirical work to date' and is also qualified as 'a key component in Europeanization research' (Lowndes, 2002: 96; Bache, 2008: 14). Historical institutionalism incorporates elements of both rationalist and sociological institutionalist approaches (*Ibid.*). Its eclectic nature has been much debated in the institutionalist literature, particularly in the debate between Hall/Taylor and Hay/Wincott (Hall and

²² See Thelen and Steinmo, 1992; Hall and Taylor, 1996; Cowles, Caporaso and Risse, 2001; Hay, 2002; Bulmer, 2007; Pollack, 2008; Bache, 2008 etc.

Taylor, 1996; Hay and Wincott, 1998 and Hall and Taylor, 1998). Nevertheless, while acknowledging their argument, the focus here will be placed on the distinct contribution of historical institutionalism to Europeanization research which, in turn, relates to its application in the present inquiry.

The main focus of historical institutionalism concerns the temporal dimension of domestic adaptation to EU requirements (Hay, 2002: 161; Bulmer, 2007: 50; Bache, 2008: 14). Empirical research has shown that this adaptational process can relate to changes in policy content, policy structures or policy style in variety of sectors and domestic arenas (Jordan and Liefferink, 2004). As Thelen and Steinmo (1992) underline historical institutionalism is ‘especially helpful in illuminating...the persistence of patterns or policies over time within individual countries’ (Thelen and Steinmo, 1992: 14). For instance, Cowles, Caporaso and Risse’s research on Europeanization and domestic change in a number of case countries across the EU is ‘broadly informed by a historical institutionalist approach’ (Risse, Cowles and Caporaso, 2001: 2). In their view ‘[H]istorical institutionalism implies an interest in explaining (‘endogenizing’) preferences and identities. It also implies that institutions evolve, sometimes slowly and piecemeal, sometimes rapidly and comprehensively, and that institutional change at the European level is likely to intersect with pre-existing domestic institutions’ (*Ibid.*). They recognize that institutional adaptation can be difficult not only because of its ‘costs of bringing domestic institutions in line with Europeanization’ but also due to the ‘stickiness’ and path dependence of existing institutional arrangements.²³

As the present research explores a single case of Europeanization involving change and domestic adaptation covering a lengthy period of time, it is in order to clarify the basic historical institutionalist concepts to which it refers, namely path dependence and punctuated equilibrium.

Path dependence is a central concept in the historical institutionalist theoretical debate. Pierson (2000) identifies two versions of path dependence being used in the literature, respectively broad and narrow path dependence. In the broader version, path dependence relates to ‘the causal relevance of preceding stages in a temporal sequence’. The idea of this application is that the only way to understand the nature of a particular variable is to trace its origin and path of development. In this sense, previous events in a sequence have an impact on outcomes ‘but not necessarily by inducing further movement in the same direction’ (Pierson, 2000: 252). The narrower definition of path

²³ See Risse, Cowles and Caporaso, 2001: 3; Hay, 2002: 11, 14; Bulmer, 2007: 50; Bache, 2008: 14; Pollack, 2008: 3

dependence refers to a process in which ‘preceding steps in a particular direction induce further movements in the same direction’ (*Ibid.*). Margaret Levi’s (1997) perception of this narrower usage of the concept has been widely quoted in institutionalist writings: ‘[P]ath dependence has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice’. Similarly, Pierson finds that ‘the probability of further steps along the same path increases with each move down that path’. He also emphasizes the critical role of timing and sequencing as well as the occurrence of critical junctures in this process (Pierson, 2000: 252).

Discussions on these issues have been furthered by subsequent research in a way that distinguishes between the notions of time (referring to when decisions are made), timing (sequencing of decisions) and tempo (speed) in the process of Europeanization (Radaelli, 2003). Scholars have even introduced the concept of ‘timescape’ reflecting the manner in which time is institutionalized in political systems along the polity, politics and policy dimensions (Bulmer, 2009; Goetz and Meyer-Sahling, 2009).

Still, as Thelen and Steinmo note, historical institutionalists tend to offer explanations for continuity rather than change (1992: 15). Stephen Krasner’s model of punctuated equilibrium has been regarded as the most explicit model of institutional change in the historical institutionalist literature (*Ibid.*; Krasner, 1984: 240). In his analysis Krasner makes a clear distinction between the processes of creation and continuity of institutions. He posits that institutions undergo long periods of ‘stasis’ that are usually ‘punctuated’ by crises leading to radical institutional changes or the building of new institutional structures. In Krasner’s model, institutional crises are usually associated with changes in the external environment. These crises necessitate for ‘critical’ choices to be made at ‘crucial historical junctures’ over the establishment of new institutional arrangements. These new structures ‘may be imposed through conquest or be implanted by a particular fragment of the existing social structure’. Krasner argues that once such a choice is made ‘it cannot be taken back’ and that ‘once a path is taken it canalizes future developments’ (1984: 240).²⁴

However, in his analysis of Krasner’s framework, Colin Hay (2002) points out that the term punctuated equilibrium can be ‘somewhat misleading’ as it points to the crucial role of instances of disequilibrium or crisis, but underestimates the salience of

²⁴ See also Thelen and Steinmo, 1992: 15; Hay, 2002: 161; Bulmer, 2007: 50; Bache, 2008: 14, etc.

incremental change occurring 'between crises'. On the basis of this argument, Hay advances an alternative term 'punctuated evolution' which underpins the cumulative nature of change occurring in the periods of equilibrium or stasis (p. 163).

Still, despite having developed credible descriptions of change, historical institutionalists suffer significant criticism for not being able to predict changes. As Guy Peters puts it '[W]e know very well after the fact that there was sufficient political force to produce the change, but have no way of knowing that before the fact' (Peters, 1998: 20; Bulmer, 2009). In line with this criticism, then, it would appear that Goodin's model of institutional change could seem rather plausible. He posits that institutions might change as a result of intentional design, accident or evolution (Goodin, 1996: 24-5). Nevertheless, this explanation does not clarify why processes evolving over time may lead to unexpected outcomes (Pierson, 1996: 127).

Claus Offe (1996) offers an interesting insight into this debate. His work is predominantly in the field of sociological institutionalism. In his view, in case of institutional change, the institutions that need to be replaced should be both 'thoroughly discredited' and unable to perform their functions. He also notes that it is always easier to build new institutional structures on an 'empty space'. If not, 'successor institutions are affected by the long arm of their predecessors' (p. 210 - 217). According to Offe, the legacies from the past determine the present outcomes. In developing this argument, he points out two considerations. The first one is connected to the fact that, if certain rules exist for a long time without changing, this can arguably mean that they have proved able to produce viable outcomes. The second one acknowledges that the longer some rules exist, the more costly it becomes to change them. In Offe's view these two propositions explain why some rules and the system they govern become 'stickier' and path dependent through time.

Analysing the process of institutional transformation in post-communist societies, Offe accentuates the fact that the transformation process in these countries will 'be slow and highly-path dependent' due to 'country-specific historical differences'. He identifies them as 'deadweight of the past, continuity and inertia', which exist in different political and economic sectors including the environmental sector (Offe, Elster and Preuss, 1998).

According to Offe, "'designed" institutions suffer from a dual handicap' because they have an architect and they are successors. He outlines an 'ideal' situation in which 'no explicit engineering is called for' but rather 'institutional gardening'. As far as the second of Offe's liabilities is concerned, an opposite perspective is presented that 'the

more the situation conforms to a notion of *tabula rasa*, and the more the old routines are explicitly deprived of their validity, the more readily and easily will newly designed institutions win the loyalty of constituents and unfold their ultimately beneficial functions' (1996: 219).

Preliminary research indicates that this 'ideal' situation does not appear to apply to the case of Bulgarian waste policy where, on the one hand, there can be identified legacies from pre-existing waste practices and infrastructural arrangements. Bulgaria's engagement with the EU featured a critical choice marking a 'crucial historical juncture' that 'punctuated' the pre-existing 'equilibrium' (Krasner, 1984) or 'evolution' (Hay, 2002) of the country. Even though the institutions (as elements of policy content and policy structure) in the waste sector that had to be replaced towards meeting EU requirements were showing fundamental faults, they were still operational and producing outcomes applicable to the particular context and time. Following historical institutionalist logic, this can be taken as an indication that the stickiness of these institutions has the potential to interfere with subsequent implementation processes. Furthermore, institutions in the domestic arena form an 'interdependent web of an institutional matrix' that spreads across sectors (North, 1990: 95; Pierson, 2000: 255). Hence, it is important to identify and examine the role of policy interactions ('domesticated' variable) along that of other embedded domestic factors for implementation performance and change.

On the other hand, the existence of misfit between EU waste requirements and Bulgarian waste policy at the outset of the country's accession to the EU points to a situation of high adaptational pressure rather than 'institutional gardening' (Offe, 1996: 219). As shown by academic research in cases of adaptational pressure that persist over time, severe implementation deficits may occur and feature resistance to change (Risse, Cowles and Caporaso, 2001: 2, 9). Key in this context, however, is also the presence or absence of mediating factors that can facilitate or obstruct change.

Therefore, in order to be able to approximate the extent to which Bulgarian waste policy has been Europeanized, it is important to 'go back and look' (Pierson, 2000: 264) at Bulgarian waste policy prior to the association of the country to the EU, at EU rules that were to be transposed and at how they fitted with the domestic context as well as whether this context has proved favourable or unfavourable for positive implementation performance and change in line with the EU waste *acquis*. This strategy allows also for comparing Europeanization dynamics, as well as the dynamics of domestic and 'domesticated' factors pre- and post-accession.

3.2 Application in the Research

As shown in the introductory chapter to this thesis, the research model adopted here takes the three-step Europeanization model of Risse, Cowles and Caporaso (2001) and its consequent modifications in Europeanization research (Bache, 2008) as a conceptual starting point (See Fig. 1 and Fig. 2). Yet, it adapts those to relate more closely to the definition of Europeanization as a top-down process impacting on states, applied here in addressing the research question (Jordan and Liefferink, 2004a).

The discussion, firstly, seeks to identify the relevant EU level processes while recognizing the cross-sectoral character of the EU political and legislative agenda in the sphere of environmental protection (independent variable) that encompasses waste policy and is closely associated with EU cohesion and pre-accession assistance policies. This perspective takes into account the existence of policy interactions at EU level.²⁵ A key argument here is that the role of these policy interactions should be subjected to closer examination than the one granted in the context of current Europeanization research agendas. Indeed, policy interactions do not appear to have direct relevance as drivers of change, with the latter function left to specific EU sectoral policies. Yet, as revealed by preliminary research on the case of Bulgarian waste policy, policy interactions originating at EU level, like those between EU environmental and pre-accession assistance/cohesion policy, matter in the national arena and intervene in the Europeanization process. To examine the qualities of these policy interactions, as well as their relevance for implementation and change in Europeanization settings, the present inquiry proposes that they are tested alongside other domestic variables already explored in Europeanization research. Policy interactions are labelled as a 'domesticated' variable in view of the fact that they are not the product of national policy making but enter the national arena as part of the EU political agenda. Still, they are accommodated domestically and develop as mediating factors in the implementation process. Both categories of variables examined here, respectively 'domesticated' and domestic, will be returned to below in relation to the third step of the research model.

An important aspect of the first analytical stage is the acknowledgement that in the studied case, EU influence has followed the logic of a positive integration hierarchical model (Bulmer and Radaelli, 2005). The pre-accession period was marked by the distinctly top-down dynamics of conditionality and asymmetrical negotiations. After

²⁵ See Part II

accession, these have transformed into pressures for compliance with legal commitments ensuing from the Treaty of Accession (2005), with the latter containing unprecedented safeguard clauses.²⁶ In this context, similarly to the case of the Central and Eastern European countries (hereinafter, the ‘CEECs’) that entered the EU in 2004, Bulgaria has assumed the role of a ‘policy-taker’ rather than ‘policy-maker’ (Goetz, 2005: 255; Bache, 2008: 79).

The second step of the model pertains to estimating the fit between what is being ‘downloaded’ from the EU in view of how it fits with Bulgarian municipal waste policy before and at the time of signing the Association Agreement (1993)²⁷ and what is the extent of change needed towards complying with European rules and practices (Risse, Cowles and Caporaso, 2001: 7). The specifics of the EU waste directives selected for examination²⁸ that are, respectively, the Landfill Directive and the Waste Framework Directive insofar as it relates to the former, invite comparison at the level of policy content. Thus, the present research incorporates the differentiation between policy content, policy structure and policy style proposed by Jordan and Liefferink (2004) into the research model (Wurzel, 2004). This distinction brings precision as to exactly which aspects of EU and national policy are being examined (Jordan and Liefferink, 2004a: 11). In the case of Bulgarian waste management, the high level of specificity and technicality of the EU Landfill Directive points to the existence of a clear EU model that is to be incorporated in the content of Bulgarian waste policy.

At the same time, a detailed account of Bulgarian waste management practices prior to the engagement of Bulgaria with the EU allows for identifying traits of pre-existing policies with their infrastructural implications and emphasizes the workings of embedded and path dependent factors pertaining to policy structures and styles. This account also testifies that the EU waste *acquis* was not being planted on an ‘empty space’ (Offe, 1996: 210-217).

The latter arguments allow for speculations on the existence of misfit between the EU waste *acquis* and Bulgarian waste policy in terms of policy content. As shown by existing Europeanization literature, the degree of ‘fit’ between EU requirements and pre-existing national circumstances (in terms of policy content and policy structures) determines the intensity of the adaptational pressures of EU processes on Member

²⁶ See Part III

Op.cit. 8

²⁷ *Op.cit.* 7

²⁸ *Op.cit.* 6

For rationale on the choice of directives, please, see Chapter 2 on ‘Research Methodology’

States (Risse, Cowles and Caporaso, 2001). What our model does here is to integrate existing categorizations of misfit, adaptational pressure, implementation performance and change pertaining to policy content, in particular, into Risse, Cowles and Caporaso's three-step approach (Börzel and Risse, 2003; Jordan and Liefferink, 2004a: 8; Liefferink and Jordan, 2004: 35; Knill, 2006). This addition throws light on the relation between implementation performance targeted at compensating initial misfit, and actual change, both key to unravelling the case of Europeanizing Bulgarian waste management (See Table 1 below).

Misfit	Adaptational Pressure	Extent of change needed to comply with EU requirements	Change of policy content	Category of change	Implementation performance	
small	low	low	existing instruments recalibrated	absorption	effective	
medium	medium/moderate	medium/modest	completely new instruments added	accommodation	effective in a favourable context	ineffective in an unfavourable context
high	high	high	paradigmatic changes	transformation	effective in a favourable context	ineffective in an unfavourable context

Table 1

Source: Adapted from Risse, Cowles and Caporaso, 2001; Börzel and Risse, 2003; Jordan and Liefferink, 2004a: 8; Liefferink and Jordan, 2004: 35; Knill, 2006

According to the level of adaptational pressure, three possible scenarios have been distinguished in Europeanization writings.²⁹ The first one refers to instances of small misfit and low adaptational pressure where EU provisions are in line with domestic arrangements. In these cases minor change would be needed. In relation to policy content, it would rather entail recalibration of existing instruments. Implementation performance would, therefore, be expected to be rather effective as policy adjustment would be one of 'absorption'.

The second scenario concerns instances of high misfit and high adaptational pressure demanding paradigmatic changes in relation to policy content, in particular. Such adaptations are expected to be increasingly costly as a result of which a situation of initial stalemate could occur between EU requirements and domestic developments with the latter possibly leading to implementation ineffectiveness and even implementation

²⁹ See Risse, Cowles and Caporaso, 2001; Börzel and Risse, 2003; Jordan and Liefferink, 2004; Jordan and Liefferink, 2004a; Liefferink and Jordan, 2004; Börzel, 2005: 58; Knill, 2006; Knill and Liefferink, 2007: 174; Bache, 2008.

deficits. Academics point out that such deficits spreading over long periods of time can finally result in rapid and radical ‘transformation’ and high change. Still, existing Europeanization writings recognize that instances of high adaptational pressure can possibly lead to adequate adaptation. In these cases, the presence or absence of mediating factors is crucial for the effectiveness of implementation and the degree of change to be expected (Risse, Cowles and Caporaso, 2001: 8 – 9).

The third scenario relates to situations of medium misfit (Jordan and Liefferink, 2004a: 8) in which the EU exerts moderate adaptational pressure (Knill, 2006). Here, the foreseen mode of change amounts to a modest (Börzel and Risse, 2003: 69 - 70) or medium (Jordan and Liefferink, 2004a: 8) degree of change that is one of ‘accommodation’ of EU requirements into the respective domestic realities. In terms of policy content this entails, for instance, the introduction of completely new instruments or compliance with higher or different standards (*Ibid.*). While in this case there is high probability for successful implementation of EU policy, still positive implementation performance ‘cannot be taken for granted’ (Knill, 2006: 366). Here the misfit concept serves merely the role of a ‘crude predictor’ of domestic change (Jordan and Liefferink, 2004b: 235). It necessitates complementary analysis of contextual factors as in cases where adaptational pressures (medium or high) exist, the presence or absence of such factors as well as, respectively, their favourable or unfavourable impact would determine the quality of implementation performance and degree of change (Risse, Cowles and Caporaso, 2001: 2; Knill, 2006: 367).

This takes us to the third step of Risse, Cowles and Caporaso’s model (2001: 9) exploring the role of mediating domestic factors that condition responses to adaptational pressures (See Fig. 2). As already indicated above while examining the case of Bulgarian waste management, the present research seeks to trace the role of these factors. Yet, it also adds to the framework a factor pertaining to political or partisan contestation put forward by Bache (2008: 16) that reflects the importance of political dynamics in the Europeanization process. In the research model submitted here, these factors are collectively labelled as domestic variables (See Fig. 1).³⁰ To be able to identify their manifestations in the empirical material, here it is in order to elaborate on their key characteristics as mainstreamed in Europeanization research.

The existence of multiple veto points in the domestic context has been recognized as a major factor impeding adaptation as the more power is dispersed in the national arena

³⁰ See Introductory chapter

(horizontally or vertically), the greater the chances of change being challenged due, for instance, to either variation in political interests or capacities (Tsebelis, 1995; Risse, Cowles and Caporaso, 2001; Börzel and Risse, 2003; Bache, 2008). At the same time, it is not only the role of multiple veto points as such that may be of interest, but also the potential for developing contested relationships among these veto points, with the latter exhibited, for example, by problems in the allocation of competences, coordination and communication.

Issues of capacity³¹ (administrative and financial), in turn, draw the attention to the potential of mediating formal institutions to facilitate change (*Ibid.*). Mediating formal institutions can provide actors with material or ideational resources to exploit European opportunities and promote compliance and adaptation (Börzel and Risse, 2003: 65). Multiple veto points and mediating formal institutions exercise their effects in opposite directions and sometimes work against each other, yet both are underpinned by a logic of consequentiality (Risse, Cowles and Caporaso, 2001; Bache, 2008).

By contrast, political and organizational cultures are based on the logic of appropriateness (*Ibid.*). In the context of the present research, this factor accentuates the nuances of the following attributes of policy style, whether it is confrontational or consensual, whether it is prone to excessive legalism, or to clientelism.

Differential empowerment of actors pertains to the redistribution of power resources within the domestic arena (*Ibid.*).

Learning is taken to denote a process in which Europeanization leads to a fundamental change of actors' interests and identities. The vast literature dedicated to learning distinguishes between instances in which actors merely adjust their means and strategies to achieve fixed goals that is 'single-loop' or 'thin' learning and situations in which they redefine their goals and preferences in a way of 'double-loop' or 'thick' learning (*Ibid.*; Radaelli, 2003: 52; Bache *et al.*, 2010: 14). Paraskevopoulos refers to the latter as social learning (2006: 11). Especially relevant to the case of Bulgarian waste management is his discussion of learning across time featuring a process by which lessons are drawn from the past that is from successes or failures, respectively (2006: 15 – 16).

³¹ The existing literature distinguishes between 'capacity' denoting availability of offices, staff and buildings, and 'capability' standing for the ability of institutions to perform their functions (Bailey and De Propris, 2002; Bache, 2008). The nuances of this distinction are taken into consideration in the context of the present research. At the same time, for the purposes of greater simplicity in an already terminologically dense research context, here 'capacity' is predominantly applied as a broad concept combining both of the above mentioned interpretations of 'capacity' and 'capability'.

Political or partisan contestation relates to the argument that EU effects are mediated by political conflicts (Bache, 2008: 17; Baun and Marek, 2008). Anecdotal evidence suggests that such conflicts surface as important factors in the process of Europeanization of Bulgarian waste policy. This anecdotal evidence stems from random observations of the way political agendas enhance waste problems at election times, as well as of political controversies underpinning manifestations of the NIMBY (Not In My Back Yard) syndrome.

Alongside the variables proposed and tested in Europeanization writings, the present research puts forward for examination a test variable labelled as a ‘domesticated’ variable that reflects the role of policy interactions (Glachant, 2001) in the domestic arena. Even when policy interactions are foreseen at the policy formulation stage, at EU level in this case, their encounter with the domestic context renders their implications rather unpredictable (Glachant, 2001; Lenschow, 2002a; Jordan and Lenschow, 2008). The existence of incongruence between prescribed patterns of policy interactions and their practical manifestation hinders policy coordination and develops as ‘a powerful predictor of policy failures’ (Scharpf, 1978: 363). In the case of Bulgarian waste policy, the focus is placed upon the interaction between EU environmental policy and EU pre-accession assistance/cohesion policy with the argument that these are relevant for developments in the waste sector.³² Two perspectives are adopted here, the first pertaining to the integration of environmental requirements into EU pre-accession assistance instruments (pre-accession) and cohesion policy (post-accession). The second perspective, in turn, addresses the importance of EU pre-accession assistance and cohesion policy for complying with EU waste and environmental *acquis*.

The dependent variable selected in the present research differs from the one adopted by Risse, Cowles and Caporaso (2001) as its choice was dictated by the definition of Europeanization applied here. As illustrated by the research question, an ultimate objective is to characterize the implementation performance and the change of Bulgarian waste policy pre- and post-accession. The benchmarks used for qualifying implementation performance can be linked to the state of compliance with EU waste *acquis* (with regard to transposition and implementation) as well as to EU responses to instances of problematic performance. The latter can be clearly differentiated depending on whether they concern candidate countries or Member States. For a candidate country, sanctions find their way through EU accession conditionality and have implications

³² See Part II

primarily in the context of the accession negotiations, prospects of membership, political reputation and EU pre-accession financing. While in a similar way Member States can be exposed to financial corrections in the framework of EU cohesion policy or to political shaming effects, in cases of implementation failures, they can also be prosecuted through EU legal procedures. The initiation of infringement proceedings in their case can be taken as clear evidence for the existence of resistance to change post-accession (Knill and Lenschow, 2001).

Conclusions

To recapitulate, this chapter has probed into Europeanization and new institutionalist debates, exploring their key concepts and applications. It has delineated the way in which these frameworks are to be utilized in the present research.

The research model adopted here takes the EU political and legislative agenda in the sphere of environmental protection as an independent variable and driver of change in the Bulgarian waste sector. Yet, questions pertaining to the quality of implementation performance and the policy change (dependent variable) incurred, invite an approach that does not overstate the importance of the European Union in this context, but also grants due consideration to endogenous factors. Thus, two categories of endogenous factors, respectively domestic and ‘domesticated’ (intervening variables), are considered when examining the process of transposition and implementation of EU waste legislation in Bulgaria. The novelty of policy interactions as a ‘domesticated’ variable enriches the research agenda by way of adding a cross-policy colour to this Europeanization endeavour.

In all this the present inquiry is navigated by the research question addressing the extent to which waste policy in Bulgaria has been Europeanized. Distinction of the periods of pre-accession and post-accession as well as identification of differences in the pace of change with regard to transposition and implementation offer interesting insights into the examined Europeanization process.

At the same time, it shows how challenging it is to fit such a nuanced design, as the one undertaken here, within clear-cut theoretical and methodological boundaries. The key choices pertaining to the endorsement of a research methodology and research methods are to be addressed in detail within the framework of the following Chapter 2.

Chapter 2

Research Methodology

Introduction

The preceding chapter outlined the key milestones in the analytical roadmap of this thesis pertaining to the development of a research model towards addressing the research question and research hypothesis, and underpinning the theoretical foundations of the research, with the latter stemming from Europeanization and new institutionalist debates. Having discussed these, it is now necessary to turn to the particularities of the research methodology that is employed in the present study.

Here the concept of methodology is taken to denote the ‘means by which we reflect upon the methods appropriate to realise fully our potential to acquire knowledge of what exists’ (Hay, 2002: 63). With the ambition to throw light on the ‘means’ relied upon in this inquiry, the present chapter, firstly, explores the methodological rationale of the research granting due consideration to its interdisciplinary character and its ontological and epistemological affinities. Secondly, the chapter elaborates on the characteristics and choice of case study as a research design in view of its potential to accommodate the process tracing format (Yin, 2003: 56) through a qualitative research strategy. As explained in the Introduction, process tracing has been deemed most appropriate for the accomplishment of in-depth examination of the case of Bulgarian waste management over the designated research time-frame (with the key focus placed on the years between the 1960s and 2010), and the careful consideration of the multiple variables (domestic and ‘domesticated’) intervening in the EU-driven process of change. Thirdly, the discussion considers the qualitative research methods applied in the context of the thesis.

1. Methodological Rationale of the Research

The research question features as a key reference point with regard to the theoretical and empirical objectives of the research as well as an insightful illustration of its methodological orientation. By providing for an examination of the extent to which waste policy in Bulgaria has been Europeanized, our research question falls in the category of the so-called ‘what’ questions that suggest an exploratory research approach

(Yin, 2003: 7). ‘To what extent’, then, focuses the attention on the exploration of the degree of adjustment Bulgarian waste management has undergone since the country’s engagement with the European Union. This orientation subscribes the research to the Europeanization perspective, with Europeanization qualified by academics as ‘a matter of degree’ (Featherstone, 2003: 4). In our case, the interest is specifically directed towards exploring the implementation performance and change in Bulgarian waste policy before and after EU accession.

While the rationale for the selection of Bulgaria as a case country and waste management as a key unit of analysis will be provided in the following section of this chapter, what needs to be discussed here concerns our understanding of ‘policy’ *per se*. For the purposes of this research, ‘policy’ is taken to denote ‘the content of policies (the paradigms of action, the objectives and the policy instruments), the legal and administrative structures that have been established to oversee them and the dominant style in which policy is made and implemented’ (Jordan and Liefferink, 2004a: 1). This clarification is important in view of the following. As discussed in the Introduction and in Chapter 1, changes in Bulgarian waste management pre- and post-accession have been driven by the engagement to ‘download’ the EU waste *acquis* through formal and practical transposition and have entailed direct adjustments at the level of policy content and indirect ones at the level of policy structure and policy style. The focus on policy content, as understood in the context of the above definition of ‘policy’, provides for the examination of the legal instruments regulating waste management.

The way the concept of policy content has been used in existing literature supports this approach as it allows for the identification of policy content at three different levels. The first level relates to the ‘precise setting of policy instruments’ (for instance the level of emission standards or taxes). The second includes the instruments by which policy goals are attained (for example, direct regulation, fiscal instruments or voluntary agreements). The third level refers to the overall goals that navigate policy (Hall, 1993; Liefferink and Jordan, 2004: 36). In the context of the present research, policy content is examined in relation to the discussion on the ‘goodness of fit’ of Bulgarian waste management arrangements before the country’s engagement with the European Union, as well as in connection to the role of the ‘domesticated’ variable pertaining to policy interaction dynamics in the national arena. At the same time, the discussion leaves room for considering policy structures and policy style with regard to the workings of domestic variables intervening in the Europeanization process.

Policy structures feature ‘the formal structure or architecture of the state as well as the norms and rules (both formal and informal) that govern the operation of its constituent parts’ (Bulmer and Burch, 1998; Liefferink and Jordan, 2004: 40). Policy style, in turn, is considered to the extent that it reflects confrontational or consensual, legalistic or clientelistic political cultures.

In the research framework adopted here, focusing on the extent to which Bulgarian waste policy has been Europeanized, two basic elements come to the fore. On the one hand, the examination centres upon the process of Europeanization, which is a demonstration of the politics element in the research. On the other hand, the discussion encompasses purely legal aspects of waste management by considering the characteristics of the European Union waste rules as part of the EU environmental portfolio and by analysing the transposition and implementation of the waste *acquis* in Bulgaria as a case country. This feature of the research inquiry has brought in a strong element of interdisciplinarity to the research endeavour. It has, thus, offered a sound rationale and impetus for producing an interdisciplinary piece of social study bridging the politics and law schools. This has been undoubtedly a huge task with challenging methodological implications, yet with rich potential to deliver original and robust results.

According to the findings of the existing literature on interdisciplinarity and socio-legal research, interdisciplinary research involves studying law in synthesis with applying the theories, methods and research techniques of other social science disciplines. In fact, the interaction of disciplines allows for analysis that would not otherwise be possible from the application of either discipline in isolation (Vick, 2004: 164 - 165; Salter and Mason, 2007). Furthermore, disciplines themselves sometimes lend themselves to combinations of methodologies and approaches. A quick reference to the history of the Europeanization perspective presented in Chapter 1 showing that the first systematic Europeanization studies were actually completed by lawyers, comes to confirm this statement (Jordan and Liefferink, 2004a: 4; Bulmer, 2007: 48). The relevance of interdisciplinarity becomes even more prominent when discussing the ‘new institutionalist’ foundations of the Europeanization perspective. According to scholars considering the future of the institutionalist approach ‘[T]he focus on institutions and the methods of the historian and the lawyer remain relevant...’ (Rhodes, 1995: 50; Lowndes, 2002: 94).

Similarly to this analytical and methodological orientation to interdisciplinarity, the empirical aspects of the thesis and the choice of waste management as a central area of

research demand a cross-disciplinary approach. As a sector, environmental protection, also encompassing waste management, has evolved from a stage where it had very strong political implications without having substantive legal foundations to its present state of a core policy area incorporating over 300 pieces of EU legislation (Glachant, 2001: 1; Börzel, 2007: 226; Knill and Liefferink, 2007: 1). Therefore, environmental policy and waste management, in particular, present interesting research challenges for students of both law and politics. As Jane Holder has put it bluntly ‘[D]isciplinary boundaries...hinder research on the environment’ (Holder, 1997: 5).

A reason for this can also be sought in the strongly transversal character of environmental protection, as crossing the boundaries of policy may imply crossing the boundaries of academic disciplines as well. As discussed in Chapter 1, the EU political and legislative agenda in the sphere of environmental protection is closely associated with a multitude of policy areas among which are EU cohesion and pre-accession assistance policies.³³ The present research marks these policy interactions, originating at the EU level, with a single ‘domesticated’ variable and examines its relevance for implementation performance and policy change in the national arena along with that of domestic mediating variables already considered in existing Europeanization studies. Policy interactions illustrate the presence of complex interdependencies in the political reality today which deserve closer academic attention. However, as Colin Hay underlines ‘conventional approaches to the social sciences, based on rigid disciplinary and sub-disciplinary fault lines and demarcations, do not prepare us well for a world of interdependence’ (2002: 5). An interdisciplinary approach, therefore, will be seeking to overcome disciplinary boundaries in meeting the research objectives.

While the interdisciplinary outlook equips the researcher with a wider perspective to research problems, it also hides ‘traps for the unwary’ (Vick, 2004: 185). Most of these hidden difficulties relate to the fact that one cannot easily grasp disciplines other than one’s own despite sometimes thinking that one can. This has much to do with the distinct vocabulary and discourse featured in various disciplines. As Vick underlines ‘[I]t is easy to misapprehend - or be completely unaware of - the nuances of other disciplines: the terms and concepts used and distinctions made in “foreign” disciplines are usually encountered in a piecemeal fashion and can be confused with seemingly similar concepts and distinctions in the researcher’s home field’ (*Ibid.*). Other problems might occur when one underestimates biases or limitations of research methods used in

³³ See Part II, Chapters 3 and 4

such disciplines. Or even worse, it is possible that wrong interpretations of research results could be made due to not properly understanding the particular disciplinary vocabulary and discourse. Vick explains that vocabulary and language potentially separate disciplines with ‘academics able to communicate only with those within their own group’ (*Ibid*).

Anne-Marie Slaughter examines the cases of political science and law. In her analysis she underlines that the two disciplines should ‘aspire to a common vocabulary and framework of analysis that would allow the sharing of insights and information’ (Slaughter Burley, 1993: 206). She quotes Louis Henkin (1979) who touches upon the same problem by saying that ‘the student of law and the student of politics...purport to be looking at the same world from the vantage point of important disciplines’ and ‘[I]t seems unfortunate, indeed destructive, that they should not, at the least, hear each other’ (1993: 205). Following this logic, Slaughter Burley suggests that institutionalists and international lawyers ‘subscribe to a common ontology of the international system: the actors, the structure within which those actors act, and the process of their interaction’ and both groups acknowledge the salience of institutional design in this context (1993: 206).

This proposition points to another key element of the methodological strategy of this study. It concerns the importance of determining the researcher’s ontological and epistemological positions (Hay, 2002: 61; Marsh and Furlong, 2002; Read and Marsh, 2002). As Marsh and Furlong put it quite vividly, these positions shape the researcher’s overall approach to theory and methods and are ‘like a skin not a sweater: they cannot be put on and taken off whenever the researcher sees fit’ (2002: 17). Colin Hay has specified that ‘ontology relates to the nature of the social and political world, epistemology to what we can know about it and methodology to how we might go about acquiring that knowledge’ (Hay, 2002: 63; Bache, Bulmer and Gunay, forthcoming). These three key units comprising the basic architecture of scientific research are closely related, and yet, belong to distinct conceptual categories (Marsh and Furlong, 2002: 18; Hay, 2007; Bryman, 2008).

Ontology generally pertains to the nature of ‘being’ (Marsh and Furlong, 2002: 18). A more specific understanding offered by Blaikie and adopted in this research refers to ontology as reflection of ‘what exists, what it looks like, what units make it up and how these units interact with one another’ (Blaikie, 1993: 6; Bache, Bulmer and Gunay, forthcoming). Authors distinguish between two types of ontological positions, namely foundationalist, also referred to as objectivist, and anti-foundationalist or constructionist

(Marsh and Furlong, 2002: 18; Bryman, 2008: 18). Foundationalist views take that social phenomena exist as external facts beyond our reach or influence, whilst anti-foundationalist ones perceive social phenomena as social constructs (*Ibid.*).

Scholars link these positions to respective epistemological categories, namely positivist, realist and interpretist, while holding to an understanding of epistemology as philosophy of knowledge (Marsh and Furlong, 2002: 18; Bache, Bulmer and Gunay, forthcoming). According to this classification, positivists keep to a foundationalist ontology searching for causal relationships between phenomena and developing explanatory, even predictive, analytical models. For this reason, they are inclined to utilise mainly quantitative methods. When talking about the positivist trend in social science and given the interdisciplinary focus of this research, it is necessary to point to the existence of a separate interpretation of positivism adopted by the legal discipline, that of legal positivism, which posits that law is created by human beings and that its validity is embedded in the legal doctrine itself, thus, existing independently of the moral context. Being related to the broader theoretical positivist rationale, legal positivism has been regarded as suitable for looking into research questions involving description and explanation as well as complex analysis of legal texts (Kelsen, 2005).

By contrast, interpretists are anti-foundationalists in ontological terms. They are concerned with understanding rather than with explaining, and focus on the meaning that actions carry for agents. For this reason interpretists usually engage with qualitative research methods based on the so-called ‘thick description’ (Marsh and Furlong, 2002: 27 referring to Geertz, 1973).

According to the above categorization, realists are foundationalists in an ontological sense.³⁴ They share two key features with positivists, respectively that the natural and social sciences should apply the same approach to data collection and explanation and that reality exists separately from scientists’ descriptions of it (Bryman, 2008: 14). However, critical realists, in particular, differ from positivists in their belief that causal relationships between social phenomena are often hidden and are, thus, not detectable by direct observation. At the same time, these relationships remain crucial for explaining the generative mechanisms of social phenomena (Marsh and Furlong, 2002: 20; Bryman, 2008: 15). The focus is placed on tracing processes and mechanisms in view of their contextual and spatio-temporal properties rather than being confined merely to directly observable phenomena (Bache, Bulmer and Gunay, forthcoming).

³⁴ Existing literature distinguishes between empirical realism and critical realism, *see* Bryman, 2008: 14-15

Such an approach involves significant methodological implications. It suggests a methodology accommodating analysis of the interplay between structure and agency, diachronic historical analysis entailing reliance on both quantitative and qualitative methods and case studies within a process tracing framework (*Ibid*; Marsh and Furlong, 2002: 31; Hay, 2002: 149).

If taken against the characteristics of these categories, the research agenda of the thesis, in view of its research model and its analytical orientation towards the Europeanization perspective, clearly subscribes to the critical realist position which is typical of the field (Bache, Bulmer and Gunay, forthcoming). For instance, critical realism ascribes causal powers to a wide range of factors. The latter meets with the ambition of the present research model to illustrate the impact of the EU on Bulgarian waste policy since the country's engagement with the European Union and yet, to take into consideration the role of domestic and 'domesticated' variables for implementation performance and the degree and type of change induced.³⁵ This approach accommodates both agential and structural variables which allows for considering factors such as multiple veto points alongside others pertaining to mediating formal institutions. Furthermore, process tracing employed in the present research as a key case study format, and deemed to be a 'methodological requirement for Europeanization' as such, is also central to critical realism. The latter allows for examining and understanding continuity as well as change, incremental or revolutionary, and for exploring these within the framework of small number of cases through triangulation of qualitative methods such as interviews and document analysis (Bache, Bulmer and Gunay, forthcoming).

Stepping on these ontological and epistemological grounds and with the ambition to capture 'meaning, process and context' in the case of Europeanization of Bulgarian waste policy, this research opts for a methodology incorporating a case study research design and a qualitative research strategy (Devine, 2002: 199). While qualitative strategy has usually been associated with inductive approaches to theory, deductive techniques have also been applied to exploratory projects entailing theory testing like the present one (Bryman, 2008: 22-23, 373). The new institutionalist underpinnings of this research themselves imply preference for plausibility and accuracy of assumptions combined with resistance to purely deductive or inductive logics of analysis (Hay, 2002). The research model adopted in this thesis and presented in the preceding chapters

³⁵ See Chapter 1 for the definition of Europeanization adopted in the thesis taking Europeanization 'as the impact of the EU on its [M]ember [S]tates' (Jordan and Liefferink, 2004a: 1, 6)

is aligned with this approach. It reflects the analytical rationale of the research by offering a map of variables (independent, intervening and dependent) to be relied upon at the stage of data collection and analysis, thus leading from theory to observations and findings. Although this approach reflects a deductive logic, it also entails an element of inductiveness as the empirical material is to be scrutinized towards identifying the role of the EU political and legislative agenda in the sphere of environmental protection as an independent variable as well as that of endogenous (domestic and ‘domesticated’) intervening variables.³⁶ However, the intervening variables in particular, with the domestic ones already explored in Europeanization research and the ‘domesticated’ variable proposed for examination as a contribution of this thesis, feature as ‘sensitizing concepts’ rather than ‘definitive’ indicators (Blumer, 1954: 7; Bryman, 2008: 373). As such, they provide ‘a general sense of reference and guidance in approaching empirical instances’ thus offering a key to the empirical material, with only the relevant variables emerging out of the empirics (Blumer, 1954: 7). This understanding appears most suitable for unravelling and understanding the relevance of domestic and ‘domesticated’ variables for the EU-driven process of change in Bulgarian waste policy, and more specifically for addressing the research hypothesis and its null version exploring the role of policy interactions in the examined Europeanization process.

2. Case Study Research Design

As underlined in the previous section, one of the most important decisions on the methodological architecture of the research pertains to the choice of a research design (Hay, 2002: 63; Bryman, 2008: 30-31). The broad understanding of research design that is adopted here concerns the development of a framework for the collection and analysis of data (*Ibid.*). This framework can reflect, for instance, decisions linked to the preliminary setting of causal connections between variables, the possibility for generalization, the research approach to temporality and so forth. Given the research objective of this thesis, dedicated to examining the formal and practical transposition of the EU waste *acquis* in Bulgaria, the case study research design appears most suited to accommodate the multiple variables considered, the wide scope of the waste management *problematique* and the lengthy research time-frame. In the instance of the

³⁶ See Introductory chapter and Chapter 1

present research, the case study is not merely a ‘methodological choice but a choice of what is to be studied’ (Stake, 2000: 435).

The basic case study entails the ‘detailed and intensive’ analysis of a single case, with the latter usually linked to a location (Bryman, 2008: 53). Here the focus is placed on Bulgaria and its waste policy prior to signing the Association Agreement with the European Union (1993), then later as a candidate country and an EU Member State.³⁷ The case study offers the possibility to trace the development of processes in Bulgaria over time within the framework of a diachronic analysis, thus grasping their temporal dimension and finding a process pattern that could contribute to reaching reliable research output (Van Evera, 1997: 52; Hay, 2002: 135; Haverland, 2007: 66).

Yin (2003) has presented the case study as a research design comprising an ‘all-encompassing method’ and has offered an influential examination of its strengths and weaknesses. His definition meets the rationale behind the adoption of the case study approach as a methodological form of inquiry in the present research. More specifically, Yin (2003: 12) conceptualises the case study as ‘an empirical inquiry that investigates a contemporary phenomenon within its real-life context especially when the boundaries between phenomenon and context are not clearly evident’. Therefore, Yin suggests that in order to grasp the contextual conditions of the research, the case study, firstly, manages the ‘technically distinctive situation in which there will be many more variables of interest than data points’. Secondly, it relies on ‘multiple sources of evidence, with data needing to converge in a triangulating fashion’. And third, the case study is guided through data collection and analysis by previously developed theoretical propositions (*Ibid.*).

When considering the utility of applying the case study design here, it is important to take into account some of its main weaknesses that have attracted wide criticism in the social science literature. In doing so, it is attempted to avoid those problems and develop a rigorous research design. Some of the most ‘disdainful’ reproaches of the case study relate to the following (Yin, 2003: 10). Firstly, there has been great concern over the lack of systematic procedures in conducting case study investigations, with scientists ending up being ‘sloppy’ and biased as to the direction of findings and conclusions (*Ibid.*). Secondly, another frequent complaint about case studies is that they are overly time-consuming and result in lengthy, unreadable documents that are difficult to process. Thirdly, academics come up with an argument that the case study design

³⁷ *Op.cit.* 7
See Appendix II.3

provides little ground for scientific generalization (Van Evera, 1997: 52-53; Hopkin, 2002: 255-6; Yin, 2003: 10; Bryman, 2008: 57). As found by Van Evera, the case study and its single case variant, in particular, features ‘as a poor laboratory for identifying a theory’s antecedent conditions’, with the latter signifying phenomena whose presence activates or magnifies the causal actions and the influence of certain variables (1997: 10, 53). At the same time, however, Van Evera acknowledges that the blind criticism of this type of research design can be qualified as ‘unfair’ (p. 51). Although it is beyond the scope of the present discussion to conduct an in-depth examination of the arguments of this debate, it should still emphasize that the accusations of ungeneralisability of case study findings have frequently been refuted and deemed unfounded. As, Yin rightly points out, in starting a case study inquiry the aim is to achieve analytic generalization rather than a statistical one (2003: 10).

Furthermore, scholars have admitted that the single case study method has at least two strengths which refute or compensate for the above mentioned weaknesses (Van Evera, 1997: 54; Yin, 2003: 40). Firstly, the case study offers a unique and intense examination of a specific case or cases, thus having the potential to supply scientific evidence that is ‘more decisive than large-n evidence’. Secondly, it can be most valuable if applied to exploration of processes, where one can ‘process trace’ the way in which initial case conditions translate into case outcomes (*Ibid.*). By employing process tracing as a key case study format, it is possible to follow the chain of events and make observations pertaining to almost each step of the studied process (p. 64). Hence, as underlined by Van Evera ‘a thorough process-trace of a single case can provide a strong test of a theory’ as it looks for evidence of all links in all causal chains (p. 65-66). What is more, process tracing allows for a longitudinal approach to the case study as it entails examination of processes spreading over lengthy periods of time (Bryman, 2008: 56-57).

As already discussed in the Introduction, the process tracing format has been most suited to address the objectives of the present research. It provides for an in-depth examination of the case of Bulgarian waste management over a prolonged time-frame (key focus placed on the years between the 1960s and 2010) with a careful consideration of the role of the EU and that of domestic and ‘domesticated’ variables pre- and post-accession. Process tracing thus, entails the conduct of a diachronic analysis that emphasizes the process of change over time. In view of the latter feature, this approach has also been advocated by historical institutionalists who strive to ‘trace and chart the complex interaction of causal processes to produce structural or

behavioural change – whether continuous or discontinuous, incremental or punctuating, evolutionary or revolutionary’ (Hay, 2002: 149). As evident from Chapter 1, historical institutionalist arguments take a prominent place in the analytical framework of this research that has subscribed to Europeanization and new institutionalism by way of theoretical rationale.

An important step in developing the case study research design that is closely related to its quality as well as to the quality of the research findings is the justification of case selection. The selection of the particular case to be examined in this research is justified on the basis of the following two main criteria. The first criterion concerns the choice of a single case study design. While acknowledging the weaknesses of the single case study design, with some of the key criticisms outlined above, the argument here is that its strengths outweigh the weaknesses. These strengths also highlighted above, make the single case study the most suitable research model for meeting the objectives of the present research and for addressing the research question and the research hypothesis.

In line with accepted practices in academic research, the following parameters have been relied upon in selecting this research design, namely the research question, the research propositions, the units of analysis and the logic linking the data collection and the data interpretation strategies to the research propositions (Yin, 2003: 21). As pointed out in previous chapters, as well in the first section of this chapter, the research question has set the interest of this research on the experience of Bulgaria as a case country in adopting and applying EU waste legislation before and after the country’s accession to the European Union. The research propositions have been framed within a research model that reflects the logic guiding the work with the units of analysis as well as the way the collected data is to be interpreted in the light of the analytical framework of the study.

The second criterion that needs to be discussed here pertains to the selection of a case country. This process has entailed a screening exercise involving a review of empirical studies covered by existing Europeanization and environment-oriented academic writings. The interest in Bulgaria, in particular, has been based on the following arguments.

First, it has been driven by the identified empirical gap in existing research lacking particular insight into the processes of Europeanization and implementation of the EU environmental *acquis* in the European Union new Member States and ex-candidate countries. By discussing the case of Bulgaria, this thesis covers its waste policy prior to the period of the country’s EU candidacy, during candidacy and as of the beginning of

its EU membership.³⁸ Markus Haverland has underlined that Europeanization and implementation studies can benefit significantly if researchers engage in comparing implementation in EU Member States with activities in comparable non-Member States, especially ones that have not been exposed to the EU influence (Haverland, 2005, 2007; Sverdrup, 2007). While, here the case of Bulgaria has not been compared to that of another case country, the adoption of a longitudinal approach to its examination has allowed for comparison of waste management practices prior to the country's engagement with the European Union, that is prior to it being exposed to EU influence, and after Bulgaria started on the path of EU accession. Such a comparison proves to be particularly useful if applied in the framework of the 'goodness of fit' Europeanization concept. It also helps to appreciate variations in the role of the European Union, of domestic and 'domesticated' factors in changing Bulgarian waste policy and to detect differences in the Europeanization dynamics with regard to transposition and implementation, respectively.

Second, another argument explaining the research interest in the case of Bulgarian waste management is the existence of theoretical and empirical gap in research dedicated to Bulgaria in general, and to Bulgarian environmental and waste policies, in particular (Carius *et al*, 2001).

Third, the preliminary screening for potential case countries has presented the story of the Europeanization of Bulgarian waste management as a critical case (Yin, 2003: 40; Bryman, 2008: 55; Bache, Bulmer and Gunay, forthcoming) of problematic compliance with EU waste legislation. While underlining the widespread character of problematic implementation across the European Union, European Commission reports on the application of EU law have singled out Bulgaria as an explicit example of deficient implementation of European waste legislation and total waste management failure.³⁹ This critical qualification has invited the conduct of a thorough examination of the Bulgarian waste sector in order to find more extensive evidence of the implementation performance of Bulgaria in applying EU waste legislation and the extent to which waste policy in Bulgaria has been Europeanized.

³⁸ See Part III

³⁹ See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC (2009) 1684/2 – Not published in the Official Journal (p.151)
See also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 179)

Fourth, preliminary research has also revealed that the case of Bulgaria offers a good opportunity for examining the role of the test variable proposed in this thesis and discussed in Chapter 1 that is of policy interactions as a ‘domesticated’ variable, alongside other domestic variables already examined in existing Europeanization studies.

Fifth, the research interest in the case of Bulgaria has also been dictated by the fact that the author is of Bulgarian nationality which has presented additional incentive for work with the Bulgarian waste case. This has also proved helpful during data collection as the author has worked both in Bulgarian and in English. At the same time, ethical and impartial academic work have been guaranteed by the fact that this research has featured as the first encounter of the author with the environmental and the waste sector, in particular, and that she has not held any private interests in these sectors as such, apart from her general belief in the value of environmental protection.

While the focus of this research has been placed on the single case of Bulgarian waste management, its wide scope covering examination of multiple variables and its lengthy research time-frame have qualified it as a single embedded design, with the latter comprising two main units of analysis (Yin, 2003: 40-45).

Waste policy featuring as a key environmental protection policy and thus, logically discussed in relation to environmental protection, constitutes one of the units of analysis. The initial interest in waste management as an area of research has been provoked by it being ‘one of the most important sources of risk and uncertainty in environmental policy’ (Paraskevopoulos, 2006: 17) as well as by the recognition of its cross-sectoral character and significant socio-political implications in the domestic arena. More specifically, first, preliminary research has indicated that waste management cases occupy a sizeable share of the environmental caseload opened by the European Commission on grounds of non-compliance with EU environmental legislation.⁴⁰ Among the most critical cases accentuated by the European Commission in its 27th Annual Report on Monitoring the Application of EU Law, the one related to the situation in the Bulgarian capital (Sofia) is identified as particularly alarming.⁴¹ This qualification of the European Commission has served as incentive for the author to engage in the examination of the processes of transposition and implementation of EU waste legislation (selected directives presented further below) in Bulgaria. Second, the interest in waste management has also derived from the fact that waste policy touches

⁴⁰ See Part II, Chapter 3

⁴¹ *Op.cit.* 39

upon diverse groups of actors and engages institutions at multiple levels of governance which reflects the variety of interests and preferences at stake in that policy area. Third, EU-compliant management of waste requires substantial investments as it entails the application of modern waste disposal technologies. It is, then, not surprising that it is particularly in the area of waste that EU directives, such as the Landfill Directive,⁴² have been qualified as ‘heavy’ directives (Paraskevopoulos *et al*, 2006).⁴³ Such directives have commonly been implemented with the assistance of EU pre-accession/cohesion funding especially in the cases of the new Member States and candidate countries.⁴⁴ The fourth feature relates to the research logic adopted here that takes policy interactions as a key ‘domesticated’ factor alongside other domestic factors. It concerns the transversal character of waste policy and environmental protection more broadly, and their interrelatedness with EU pre-accession assistance policy/cohesion policy, in particular.⁴⁵

Due to the wide scope of the waste *problematique*, this research has concentrated on some of the key aspects of municipal waste management⁴⁶ as laid down in the Landfill Directive and the 2006 consolidated version of the Waste Framework Directive insofar as it relates to the former.⁴⁷ Prior to committing to an examination of these directives, the author had undertaken a preliminary screening of the EU waste-related legislation and had found that an exploration of the Landfill Directive⁴⁸ and the 2006 Waste

⁴² *Op.cit.* 6

⁴³ ‘heavy’ directives – term used in a multitude of EU and national policy documents such as the Environmental Operational Programme of Bulgaria 2007-2013 and other EU enlargement policy documents (such as Applicant Countries’ Contribution to the 6th Environmental Action Programme) to denote ‘costly’ investments

⁴⁴ *See* Part II, Chapter 4

⁴⁵ *Ibid.* 44

⁴⁶ Defined by the Landfill Directive as ‘waste from households, as well as other waste which, because of its nature or composition, is similar to waste from household’

⁴⁷ *Op.cit.* 6

⁴⁸ Another EU Directive that would be relevant in this context is the IPPC Directive (*See* Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [1996] OJ L257/26, *See* codified version Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [2008] OJ L24/8). It ‘lays down measures designed to prevent or, where that is not practicable to reduce emissions in the air, water and land from’ certain activities which are listed in an Annex 1 attached to it (Art.1). A number of waste-related categories of activities, for instance the operation of landfills receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste (Annex 1, point 5.4) figure in this list. However, the provisions tackling technical requirements and licensing of landfills envisaged by this Directive are of a more general character compared to the clauses of the specifically-dedicated to this portfolio Landfill Directive (*See* Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1). The IPPC Directive leaves the technical waste requirements pertaining to points 5.1 and 5.4 of its Annex to be ‘fixed’ by the Landfill Directive (Art.19). Art. 1 (2) of the Landfill Directive, in turn, stipulates that ‘the relevant requirements of Directive 96/61/EC shall be deemed to be fulfilled if the requirements of this Directive are complied with’. Concurrently, with regard to licensing in view of the ‘particular features of the landfill method of waste disposal’ the Landfill Directive introduces a specific permit procedure for all classes of landfill which, however, is in line with the general requirements set down in Directive 75/442/EEC and the IPPC Directive. As this research is focused on the regulation of landfills, in particular, rather than on the broader IPPC Directive, it will centre upon the Landfill Directive and leave the examination of the IPPC Directive to future research.

Framework Directive would be particularly suited to the purposes of the present research. Firstly, their transposition in Bulgaria has been fundamental in the context of the Europeanization of the Bulgarian waste sector. As such it is representative of the general trends characterizing municipal waste policy in the country. As it will be discussed in much greater detail in Parts II and III, Bulgaria disposes 100 per cent of its municipal waste to landfill.⁴⁹ Secondly, at the time when the author was starting work on this research, the European Commission initiated an infringement procedure against Bulgaria on account of deficient implementation of Articles 4 and 5 of the Waste Framework Directive (See Table 1, Appendix I). The country was also facing potential threats of additional infringement proceedings in relation to the same Directive as well as signals to accelerate its work on the implementation of the Landfill Directive, with the transitional period of the latter expiring in July 2009.⁵⁰ The prospect of being able to follow these developments running parallel to the period of research has presented an excellent opportunity for data collection and has also rendered the research an exciting academic exercise.

While focusing on these two EU directives, the present discussion has also touched upon the role of other environmentally-related directives. For example, specific attention is paid to the Environmental Assessment Directives⁵¹ especially in relation to the examination of the test variable proposed for consideration here and analysed along the lines of the research model and the research hypothesis. As explained in the previous chapters, this variable reflects the existence of policy interactions at the EU level which, once ‘domesticated’ in the national arena, can influence implementation performance and can develop as an ‘antecedent’ condition in the Europeanization process (Van Evera, 1997: 10, 53). The Environmental Assessment Directives, being instruments of policy interactions especially in the context of the complex interactions between waste policy, environmental policy and EU pre-accession assistance/cohesion policy, have required specific consideration in this research.⁵²

⁴⁹ See Eurostat (2011), News Release, Environment in the EU 27, Recycling Accounted for a Quarter of Municipal Waste Treated in 2009, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/8-08032011-AP/EN/8-08032011-AP-EN.PDF (Date of reference 09.03.2011)

⁵⁰ See Part III, Chapter 7

⁵¹ ‘Environmental assessment’ is used as a collective term for environmental impact assessment of projects and strategic environmental assessment of plans, policies and programmes
See Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC, 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114, and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30

⁵² See Part II, Chapter 4

It is in view of these interaction dynamics that the second unit of analysis comes to the fore. It concerns the application of the provisions and requirements of EU pre-accession assistance policy in Bulgaria while a candidate country and later as a new EU Member State, and of EU cohesion policy in the post-accession period. The European Union pre-accession assistance and cohesion policies appear as the right counterparts to waste policy in the context of the discussion of policy interactions in this research. On the one hand, they contribute to developing favourable conditions for the implementation of the EU waste management legislation through their financing instruments (such as ISPA and the Structural and Cohesion Funds).⁵³ On the other hand, the absorption of the European Union infrastructural financial assistance, for instance, within the context of waste management projects is widely dependent on meeting certain environmental requirements such as the adequate application of the environmental assessment procedure. These environmental requirements, then, turn into technical preconditions for receiving financing in the framework of the EU cohesion policy. Nevertheless, they also constitute a safeguard ensuring that the specific project complies with the EU environmental and waste management standards. This preliminary finding, based more on intuition rather than on detailed empirical research, has provided impetus for examining the role of policy interactions as a ‘domesticated’ variable along that of domestic variables already considered in existing Europeanization studies, for the implementation performance and change Bulgarian waste policy has undergone since the country’s engagement with the EU. In line with this logic, the commitment to examine policy interactions as an endogenous research variable has framed EU pre-accession assistance and cohesion policy as a key unit of analysis in the research design.

As already pointed out earlier in this chapter, the ontological and epistemological underpinnings of this research and the complex and nuanced scope of the research architecture entailing an intensive research approach to considering the highly specific subject matter of the waste *problematique*, examining multiple variables, and tracing processes over a lengthy period of time, have provided for the adoption of a qualitative research strategy. It is to the features of qualitative methods that the following section now turns.

⁵³ See Part II, Chapter 4
See Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25; Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73

3. Qualitative Methods of Data Management

Existing academic writings have characterized qualitative research as a research strategy that usually emphasizes words rather than quantification (Bryman, 2008: 366). This perception is well reflected in the type of methods qualitative researchers employ for the purposes of data collection and data interpretation. Qualitative methods refer to a range of techniques accentuating the salience of processes and contexts that cannot be revealed by the means of direct observation. Such methods are, for instance, participant observation, individual interviewing and focus group interviewing. The selection of a specific qualitative method or methods, however, is strongly dependent on the objectives of the particular research project (Devine, 2002: 205).

The nature of the present research focusing on the extent to which waste policy in Bulgaria has been Europeanized has required the examination of a process of change unfolding over a prolonged period of time. The change itself has entailed ‘downloading’ of EU waste legislation through transposition and implementation. While exploring performance in the context of the latter, the research considers the role of exogenous and endogenous factors for the process of change. At the same time, it acknowledges the different dynamics of these factors before and after EU accession.

This nuanced setting has provided for the adoption of a combination of qualitative methods, namely consultation with documents and conduct of interviews towards collecting and interpreting the information needed for addressing the research question and the research hypothesis. The reliance on these two methods presents a case of triangulation within methods (Read and Marsh, 2002: 237).

The triangulation technique has been regarded as a very important principle in academic data management (Yin, 2003). According to authors, this technique helps to increase the validity of the research as it allows for one of the methods employed to complement and serve as a check on the another (Denzin, 1970; Stake, 2000: 443; Read and Marsh, 2002: 237-238; Yin, 2003: 97). As Yin has put it, the ‘multiple sources of evidence essentially provide multiple measures of the same phenomenon’ (2003: 99). At the same time, triangulation secures a high level of reliability of the research findings as it covers both data collection in the form of data triangulation and data analysis as methodological triangulation (*Ibid.*). In view of this, the ‘triangulated perspective’ (Denzin, 1970) can be taken as a reliable approach to accommodating the

methodological particularities and nuances of interdisciplinary research (Yin, 2003: 101).

The consistent, systematic and structured application of triangulation has been strongly upheld by qualitative researchers in a way of countering existing criticism against the scientific value of qualitative research (Devine, 2002: 204-205; Bryman, 2008: 392). More specifically, the criticism of qualitative research has moved around the quantitative (large Ns) versus qualitative method (small Ns) dichotomy (Read and Marsh, 2002; Hopkin, 2002). It has concerned, for instance, the weaknesses of qualitative research in terms of replicability and comparability, generalizability, researcher's bias and objectivity as well as representativeness and reliability of the qualitative findings. However, while these criticisms seem 'damning', qualitative researchers find them to be 'misplaced' and maintain that qualitative research entails as systematic and rigorous methods of empirical investigation as quantitative research (Devine, 2002: 204). Indeed, the choice of a research strategy acknowledges the methods' weaknesses, yet avoids being dependent on them. It is based on assessing the scientific utility of the research methods for answering the particular research question as well as on their relation to the ontological and epistemological rationale of the research project.

The data management strategy adopted here has held that 'no single source has a complete advantage over all others' and has relied on the complementary character of document analysis and interviewing utilized jointly or consecutively at the different phases of the research process. The research strategy has comprised four main stages of data management. The first stage has involved work with primary data in the form of official and public documents and records (Hodder, 2002: 703; Yin, 2003: 85; Bryman, 2008). These have included pieces of EU primary and secondary legislation, national statutes, programmes and strategy documents, implementation documents, progress reports, as well as minutes of meeting, official letters, memos and document drafts. Also, mass media output has been collected and screened for publications of journalist interviews with European Commission and Bulgaria officials. There has been a wealth of information on EU environmental, waste and pre-accession assistance and cohesion policies. Also, the EU-Bulgarian relations have been widely covered by EU and national documents (See Appendix II.3 and II.4). However, there have been data shortages and inconsistencies in relation to the experience of Bulgaria in waste management prior to the start of the EU accession process as well as inadequate, patchy and often contradictory accounts of its progress with the formal and practical

transposition of EU waste legislation. The fact that the period of research has been running parallel to key developments in the field entailing dynamism with regard to the transposition of legal texts, political decisions and courses of action discussed at length in Part III of the thesis, has made document collection an extensive and yet, an exciting investigation.

The necessary information that has not been gathered from documents has been sought through the second stage of data collection entailing the conduct of 25 semi-structured and unstructured interviews with European Union officials and Bulgarian officials at national and sub-national level working in the area of environmental protection, waste policy, pre-accession assistance and cohesion policies (Devine, 2002: 198; Yin, 2003: 89; Bryman, 2008: 436; See Appendix II.7). The orientation towards conducting interviews with relevant officials engaged at the EU, national and sub-national levels of governance, respectively, has been dictated by the nature of the research question exploring social phenomena unfolding at these levels. Furthermore, as already discussed, the specific policy areas (units of analysis) under exploration are characterized by distinct multi-spatial dynamics, with competences in policy-making and policy implementation dispersed across these levels of governance.

The interviewing was organized within two field sessions in Brussels and Bulgaria, respectively. These were preceded by extensive preparation entailing the development of an interview guide, identification of interviewees and arranging appointments with them.

The interview guide included a list of questions that would on the one hand, guide the researcher in the conversation with the respective respondent and on the other hand, if sent to the particular interviewees in advance, would help them prepare for the meeting. In fact, most of the interviewees had expressed a preference for considering preliminary questions prior to the interview. Most of the questions had been structured as probing questions, direct questions and specifying questions (Bryman, 2008: 446). Furthermore, separate question groups in terms of substance, had been prepared for the different respondents depending on their areas of expertise. For instance, officials from Directorate-General Environment had been approached with questions pertaining to EU environmental and waste policies and the particularities of their transposition in Bulgaria, while interviewees from Directorate-General Regional Policy (hereinafter, 'DG REGIO') had been addressed with questions related to the application of EU pre-accession assistance and cohesion policy instruments in the studied country.

Another important aspect of the preparation for the interviews was the identification of interviewees and arranging appointments with them. Particular attention was paid to the representativeness and reliability of the planned interview samples. Purposive sampling was, therefore, undertaken and it allowed the researcher to identify respondents who would be relevant to the research question in advance (Bryman, 2008: 458). In the course, of the interviews themselves, snowball sampling was also used, however, only as an ancillary technique (*Ibid.*). Access to the interviewees approached with a request for an interview meeting was obtained *via* their contact details available at the web sites of the relevant institutions. However, in the case of interviewees from the EU institutions and the European Commission, in particular, an opportunity to undertake a purposive screening for interviewees in the Commission internet directory opened up during a traineeship the researcher had undertaken with DG REGIO in the winter of 2007 – 2008. While seizing the opportunity to utilize this access channel to specific interviewees, at the time of the traineeship the researcher had used it mainly for obtaining their contact details, with interview arrangements left to subsequent field work. This allowed the researcher to conduct stage one of the research strategy that was discussed above and to get acquainted with the theoretical and empirical material derived from primary and secondary sources prior to engaging with the interviews. Furthermore, such an approach has helped to avoid problems of bias and lack of objectivity that might have otherwise arisen. Yet, those had been highly unlikely as the traineeship position of the researcher had not been directly related to the planned area of research. At the same time, the traineeship had been a stepping stone for accessing interviewees. As Van Maanen and Kolb have poignantly observed ‘gaining access to most organizations is not a matter to be taken lightly but one that involves some combination of strategic planning, hard work and dumb luck’ (1985: 11).

The selected interviewees, in Brussels and Bulgaria respectively, were contacted *via* e-mail three months prior to the field trips themselves. Most of the respondents working with the European Commission and the Permanent Representation of Bulgaria to the EU that had been approached, responded promptly and readily for an interview. However, the ones from Bulgaria based in public institutions at national (for instance, within the Ministry of Environment and Water) and sub-national level (municipalities) were difficult to reach and interview inquiries were either declined or left unanswered. For this reason, the researcher retreated to seeking sponsorship from respondents who had already been interviewed in Brussels or private channels within the relevant institutions. A possible reason for the latter difficulties could be sought in the fact that

the field work in Bulgaria had coincided with the National Parliamentary elections (5 July 2009). In relation to this, it also needs to be noted here, that the respondents, selected within the framework of the field trip in Bulgaria, who were willing to meet for an interview, were very cautious in their answers due to the political sensitivity and the wide media attention to the waste management problems in Bulgaria at that time.

The different dynamics of the two field trips has been clearly reflected by the time-frame they occupied. The interviews in Brussels were fitted within two weeks at the end of April 2009, with two to three interviews organized every working day. The interviews in Bulgaria, however, spread from May till October 2009.

A short consultation with Appendix II.7 can show that three types of interviews were conducted, as follows: eighteen semi-structured interviews, five unstructured interviews and two telephone interviews. The unstructured interviews were conducted in the cases when interviewees volunteered for a free conversation guided by the interviewer with the help of an *aide-mémoire*, with the interviewee elaborating on points and questions that seemed to them worthy of being followed up. The semi-structured interviews followed a similar line of flexibility, yet they were based on an interview guide, with most of the interviewees having consulted it in advance (Bryman, 2008: 438). Interviews *via* telephone were explicitly preferred by two of the contacted respondents due to their busy schedules. However, this unavailability for a face-to-face meeting had been compensated by the fact that the interviewees had examined the interview guide prior to the telephone appointment and had been well prepared, precise and helpful. The telephone interviews took approximately 30 minutes while the duration of the face-to-face interviews span from 30 to 60 minutes.

The information gathered on the basis of the interviews has been compared to the data collected from documents and records. Key aspects, however, that had been highlighted at the interviews have required supplementary consultations with primary documents and secondary academic sources such as journal articles and books on EU environmental protection and waste management, EU pre-accession assistance and cohesion policy, enlargement and multi-level governance that have been referred to throughout the research. This additional examination of documentary materials has formed the third stage of the data collection strategy.

The fourth stage of the data management strategy employed here, has entailed interpretation of the collected data in view of the theoretical propositions and the research model outlined in the Introduction and Chapter 1, by way of addressing the research question and the research hypothesis. As it has been found by researchers,

qualitative data can be an ‘attractive nuisance’ as it is characterized by richness which, however, does not easily lend itself to ‘true analysis’ (Miles, 1979; Bryman, 2008: 538). It is in relation to this that one of the strongest criticisms of qualitative strategy has been raised and in particular to the fact that studies do not clearly reveal ‘how the analysis was conducted...what the researcher was actually doing when the data were analysed and therefore how the study’s conclusions were arrived at’ (Bryman, 2008: 392). The present inquiry strives to avoid such obscurity by examining the collected empirical material against the logic of the research model outlined in the previous chapters, through a thematic analysis that encompasses the role of multiple variables and the temporal dynamics of the researched phenomena.

Conclusions

The adoption of a coherent and transparent research methodology is indispensable for producing a ‘trustworthy’ and ‘authentic’ qualitative research, especially given the complex character of the researched reality that ‘becomes more complicated the more you delve’ (Bryman, 2008: 22).

With the ambition to address this complexity in a scientifically robust manner, the present research has adopted a comprehensive methodological agenda. This chapter has offered an overview of this agenda, starting with an outline of the methodological rationale of the study incorporating its proneness to interdisciplinarity, its ontological and epistemological orientation as well as the methodological implications of this orientation. Secondly, a rationale on the choice of single case study as a research design and process tracing as a research format has been provided. Third, the reliance of this study on qualitative research methods such as document consultation and interviewing has been considered by way of clarifying the means for collecting empirical material that is interpreted against the analytical propositions of the research model. The following Part II seeks to engage with the initial steps of that model.

PART TWO

EU Environmental, Waste and Cohesion Policies. Policy Interactions

Chapter 3

European Union Environmental Law and Policy

Introduction

Having discussed the analytical rationale and the methodological choices made in this research, it is now necessary to turn to one of the central aspects of the research inquiry concerning the European Union environmental agenda. It is expected that this will contribute to the research discourse in two ways.

Firstly, an account of the development and the key regulatory instruments of EU environmental law and policy will help to determine what is being ‘downloaded’ from the EU in terms of policy and legislation and what the ‘downloading’ as such entails (Jordan and Liefferink, 2004; Börzel, 2005: 63; Bache, 2008). This will provide grounds for a better understanding of the process of formal and practical transposition of EU environmental *acquis* in the Member States and the accession countries. Considering the complex and sensitive process of environmental ‘policy-shaping’, this chapter will offer bases for further reflection on the challenges of ‘policy-taking’ faced by these states (Börzel, 2003; Jordan, 2004: 205; Börzel, 2007: 237).

Tracing these dynamics will also help identify the ‘transversal’ features of environmental policy and underpin its proneness to interaction with other policy fields both at the EU and national level (Lenschow, 2002: 19; Knill and Liefferink, 2007: 22). This research argues that, along with other domestic factors outlined in Part I, the occurrence of policy interactions within a certain institutional context in the domestic arena has the potential to shape implementation performance.

Featuring this cross-policy dynamics, EU environmental policy presents an exciting case in the EU ‘laboratory for arrangements for supranational governance’ (Macrory and Purdy, 1997: 27). It has undergone significant evolution since the 1960s from a stage when it was merely a ‘flanking policy’ to the common market (Knill and Liefferink, 2007: 4) and had extremely ‘fragile’ (Glachant, 2001: 1) legal foundations to its present state of a ‘core area of European politics’ (Knill and Liefferink, 2007: 1). However, the huge implications of the EU environmental political and legal provisions

cutting across a multitude of policy sectors and multiple levels of governance (*Ibid.*) have brought about a number of complexities related to the formal and practical compliance with those provisions by the EU Member States. The recurring theme of implementation problems in the European Union flagged by the concepts of ‘implementation deficit’, ‘implementation gap’ or ‘pathology of non-compliance’ in the EU has been increasingly associated with EU environmental law and policy in particular.⁵⁴

This trend is confirmed by the statistical data provided by the European Commission in its annual reports on monitoring the application of EU law in the Member States. According to the findings of the 27th Annual Report, at the end of 2009 the environmental sector featured around 20 per cent of the open cases of non-compliance with EU law that were considered by the European Commission.⁵⁵ Among these, the ones concerning waste management were found to be particularly critical. In 2008, waste management accounted for the biggest group (23 per cent) of environmental cases opened by the Commission.⁵⁶ In its reports the European Commission has consistently pointed out that the transposition, both formal and practical, of the Waste Framework Directive and the Landfill Directive⁵⁷ has been most challenging due to, among other factors, lack of adequate waste management infrastructure, high number of substandard landfills, illegal waste dumping, mismanagement of big infrastructure projects or interventions involving EU funding and administrative incompetence at national and sub-national level in a significant number of Member States.⁵⁸

The continuous debate on how big is this ‘gap between the process of Europeanization of environmental law on the one hand, and the laggardly implementation of the law on the other’ (Holder, 1997: 3-4) has turned this

⁵⁴ See Jordan, 1999; Börzel, 2000, 2001; Glachant, 2001; Lenschow, 2005; Bell and McGillivray, 2006; Knill, 2006; Knill and Lieferink, 2007, Krämer, 2006 and so forth

⁵⁵ There were 543 cases under examination on 31.12.2009 forming 18,78 per cent of the total number of infringement cases under consideration at that time. See Commission Staff Working Document, Statistical Annex. Annexes I to III, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final, COM (2010) 538 - Not published in the Official Journal

⁵⁶ See <http://ec.europa.eu/environment/legal/law/statistics.htm> (Date of reference 20.02.2011)

⁵⁷ *Op.cit.* 6

⁵⁸ See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final - Not published in the Official Journal; Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC(2009) 1684/2 – Not published in the Official Journal; Commission Staff Working Document, Accompanying the 25th Annual Report on Monitoring the Application of Community Law (2007), Situation in the Different Sectors, Brussels, SEC(2008) 2854, COM(2008) 777 final; See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementing European Community Environmental Law, COM(2008) 773/4 - Not published in the Official Journal

implementation problem into a topic ‘everybody talks but nobody knows’ about (Demmke, 2001). The ‘transversal character of environmental protection’ (Knill and Liefferink, 2007: 22) added to its high-cost maintenance at the domestic level in terms of investments, expertise and administrative capacity has made the problem of compliance with the EU environmental law increasingly acute. It has become even more critical in the context of the so-called ‘enlargement governance’ (Dimitrova, 2002). The new Member States and accession countries have been placed under strong adaptational pressure of predominantly downward Europeanization dynamics.⁵⁹ The way their implementation performance scores against the overall EU environmental ‘implementation deficit’ remains to be examined through subsequent research.

In relation to the discussion on the transposition of the EU waste *acquis*, in particular, emerges the second contribution of this chapter. By undertaking an overview of EU waste legislation, the present chapter seeks to throw light on the way waste policy fits within the overall context of the more general EU environmental agenda. Along with this, the chapter presents detail on the substance, level of precision and the legal obligations that the specific EU waste rules examined in the present inquiry, respectively the Landfill Directive and the 2006 Waste Framework Directive⁶⁰ (insofar as it relates to the former) entail. Understanding of the latter is indispensable for addressing the research question that guides this discussion and explores the extent to which waste policy in Bulgaria has been Europeanized.

Considering these problems, the chapter, firstly, delves into the historical origins and development of European Union environmental law and policy. It, then, turns to basic legal instruments, regulatory patterns and implementation challenges characterizing the EU environmental sector. Thirdly, the discussion tackles the specifics of EU waste law and, finally, relates to the objectives of the present research focused on exploring the process of formal and practical transposition of the EU waste *acquis* in Bulgaria.

1. European Union Environmental Policy: Origins and Development

Environmental policy is among the ‘younger’ European Union policies having acquired formal legal basis with the adoption of the Single European Act in 1986⁶¹

⁵⁹ See in Part I, Chapter 1
The mechanism of ‘downloading’ EU environmental legislation within an enlargement context will be examined in detail in Part III in relation to the case of Bulgaria prior to its accession to the European Union (2007).

⁶⁰ *Op.cit.*6

⁶¹ See Single European Act OJ L 169 of 29.06.1987

(Lenschow, 2005: 306). Nonetheless, it has undergone remarkable development in the last three decades to employ a diverse spectrum of regulatory approaches constituting a comprehensive body of environmental legislation. It is considered that by now the environmental *acquis* comprises approximately 300 instruments regulating almost every aspect of the environment. For this reason, environmental policy has been said to resemble a ‘regulatory patchwork rather than a coherent framework’ (Héritier, 1996; Börzel, 2007: 226).

Another characteristic feature of EU environmental protection relates to its origin and development initially driven by political rather than by immediate legal measures. It was not mentioned in the Treaty of Rome of 1957 establishing the European Economic Community,⁶² i.e. there was not an explicit Treaty basis indicating the start of a European environmental policy (Bell and McGillivray, 2006; Knill and Liefferink, 2007). The fundamental basis of the European Union was primarily economic as reflected in Art. 2 and 3 of the Treaty of Rome. Therefore until being granted a formal legal basis in the context of the Single European Act in 1986, EU environmental protection developed at the margins of the common market project as a market-correcting policy (Lenschow, 2005; Knill and Liefferink, 2007: 3-5). This again comes to underpin its cross-sectoral character.

Three main reasons for initiating environmental policy action at the European level have been discussed in the literature. The first one relates to the threat that the existing variation of environmental standards across the EU could hamper the development of the common market by creating competitive distortions and raising trade barriers. In this sense environmental protection was to be regarded as a ‘flanking policy’ serving the purposes of trade and competition. The second reason is linked to the fact that, following a number of ecological catastrophes since the middle of the 1960s, environmental problems acquired a sense of urgency. Environmental policy emerged as an international political issue especially in view of its cross-border implications such as cross-border air pollution.⁶³ The third reason can be traced back to Art. 2 of the Treaty of Rome according to which, alongside the goals related to the establishment of a common market, stands the aim of improving the living conditions in the European Union and more specifically of attaining ‘an accelerated raising of the standard of living’. This objective implied the need for improvement of the quality of life within the

⁶² *Op.cit.2*

⁶³ This problem appeared for the first time on the European political agenda when the causes for the acidification of the Scandinavian lakes were disclosed and attributed to the high-level British and Central European industrial emissions.

EU which certainly involved higher consideration of the state of the environment (Knill and Liefferink, 2007: 3-5).

Hence, on the one hand especially prior to the Single European Act the creation of EU environmental policy can be related to the development of the internal market. On the other hand, it can be perceived as a goal in its own right. Yet, environmental policy was institutionalized as an explicit EU competence only after the signing of the Single European Act. For this reason, its constitutional basis is commonly considered in two separate phases: before and after the Single European Act (Glachant, 2001; Bell and McGillivray, 2006; Knill and Liefferink, 2007).

1.1 Before the Single European Act (1986)

In the late 1950s and early 1960s the first ‘environmental’ common market directives were passed. They involved the introduction of safety standards on radiation and control of dangerous chemicals (Lenschow, 2005; Bell and McGillivray, 2006; Knill and Liefferink, 2007).⁶⁴ Despite indicating the need for a separate area of EU competence in the sphere of environment, these directives were more applicable to the industrial rather than the environmental sector. For instance, Council Directive No 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to dangerous substances was developed on the basis of the then Art. 100 EEC (ex-Art. 94 TEC, now Art. 115 TFEU),⁶⁵ the latter being directly linked to the functioning of the common market. Therefore, in the case of EU environmental policy, prior to the Single European Act employing a purposive approach was needed to find references to the Treaty especially when environmental protection was not explicitly mentioned there.⁶⁶

Then, EU environmental legislation was adopted mainly on the basis of two Treaty articles, namely ex-Art. 100 EEC and ex-Art. 235 EEC (ex-Art. 308 TEC, now Art. 352

⁶⁴ See Council Directive 59/221 laying down the basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations [1959] OJ 011/0221 (*no longer in force*), Council Directive 66/45/Euratom of 27 October 1966 amending the Directives stipulating the basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations [1966] OJ 216/3693 (*no longer in force*). These were legally based on Art. 31, 32 EURATOM

⁶⁵ See Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [1976] OJ 196/1

⁶⁶ EU law should have a sound Treaty basis which relates to the principle of conferral. According to this principle any legislation has to be attributed to a particular Treaty article (Art. 5 TEU (ex-Art. 5 TEC)). If this is not the case, then, the relevant piece of legislation could be annulled by the Court of Justice of the European Union (Art. 263 TFEU (ex-Art. 230 TEC)); See Daintith, 1995: 30; Bell and McGillivray, 2006: 198; Chalmers and Tomkins, 2007; Kaczorowska, 2009

TFEU).⁶⁷ For instance, the adoption of Council Directive 75/442/EEC on waste⁶⁸ which will be discussed in greater detail in section 3 of this chapter was based on the provisions of both articles.

Ex-Art. 100 EEC refers to the procedure for harmonisation of laws that ‘directly affect the establishment or functioning of the common market’. In the absence of explicit reference to environmental protection in the Treaty of Rome, this article made it possible for Commission proposals to use environmental arguments based on market regulation to remove non-trade barriers between the Member States (Lenschow, 2005: 307). Alternatively, ex-Art. 235 EEC was occasionally used.⁶⁹ It was again relied upon when ‘action by the Community’ was ‘necessary to attain’ (ex-Art 235 EEC) primarily in the cases of common market related environmental problems and especially in situations where no other legal base could be referred to (Chalmers and Tomkins, 2007). The reliance on these market related articles occasionally led to prolonged and difficult negotiations as both of them required, and still do,⁷⁰ unanimous vote in the Council which complicated the decision-making process on environmental protection even further (Knill and Liefferink, 2007).⁷¹

By contrast to this decision-making complexity, at the level of political discourse EU environmental policy found firmer support by the Member States. At the beginning of the 1970s they undertook the establishment an EU environmental policy stating that ‘economic expansion is not an end in itself’. They adopted a declaration⁷² delegating to the European Commission the task of drawing up an environmental protection action programme. In relation to this obligation a ‘task force group’, the forerunner of Directorate-General Environment, was formed in the Commission. The first Action

⁶⁷ See Scott, 1998: 5; Glachant, 2001: 13; Lenschow, 2005: 307; Bell and McGillivray, 2006: 196; Knill and Liefferink, 2007: 7; Krämer, 2007: 5

⁶⁸ *Op.cit.* 6

⁶⁹ See Glachant, 2001: 13; Lenschow, 2005: 307; Chalmers and Tomkins, 2007; Kaczorowska, 2009

⁷⁰ In line with the newly introduced by the Lisbon Treaty special legislative procedure (Art. 289 TFEU)

⁷¹ See for instance, the adoption of Council Directive 79/409/EEC on the protection of birds and their habitat ([1979] OJ L 103/1) based on ex-Art. 235 EEC took eight years of preparation and bargaining (Scott, 1998: 6; Lenschow, 2005: 307).

⁷² See Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment, Official Journal C 112 of 20.12.1973. See text of the Declaration: *Whereas in particular, in accordance with Article 2 of the Treaty; the task of the European Economic Community is to promote throughout the Community a harmonious development of economic activities and a continuous and balanced expansion, which cannot now be imagined in the absence of an effective campaign to combat pollution and nuisances or of an improvement in the quality of life and the protection of the environment; Whereas improvement in the quality of life and the protection of the natural environment are among the fundamental tasks of the Community; Whereas it is therefore necessary to implement a Community environment policy.*

Programme on the Environment was adopted in July 1973 ('EAP')⁷³ and this marked the 'beginning of an independent EU environmental policy'.⁷⁴

Another indication of the emergence of an EU environmental policy was provided by the Court of Justice of the European Union. In a number of judgements the Court offered explicit support to the cause of environmental protection.⁷⁵ This did not come as a surprise as the Court looked predominantly at secondary legislation that had already been produced with the agreement of all the Member States (Bell and McGillivray, 2006: 196). Most notably, in its decision on Case 240/83 engaged with the interpretation and the validity of Council Directive No 75/439/EEC on the disposal of waste oils the Court posited that environmental protection was 'one of the Community's essential objectives'.⁷⁶ In a similar vein, in a subsequent preliminary ruling on the interpretation of Council Directive 75/442/EEC on waste, the Court stressed the obligation of the Member States to 'contribute to the attainment of the objectives of the Community regarding the protection of health and environment' (Krämer, 2007: 356).⁷⁷ The latter was laid in Art. 4 of the interpreted Directive itself. It is exactly because of such deliberations that the Court of Justice has been thought of as 'rewriting...the Treaty...as a matter of political reality' (Bell and McGillivray, 2006: 197).

1.2 After the Single European Act (1986)

The signing of the Single European Act marked the beginning of the second phase in the development of the European environmental law and policy by ending its previous rather informal legal status. It introduced a whole new title VII (Title XIX in the TEC and now Title XX in the TFEU) on environmental protection featuring ex-Art. 130 r, s and t EEC (ex-Art. 174, 175 and 176 TEC, now Art. 191, 192 and 193 TFEU). The

⁷³ The first Action Programme on the Environment (1973 – 1976, OJ C 112, 20.12.1973) was followed by further action programmes respectively covering the periods 1977 – 1981 (OJ C 139, 13.06.1977), 1982 – 1986 (OJ C 46, 17.02.1983), 1987 – 1992 (OJ C 328, 07.12.1987), 1993 – 2000 (OJ C 138, 17.05.1993) and 2002 – 2012 (OJ L 242 / 1, 22.07.2002)

⁷⁴ See Scott, 1998; Lenschow, 2005; Bell and McGillivray, 2006: 195; Knill and Liefferink, 2007: 2; Krämer, 2007: 61

⁷⁵ See Case 69/81 *Commission v Belgium* [1982] ECR 163, Joined Cases 30/81 and 34/81 *Commission v Italy* [1981] ECR 3379, Joined Cases 372/85 and 374/85 *Ministère public v Oscar Traen and others. References for a preliminary ruling: Rechtbank van eerste aanleg Brugge-Belgium* [1987] ECR 2141

⁷⁶ See Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils [1975] OJ L 194/23. This Directive is now repealed by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3 which integrates the relevant provisions on the management of waste oils.

See Case 240/83 *Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)* [1985] ECR 531

⁷⁷ *Op.cit.*6
See Joined Cases 372/85 and 374/85 *Ministère public v Oscar Traen and others. References for a preliminary ruling: Rechtbank van eerste aanleg Brugge-Belgium* [1987] ECR 2141

latter provided an explicit legal basis for environmental action, thus, making references to ex-Art. 235 EEC (ex-Art. 308 TEC, now Art. 352 TFEU) more or less redundant. These articles stipulated the objectives, principles as well as the decision-making procedure to be applied in adopting environmental legislation. At the time of the Single European Act, they provided that environmental legislation was adopted with the unanimous agreement of all the Member States⁷⁸ after merely consulting the European Parliament (Lenschow, 2005; Bell and McGillivray, 2006; Knill and Liefferink, 2007).⁷⁹

In addition, the Single European Act introduced ex-Art. 100a EEC (ex-Art. 95 TEC, now Art. 114 TFEU) which provided for the explicit EU competence to regulate environmental activities in matters concerning the creation of the internal market by envisaging qualified majority voting (QMV) in the Council and cooperation with the European Parliament. According to Knill and Liefferink (2007) in the case of QMV, the Member States could no longer rely on a veto position in order to block environmental policy proposals. Furthermore, the novel cooperation procedure that was introduced under this article provided for the increased involvement of the European Parliament in the legislative process and contributed to enhancing its role *vis-a-vis* the Council (Scott, 1998: 7; Knill and Liefferink, 2007: 17).

These two possible references to the amended Treaty laid grounds for the so-called ‘forum shopping’ (Lenschow, 2005: 308). The Commission attempted to push environmental proposals through the ‘fast-track’ legislative procedure envisaged for market-building environmental actions under ex-Art. 100a EEC rather than under ex-Art. 130s EEC (ex-Art. 175 TEC, now Art. 192 TFEU). In that case, however, the involvement of the European Parliament would differ depending on the legal justification pushed forward. The European Parliament’s role in the legislative process within the framework of ex-Art. 100a EEC would be greater as it would require the

⁷⁸ 12 Member States at the time (6 Founding Members; Ireland, UK and Denmark (1973); Greece (1981); Spain and Portugal (1986)). The following accessions took place respectively in 1995 (Austria, Finland and Sweden), 2004 (Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia and Slovenia) and 2007 (Bulgaria and Romania).
See http://ec.europa.eu/enlargement/archives/enlargement_process/past_enlargements/index_en.htm (Date of reference 26.02.2011)

⁷⁹ Since the Treaty on European Union (1993), qualified majority voting in the Council and a conciliation procedure were applied for most of the environmental legislation in line with ex-Art. 130s EC (Art. 175(1) TEC). There were some exceptions laid down in the same article, paragraph (2). In the context of the Lisbon Treaty (2009) the relevant procedure is categorized as an ordinary legislative procedure in line with Art. 192 (1) TFEU, while Art. 192 (2) TFEU offers detail on decision-making pertaining to fiscal provisions, town and country planning, management of water resources, land use with the exception of waste management, choice of energy sources and supply, subject to a special legislative procedure. *See*, respectively, Treaty on European Union (Maastricht Treaty) OJ C 191 of 29.07.1992 and Treaty of Lisbon, OJ C 306/01 of 13.12.2007

cooperation procedure. This controversy led to disputes between the European Commission and the Council marked by a number of referrals to the Court of Justice (Scott, 1998: 8; Lenschow, 2005: 308; Bell and McGillivray, 2006: 199).⁸⁰

Such developments reflect the complex character of environmental legislation in the sense that it is highly dynamic, leaving room for diverse interpretation and is also widely dependent on the preferences of EU actors. They also underpin the salience of environmental considerations in the context of the internal market as a means to achieve further harmonization and counteract the negative effects caused by its functioning. This, in turn, reflects the multi-sectoral dimension of the EU environmental protection agenda.

The Single European Act not only provided the legal basis for EU environmental policy but it also spelled out the need to integrate environmental objectives into other policies in order to achieve effective and sustainable success in environmental protection (ex-Art. 130r (2) EEC (ex-Art. 6 TEC, now Art. 11 TFEU)). It can, then, be maintained that the legal start of EU environmental protection was accompanied by awareness and readiness to handle its transversal features within the framework of an environmental policy integration (EPI) governance approach.⁸¹

The Treaty of Maastricht⁸² added a stronger sense of obligation to this strategy by rewording ex-Art. 130r (2) EEC in a way that ‘environmental protection *must* be integrated into the definition and implementation of other Community policies’ (emphasis added). For the first time the Treaty explicitly stated that a ‘policy in the sphere of the environment’ would feature as one of the principal EU activities (ex-Art. 3 TEC, now replaced in substance by Art. 3 to 6 TFEU). It also provided reference to the concept of sustainable development⁸³ by amending Art. 2 TEC (now replaced in substance by Art. 3 TEU) to include a new text stipulating that the EU aimed at

⁸⁰ Such a dispute occurred, for instance, in a case where the Commission referred to the Court with a request for the annulment of Council Directive 89/428/EEC on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry ([1989] OJ L 201/56) (See Case C-300/89 *Commission v Council* [1991] ECR I – 2867). Another interesting case was the one questioning the correct legal base of the 91/156 amending Waste Framework Directive (See Case C-155/91 *Commission v Council* [1993] ECR I-939). See also Case C-187/93 *Parliament v Council* [1994] ECR I-2857 concerning transboundary waste

⁸¹ See Lenschow, 2002; Dhondt, 2003; Jordan and Schout, 2006; Lenschow, 2002; Jordan and Lenschow, 2008, 2008a, b
See Chapter 4

⁸² See Treaty on European Union, (Maastricht Treaty) OJ C 191 of 29.07.1992 (signed on 7.02.1992 and in force on 1.11.1993)

⁸³ This research will not delve into the sustainable development debate as such. It would rather touch upon some of its aspects while considering EPI features (here in Chapter 3 and in Chapter 4). The sustainable development – EPI debate is of huge significance for EPI and its application but can in itself be an object of separate extensive research. What the present inquiry seeks to highlight is that the relationship between the two concepts is not unproblematic (Lenschow, 2002a: 7).

achieving ‘harmonious, balanced and sustainable development of economic activities’ as well as ‘sustainable and non-inflationary growth respecting the environment’. In addition, the Member States signed a Declaration on Assessment of the Environmental Impact of Community Measures (Declaration No 20) annexed to the Final Act of the Treaty of Maastricht in which the Commission undertakes in its proposals and the Member States in the implementation of these proposals ‘to take full account of their environmental impact and of the principle of sustainable growth’ (Dhondt, 2003: 35; Krämer, 2007). Furthermore, the Treaty of Maastricht expanded the qualified majority voting to most of the environmental legislation⁸⁴ thus allowing for ‘political consolidation of the policy field’.⁸⁵

Following the measures adopted in the Treaty of Maastricht, the Treaty of Amsterdam⁸⁶ introduced further substantial amendments to the Treaty text concerning the environmental sector. It sanctioned the application of the co-decision procedure⁸⁷ on most of the issues concerning environmental protection by amending ex-Art. 130 s, transformed into Art. 175 TEC (now Art. 192 TFEU), thus reinforcing the role of the European Parliament in the legislative process even further (Bell and McGillivray, 2006: 192, 199; Knill and Liefferink, 2007). In addition, the Treaty brought another revision of Art. 2 TEC to include as EU objectives ‘a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life’.

The Treaty of Amsterdam also introduced a new Art. 6 TEC (now Art. 11 TFEU) according to which EU environmental protection requirements had to be ‘integrated into the definition and implementation of the Community policies and activities...in particular with a view to promoting sustainable development’. This provision codified the environmental policy integration concept as an EU principle. In this way it led to enhancing the integrative element of EU environmental law and policy into different policy sectors.⁸⁸

⁸⁴ Quality majority voting was introduced for most of the environmental legislation with the exception of measures of fiscal nature, measures concerning town and country planning and land use and measures related to issues of energy supply (ex-Art. 130s TEC (ex-Art. 175 TEC, now Art. 192 TFEU))
Op.cit. 79

⁸⁵ *Discussed* by Glachant, 2001: 13; Schumacher, 2001: 32, 33; Lenschow, 2002: 22; Dhondt, 2003; Lenschow, 2005: 309; Bell and McGillivray, 2006: 192, 199; Jordan and Schout, 2006: 67; Knill and Liefferink, 2007: 21; Krämer, 2007; Jordan, Schout and Unfried, 2008

⁸⁶ *See* Treaty of Amsterdam, OJ C 340 of 10.11.1997 (signed on 2.10.1997 and in force on 1.05.1999)

⁸⁷ Co-decision was introduced by the Treaty of Maastricht but it was the Treaty of Amsterdam that sanctioned the application of co-decision on environmental matters by amending Art. 175 TEC (ex-Art. 130 s)

⁸⁸ *Discussed* by Scott, 2002; Scott and Trubek, 2002; Lenschow, 2002; Dhondt, 2003; Bell and McGillivray, 2006; Jordan and Schout, 2006; Knill and Liefferink, 2007; Krämer, 2007; Jordan and Lenschow, 2008, 2008a, b
See Chapter 4

By contrast, the Treaty of Nice⁸⁹ did not bring about substantial revisions in the environmental field (Knill and Liefferink, 2007: 22). The recently ratified Lisbon Treaty which replaced the rejected Treaty Establishing a Constitution for Europe has maintained this trend (*Ibid.*).⁹⁰ It has introduced general changes in terms of institutional powers and decision-making procedures which are bound to have indirect implications for EU environmental protection.⁹¹ At the same time the Lisbon Treaty has not manifested a prominently green agenda and has preserved the *status quo* in its explicitly environmental provisions (Lee, 2008: 1). Some of the key changes⁹² bearing direct relevance to the present research relate to the following. The Treaty renumbers the articles accommodating environmental protection requirements within the provisions of Art. 191–193 TFEU (ex-Art. 174–176 TEC). It also delineates in a clearer way (compared to previous Treaty revisions) the responsibilities of the EU and the Member States in environmental protection, qualifying it as a sphere of shared competence (Art. 4.2e TFEU).

Also, explicit commitment to environmental protection and environmental policy integration in particular, is formally maintained in the Treaty text (Benson and Jordan, 2010: 470). EPI features in Art. 11 TFEU in terms identical with those of ex-Art. 6 TEC.⁹³ Yet, in her analysis of the environmental implications of the Lisbon Treaty, Maria Lee (2008) reasons that although EPI appears to be generally accepted in the Treaty it is ‘less visible’ than before. It is placed among other provisions related to employment, non-discrimination, consumer protection and animal welfare (p. 3). At the same time, while it is recognized that environmental protection produces best results in terms of implementation when considered in relation to other policy areas (such as

⁸⁹ See Treaty of Nice, OJ C 80 of 10.03.2001 (signed on 26.02.2001 and in force on 1.02.2003)

⁹⁰ See Treaty Establishing a Constitution for Europe, OJ C 310/1 of 16.12.2004 and Treaty of Lisbon, OJ C 306/01 of 13.12.2007 (signed on 13.12.2007 and in effect since 1.12.2009)

⁹¹ For instance, the logic of the decision-making procedure follows the newly introduced by the Treaty categories of ordinary legislative procedure and special legislative procedure respectively (Art. 289 TFEU and Art. 294 TFEU (ex-Art. 251 TEC)). The rebalancing of the institutional power as well as the new rule of ‘double majority voting’ in the Council taken together with the change in the number of Member States resulting from the 2004 and 2007 enlargement can also be expected to affect the future of EU environmental agenda.

⁹² A change which does not have direct relevance to waste management but is key in the context of the overall environmental protection agenda is the inserting a clause on climate change (in Art. 191 TFEU (ex-Art. 174 TEC)).

⁹³ Relevant to the discussion of the EPI clause in the context of the Lisbon Treaty is the introduction of another novel provision conferring upon the Charter of Fundamental Rights the same legal value as that of the Treaties. EU recognizes the rights, freedoms and principles set out in the Charter of December 2000, as adapted on 12 December 2007 (Art. 6.1 TEU). In doing so, it reinforces its commitment to environmental protection and environmental policy integration. Under Title IV ‘Solidarity’ of the Charter, Art. 37 dedicated to environmental protection, envisages that ‘[A] high level of environmental protection and the improvement of the quality of environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development’.

agriculture, cohesion policy, industry, tourism), Treaty provisions on other policy sectors do not explicitly refer to the text of Art. 11 TFEU.

Holding to EPI in policy-formulation and policy implementation has been viewed as an important step towards achieving ‘an overall improvement in policy and its implementation in line with sustainable development needs’.⁹⁴ Yet, it has been marked by an evolution of reversals reflecting problematic application at EU, national and sub-national level which has led to a situation where sustainable development and EPI ‘appear more remote and contested today than they did twenty years ago’ (Jordan and Lenschow, 2008a: 5). Recognizing the utility of EPI for the efficient implementation of EU legislation in a number of areas such as waste policy and cohesion policy as well as its weakness ‘on the ground’ (Lenschow, 2002: 231) invites a broader discussion of policy interactions, to which the following Chapter 4 is dedicated.

The brief historical overview of EU environmental law and policy presented above has provided an insight into the complexity of the policy-making process in the sphere of environmental protection. Firstly, it has underpinned the dynamic character of the EU environmental agenda which has undergone dramatic development since the 1970s to become one of the key EU competences. Secondly, it has illustrated the diversity of policy-makers’ preferences with regard to EU environmental protection. Thirdly, it has addressed the importance of the environmental policy integration principle for attaining sustainable implementation outcomes. Although environmental protection has gained legal recognition in the EU establishing its objectives throughout all Treaty revisions, it is still addressed in conjunction with other policy areas (Krämer, 2007). Whether environmental objectives will override objectives of other policy areas in policy-formulation and implementation or simply balance them remains a political decision very much dependent on particular domestic contexts (administrative and/or infrastructural) (Lenschow, 2002a: 231; Sgobbi, 2007). As Krämer underlines ‘the environment is not voting in elections’ and for a politician running for re-election it is much more popular to build a new road than a waste-related facility (2007: 166). Such thinking marks the development of a ‘paradoxical situation in which the increasing legal and institutional “anchoring” of EU environmental policy’ has coincided with the ‘stagnation of its political dynamics’ (Knill and Liefferink, 2007: 20).⁹⁵

⁹⁴ See Report, EEA (European Environment Agency) (2005a), *Environmental Policy Integration in Europe: State of Play and an Evaluation Framework*, EEA technical report, No 2/2005, Copenhagen

⁹⁵ Even though one of the EU’s most recent initiatives in the form of ‘Europe 2020’ (See Communication from the Commission Europe 2020. A Strategy for Smart, Sustainable and Inclusive Growth, Brussels, 03.03.2010, COM (2010) 2020 final) demonstrates a commitment to a green agenda, this agenda appears to be submerged by the rhetoric of ‘sustainable growth’ (one of ‘Europe 2020’ priorities alongside ‘smart

This account of the development of EU environmental policy and its cross-policy features takes us to the first step of the research model adopted in this thesis in addressing the research question.⁹⁶ Prior to proceeding to the specific waste provisions selected for examination, it is necessary to outline the characteristics and legal implications of the regulatory instruments employed by the EU policy-makers and to consider the challenges commonly faced by the EU Member States in the application of these instruments. This will offer clarity as to what is being ‘downloaded’ from the EU and what its legal consequences are in practice, as well as to what ‘downloading’ as such entails (Jordan and Liefferink, 2004; Börzel, 2005: 63; Bache, 2008).

2. Regulatory Instruments and Implementation Challenges

In order to obtain a better grasp of the specifics characterizing the environmental provisions ‘downloaded’ from the EU, it is necessary to make a brief overview of the sources and instruments of EU environmental law, the legal status and degree of precision of these instruments and the legal obligations they entail in recipient states. Such an overview offers clarity as to the distribution of competences between the EU and the national arena, the dynamics of Europeanization as expressed through transposition and implementation of EU environmental legislation as well as to compliance pressures and sanctions ensuing from Member States non-compliance.⁹⁷ In the context of the present research, developing an understanding of the latter is particularly important as the state of compliance with EU environmental and waste *acquis*, in particular, and EU responses to instances of problematic performance are taken as benchmarks for qualifying implementation performance and policy change.

Fundamentally, EU environmental law is contained in the Treaties, the secondary legislation enacted by the EU institutions, the judgments of the Court of Justice of the European Union as well as in the international treaties to which the EU is a party.⁹⁸ An

growth’ and ‘inclusive growth’). The approach employed is aimed at helping the ‘EU to prosper in a low-carbon, resource constrained world while preventing environmental degradation, biodiversity loss and unsustainable use of resources’ (p. 14). The political commitment to environmental protection, however, is limited to specific targets focusing on the reduction of greenhouse gas emissions, the increased reliance on renewable energy sources and the optimization of energy efficiency across the EU Member States. Furthermore, the language of ‘Europe 2020’ strategy somehow seems to stress economic development more than the green agenda as such, with the concept of ‘environmental policy integration’ entirely sidelined from the strategic picture (for a more detailed discussion on EPI see the following Chapter 4).

⁹⁶ See Introductory chapter and Part I, Chapter 1

⁹⁷ As it will be seen from the discussion on Bulgarian waste management pre-accession in Part III, in the case of candidate countries sanctions have different implications in the context of EU accession negotiations, prospects of membership, political reputation and EU pre-accession assistance.

⁹⁸ See Daintith, 1995: 29; Bell and McGillivray, 2006: 187; Chalmers and Tomkins, 2007; Kaczorowska, 2009

overview of the first three of them with examples having direct relevance to the issues discussed here will be provided below.

To start with, the Treaty is a primary source of environmental principles and lays down basic provisions for the decision-making and the implementation of environmental measures. It provides for minimum legal harmonisation on environmental matters (Scott, 1998: 43; Krämer, 2007: 126) and allows for the introduction of stricter national rules if compatible with the Treaty *per se* (Art. 193 TFEU (ex-Art. 176 TEC)).

Art. 288 TFEU (ex-Art. 249 TEC) specifies the legal instruments constituting a source of secondary legislation. These are respectively regulations, directives, decisions, recommendations and opinions.⁹⁹ In environmental and, even more so, in waste matters, the EU mainly acts in the form of directives with a lesser reliance on the rest of the instruments (Krämer, 2007: 56). As provided in a Communication from the Commission on Implementing Community Environmental Law (1996)¹⁰⁰ most of EU environmental legislation is ‘adopted in the form of directives which must be transposed into national laws giving Member States the freedom to enact transposing legislation in the form most appropriate to its national conditions’. Hence, a directive is binding as to the ‘result to be achieved, upon each Member State to which it is addressed’ but leaves to the national authorities the choice of form and methods of implementation (Art. 228 TFEU (ex-Art. 249 TEC)). On the one hand this arrangement features certain benefits for the Member States as they are provided with leeway in the process of formal and

⁹⁹ First, regulations are legal acts of ‘general application’ which are ‘binding in ... [their] entirety and directly applicable in all Member States’ (Art. 288 TFEU (Art. 249 TEC)), thus, being considered ‘legally perfect instruments’ (Daintith, 1995: 33). However, there are only few regulations in the environmental sphere relating particularly to international obligations (for instance, the shipment of waste Regulation No 259/93 now replaced by Regulation No 1013/2006), administrative matters (setting up specific administrative structures like the European Environmental Agency in 1994 by means of Regulation No 1210/90, the financial instrument LIFE by Regulation No 1655/2000, etc.), measures creating committees and uniform procedures or structures (such as eco-auditing by means of Regulation No 761/2001, etc.)

Second, a decision is ‘binding in its entirety’, whilst a decision which specifies its addressee is binding only to them (Art. 288 TFEU (ex-Art. 249 TEC)). The decision is a rare legal form in the context of environmental action. The most frequent types of decision are, for example, decisions to establish a committee or other body (such as a committee on waste management by means of Commission Decision No 76/431/EEC), to grant financial assistance for environmental projects in the framework of EU cohesion policy or EU pre-accession assistance (*see* Chapter 4), to lay details on putting into operation specific directives or regulations (for example, Decision 2000/532 establishing a list of wastes [2000] OJ L 226/3 or its amending decisions), to arrange matters of environmental protection through criminal law (for instance *see* Council Framework Decision 2003/80/JHA), etc.

Third, recommendations and opinions do not have a binding legal force (Art. 288 TFEU (ex-Art. 249 TEC)) and their application and impact on environmental issues has been limited (Bell and McGillivray, 2006: 190).

Discussed by Macrory and Purdy, 1997; Bell and McGillivray, 2006: 188, 190; Knill and Liefferink, 2007: 46; Krämer, 2007: 56; For exact reference to the secondary legal acts quoted here, please, *see* the Bibliography.

¹⁰⁰ *See* Communication from the Commission on Implementing Community Environmental Law from October 1996, COM(96) 500 final - Not published in the Official Journal

practical transposition. For this reason states ‘almost always prefer directives because they offer sufficient flexibility to address local peculiarities’ (Jordan, 1999: 78). On the other hand, however, this same possibility turns into a disadvantage as it is not always clear how a directive should be interpreted, transposed and practically implemented to meet the legislator’s expectations. It also raises serious questions as to the capacity of national policy structures to cope with the processes of transposition and implementation and to attain the required results.¹⁰¹

If a directive is not implemented at all, it is not implemented correctly or in a timely manner, then its ‘useful effect’ (*effet utile*) is lost (Bell and McGillivray, 2006: 187). That would mean that the Member State in question has gone beyond its discretion. In such cases, as the Court of Justice concludes, the particular directive could be directly effective¹⁰² after the deadline for transposition provided that the measure is sufficiently precise and unconditional in the sense that it should require no further deliberations on behalf of the respective Member States.¹⁰³

With reference to environmental protection, in particular, it is necessary to point to the existence of a distinction between ‘framework’ directives and ‘daughter’ directives. Although the latter notions do not have explicitly legal roots, they are well-established in the existing legal literature. The term ‘daughter’ directives stands for specific directives which are closely associated with other more general directives, yet offer substantive detail and clarity and can, thus, be compared to regulations in terms of their direct effect.¹⁰⁴ By contrast, the provisions of the ‘framework’ directives are ‘insufficiently precise and clear to have a direct effect’ (Macrory and Purdy, 1997: 31). For instance, in a case constituting a referral for preliminary ruling to the Court of Justice, the Court found that Art. 4 of the 75/442/EEC Waste Framework Directive was ‘...neither unconditional nor sufficiently precise and thus is not capable of conferring

¹⁰¹ See Daintith, 1995: 34; Chalmers and Tomkins, 2007; Krämer, 2007; Kaczorowska, 2009

¹⁰² Towards clarifying this feature of directives, it is necessary to provide some detail on the doctrines of supremacy and direct effect of EU law. According to the concept of supremacy in the cases where there is a conflict between EU law and national law, the former takes precedence. This notion emerged in relation to a Court case in 1964, namely Case 6/64, *Falminio Costa V. Enel* on which the Court of Justice held that ‘law stemming from the treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as community law and without the legal basis of the community itself being called into question’ (See Case 6/64 *Falminio Costa v. ENEL* [1964] ECR 585, 593). This concept is related to the Court’s deliberations on an earlier case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* according to which the treaties are ‘the source of a new legal order of international law’ (See Case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 3). The doctrine of supremacy introduced in relation to these cases is entwined with the notions of direct effect and useful effect. A law has a direct effect if it invokes rights or obligations which can be enforced by litigants before national courts (private litigation falls beyond the scope of this research).

¹⁰³ See Case 148/78 *Ratti* [1979] ECR 1629

¹⁰⁴ See Daintith, 1995: 37; Bell and McGillivray, 2006: 222; Krämer, 2007: 59; Knill and Liefverink, 2007: 46

rights on which individuals may rely as against the State' (Macrory and Purdy, 1997: 31; Bell and McGillivray, 2006: 222).¹⁰⁵ This example of the Court's deliberations takes us back to the discussion on the key sources of EU law.

As mentioned above, the third major source of EU law derives from the decisions of the Court of Justice (Daintith, 1995: 29; Bell and McGillivray, 2006; Krämer, 2006, 2007). As Bell and McGillivray (2006: 190) indicate, the Court's case law has been a 'particularly fertile area' (please, see Fig. 3 below). In principle, the Court can consider the validity of actions of other EU institutions (Art. 263 TFEU (ex-Art. 230 TEC)), give a preliminary ruling in line with Art. 267 TFEU (ex-Art. 234 TEC) or declare whether Member States are implementing EU law properly (Art. 258 TFEU (ex-Art. 226 TEC)). Even more, following the Treaty of Maastricht, in the cases when a legal breach has been identified, the Court is able to impose financial sanctions on the unsuccessful parties under the provisions of Art. 260 TFEU (ex-Art. 228 TEC).¹⁰⁶ The Court's competence related to the formal and practical transposition of EU legislation in the Member States is particularly fitted to illustrate the features of the so-called 'implementation deficit' considered particularly acute in the sphere of environmental protection.¹⁰⁷ More specifically, in the context of the present research, legal action on behalf of the Court of Justice, at the initiative of the European Commission, is taken as a strong indication of problematic implementation performance that signals certain resistance to change in the Europeanization process at the national level.

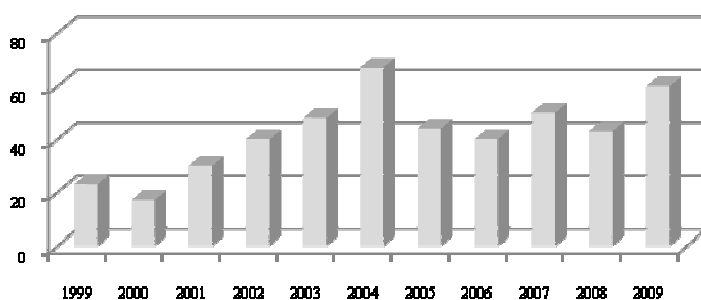


Fig. 3
 Source: Statistics of judicial action on environment and consumers of the Court of Justice (cases completed by judgements, by opinions or by orders involving a judicial determination – subject matter of the action), Annual Reports 1999-2009, Author's compilation

¹⁰⁵ See Case C-236/92 *Comitato di Coordinamento per la Difesa della Cavana v Regione Lombardia* [1994] ECR I-483

Op.cit. 6; Art. 4 of the Waste Framework Directive concerns the engagement of Member States to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment by holding risk to water, air, soil and plants and animals; causing a nuisance through noise or odours; adversely affecting the countryside or places of special interest. Art. 4 also provides that Member States should take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.

¹⁰⁶ The Lisbon Treaty introduced changes to this article by extending the competence of the Commission so that it is able to determine the lump sum or the penalty payment to be paid by the Member State concerned, before the Court's judgement. If the Court confirms the existence of an infringement it may impose a financial sanction not exceeding the amount specified by the Commission (Art. 260.3 TFEU (ex-Art. 228 TEC)).

¹⁰⁷ Discussed by Daintith, 1995; Macrory and Purdy, 1997; Scott, 1998; Jordan, 1999; Demmke, 2001; Lenschow, 2005; Bell and McGillivray, 2006, etc.

In order to be able to better understand the logic enabling European institutions to impose legal sanctions on Member States in cases of non-compliance with EU environmental law, it is important to consider what the processes of transposition and implementation themselves entail.¹⁰⁸ This will also aid the discussion on the extent to which Bulgarian waste policy has been Europeanized as it will throw light on the mechanism through which ‘downloading’ of EU environmental legislation takes place.

In its 1996 Communication on Implementing Community Environmental Law,¹⁰⁹ the European Commission uses the term ‘implementation’ as a broad concept incorporating transposition, practical application and enforcement. Transposition stands for the process in which the competent authorities of a Member State take legislative, regulatory or administrative binding measures in order to ‘incorporate into the national legal order the obligations, rights and duties enshrined in Community environmental directives’. Practical application, in turn, stands for cases when EU legislation is ‘directly applied by national authorities in case of regulations and directly applicable provisions of directives’ as well as for situations where correctly transposed directives are applied through national transposing measures. Application also includes ‘providing the infrastructure and provisions needed...to enable competent authorities to perform their obligations under Community law and to take the appropriate decisions’. Finally, enforcement includes ‘all approaches of the competent authorities to encourage or compel others to comply with existing legislation’. The present research uses these understandings in its discussion of the processes of formal and practical transposition (or implementation)¹¹⁰ of EU waste legislation in Bulgaria. However, in view of the research question, the research context and the substance of the directives selected for examination, practical transposition is taken to denote both practical application and enforcement with a stronger emphasis on the former.

In principle, the legal obligation for applying EU law lies with the Member States. They are obliged to take the appropriate measures to ‘ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union’ (Art. 4.3 TEU (ex-Art. 10 TEC)). As shown, for instance, by one of the Declarations attached to the Treaty of Maastricht, theoretically the Member States accept the responsibility to ‘fully and accurately transpose into national law’ the EU

¹⁰⁸ Discussed by Jordan, 1999; Börzel, 2000, 2001; Glachant, 2001; Demmke, 2001; Bell and McGillivray, 2006; Knill, 2006; Knill and Liefferink, 2007; Krämer, 2007, etc.

¹⁰⁹ *Op.cit.* 100

¹¹⁰ *Op.cit.* 1

directives within the foreseen deadlines.¹¹¹ By signing the declaration they have agreed that the EU law should be ‘applied with the same effectiveness and rigour as in the application of their national law’ (*Ibid.*; Macrory and Purdy, 1997: 27). Nevertheless, this determination has remained predominantly in the sphere of political rhetoric. Until recently, the implementation of environmental *acquis* ‘was a taboo subject’ in political circles and the so-called ‘conspiracy of silence prevailed’ (Jordan, 1999). To support this notion Jordan underlines that, for instance, the third Environmental Action Programme (1983) dealt with implementation issues in just three lines while the fifth EAP (1993-2000) devoted a whole chapter to implementation and enforcement issues (Jordan, 1999: 74, 77).¹¹² Similarly, according to the sixth EAP ‘[L]egislation remains central to meeting environmental challenges and full and correct implementation of the existing legislation is a priority’ (Herodes, Adelle and Pallemmaerts, 2007). In addition, this programme also points to the necessity to provide for the proper transposition of the environmental *acquis* by the candidate countries as well.¹¹³

The European Commission as the ‘guardian of the treaties’ has been delegated the responsibility for monitoring and controlling the formal and practical transposition of EU law in Member States (Art. 17 TEU (ex-Art. 211 TEC); Knill, 2006: 353).¹¹⁴ Under the provisions of Art. 258 and Art. 260 TFEU (ex-Art. 226 and ex-Art. 228 TEC) the European Commission has the right to initiate an ‘action for non-compliance’, either in response to complaints or on the basis of infringements it has detected itself, against Member States that have failed to fulfil a Treaty obligation. The understanding of non-compliance adopted by the European Commission takes this failure to include either action or omission to act.¹¹⁵ Tanja Börzel (2001) identifies five types of infringements that would provoke the European Commission’s critical response, as follows: violations of Treaty provisions, regulations and decisions; non-transposition of directives (or ‘non-communication’), incorrect legal transposition of directives (or ‘non-conformity’), improper application of directives (‘incorrect application’) and non-compliance with judgments of the Court of Justice (‘not yet complied with’).¹¹⁶ It will be beyond the scope of this research to tackle all these infringement cases in detail. Therefore, the

¹¹¹ See Declaration 19 on the implementation of Community law

¹¹² *Op.cit.*73

¹¹³ See Decision 1600/2002/EC of The European Parliament and of The Council of 22 July 2002 Laying Down the Sixth Community Environment Action Programme [2002] OJ L 242/1

¹¹⁴ For details on the European Commission’s role in relation to the candidate countries, and more specifically on its interaction with Bulgaria as a candidate country prior to its accession to the EU, see Part III.

¹¹⁵ See http://ec.europa.eu/eu_law/infringements/infringements_en.htm (Date of reference 03.03.2011)

¹¹⁶ See for instance, also 27th Annual Report from the Commission on Monitoring the Application of EU Law (2009), Brussels, 1.10.2010, COM (2010) 538 – final – Not published in the Official Journal; <http://ec.europa.eu/environment/legal/law/statistics.htm> (Date of reference 03.03.2011)

focus here will be placed on the ones concerning the formal and practical transposition of directives as these have particular relevance to the considered cases of environmental protection and waste policy.

Firstly, ‘non-communication’ cases relate to instances where a Member State has failed to adopt and inform the Commission of national legislation transposing a directive beyond the transposition deadline.¹¹⁷ At the time of writing, 24 of the 27 EU Member States have been approached by the European Commission on these grounds in relation to the transposition of the 2008 Waste Framework Directive.¹¹⁸ Secondly, the ‘non-conformity’ cases concern situations where a particular Member State has failed to transpose a directive correctly.¹¹⁹ As Bernard Steunenberg puts it ‘[T]ransposition is by no means a mechanical process’ (Steunenberg, 2006: 296; Steunenberg and Toshkov, 2009: 955). Mere changes in national administrative practices cannot be sufficient as way of formal transposition. Thus, issuing circulars would not replace statute law as the former would by no means provide binding guarantees that the legal requirements of the particular directive will be met (Bell and McGillivray, 2006: 218). The final category relates to ‘incorrect application’ where a certain Member State does not apply correctly an EU environmental law in a given practical case or in a range of horizontal cases.¹²⁰ It was in relation to such an infringement proceeding concerning Case C-337/89 *Commission v UK* related to the application of Council Directive 80/778/EEC on the quality of water intended for human consumption that the Court of Justice equated ‘non-compliance in fact with non-compliance in law’ (*Ibid.*).¹²¹

As seen from the examples presented above Art. 258 TFEU (ex-Art. 226 TEC) provides that the Commission may bring a particular case to the attention of the Court

¹¹⁷ An example for a case of non-communication is Case C-259/09 *Commission v. United Kingdom* [2010] OJ C 80/7 in which the European Commission’s appeal to the Court concerned the failure of the United Kingdom to adopt or communicate to the Commission the laws, regulations and administrative provisions necessary to comply with Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC [2006] OJ L 102/15.

¹¹⁸ See http://ec.europa.eu/eu_law/eulaw/decisions/dec_20110126.htm (Date of reference 03.03.2011)
Op.cit. 6

¹¹⁹ See, for instance, Case C-120/09 *Commission v Belgium* [2010] OJ C 51/18 on the ‘failure’ of Belgium to transpose the Landfill Directive. On this see also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final - Not published in the Official Journal

¹²⁰ See Case C-286/08 *Commission v Greece* [2009] ECR I-142 concerning breaches of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [1991] OJ L 377/20, Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2006] OJ L 114/9 and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1. On this see also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final - Not published in the Official Journal

¹²¹ See Case C-337/89 *Commission v UK* [1992] ECR I-6103

of Justice. In the first place, the European Commission has the discretion as to whether or not to refer to the Court depending for example, on eventual actions a Member State has taken or intends to take for remedying a specific problem. Nevertheless, before the Commission decides to turn to the Court it undertakes a number of informal and formal steps of pre-litigation. In cases of suspected infringement triggered by complaints, European Parliament petitions, instances of non-communication or Commission own initiatives, the European Commission makes a decision whether to launch infringement proceedings. Then, its services approach the authorities of the Member State in question informally, not as a rule but rather as a common practice. When the Commission has exhausted all negotiation alternatives with the Member State in question, it retreats to opening the first formal stage of the pre-litigation procedure in line with Art. 258 TFEU (ex-Art. 226 TEC) which entails sending a letter of formal notice. If the Member State's response to this letter is not satisfactory in terms of timing and/or substance, the Commission issues a reasoned opinion. Even at this stage, it attempts to find a last-minute solution to the problem on the basis of bilateral negotiations with the Member State. This approach appears to be relatively successful as about 80 per cent of the infringement proceedings get settled before they reach the Court (Jordan, 1999; Glachant, 2001; Knill, 2006).¹²² If this is not the case, the Commission opens a litigation procedure by referring the case to the Court of Justice (Art. 258 TFEU (ex-Art. 226 TEC)).¹²³

Once addressed by the Commission, the Court assumes the role of an ultimate arbiter in the case in question. It has been considered that for a long time one of the main weaknesses related to instances of non-compliance was that the Court had not been able to decide on sanctions and its judgement had had only a declaratory effect. It appeared that the 'naming and shaming effect' had insignificant legal consequence in terms of implementation performance. Therefore, as mentioned above, the Treaty of Maastricht introduced the possibility for financial sanctioning in the form of lump sum or daily penalty payments within the framework of ex-Art. 171 TEC (ex-Art. 228, now Art. 260

¹²² According to recent data the average time taken to process infringements, from opening the infringement file to sending the application to the Court of Justice under Art. 258 TFEU (ex-Art. 226 TEC) is approximately 24 months. Non-communication cases take around 15 months. *See* 27th Annual Report from the Commission on Monitoring the Application of EU Law (2009), Brussels, 1.10.2010, COM (2010) 538 – final – Not published in the Official Journal

¹²³ *See*, for instance, http://ec.europa.eu/eu_law/your_rights/your_rights_en.htm#2traitement (Date of reference 04.03.2011)
Discussed by Scott, 1998; Jordan, 1999; Börzel, 2001; Glachant, 2001; Bell and McGillivray, 2006; Knill, 2006; Knill and Lieferink, 2007, etc.

TFEU) (Glachant, 2001; Bell and McGillivray, 2006: 217-221).¹²⁴ As far as sanctions are concerned it is important to note that the Commission has also looked into the possibility of withholding EU funding of environmental projects as a way of penalizing non-compliance (Lenschow, 2002c: 210; Bell and McGillivray, 2006: 221).¹²⁵ This opportunity reflects the existence of cross-policy interdependencies already touched upon here in relation to the discussion on the environmental policy integration principle in the previous section. It reveals that, apart from being able to shape implementation performance, policy interactions can also trigger means for sanctioning environmental non-compliance.¹²⁶

The main source of information on the implementation performance of the Member States are the annual Commission reports on monitoring the application of EU law published since 1984 (Knill, 2006). As underlined in the most recent reports, the EU environmental sector ‘suffers from an implementation deficit exceeding that of other policy areas’ (Lenschow, 2005: 319) and in this sense stands at the top in the ‘list of sins’ (Knill and Liefferink, 2007: 155).¹²⁷ Yet, the identification of symptoms of poor implementation performance should be carried out with caution as it could be rather subjective. For instance, the existence of larger case loads of open infringements in some Member States does not automatically imply that their environmental implementation performance is particularly problematic. The overall case load depends on many factors such as, for instance, the length of EU membership with newer Member States still behind in the volume of cases open (See Fig. 4 below; Sedelmeier, 2008; Steunenbergh and Toshkov, 2009) but swiftly catching up, pro-activeness of local environmental actors or the activeness of the European Commission itself. The latter substantiates speculations explaining recent abundance of cases dedicated to the waste and water sectors with the increased rigour of DG Environment in following the timely

¹²⁴ See Judgments in Case C-387/97 *Commission v Greece* [2000] ECR I-5047, Case C-278/01 *Commission v Spain* [2003] ECR I-14141 and in Case C-121/07 *Commission v France* [2008] ECR I-9159

See Communication from the Commission: Application of Article 228 of the EC Treaty, SEC(2005)1658 - Not published in the Official Journal

Op.cit. 106

¹²⁵ See Communication from the Commission on Implementing Community Environmental Law from October 1996, COM(96) 500 final - Not published in the Official Journal (p. 24)

Op.cit. 100

¹²⁶ See Chapter 4

¹²⁷ See 24th Annual Report from the Commission on Monitoring the Application of Community Law (2006), COM (2007) 398 final; 25th Annual Report from the Commission on Monitoring the Application of Community Law (2007), COM (2008) 777/4; 26th Annual Report from the Commission on Monitoring the Application of Community Law (2008), Brussels, 15.12.2009, COM (2009) 675 - final - Not published in the Official Journal; 27th Annual Report from the Commission on Monitoring the Application of EU Law (2009), Brussels, 1.10.2010, COM (2010) 538 - final - Not published in the Official Journal; Seventh Annual Survey on the Implementation and Enforcement of Community Environmental Law 2005, SEC(2006) 1143

and correct transposition of waste directives and ensuring that legislation concerning landfill or urban waste water infrastructure is observed.¹²⁸

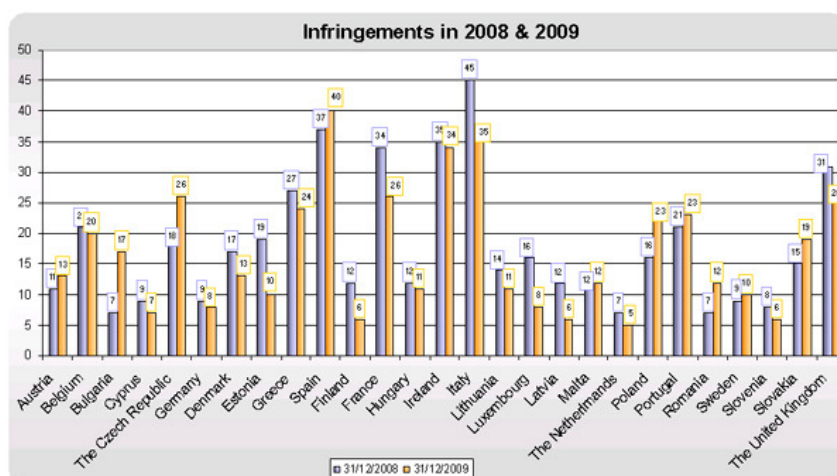


Fig. 4
Source: <http://ec.europa.eu/environment/legal/law/statistics.htm> (Date of reference 07.08.2011)

Despite these controversies, the European Commission has remained the most authoritative arbiter of Member State implementation performance to date. Therefore, even if marked by information weaknesses its assessment is taken as a widely accepted benchmark for qualifying compliance in the EU across policy sectors and legal instruments (Knill, 2006).

The European Commission has been looking for various solutions to the EU implementation problem. Switching from the ‘old’ style ‘command and control’ legislation involving the stipulation of binding substantive targets to soft context-oriented legal instruments focusing on more ‘procedural and reflexive’ techniques such as the EPI, has been one of the most recent measures along this path.¹²⁹ Among the most prominent EPI instruments that will be discussed in the following chapter, are the

¹²⁸ See <http://ec.europa.eu/environment/legal/law/statistics.htm> (Date of reference 07.08.2011)
Abundant research has been dedicated to discussing the validity of the available data on the effectiveness of implementation in the sphere of environmental protection in the EU. The following issues disputing the comprehensiveness of existing information on implementation have been flagged in the literature. Firstly, the growth in the number of environmental files examined by the European Commission is not necessarily caused by dramatic increase of the instances of non-compliance with EU environmental requirements. It could be a result from the increased attention of the Commission to compliance issues. Secondly, the Commission’s capacity for collecting implementation data is rather limited. It is unable to perform regular and thorough on-spot checks. Hence, it gathers its information primarily from the Member States reports or on the basis of complaint notifications. This can be rather misleading as sometimes Member States with a weak administrative capacity to monitor and control the practical application of certain EU provisions can communicate incorrect information to the European Commission (Knill, 2006). Hence, the Commission is able to consider predominantly cases of formal transposition rather than on practical implementation. Third, significant inconsistencies have been detected in the Commission’s annual reports themselves. The Commission has changed its information system of data collection and assignment of implementation failures a few times over the years. This has led to considerable difficulties in the comparative interpretation of its data. For more detail, please, see Jordan, 1999; Börzel, 2001; Demmke, 2001; Knill, 2006

¹²⁹ Discussed by Macrory and Purdy, 1997; Lenschow, 2002; Scott and Trubek, 2002; Bell and McGillivray, 2006; Jordan and Schout, 2006; Knill and Liefferink, 2007

Environmental Assessment Directives.¹³⁰ They feature as interesting examples of this legal re-orientation as they incorporate elements of both regulatory patterns. The problems related to their implementation in the Member States, however, have shown that the ‘new’ type of instruments do not provide a magical solution to the implementation deficit (Knill and Lenschow, 2000; Knill and Liefferink, 2007; Jordan and Lenschow, 2008). On the contrary, sometimes, they even exert additional pressure on the national and local administrations and complicate the implementation process (*Ibid.*).

Among both politicians and scholars, environmental policy integration has been viewed as a form of new governance. As extensively discussed in the literature, its application has faced considerable challenges and has been subject to wide limitations. In terms of effects, it has also shown mixed results as its application has been strongly dependent on domestic contextual factors such as the operation of a competent and flexible administration at the domestic level.¹³¹ This is particularly relevant in the case of environmental policy integration into waste management and cohesion/pre-accession assistance policy. For waste projects or/and programmes to be granted a green light, they need to be subjected to scrutiny under the provisions of the Environmental Assessment Directives. As it will be seen in Chapter 4, for the application of a ‘major’ waste project¹³² to be considered for EU funding, the action needs to undergo a comprehensive assessment of its environmental effects. Thus, if the national or sub-national administration demonstrates incompetence with regard to preparing such an assessment it jeopardizes the procurement of this financial assistance. At the same time, in the framework of the organization of the EU structural and pre-accession instruments, if the national administration fails to provide adequate and transparent management, then, the state is unable to absorb the EU funding if eventually granted (Bachtler and

¹³⁰ See Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC, 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114, and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30

Op.cit. 51

¹³¹ Discussed by Lenschow, 2002, 2002a; Scott and Trubek, 2002; Jordan and Schout, 2006; Knill and Liefferink, 2007; Jordan and Lenschow, 2008, etc.

¹³² In the sense of Art. 39 of Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25, ‘major project’ stands for an operation financed by the European Regional Development Fund and the Cohesion Fund ‘comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature, which has clearly identified goals and whose total cost exceeds EUR 25 million in the case of environment and EUR 50 million in other fields’. In the Regulation on IPA relating to candidate countries the definition remains similar with the exception that it concerns projects above EUR 10 million (Art. 157 of Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1).

McMaster, 2008; Baun and Marek, 2008, 2008a). The implementation of respective EU legal provisions, for instance in the fields of waste management and environmental protection, is then, put at risk. The latter can entail further complications expressed by cases of environmental pollution and/or potential threats of European Commission infringement proceedings.¹³³

Therefore, depending on the specific institutional contexts where they emerge, these policy interactions appear to be of critical importance for implementation performance. Subsequently, awareness of the existing regulatory instruments and patterns as well as of the implementation problems that can occur in the area of EU environmental protection is indispensable for understanding the dynamics of interactions between EU environmental, waste and cohesion/pre-accession assistance policies at national level. Having considered those, it is now necessary to turn to the specific features characterizing EU waste law. The subsequent overview firstly, seeks to further illuminate the interrelation between waste policy and environmental protection. Secondly, it aims to offer detail on the substance, level of precision and the legal obligations that the specific EU waste rules examined in the present inquiry, respectively the Landfill Directive and the 2006 Waste Framework Directive insofar as it relates to the former, entail.¹³⁴

3. European Union Waste Law: Basic Features, Instruments and Practices

The area of waste management is particularly suited to illustrate the problems and challenges faced by the EU and its Member States in meeting environmental policy objectives in an effective and sustainable way. The mere delineation of EU and Member State competences in the waste sector and the definition of waste have remained ‘not uncontroversial...even after almost 30 years of EC environmental waste management measures’ (Krämer, 2007: 354).

Waste management is regarded as one of the most sensitive fields as well as a critical source of risk and uncertainty in European Union environmental law and policy (Paraskevopoulos *et al*, 2006: 17; Krämer, 2006). Waste *problematique* figured in the 1971 Communication of the European Commission and as reflected by the sequence of Environmental Action Programmes¹³⁵ had been allocated due consideration in the

¹³³ See details on the case of Bulgarian waste policy in Part III

¹³⁴ *Op.cit.* 6

¹³⁵ See First Communication of the Commission about the Community’s Policy on the Environment, Brussels, 22 July 1971, SEC(71) 2616 final

context of the EU environmental protection agenda ever since. It is even deemed that the history of environmental protection itself has started with waste management measures in the 1970s and 1980s in connection to a number of ‘scandals’ related to waste handling.¹³⁶ These eventually led to the adoption of the Waste Framework Directive and the Dangerous Waste Directive in 1975 and 1978, respectively. As underlined in Art. 4 of the 1975 Waste Framework Directive, a key objective was for Member States to ensure that waste is recovered or disposed without endangering human health and without using processes or methods that could harm the environment.¹³⁷ Given this close interdependence between waste management and environmental protection, it was becoming clear that in the absence of an EU concept of waste management, ‘the environment would suffer’.¹³⁸

The basic guidelines for an EU waste policy surfaced in the context of the environmental provisions of the Treaty of Rome and the Single European Act.¹³⁹ Art. 130 r (2) EEC (ex-Art. 174 TEC, now Art. 191 TFEU) provided that EU action relating to the environment would be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. Translated to the field of waste management, this provision meant that the EU would firstly need to engage with waste prevention before considering re-use and disposal methods. In more specific terms, the EU would have to aim at avoiding waste and reducing its quantity and harmfulness.¹⁴⁰

Op.cit. 73

¹³⁶ For example 1976 – 1983 Seveso Waste Shipment Scandal: in 1983, 41 barrels of dioxin waste turned up in an abandoned *abattoir* in Northern France. They contained heavily contaminated waste materials from a chemical plant in the town of Seveso, Italy, resulting from a chemical accident in 1976. The toxic waste had been transported to the border safely, but had then disappeared. Prior to being eventually located, the barrels had been lost in France for over eight months (Krämer, 2007: 351). See http://ec.europa.eu/environment/waste/pdf/story_book.pdf (Date of reference 06.04.2008)

¹³⁷ See Council Directive 75/442/EEC on waste [1975] OJ L194/39 and Council Directive 78/319/EEC on toxic and dangerous waste [1978] OJ L 84/43 (later repealed by Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [1991] OJ L 377/20) both now repealed by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3

Op.cit. 6, 105

¹³⁸ See Communication from the Commission to the Council and to the Parliament ‘A Community Strategy for Waste Management, Brussels, 18 September 1989, SEC (89) 934 final - Not published in the Official Journal (p. 2)

For instance, inadequate waste disposal can lead to contamination of water bodies, emission of air pollutants and ozone depleting substances that can potentially lead to negative health effects. Furthermore, waste disposal can have huge environmental implications with regard to greenhouse gas emissions which the EU has committed to reduce by 20 per cent (compared to 1990 emission values) until 2020 in the framework of the Kyoto Protocol. According to Eurostat data (2010) and recent European Environmental Agency’s reports (2008) in 2008 the waste sector accounted for 2.8 per cent of the greenhouse gas emissions in EU-27 (10 per cent for Bulgaria in 2008).

See EEA Report No 5/2008 Greenhouse gas emission trends and projections in Europe 2008;

¹³⁹ *Op.cit.* 2, 61

¹⁴⁰ See Communication from the Commission to the Council and to the Parliament ‘A Community Strategy for Waste Management, Brussels, 18 September 1989, SEC (89) 934 final - Not published in the Official Journal (p. 5)

This objective has found expression in EU environmental and waste policies through the concept of ‘waste hierarchy’, introduced in the 70s and endorsed by the six consecutive EU Environmental Action Programmes.¹⁴¹ The most recent sixth EAP identifies waste management as one of the four top priorities (together with climate change, nature and biodiversity, and environment and health). The Programme outlines a ‘waste hierarchy’ developed more clearly in a subsequent Thematic Strategy (in line with Art. 8 (iii) of the Programme).¹⁴² According to this hierarchy waste prevention is placed at the top of the waste management ladder followed by recycling and re-use practices. Elements of this classification were incorporated in the original Directive 75/442 on waste, as well as in its amendments respectively from 1991 and 2006. Nevertheless, Art. 3 of the Directive does not explicitly mention landfill as a disposal technique but includes it in a list of disposal operations in Annex IIA, which shows the ‘near-disdain’ for this management method meant to be used ‘as a last resort’ only (Van Calster, 2006; Bell and McGillivray, 2006). The latest 2008/98/EC Directive on waste has made a more explicit reference to the waste hierarchy (Art. 4) where it places waste disposal including landfill techniques at the bottom of this hierarchy.¹⁴³

As Bell and McGillivray (2006) note ‘the cornerstone of all waste law is the aim of meeting as far as possible, a hierarchy of waste with policies and laws designed to promote measures as high up the hierarchy as possible’ (p. 566). That would theoretically mean that the EU tries to achieve a dramatic shift from landfill to the waste prevention alternative. In practice, however, this seems hard to attain. According to recent Eurostat findings out of the 513 kg of municipal waste generated per capita in the EU 27 in 2009, 38 per cent were landfilled, 20 per cent incinerated, 24 per cent recycled and 18 per cent composted (for earlier accounts, see Fig. 5 below). Furthermore, there are huge discrepancies between the Member States with regard to their most commonly applied waste treatment techniques ranging from those which recycle least, like Bulgaria with 100 per cent reliance on landfill and those which are more ‘environmentally friendly’ like Germany with 0 per cent landfilling and highest

¹⁴¹ One of the first attempts to develop a waste hierarchy dates back to the 70s, that is the so-called Lansink ladder (named after the Dutch MP who devised it) of waste priorities. It lists seven waste management solutions, as follows: prevention, design for prevention and design for beneficial use, product recycling (re-use), material recycling, recovery for use as fuel, disposal by incineration and disposal to landfill.

Op.cit. 73

¹⁴² *Op.cit.* 113

See Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Taking Sustainable Use of Resources forward: A Thematic Strategy on the prevention and recycling of waste from 21 December 2005, COM(2005) 666 - Not published in the Official Journal

¹⁴³ *Op.cit.* 6

percentage of municipal waste recycled (48 per cent). Among the new Member States still predominantly reliant on landfilling, Bulgaria (100 per cent) and Romania (99 per cent) are with the highest share of municipal waste landfilled and Slovenia with the lowest (62 per cent).¹⁴⁴ Although landfilling hits the bottom of the EU waste hierarchy and as such does not present a good disposal option from an environmental perspective, it is acceptable to the new Member States from an economic point of view as the ‘least expensive type of solid waste disposal’.¹⁴⁵

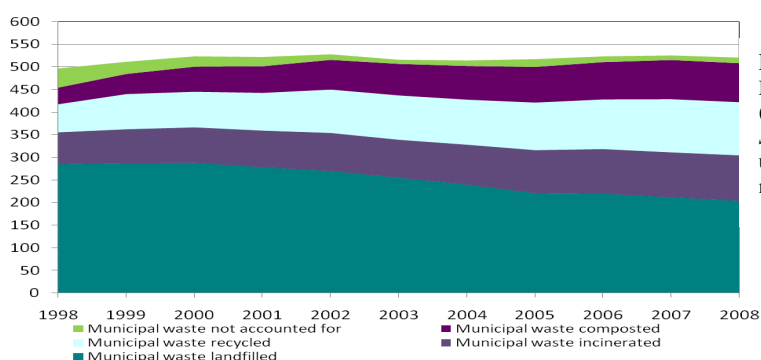


Fig. 5
Municipal waste, EU-27, 1998 - 2008
(kg per inhabitant)
Source: <http://epp.eurostat.ec.europa.eu/portal/page/portal/waste/introduction/> (Date of reference 07.08.2011)

As underlined in the Community Strategy for Waste Management from 1989,¹⁴⁶ action required from authorities in relation to waste concerns environment policy but is ‘indisputably’ relevant to other policies as well, such as economic, consumer protection and regional¹⁴⁷ policies. According to this policy document, the absence of clear and consistent EU waste strategy can endanger not only environmental protection but internal market objectives too. The Community Strategy reinforces this statement by referring to ex-Art. 130r (2) EEC (now-Art. 11 TFEU) and interpreting it so that ‘environmental protection requirements (and *hence waste management which is involved*) shall...be a component of the Community’s other policies’ (emphasis added) (p. 5). Therefore, waste management, being related to environmental policy, can have serious implications in the context of other policy areas, including environmental protection itself (for example, *via* the choice of a particular waste treatment method). For this reason, the European Commission has recently underlined that ‘poor

¹⁴⁴ See Eurostat (2011), News Release, Environment in the EU 27, Recycling Accounted for a Quarter of Municipal Waste Treated in 2009, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/8-08032011-AP/EN/8-08032011-AP-EN.PDF (Date of reference 09.03.2011)

¹⁴⁵ See European Commission (1997), Guide to the Approximation of European Union Environmental Legislation, Brussels, available at: <http://ec.europa.eu/environment/archives/guide/preface.htm> (Date of reference 20.04.2010) (p. 53)

¹⁴⁶ See Communication from the Commission to the Council and to the Parliament ‘A Community Strategy for Waste Management, Brussels, 18 September 1989, SEC (89) 934 final - Not published in the Official Journal (p. 6)

¹⁴⁷ Although this research recognizes the difference in meaning between ‘cohesion’, ‘regional’ and ‘structural’ policies (as shown in Chapter 4), for the purpose of simplicity these terms are used interchangeably throughout the thesis

implementation of EU waste legislation is...a missed economic, social and environmental opportunity which the EU cannot afford'.¹⁴⁸ As envisaged in the Thematic Strategy on Prevention and Recycling of Waste, the long-term goal of the EU is to become a 'recycling society that seeks to avoid waste and uses waste as a resource'.¹⁴⁹ The European Commission has made estimates that the waste management and recycling sectors have an annual turnover amounting to approximately € 95 billion (for EU-25) and provide from 1 200 000 to 1 500 000 jobs.¹⁵⁰ Nevertheless despite the positive note of these findings, it should be underlined that the economic consequences of waste treatment are very controversial as they are not always environmentally friendly.

Ultimately, the choice of waste disposal technique in Member States and candidate countries has remained a strictly national prerogative. As discussed above, the Treaty has provided for minimum legal harmonisation, granting the Member States implementation 'leeway' on waste management matters. The decision-making process leading to the adoption of the waste legislation at the EU level envisages qualified majority voting in the Council and ordinary legislative procedure in line with Art. 192 TFEU (ex-Art. 175 TEC).¹⁵¹ While this offers freedom of manoeuvre for national policy structures, it also provides access of multiple interests to the decision-making during the 'upload' of legislation making it time-consuming and cumbersome. For instance, it took approximately 9 years for the Landfill Directive to become law (Bell and McGillivray, 2006; Krämer, 2007). This is even more evident during the process of transposition or 'download' of EU legislation. Providing the Member States with leeway on transposition has not solved the problems related to the application of the EU waste *acquis*, thus supporting the notion that the implementation of EU environmental law is generally 'a headache' (Van Calster, 2006: 3). The transposition process develops in

¹⁴⁸ See Press release (2009), Waste management: Commission Calls for Better Implementation of EU waste law by Member States, Brussels, 20.11.2009, IP/09/1795, available at : <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1795> (Date of reference 19.04.2010);

See Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Community Waste Legislation Directive 2006/12/EC on waste, Directive 91/689/EEC on hazardous waste, Directive 75/439/EEC on waste oils, Directive 86/278/EEC on sewage sludge, Directive 94/62/EC on packaging and packaging waste, Directive 1999/31/EC on the landfill of waste and Directive 2002/96/EC on waste electrical and electronic equipment for the period 2004 – 2006, Brussels, 20 November 2009, COM(2009) 633 final – Not published in the Official Journal

¹⁴⁹ See Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Taking Sustainable Use of Resources forward: A Thematic Strategy on the prevention and recycling of waste from 21 December 2005, COM(2005) 666 - Not published in the Official Journal

¹⁵⁰ See Commission Staff Working Document Impact Assessment on the Thematic Strategy on the Prevention and Recycling of Waste and Immediate Implementing Measures, 21 December 2005, SEC(2005)1681 – Not Published in the Official Journal

¹⁵¹ *Op.cit.* 79

complex domestic settings with multiplicity of factors at play such as policy and infrastructural legacies, decisions of multiple actors, political style and politics, capacity of formal institutions and availability or access to financial resources. The latter can be especially critical in the area of waste management which is a resource-intensive sector and requires ‘heavy’ investments.¹⁵²

Fundamentally, the European Union waste *acquis* incorporates around thirteen main legislative acts adopted by the European Parliament and the Council and a large number of related decisions adopted through comitology procedures.¹⁵³ These comprise the following types of secondary legal measures: framework legislation (referred to as ‘horizontal’ in the literature, see Van Calster, 2006: 5), legislation concerning waste treatment techniques and legislation dealing with specific waste streams (*Ibid.*) (see Fig. 6 below).

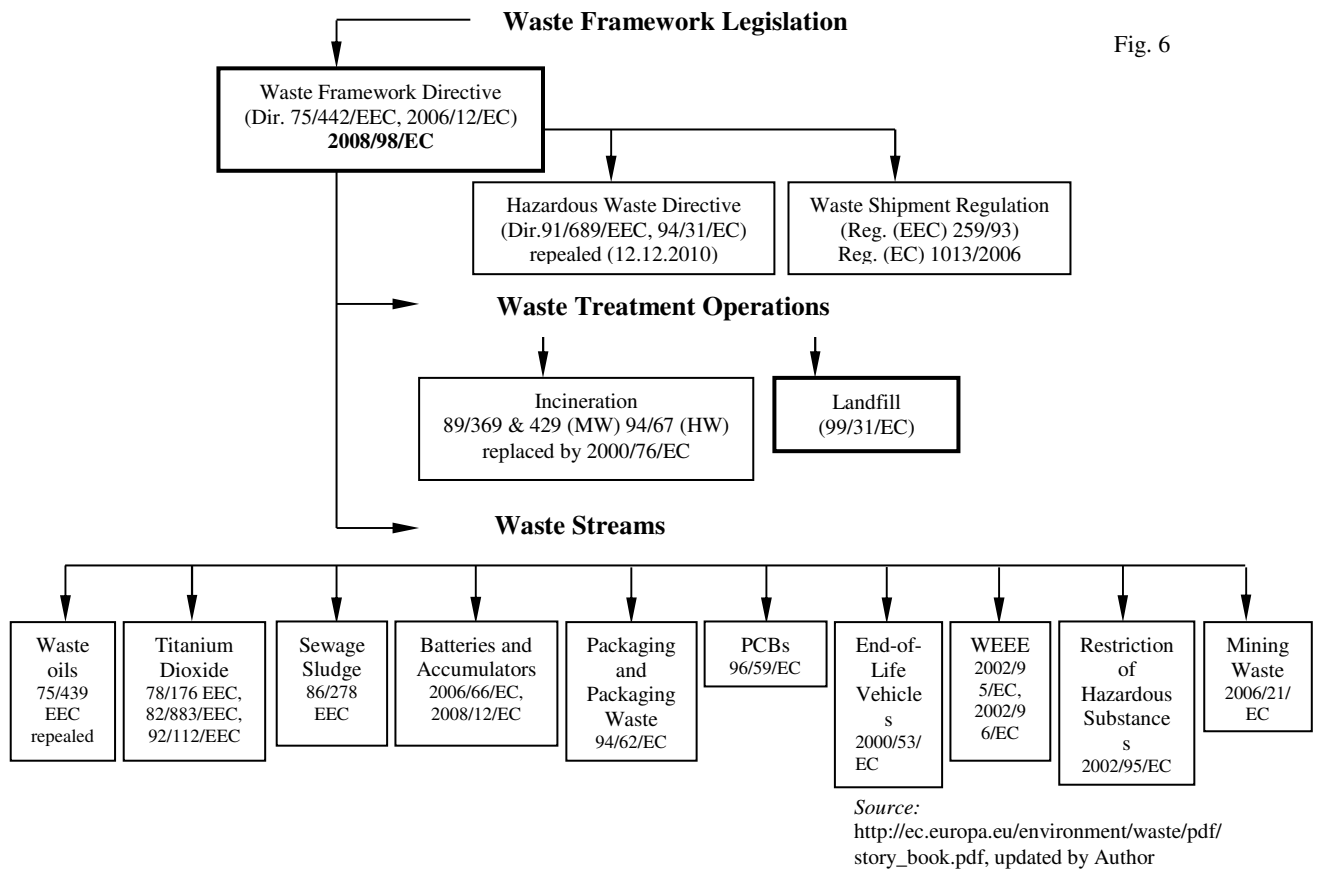
Directive 2008/98/EC on waste sets the legislative framework for waste handling in the European Union. While being consistent with the previous versions that it repeals, this Directive constitutes a substantial improvement in terms of both clarity and specificity.¹⁵⁴ As the *Rapporteur* of the European Parliament Committee on Environment, Public Health and Food Safety, Caroline Jackson (EPP-ED) has noted, the agreement on the provisions of the adopted Directive presented ‘the best deal available’.¹⁵⁵ The Directive cuts across waste streams and waste treatment techniques and addresses more general issues such as the definition of waste (Art. 3) clarifying the conditions determining end-of-waste status (Art. 6), the hierarchy of waste management principles (Art. 4, Art. 8-12), waste management planning (Art. 28) and drafting of waste management prevention programmes (Art. 29), regime for issuing permits for establishments and undertakings carrying out disposal and recovery operations (Art. 23 – 27); provisions under the polluter-pays principle (Art. 14) and reporting requirements (Art. 37); provisions on the establishment of integrated and adequate networks of waste disposal installations (Art. 16), etc. It also introduces requirements on the separate collection of paper, metal, plastic and glass and the fulfilment of targets for re-use, recycling and recovery of materials (Art. 11).

¹⁵² See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007

¹⁵³ *Op.cit.* 58

¹⁵⁴ *Op.cit.* 6

¹⁵⁵ See <http://www.globe-europe.eu/index.php/european-parliament/152-ep-adopts-report-on-the-waste-framework-directive>; <http://www.euractiv.com/en/environment/watered-waste-directive-gets-meps-green-light/article-173447> (Date of reference 01.02.2010)



The 2008 Waste Framework Directive should have been transposed by the Member States by 12 December 2010 (Art. 40, 41). As of that date, the 2006 codified version of this Directive is repealed. In the context of the present research, the focus is placed on the 2006 version of the Waste Framework Directive as its formal and practical transposition is being examined in the case of the Europeanization of Bulgarian waste policy up to the end of 2010. Two clauses, in particular, that have remained in the 2008 version of the Directive are of specific interest here, respectively Art. 4 and 5. Art. 4 provides that Member States should take the necessary measures to ensure that waste is recovered without endangering the environment and the health of the population. They should also prohibit the abandonment, dumping or uncontrolled disposal of waste.¹⁵⁶ Art. 5, in turn, envisages the establishment of integrated and adequate networks of disposal installations in Member States towards attaining self-sufficiency and proximity in waste management.

The general character of Directive 2006/12/EC has triggered significant criticism and in many cases has led to the initiation of infringement proceedings by the European Commission. A number of disputes regarding the definition of waste have been brought

¹⁵⁶ *Op.cit.* 105

to the attention of the Court of Justice on this account (Van Calster, 2006: 19-26; Bell and McGillivray, 2006: 578-581).¹⁵⁷

By contrast, the EU waste legislation concerning waste treatment techniques and the management of particular waste streams has been more target-oriented. It contains substantive provisions involving specific implementation deadlines. A good example in this respect is the Landfill Directive 1999/31/EC which is of particular interest to this thesis.¹⁵⁸ From the objectives of this Directive laid down in Art. 1, it becomes evident that it is consistent with the logic of the Waste Framework Directive discussed above. In particular, its primary aim is ‘by way of stringent operational and technical requirements on the waste and landfills...to prevent or reduce as far as possible negative effects on the environment...as well as any resulting risk to human health from landfilling of waste during the whole life-cycle of the landfill’. Despite its way of harmonizing landfill standards across Member States by issuing specific requirements on the design, operation, closure and aftercare of landfill sites, the Directive acts as a ‘major stimulant to the recovery and recycling of waste’ (Williams, 2005; Bell and McGillivray, 2006: 569; Van Calster, 2006: 126). Firstly, it stipulates targets for the reduction of the amount of biodegradable municipal waste going to landfills¹⁵⁹ which would, in turn, decrease the amount of methane produced as a result of leachate processes (Art. 5 (2)). The targets are to be achieved by means of alternative waste processing techniques such as recycling, composting, biogas production or material and energy recovery (Art. 5 (1)). Secondly, the Directive provides that existing landfills which do not meet the landfill requirements set out in the Directive itself and the licensing conditions of Art. 8, in particular, should be closed by 16 July 2009 (Art. 14). For the latter purpose, alternative waste infrastructure has to be put in place. The insufficient number of compliant landfills available and the need to fundamentally

¹⁵⁷ Landmark cases in this respect are Case C-304/94 *Euro Tombsi* [1998] Env LR 59; Case C-126/96 *Inter-Environnement Wallonie v Regione Wallone* [1998] Env LR 625, Case C-126/96 *Inter-Environnement Wallonie v Regione Wallone* [1998] Env LR 625, Case C-9/00 *Palin Granit Oy* [2002] Env LR 35 etc. (Bell and McGillivray, 2006: 578-581; Van Calster, 2006: 19-26).

¹⁵⁸ See Part I, Chapter 2
Among the main working concepts of the Directive that are adopted in this research are, respectively, the definitions of municipal waste taken as ‘waste from households, as well as other waste which, because of its nature or composition, is similar to waste from household’ and the definition of landfill as a ‘waste disposal site for the deposit of the waste onto or into land (i.e. underground), including internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production), and a permanent site (i.e.) more than one year which is used for temporary storage of waste’.
Op.cit. 6, 46

¹⁵⁹ Art. 5 (2) of the Directive requires that the following reduction levels should be achieved: 75 per cent by 16 July 2006, 50 per cent by 16 July 2009 and 35 per cent by 16 July 2016. These estimates are calculated on the basis of the total amount of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available. Member States that landfilled more than 80 per cent of their municipal waste in 1995 may postpone each of the targets by maximum four years.

reorganize their waste management systems¹⁶⁰ has, arguably, presented Member States with an impetus to include composting and recycling techniques in their waste management systems towards reducing the quantities of municipal waste going to landfill.

Apart from these targets Directive 1999/31/EC sets a number of other provisions on waste disposal through landfill which are very significant (Bell and McGillivray, 2006: 570):

- Lays down a classification of landfills and stipulates waste acceptance criteria and procedures for their operation (Annex II). It distinguishes between landfills for hazardous waste, landfills for non-hazardous waste and landfills for inert waste (Art. 2 and 4);
- Prohibits the co-disposal of hazardous, non-hazardous and inert wastes in the same landfill and completely bans the disposal of certain wastes in landfills such as: liquid waste, inflammable waste, hospital and clinical wastes, tyres, etc. (Art. 5 and 6);
- Provides for the introduction of waste acceptance criteria and pre-treatment operations such as sorting, for example (Art. 6; Annex II);
- Stipulates that the landfill operators have a legal obligation to ensure the financing of the setting up, operation, closure and post-closure maintenance of the landfill (by way of financial security) (Art. 10, 13)
- Sets general requirements for all classes of landfills in terms of location, water control and leachate management, protection of soil and water, gas control, nuisance and hazards, stability and barriers (Annex I);
- Determines steps that need to be taken with regard to regulating of already existing at the time of transposition landfills, such as development of conditioning plans and eventual decisions on corrective measures or closure (Art. 14);
- Introduces reporting obligations on behalf of the Member States (Art.15).

With the approaching of the end date for implementing the two key targets of the Directive concerning the diversion of biodegradable waste from landfill (Art. 5) and the closure of existing illegal landfills in Member States (Art. 14) that was due on 16 July 2009,¹⁶¹ the European Commission engaged in a careful assessment of the performance

¹⁶⁰ See Report, COWI, Follow-up Study on the Implementation of Directive 1999/31/EC on the landfill of waste in EU-25, European Commission, DG ENV, June 2007 (p. 17)

¹⁶¹ In the cases of new Member States and candidate countries these targets and time-frames are with a slightly different standing as a result of the negotiations in the accession process. Their relevance in the context of Bulgarian waste management will be examined in detail in Part III of this thesis.

of Member States in complying with them. Its numerous reports, however, signalled alarming trends of problematic implementation across the EU concerning both old and new Member States. As the recent Report on Implementation of Community Waste Legislation (2009) covering the period 2004 – 2006¹⁶² reads, ‘the practical implementation of the Landfill Directive remains highly unsatisfactory’ 10 years after its adoption with a vast number of complaints and infringement cases opened by the European Commission. The report states that the 16 July 2009 deadline by which all non-compliant landfills had to be closed would not be met by a majority of the Member States.¹⁶³ It also notes that as of 2009 only nine Member States reported to have met the 2006 targets for the diversion of biodegradable municipal waste from landfills. The report draws the attention to the need for the new Member States, where landfilling remains a predominant waste disposal option with no alternative waste management infrastructure in place, to reinforce efforts towards ensuring full compliance. A subsequent European Commission report confirms these findings and communicates the measures taken against non-compliant Member States in 2009.¹⁶⁴ Legal proceedings were started for inadequate transposition of the Landfill Directive against 15 Member States with cases against 8 of them still open in December 2009. Reasoned opinions were sent to three Member States and in 2009 two Member States were referred to the Court of Justice. With regard to the practical transposition of the Directive, legal steps were taken by the European Commission against Italy, France, Belgium, Spain and Slovakia.¹⁶⁵

Due to the interrelatedness between the Landfill Directive and the Waste Framework Directive¹⁶⁶ some of the infringement cases mentioned above pertain to both directives. This also applies to one of the infamous waste cases, that of Greece which has been subject to serious litigation procedures on grounds of non-compliance with these directives in the last decades. In July 2000 Greece became the first EU Member State to

¹⁶² See Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Community Waste Legislation Directive 2006/12/EC on waste, Directive 91/689/EEC on hazardous waste, Directive 75/439/EEC on waste oils, Directive 86/278/EEC on sewage sludge, Directive 94/62/EC on packaging and packaging waste, Directive 1999/31/EC on the landfill of waste and Directive 2002/96/EC on waste electrical and electronic equipment for the period 2004 – 2006, Brussels, 20 November 2009, COM(2009) 633 final – Not published in the Official Journal (p. 6)

¹⁶³ As it happened in the case of Bulgaria which will be discussed in greater detail in Part III

¹⁶⁴ *Op.cit.*58

¹⁶⁵ For the ‘horizontal’ cases of France (Case C-423/05 *Commission v France* [2007] ECR I-47) and Italy (Case C-135/05 *Commission v Italy* [2007] ECR I-3475) these proceedings fall under the scope of Art. 260 TFEU (ex-Art. 228 TEC).

See <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/177&format=HTML> (Date of reference 11.03.2011) on the case of Slovakia

¹⁶⁶ See Ecotec Research and Consulting (2001), *The Benefits of Compliance with the Environmental Acquis*, Contract B7-8110/2000/159960MAR/HI, Brussels (p. 197)

fail to comply with a ruling of the Court of Justice, and following the introduction of the new penalty measures in the EC Treaty, was imposed a daily penalty of € 20 000 for the operation of an illegal dump site (at Kouroupitos, Crete) under Art. 260 TFEU (ex-Art. 228 TEC) (Botetzagias and Karamichas, 2009).¹⁶⁷ In October 2005 the Court condemned Greece for hosting numerous illegal waste sites.¹⁶⁸ In the latest action against Greece brought by the Commission on grounds of unfulfilled obligations with regard to the implementation of the Waste Framework Directive and the Landfill Directive, in 2009 the country was condemned for failure to draw up a hazardous waste management plan and to establish an integrated and adequate network of disposal installations for hazardous waste.¹⁶⁹ Other judgements delivered in 2009 that were again connected to the transposition of the above directives concerned, respectively non-compliance cases of Belgium and Ireland.¹⁷⁰

Among the critical cases of non-compliance with EU waste legislation discussed by the 27th Annual Report on Monitoring the Application of EU Law,¹⁷¹ the one related to the situation in the Bulgarian capital (Sofia) is identified as particularly serious. At the time of drafting the report, the European Commission was planning to refer this case of failure to provide an adequate and integrated system for the disposal of household waste in Sofia to the Court of Justice, as a case of non-compliance with the 2006 Waste Framework Directive. The progress of this action as well as its meaning in the context of the Europeanization of Bulgarian waste management will be considered in greater detail in Part III of this thesis. What is sought here, by accentuating the European Commission findings, is to note that on the one hand, Bulgaria is by no means an exception in experiencing problematic implementation of EU waste rules. On the other hand, however, it is singled out as a critical case and given as an explicit example of deficient implementation of European waste legislation and total waste management failure.¹⁷²

¹⁶⁷ See Case C-387/97 *Commission v Greece* [2000] ECR I-5047
Op.cit. 124

¹⁶⁸ See Case C-502/03 *Commission v Greece* [2005] OJ C 296/4

¹⁶⁹ See Case C-286/08 *Commission v Greece* [2009] ECR I-142
Op.cit. 58

¹⁷⁰ See Case C-188/08 *Commission v Ireland* [2009] ECR I-172 and Case C-120/09 *Commission v Belgium* [2010] OJ C 51/18

¹⁷¹ *Op.cit.* 39

¹⁷² See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC (2009) 1684/2 – Not published in the Official Journal (p.151)

See also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 179)
Op.cit. 39

Conclusions

This overview of European Union environmental law and policy has reflected the critical and, at the same time, key position environmental protection holds in the EU political and legal agenda. Its long and winding history of ‘policy-shaping’ as well as its problematic ‘policy-taking’ in the sense of unsmooth and deficient transposition and implementation of the EU environmental *acquis* in the Member States, make EU environmental law and policy an exciting case to explore. By constructing an image of EU environmental policy as a policy characterized by dynamic, contested and cross-sectoral lifecycle, this chapter has offered a key to the first stage of the research model dedicated to identifying the EU political and legislative agenda in the sphere of environmental protection as a driver of change in the Bulgarian waste sector.

Firstly, the examination of the historical evolution, sources and instruments of EU environmental law, their legal status, degree of precision and legal consequence has thrown light on what is being ‘downloaded’ from the EU in terms of policy and legislation. The discussion here has also traced the mechanism of Europeanization unfolding through the processes of formal and practical transposition of EU legal provisions, as well as the EU’s responses to instances of non-compliance in Member States.

Secondly, to make this discussion even more specific and relevant to the research question exploring the extent to which Bulgarian waste policy has been Europeanized, this chapter has undertaken to examine the interrelation between waste policy and environmental protection. Further, it has delved into a discussion on the substance, level of precision and the legal obligations that the specific EU waste rules examined in the present research, respectively the Landfill Directive and the 2006 Waste Framework Directive, entail. These directives contain requirements that affect national waste policies at the level of policy content and leave it to the Member States to decide on the means of attaining the EU specific waste targets. However, understanding the broader context of EU waste policy offers additional insight into the challenges Member States may face in the implementation process due to the following. Firstly, waste policy has an impact on diverse groups of actors such as producers, consumers, waste operators and even polluters. It also engages public institutions at multiple levels of governance. Secondly, it requires substantial technological and infrastructural investments. Financing needs to be raised, allocated, administered and utilized in an expedient manner by competent and experienced politicians and public officials. And last but not

least, waste management can also have significant socio-economic implications and interact with other sectors as well, as it can relate to environmental, health, transport, commercial, energy and regional issues. It is exactly this multi-sectoral character of waste management that is of particular interest to the present research. As such, it will form a *leitmotif* of the following chapter that will engage in a discussion on policy interactions and their potential to influence implementation performance.

Chapter 4

Interaction Patterns in a Policy Patchwork



Introduction

A key argument emerging from the discussion of the previous chapter on the development and instruments of EU environmental policy, and of the focal point for this research, waste policy, addressed the cross-sectoral character of these areas. It underlined that environmental protection spans over a number of diverse environmentally-related sectors such as waste and water management and land use, and is strongly interdependent with other non-environmental policy areas like internal market¹⁷³ and cohesion policies. There are cases where parallel policy objectives compete with environmental considerations.¹⁷⁴ In other situations, however, the potential of other policies, like cohesion policy and EU pre-accession assistance, is harnessed in assisting environmental ends, including through financing the implementation of EU waste legislation.¹⁷⁵

Such thinking shows how difficult it is to disentangle environmental protection and waste policy, in particular, from other policy sectors (environmental and non-environmental), as these policy areas feature in a web of complex interaction patterns surfacing throughout the policy cycle. Policy interactions, however, do not unfold in a vacuum, they take place in different arenas (international, European, national and sub-national) and in turn, interact with factors endogenous to these arenas.

The objective of this chapter is to construct a definition for policy interactions tailored to the purposes of this research and to consider the basic features of this concept

¹⁷³ In the academic literature environmental protection has been said to incorporate three 'regimes' namely the *internal market regime* applying primarily to environmental product standards, the *environmental regime* concerning process standards and the *sustainability regime* strongly dependent on the integration of environmental concerns into other policies (Homeyer, 2005; Knill and Liefferink, 2007). While the last two will be tackled in relation to waste management as a specialized sphere of environmental protection, the internal market regime will be left out of this discussion as the focus here is placed on landfilling as a waste disposal technique rather than on waste prevention (illustrating the interrelation between waste policy and product policy (Krämer, 2007: 354)) and waste streams. The connection between waste policy and internal market policy remains to be examined in the context of other research endeavours analysing for instance the transposition of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste [1994] OJ L 365/10

¹⁷⁴ For instance when overlooking the waste hierarchy in the selection of waste disposal operations for the sake of economic interests or not integrating environmental considerations into sectoral policies such as cohesion policy or transport policy

¹⁷⁵ Discussed by Scott, 1998; Glachant, 2001; Dhondt, 2003; Krämer, 2007; Jordan and Lenschow, 2008; Nilsson *et al.*, 2009

See REC (2008), Investing in the Environment as a Way to Stimulate Economic Growth and Employment. How Environmental Projects Contribute to Achieving Lisbon Agenda Goals, Szentendre: Regional Environmental Centre

as described in existing academic literature. As underlined in the Introduction and Chapter 1 of this thesis, policy interactions are taken to depict a ‘domesticated’ variable with relevance tested alongside that of other domestic variables. The discussion identifies policy interactions as originating at EU level and being ‘domesticated’ in the national arena. This aids the research in two ways. Firstly, it further illuminates the cross-policy features of the EU environmental protection agenda encompassing waste policy as well. Secondly, this chapter throws light on the ‘domesticated’ variable of policy interactions, thus helping to trace its effects in the empirical material on Bulgarian waste management in the following Part III. The latter contributes to addressing the primary hypothesis of this research and its null version gauging the salience of policy interactions in the Europeanization process. The case of Bulgarian waste policy, as set here, narrows this discussion to the interaction between EU environmental policy and EU pre-accession assistance/cohesion policy with the argument that these are relevant for developments in the waste sector.

Towards clarifying the interrelations among these policy areas, the chapter proceeds as follows. It, firstly, offers a discussion on policy interactions. It, then, provides an overview of the academic and policy debates on the evolution, normative meaning and instruments of the environmental policy integration principle (EPI).¹⁷⁶ Finally, the chapter scrutinizes the interrelation between EU environmental policy and EU structural and pre-accession aid. In doing so, it adopts two perspectives, the first pertaining to the integration of environmental requirements into EU pre-accession assistance instruments (pre-accession) and cohesion policy (post-accession). The second perspective dwells on the importance of EU pre-accession assistance and cohesion policy for complying with EU waste and environmental *acquis*.

1. Policy Interactions

A logical start for the discussion on policy interactions is to clarify the definition for ‘policy’ used throughout the research. Although the preference for this definition was pinpointed in Part I, here it needs to be considered specifically in relation to policy interactions. By ‘policy’, is meant ‘the content of policies (the paradigms of action, the objectives and the policy instruments), the legal and administrative structures that have been established to oversee them and the dominant style in which policy is made and

¹⁷⁶ Touched upon in Chapter 3 on ‘European Union Environmental Law and Policy’

implemented' (Jordan and Liefferink, 2004a: 1). This multi-dimensional definition, distinguishing between policy content, policy structures and policy style, allows for two main perspectives on policy interactions that the present discussion identifies for examination. The first is concerned with interactions at the level of policy content with a focus on the interplay of norms, standards and policy goals. The second perspective allows for examining interactions of policy structures and policy styles. As the present research is predominantly occupied with exploring the process of transposition (formal and practical) of EU waste *acquis*, it will hold on to the first perspective, focused on interactions at the level of policy content, when considering the so-called 'domesticated' variable. At the same time it will recognize the importance of coordinated interactions of policy structures and the role of policy styles in the transposition process by looking at domestic variables. An institutional approach taking elements of policy content and policy structures as 'nested rules with rules at each successive level being increasingly costly to change' (North, 1990: 3) will help trace the role of both domestic and 'domesticated' factors over time.

The idea that efficient policy-making and implementation are strongly determined by the existence of policy interactions features in interorganizational public policy studies and forms a key argument in a collective book from the 1970s edited by Hanf and Scharpf (1978) (Glachant, 2001: 182). More recently this line of thought has been revisited by the 'policy networks' school, which accentuates actor-approaches and preferences rather than interactions at the level of policy content (*Ibid.*; Jordan and Schout, 2006). Similarly to that, back in the 70s, Scharpf (1978) analyses interactions among a plurality of actors 'with separate interests, goals and strategies'. At the same time, however, he stresses that, if taken in isolation, this approach can entail some empirical problems. Scharpf reasons that in the 'real world...there are...frequent examples of policies which no single actor ever intended and which could only be explained as the blind result of seemingly erratic interactions among competing purposes and strategies'. He underlines that examples of this sort dominate intergovernmental policy-making (p. 348).

The above argument is taken forward by Glachant (2001) who tackles it from an economic perspective. He examines the need for 'adaptive' implementation of EU environmental legislation necessitated by the co-habitation of parallel policy processes at the EU and the domestic arenas (Nilsson *et al*, 2009). According to Glachant's

analysis, the outcome of these processes can either lead to over-compliance¹⁷⁷ or to non-compliance or implementation difficulties (2001: 179-180).¹⁷⁸ In both cases, however, Glachant finds that implementation is ‘dramatically affected by the existence of parallel policy processes’ (2001: 7). Furthermore, on the basis of his analysis of the application of a number of environmental directives in the old Member States, Glachant qualifies the implementation of EU legislation as ‘clearly not a top-down process’ but rather ‘as part of a complex patchwork of dynamic interactions across a multi-level and multi-centred policy system’ (2001: 181). The present research borrows from this perspective and examines policy interactions in the case of Bulgaria as an ex-candidate country and a new Member State. Yet, in doing so, it recognizes the different, more top-down, policy dynamics characterizing Bulgarian relations with the EU as compared to previous enlargement waves (Carmin and VanDeveer, 2005a: 13; Bozhilova, 2008).

Glachant (2001) identifies three main sources of policy interactions which can, in turn affect implementation performance either in a positive or a negative way. These are first, pre-existing domestic policies that regulate the same environmental problem. He looks particularly into instances where domestic policies entail more stringent measures than ones required in the EU secondary legislation (Art. 193 TFEU (ex-Art. 176 TEC)). In his analysis policy interactions usually lead to cases of over-compliance and present channels for influencing EU policy-making (2001: 181). To a certain extent this explanation overlaps with the ‘goodness of fit’ perspective debated in the Europeanization literature. The latter, however, accentuates top-down Europeanization dynamics where pre-existing domestic policies differ from but are not necessarily more ambitious than EU requirements. Instances of policy interactions (specifically, between pre-existing domestic policies and EU policies) can be identified under the three scenarios for ‘fit’ proposed in Europeanization writings, respectively of small, medium and high misfit (Jordan and Liefferink, 2004: 8).¹⁷⁹

The second source of policy interactions identified by Glachant (2001: 181) pertains to the emergence of parallel environmental policies.¹⁸⁰ According to his analysis, these

¹⁷⁷ As he shows in an example with the implementation of the Large Combustion Plant Directive in the UK and France; *See* Council Directive 88/609/EEC of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants [1988] OJ L 336/1, now repealed by Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants [2001] OJ L 309/1

¹⁷⁸ As in the case of the implementation of Directive 89/429 on waste incineration in France; *See* Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants [1989] OJ L 203/50, now repealed by Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste [2000] OJ L 332/91

¹⁷⁹ *See* Part I, Chapter 1 on ‘Analytical Framework’

¹⁸⁰ One of the cases he examines focuses on the interactions between the ISO14001 (international) and the EMAS (EU) standards; *See* Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation

can originate from the national, EU and the international level (2001: 181; Nilsson *et al*, 2009¹⁸¹).

As a third source of policy interactions Glachant identifies the interactions emerging where there is certain interdependence between environmental and non-environmental policies occurring in the same arena (2001: 181). He analyses the process of implementation of the Large Combustion Plant Directive¹⁸² and finds that interactions with national energy and competition policies (among other factors) in the cases of France and the United Kingdom influence the implementation of the Directive in terms of cost-effectiveness and environmental outcome (2001: 94).

Another prominent example of similar, even more complex interactions that are also of particular interest to this research could be derived from the experience of new Member States (2004/2007) and candidate countries in complying with EU waste *acquis*. Facing severe constraints in terms of financial, administrative and technical resources, most of these states opt for the cheapest waste disposal operation regulated by the EU Landfill Directive.¹⁸³ Although landfilling hits the bottom of the EU waste hierarchy and as such does not present a good disposal option from an environmental perspective, it is acceptable to the new Member States from an economic point of view. Still, compliant landfilling remains a costly operation and is regulated by one of the EU's 'heavy' directives (Paraskevopoulos *et al*, 2006).¹⁸⁴ As shown in Chapter 3, its implementation has remained a challenge across both old and new Member States. Towards meeting this challenge new Member States and candidate countries have relied on EU structural and pre-accession funding¹⁸⁵ in line with the respective EU regulations.¹⁸⁶ At one of the informal meetings with environmental ministers from (the

by companies in the industrial sector in a Community eco-management and audit scheme [1993] OJ L168/1; International Standard EN ISO 14001 1996, Environmental Management Systems, Specifications with guidance for use

¹⁸¹ Nilsson *et al* offer an interesting example for this type of interaction although they do not frame it within the policy interactions discourse but relate it to the implementation of environmental policy integration (EPI) in Sweden. They find that there is an 'overall coordination failure' in Sweden between the national priorities based on the waste hierarchy, with recycling and re-use as top priorities, and local preferences for waste-to-energy incineration operations stemming from market-driven considerations both in the waste disposal and the energy sector (p. 15).

¹⁸² *Op.cit.* 177

¹⁸³ *See* Chapter 3

Op.cit. 6, 144

¹⁸⁴ *Op.cit.* 43

¹⁸⁵ *See* REC (2000), Applicant Countries' Contribution to the 6th Environmental Action Programme, Budapest: Regional Environmental Centre, available at <http://www.rec.org/REC/Programs/6thEAP/> (Date of reference 14.04.2010); *See* Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementing European Community Environmental Law, COM(2008) 773/4 - Not published in the Official Journal

¹⁸⁶ *See* Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25; Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73; Regulation (EC) No 1085/2006 of

then) candidate countries back in 2003 organized by the ex-European Commissioner for environment Margot Wallström, it was agreed that EU funding would be channelled towards investments in the environmental sector and waste management infrastructure (among others) (Lenschow, 2002a, b; Krämer, 2005; 2007).¹⁸⁷ At the same time, the application of EPI has ensured that at programme and project level actions for EU funding comply with the provisions of the Environmental Assessment Directives.¹⁸⁸ Such compliance warrants that investments in infrastructure will be environmentally sustainable and will, in turn, lead to positive trends in regional development.¹⁸⁹

Seeking to explain how environmental implementation can cope efficiently with such policy interactions, Glachant (2001) distinguishes between two scenarios. The first one relates to instances when policy interactions are foreseen early enough at the policy formulation stage (Jordan and Lenschow, 2008). For instance, successful integration of environmental considerations (EPI) into sectoral policies (such as cohesion policy) during policy-formulation can render policy interactions foreseeable during implementation. At the same time, however, decisions are made in a ‘world of imperfect knowledge’ and weak EPI dynamics can be complex and unpredictable at the level of policy implementation (Interviewee-BG 6; Sgobbi, 2007: 45; Weale, 2008: xv).¹⁹⁰ As Andrea Lenschow underlines, policy integration is critically dependent on the institutional context where it should be implemented. She argues that EPI ‘on the ground often fails due to insufficient capacities and a lack of substantive guidance’ (2002a: 231). The second scenario concerns situations where policy interactions are not anticipated during policy formulation in which case there is stronger need for ‘adaptive’ implementation (Glachant, 2001: 182).

These scenarios are relevant to the discussion on existence of a complex web of parallel policy processes which can, alongside other factors, influence the implementation of EU waste legislation in the EU Member States and candidate countries. Specifically, the interdependence between EU environmental and EU cohesion policy appears to have a particularly prominent role in relation to waste

17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82; Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

¹⁸⁷ See Conclusions, Informal Ministerial Meeting between Ms Wallström and the Ministers of the Environment of the candidate countries, Brussels, 21.01.2003

¹⁸⁸ *Op.cit.*51

¹⁸⁹ See Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Cohesion Policy and the Environment, COM(95) 509 final from 22.11.1995 - Not published in the Official Journal

¹⁹⁰ For reference to Interviewees, please, see Appendix II.7
See EEA (European Environment Agency) (2005b), Environmental Policy Integration in Europe: Administrative Culture and Practices, EEA technical report, No 5/2005, Copenhagen (p. 17)

management especially in cases where states are lacking sufficient administrative and financial capacities and are overly reliant on EU funding.

The present research focuses on these policy areas while considering the extent to which Bulgarian waste policy has been Europeanized since the beginning of the country's aspirations for EU accession. To this end, policy interactions are taken to denote either orchestrated or unorchestrated two-way or dual integration processes between policies (Dhondt, 2003: 107).¹⁹¹

EPI dynamics feature as an important part of these interactions. Yet, EPI stands for the one-way process of integration of environmental considerations into sectoral policies, cohesion and waste policies examined in this study. As such it is qualified as a one-way orchestrated policy interaction. Its incorporation in the policy cycle in the EU, national and sub-national arenas has been viewed as an important step towards achieving 'an overall improvement in policy and its implementation in line with sustainable development needs'.¹⁹² Being concerned with the role of policy interactions (alongside other domestic factors) for the implementation of EU waste legislation in Bulgaria, this research needs to examine how EPI applies to EU cohesion policy and its instruments at national level. At the same time, it has to consider the possible implications of cohesion policy for the implementation of EU waste *acquis*. Prior to proceeding with this, however, it is necessary to provide an overview of the debates on the evolution, normative meaning and instruments of the environmental policy integration principle (EPI).

2. Environmental Policy Integration as a One-Way Policy Interaction

2.1 EPI: Origins and Development

The beginnings of EPI can be traced back to the first political steps in committing to environmental protection at the European Union level with the adoption of the first Environmental Action Programme in the 1970s. The programme posited that 'effective environmental protection requires the consideration of environmental consequences in all technical planning and decision-making processes at national and Community level'

¹⁹¹ See EEA (European Environment Agency) (2005a), Environmental Policy Integration in Europe: State of Play and an Evaluation Framework, EEA technical report, No 2/2005, Copenhagen (p. 13)

¹⁹² See EEA (European Environment Agency) (2005a), Environmental Policy Integration in Europe: State of Play and an Evaluation Framework, EEA technical report, No 2/2005, Copenhagen (p. 7)

(Lenschow, 2002b: 13; Dhondt, 2003: 17; Krämer, 2007: 60-61). This approach was further strengthened in the third (1983), fourth (1987) and fifth EAP (1993).¹⁹³

The environmental policy integration principle is now incorporated in the latest sixth Environmental Action Programme (2001–2012). Art. 1(1) of Decision No 1600/2002/EC¹⁹⁴ holds that the '[P]rogramme should promote the integration of environmental concerns in all Community policies and contribute to the achievement of sustainable development through the current and future enlarged Community'. Hence, as Knill and Liefferink underline, the integration principle 'rests upon the conviction that effective environmental policy cannot be carried out if it is detached from other policy areas' (Knill and Liefferink, 2007: 34; Krämer, 2007: 390; Jordan and Lenschow, 2008).

The Environmental Action Programmes have contributed significantly to laying down structural measures on policy integration such as the legislation adopted on the assessment of the environmental impact of major projects (Bell and McGillivray, 2006: 203). Nevertheless, until the adoption of the sixth EAP, by being of a non-binding character the EAPs featured as mere reflections of the Commission's policy-planning agenda (Lenschow, 2002b: 9; Krämer, 2007: 60-61). The new development with the sixth EAP was that it was carried out by way of joint decision between the European Parliament and the Council (in line with ex-Art. 175(3) TEC, now Art. 192(3) TFEU) that made its provisions binding (*Ibid.*).

Apart from this development with the most recent EAP, which emphasized the legal salience of EPI, the formal institutionalization of the environmental policy integration principle rather ran parallel to EU Treaty evolution as already discussed in Chapter 3 (Lenschow, 2002). The Single European Act first established a legal basis for environmental policy in general and of the environmental policy integration objective, in particular. However, it was not until the Treaty of Amsterdam (Art. 6 TEC) that it was flagged as a Treaty 'principle' (Dhondt, 2003). Even more, lawyers find that ex-Art. 6 TEC (now Art. 11 TFEU) features "the only constitutional document" in the world where EPI has been given "explicit expression in law" (Macrory, 1999: 173; Jordan, Schout and Unfried, 2008: 159). In the eyes of academics this development elevated it from being 'just a narrow, "environmental" concept, into an overarching legal principle of European integration' (*Ibid.*: 163).¹⁹⁵

¹⁹³ *Op.cit.* 73

¹⁹⁴ *Op.cit.* 113

¹⁹⁵ EPI was further promoted in the context of international initiatives such as those of the World Commission on Environment and Development (WCED) which produced a landmark report 'Our Common Future'

Following its formal legal recognition, specific political steps within the context of the so-called Cardiff Process¹⁹⁶ were taken towards the practical application of the environmental policy integration principle. The Cardiff Process envisaged for the EU institutions to participate in a common process of sectoral reporting, reviewing and target-setting with the European Commission and DG Environment, in particular, taking the lead.¹⁹⁷

Towards this end the Luxembourg European Council (December 1997) addressed the Commission with a request for drafting an EPI implementation strategy (Lenschow, 2002, 2002b).¹⁹⁸ As a result, a Communication ‘Partnership for Integration – a Strategy for Integrating Environment into EU Policies’ was delivered in 1998 (Jordan and Schout, 2006: 70; Jordan, Schout and Unfried, 2008: 163).¹⁹⁹ It acknowledged EPI as a ‘chief concern’ in the EU and formulated practical guidelines and procedures for integrating environmental considerations into other policies. Such a measure, for instance in relation to the integration of environmental considerations into cohesion policy was the introduction of environmental assessments (Lenschow, 2002: 28).²⁰⁰ Particular reference was made, in this Communication, to EU regional policy with regard to the necessity to introduce environmental protection requirements in the structural and pre-accession EU funding. It underlined that Member States should ‘put in place a partnership involving environmental bodies in order to integrate environmental protection requirements in Structural Fund intervention programmes’ (1998: 8). With regard to enlargement, the Communication stressed that (the then) candidate countries had to give priority to environmental investments in their pre-

(referred to as the Brundtland Report) in 1987 although this report did not use the term ‘environmental policy integration’. It also featured in the context of the UN Conference on Environment and Development (UNCED) in Rio de Janeiro in June 1992 which led to the adoption of the so-called Rio Declaration. The declaration contained 27 principles among which a prominent place was granted to the integration of environmental protection and economic development. The UNCED also adopted ‘Agenda 21’ constituting an elaborate action plan containing a specific chapter on environmental policy integration. Despite the non-binding nature of these international documents, they present evidence for the existence of political will in support of EPI in the international community at the beginning of the 90s which affected thinking at the EU level too.

Discussed in detail by Schumacher, 2001; Lenschow, 2002; Lenschow, 2002a; Dhondt, 2003; Jordan and Schout, 2006; Herodes, Adelle and Pallemarts, 2007; Jordan and Lenschow, 2008a; Jordan, Schout and Unfried, 2008 and so forth.

¹⁹⁶ In reference to the location of the June 1998 European Council

¹⁹⁷ See Lenschow, 2002; Lenschow, 2002a; Dhondt, 2003; Lenschow, 2005; Jordan and Schout, 2006; Bell and McGillivray, 2006; Herodes, Adelle, Pallemarts, 2007; Jordan and Lenschow, 2008; Jordan, Schout and Unfried, 2008: 163

¹⁹⁸ European Council, Luxembourg Presidency Conclusions, 12 and 13 December 1997, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0008.htm (Date of reference 18.09.2010)

¹⁹⁹ See Communication from the Commission to the European Council of 27 May 1998 on a Partnership for Integration: a Strategy for Integrating the Environment into EU Policies (Cardiff- June 1998), COM(1998) 333 - Not published in the Official Journal

²⁰⁰ *Op.cit.* 51

accession strategies and rely on EU financial instruments such as PHARE and ISPA²⁰¹ for that purpose.²⁰²

The close interrelation between regional policy and environmental policy was underlined by the Commission on other occasions as well. Back in 1995 the Commission delivered a Communication on cohesion policy and the environment²⁰³ which emphasized the ‘complementary’ and interdependent character of environment and regional development with regard to natural resource management, infrastructural development, tourism, employment and so forth. It presented cohesion policy as an instrument for improving environmental protection and achieving sustainable development. The Communication also stressed the Commission’s commitment to prevent infringements of environmental rules within Structural and Cohesion Fund operations. In a similar vein, in 2000 the ex-Environment Commissioner Wallström pointed out that if governments did not provide for the adequate implementation of environmental legislation, that would ‘cause delays in receiving billions of Euro in regional aid from Brussels’ (Smith, 2000 quoted by Lenschow, 2002: 30; Lenschow, 2002a). In a 2004 working document on ‘[I]ntegrating environmental considerations into other policy areas - a stocktaking of the Cardiff process’, the European Commission recognized the need to improve the delivery of environmental integration. A point was made that any ‘soft’ measures taken at the EU level need to be complemented by serious commitments and action at national level. Interestingly, the Commission pointed out that the ‘stringent implementation by Member States of the directives on Environmental Impact Assessment...is a key to advancing environmental integration through projects, plans and programmes at national level’.²⁰⁴

As already indicated, the interaction between EU environmental and cohesion policy is of a particular interest to this research as indeed, decisions on the financing and the implementation of waste infrastructural projects in the Member States and candidate countries, such as the construction and reconstruction of regional waste facilities, are dependent on the assessment of their immediate and long-term environmental

²⁰¹ See Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73; Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People’s Republic [1989] OJ L375/11

²⁰² Other political routes towards channelling EPI in these countries included organizing events such as the Environment for Europe Conferences in Dobris (1991), Lucern (1993), Sofia (1995) and Kiev (2003)
Op.cit. 191

²⁰³ *Op.cit.* 189

²⁰⁴ See Commission Working Document, Integrating Environmental Considerations into Other Policy Areas-a Stocktaking of the Cardiff Process, Brussels, 01.06.2004, COM(2004) 394, Official Journal C 49 of 28 February 2006

consequences. The latter, in turn, is necessitated in the context of environmental assessment procedures introduced as an EU legal requirement.²⁰⁵

At the same time, in the cases of the new Member States and accession countries, and Bulgaria, in particular, such major investment projects contribute towards meeting specific European Union environmental requirements. For example, in order for these countries to comply with the EU targets of reducing the percentage of waste going to landfills, they need to put alternative waste management infrastructure in place. Also, they are bound to close (and provide after-care) or remediate non-compliant waste disposal facilities and waste hot-spots in line with the provisions of the Landfill Directive.²⁰⁶ This requires ‘heavy’ investments and adequate administrative and institutional expertise to manage these investments at national and sub-national level (Vasilis, Getimis and Paraskevopoulos, 2006). Thus, by being able to absorb EU funding (such as ISPA / European Regional Development Fund and the Cohesion Fund in the case of Bulgaria) including through adequate application of environmental assessments, the states also manage to comply with EU environmental requirements as set for the waste sector.

In this context the value of EPI appears somewhat ‘self-evident’. Its rationale suggests that environmental protection should be granted firmer standing in public policy (Lenshow, 2002a; Jordan and Schout, 2006: 64; Jordan and Lenschow, 2008). Yet, as found by academics and policy-makers, ‘commitment to EPI has proven to be much harder to implement than many people had originally expected’ (Jordan, Schout and Unfried, 2008: 159).²⁰⁷

At EU level the development of EPI has been marked by reversals reflecting problematic application.²⁰⁸ The EPI Treaty provision itself contained in ex-Art. 6 TEC

²⁰⁵ See Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC, 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114, and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30;

See Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25; Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73; Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82; Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

²⁰⁶ Art. 13 and 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1

Op.cit. 6

²⁰⁷ *Op.cit.* 191

²⁰⁸ On measures towards the institutionalization of EPI at EU level (in terms of institutional restructuring and introduction of internal procedures) in the 1990s see Lenschow, 2002b; Jordan and Schout, 2006; Krämer, 2007; Wilkinson, 2007; Jordan, Schout and Unfried, 2008; Jacob, Volkery and Lenschow, 2008. Krämer qualifies these measures as ‘insignificant’ (2007: 393).

(now Art. 11 TFEU) has been qualified as ‘an empty shell which has not had much substantive content’ (Krämer, 2005: 555). The Cardiff process has begun losing momentum and although formally it has still been considered ‘alive...politically speaking it is dead in the water’ (Jordan, Schout and Unfried, 2008: 169). It was, worryingly for environmentalists, becoming overshadowed by the agenda of the newly emerging Lisbon Process (2000)²⁰⁹ aimed at economic growth and employment (Jordan and Lenschow, 2008b: 338).²¹⁰ On the one hand, the 2001 Swedish Presidency and the Göteborg European Council, in particular, reinstated environmental protection on the EU political agenda by adding an environmental dimension to the Lisbon Process, with the latter further strengthened in the succeeding ‘Europe 2020’ strategy.²¹¹

On the other hand, the practical implications of this process remain insignificant. The annual Environmental Policy Reviews issued by Directorate-General Environment since 2003 in contribution to the Lisbon synthesis reports bear no reference to the Cardiff Process whatsoever (Jordan and Schout, 2006; Herodes, Adelle and Pallemmaerts, 2007; Jordan and Lenschow, 2008). The recent 2008 Environmental Policy Review does not refer to environmental policy integration as such but merely indicates that environmental considerations ‘spill over’ into other sectoral policies (p. 12). The 2004 first annual stocktaking of the Cardiff process has remained the last (Wilkinson, 2007: 6).²¹² Arguably all this illustrates that the political commitment to EPI is being weakened and even ‘abandoned’ giving way to the ‘less explicitly environmentally focused goal of sustainable development’ (Herodes, Adelle, Pallemmaerts, 2007; Krämer, 2007: 396; Jordan and Lenschow, 2008b: 316).²¹³

It is interesting to follow how ‘the most important of the principles which govern environmental policy, since it constitutes the bridge between environmental policy and all other policies at Community level’ is not ‘taken seriously’ (Krämer, 2007: 390-396).²¹⁴ According to Jordan and Lenschow ‘there appears to be no best practice in relation to the delivery of greater EPI’ (2008: 334). Even more, in their view ‘EPI has

²⁰⁹ See European Council, Lisbon Presidency Conclusions, 23 and 24 March 2000, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00100-r1.en0.htm (Date of reference 18.09.2009)

²¹⁰ See REC (2008), Investing in the Environment as a Way to Stimulate Economic Growth and Employment. How Environmental Projects Contribute to Achieving Lisbon Agenda Goals, Szentendre: Regional Environmental Centre

²¹¹ See European Council, Göteborg Presidency Conclusions, 15 and 16 June 2001, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en1.pdf (Date of reference 18.09.2009)

Op.cit. 95

²¹² *Op.cit.* 204

²¹³ *Op.cit.* 83

²¹⁴ On this see also Jans, 2000; Jordan and Schout, 2006; Knill and Liefferink, 2007; Jordan and Lenschow, 2008

failed to shape all stages of the policy-making process' (p. 333). The latter comes to underline the fact that it is especially with regard to policy implementation by the Member States that these dynamics become particularly complex and unpredictable. Therefore, in the absence of adequate capacities at the implementation level, this feature could develop into a potential constraint to implementation performance.²¹⁵

This being said, there is an important aspect of the EPI debate that needs to be considered here. It concerns the conceptualization of EPI, as the lack of clarity on that front can offer a potential explanation for the existence of ex-post implementation surprises at national and sub-national level.

2.2 EPI: Conceptualization

There is no consensus among scholars as to the normative meaning and legal status of EPI as well as to the legal obligations it entails.²¹⁶ As Jordan and Lenschow put it, 'the fact that the conceptual meaning of the EPI principle is still contested frustrates lawyers, but it represents an interesting point of departure for comparative policy and political research' (2008a: 10). The understanding of EPI adopted here concurs with the interpretation of Lafferty and Hovden who define EPI as 'the incorporation of environmental objectives into all steps of policy making in non-environmental policy sectors, with a specific recognition of this goal as a guiding principle for the planning and execution of policies' (2003: 12; Sgobbi, 2007: 11). In this research, EPI is taken as a one-way, predominantly orchestrated interaction between environmental and non-environmental policies (such as cohesion policy) affecting the whole policy cycle and, potentially, having significant implications for implementation results.

The EPI clause itself, present in Art. 11 TFEU (ex-Article 6 TEC) leaves room for leeway in interpretation.²¹⁷ It has undergone significant change of wording as well as of location in the Treaty since its inclusion in the Single European Act (1986). Today it reads that:

²¹⁵ Discussed by Glachant, 2001; Lenschow, 2002a: 231; Homeyer, 2006; Catenacci, 2007; Lenschow, 2007; Jordan and Lenschow, 2008

²¹⁶ See Schumacher, 2001; Scott, 2002; Lenschow, 2002 and 2002a; Nollkaemper, 2002; Dhondt, 2003; Jordan and Schout, 2006; Krämer, 2007; Wilkinson, 2007; Jordan and Lenschow, 2008a; Jordan, Schout and Unfried, 2008; Wilkinson, Benson and Jordan, 2008, etc.

²¹⁷ *Ibid.*

*[E]nvironmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development.*²¹⁸

In an early research Weale and Williams posit that there is ‘no canonical statement of precisely what [EPI] might involve’ (1992: 46; Jordan and Lenschow, 2008a). In line with this assessment, a 2005 EEA report on environmental policy integration in Europe later clarifies that EPI ‘has been defined as a concept, principle, strategy, duty and process, with different interests interpreting it differently’ which ‘may have made it more acceptable to policy-makers...but more difficult to put into practice and to evaluate progress’.²¹⁹ Indeed, the provision in Art. 11 TFEU has been labelled in different ways in the academic literature (as a ‘principle’, ‘integration clause’ or a ‘requirement’). Even in policy documents, such as the EAPs and Commission working documents, EPI has not always been referred to as a ‘principle’. According to some scholars, the term ‘principle’ could even have been deliberately avoided (Dhondt, 2003: 139). In her in-depth analysis of the content and the legal consequences of EPI, Dhondt (2003: 140) addresses this debate drawing on legal theory²²⁰ and reviewing Court of Justice’s case law.²²¹ She concludes that the provision of Art. 6 TEC (now Art. 11 TFEU) should be regarded as a ‘principle’ (p. 137 and 142).

At the same time, however, it is not clear what is the added value of this recognition of EPI especially with regard to its practical implementation. According to Krämer, Art. 6 TEC (now Art. 11 TFEU) ‘will remain a nice principle that is not taken seriously by the Community institutions and administrations’ (2007: 396).

Probably due to such arguments, EPI is deemed to have an ‘uncertain legal status’ (Nollkaemper, 2002: 22). Nollkaemper contributes to the debate providing an explanation for this according to which ‘there is not *one* integration principle’. He examines three distinct conceptual roles of environmental policy integration in EU and international environmental law. According to his first interpretation, EPI serves as an objective almost overlapping with environmental policy proper. The second role of EPI

²¹⁸ Art. 11 remains almost unchanged comparing to ex-Art. 6 TEC apart from replacing ‘Community’ with ‘Union’ and the disappearing of the reference to Art. 3 TEC (1st paragraph of which repealed but in substance now contained in Art. 3-6 TFEU and 2nd paragraph moved to Art. 8 TFEU) in the Treaty of Lisbon (Art. 11 TFEU)

²¹⁹ See EEA (European Environment Agency) (2005a), Environmental Policy Integration in Europe: State of Play and an Evaluation Framework, EEA technical report, No 2/2005, Copenhagen (p. 12)

²²⁰ Hart (1994), Dworkin (1984, 1986) and Raz (1972)

²²¹ Among the landmark cases on ex-Art. 6 TEC (now Art. 11 TFEU) are Case C-62/88 *Greece v Council (Chernobyl I case)* [1990] ECR I-1527, Case C-300/89 *Commission v Council (Titanium dioxide case)* [1991] ECR I-2867 and Case C-405/92 *Etablissements Armand Mondiet & Arment Islais* [1993] ECT I-6133. For a more detailed account of these cases, see Dhondt (2003) and Krämer (2007)

qualifies it as a rule of reference where it does not have an autonomous normative meaning but rather refers to environmental protection requirements contained in other norms (in primary and secondary EU law). Examples for these could be found in the cases of environmental assessments (EIA and SEA Directives) and EU fund regulations.²²² The third meaning examined by Nollkaemper grants EPI the status of an autonomous principle and a ‘closing norm’ in instances where the conduct of environmental assessment is not mandatory. Such are, for instance, the cases of projects falling within Annex II of the EIA Directive and non-major EU funded projects.²²³ In this context, however, the application of EPI is left largely to the discretion of the Member States (Krämer, 2007: 170-171).

Another approach employed in the literature towards clarifying the role of ex-Art. 6 TEC (now Art. 11 TFEU) as to how far environmental considerations have to be integrated into other sectoral policies has been to distinguish between weak and strong interpretations of EPI (Dhondt, 2003; Jordan and Schout, 2006; Wilkinson, 2007).²²⁴

Weak EPI occurs when integration is understood as ‘taking into account’ procedural requirement which leaves institutions with considerable discretion as to whether and to what extent to adjust their policies to environmental protection requirements. Dhondt compares this requirement to the EIA procedural obligation according to which a Member State is not obliged to abandon a project if the environmental impact assessment indicates that the project has a significant impact on the environment.²²⁵ She also outlines a ‘no conflict situation’ where there is not a conflict between environmental objectives and the ones of a given policy sector. In that case, institutions take into account environmental objectives and may pursue them but they are not obliged to do so. In a ‘conflict situation’ where environmental objectives are not compatible with the objectives of the other policy sector, it can be expected that institutions will ‘systematically disregard’ environmental considerations. According to Dhondt in such cases ‘the other policy-specific objectives automatically receive priority over the environmental objectives’ (2003: 92). This would respectively lead to weak environmental policy integration in practice.

²²² *Op.cit.* 205

²²³ *Op.cit.* 51, 132

²²⁴ See EEA (European Environment Agency) (2005b), *Environmental Policy Integration in Europe: Administrative Culture and Practices*, EEA technical report, No 5/2005, Copenhagen

²²⁵ Although since the 1997 amendment to the 1985 EIA Directive the developer is obliged to report on main alternatives to the proposed ones (Article 5 (3)); Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114

Strong EPI or a ‘must be observed’ interpretation emerges when policy objectives are adjusted so as to pursue in the most environmentally friendly (no conflict situation) or least environmentally damaging (conflict situation) ways available the specific goals of other policy areas.²²⁶

In practice, however, the application of EPI during decision-making and implementation does not entirely depend on the extent to which environmental objectives are compatible with those of a particular sector such as cohesion policy or waste management. This compatibility can also be very subjective in terms of measurement (Krämer, 2007).²²⁷ As already discussed above, EPI ‘is sufficiently vague to allow conflicting parties, factions and interests to adhere to it without losing credibility’ (Richardson, 1997: 107; Sgobbi, 2007: 43). Hence, its implementation is strongly dependent on contextual factors such as institutional legacies, capacity (administrative, financial and infrastructural) and political will at national and sub-national level. Therefore, whether the weak or the strong EPI would emerge in the process of implementation of EU cohesion or EU waste policy can be expected to be predominantly a matter of domestic contextual reality. It is in view of this reality and in the wider framework of policy interactions that EPI will be examined in the case of Bulgarian waste policy in the following Part III.

Another critical aspect of EPI that has been discussed in the existing literature pertains to its addressees. According some authors, the principle is a predominantly EU-oriented provision with only indirect implications for Member States, for instance in line with their obligation to transpose and implement secondary legislation (Dhondt, 2003: 30-38).²²⁸ Other authors, however, find that there is ‘sufficient authority’ for the acceptance of a broader construction of ex-Art. 6 TEC that would allow the principle to go beyond EU institutions and to address Member States (Schumacher, 2001: 32, 33; Nollkaemper, 2002: 23).

It can be argued that this lack of clarity on EPI addressees could be another cause for the ‘weak normative embeddedness of EPI’ which in turn has had the potential to hamper EPI implementation (Jordan and Lenschow, 2008b: 333). Although this remains a valid criticism, ultimately it is shaded by wide-spread consensus in the existing policy

²²⁶ Dhondt proposes a third, ‘strongest’ EPI variant providing that environmental considerations take priority over other sectoral objectives at all times, and qualifies it as the most implausible one (2003: 92).

²²⁷ EEA (2005b: 17) offers examples of such ‘measurement’ of weak, medium and strong efforts for EPI at the level of administrative culture and practices.

²²⁸ *Op.cit.* 51

and academic writings that EPI has significant implications across levels of governance affecting developments in EU, national and sub-national arenas.

These writings recognize that ‘environmental policy has strong multi-level characteristics’.²²⁹ They reinforce this perspective by drawing on the findings of the multi-level governance literature (hereinafter, ‘MLG’). Borrowing from Marks and Hooghe’s categorization of Type I and Type II multi-level governance (2004: 15-30),²³⁰ EPI-dedicated scholars distinguish between horizontal and vertical environmental policy integration and thus illustrate its dynamics at national and sub-national level.²³¹ They find that there are aspects of MLG which are integral to EPI. The fact that MLG was developed in relation to EU structural policy (Bache, 2008), in the first place, makes this understanding even more interesting in the context of the present research which strives to examine environmental/waste policy and EU cohesion and pre-accession assistance policy from the perspective of policy interactions.

According to academic analyses²³² horizontal EPI pertains to the cross-sectoral dimension of environmental protection. This perspective traces integration ‘sideways’ at ministerial level, for instance, from the ministry of environment to other line ministries responsible for regional development, transport, agriculture, etc. The perspective of a vertical EPI, in turn, relates to the multi-level characteristics of environmental policy integration across levels of governance and the challenges and opportunities which arise from this complex multi-layered setting (Catenacci, 2007; Nykvist, 2008; Nilsson *et al*, 2009). What makes this multi-level dimension particularly interesting with regard to environmental protection is that it presents a reflection of the reality rather than a vehicle for better environmental policy integration into other sectoral policies itself (Nykvist, 2008: 18). Fundamentally, as Jordan and Schout point out, ‘the responsibility for interconnecting policies in the EU is not simply a matter of acting either at EU or

²²⁹ See Fairbrass and Jordan, 2004: 148; Lenschow, 2007; Nykvist, 2008; Homeyer and Knoblauch, 2008: 4

²³⁰ Marks and Hooghe identify Types I and II multi-level governance (hereinafter, ‘MLG’). According to their analysis Type I encompasses general purpose jurisdictions, non-intersecting memberships and jurisdictions are at limited number of levels. Type II features a more fluid structure concerning task-specific jurisdictions, intersecting memberships with no limit to the number of jurisdictional levels. Yet, the authors underline that these Types MLG are complementary (2004: 15-30; Bache, 2008; Bache *et al*, 2010). Types I and II MLG entail important characteristics which bear relevance for this research. Hence, this categorization will be returned to in Part III in relation to the discussion of regional waste management systems in Bulgaria.

²³¹ See Fairbrass and Jordan, 2004; Homeyer, 2006, 2007; Lenschow, 2007; Catenacci and Sgobbi, 2007; Sgobbi, 2007; Wilkinson, 2007; Schout and Jordan, 2008; Nykvist, 2008; Watson *et al*, 2008, etc. *Op.cit.* 191

²³² It must be clarified here that there is lack of consistency in the literature as to the definitions used for ‘horizontal’ and ‘vertical’ EPI. Jacob and Volkery (2004), for example, adopt a ‘narrow’ definition. In their understanding horizontal integration delegates responsibility predominantly to national environmental departments while vertical integration makes sectoral departments responsible for themselves in a spirit of ‘self-regulation’.

national level, but of working at both levels in a context of multilevel interdependence' (Jordan and Schout, 2006: 5). This reference to 'acting' invites a short discussion on the main environmental integration 'tools' that have been examined in the existing literature with a focus on the ones pertaining to developments at national and sub-national level.²³³ A glimpse at these also sets the scene for examination of the specific instruments and provisions aiding the integration of environmental requirements into EU cohesion and pre-accession assistance regulations which will follow in section 3 of this chapter.

2.3 EPI Instruments

A wide number of typologies for organizing EPI instruments have been proposed in the existing EPI literature. One of the most systematic typologies of EPI instruments identifies three main categories, namely communicative, organizational and procedural (Jacob, Volkery and Lenschow, 2008).

The communicative instruments entail 'soft' and 'symbolic' measures among which are the inclusion of environmental provisions in the Constitution,²³⁴ in national environmental plans and/or strategies, sustainable development strategies, sectoral strategies or obligations to report on environmental performance. According to Jacob, Volkery and Lenschow, these instruments are of the widest application and reflect a general national commitment to EPI which 'may work well when interest is swinging up but...may quickly lose momentum as attention slides away' (2008: 42). The second type of EPI instruments, the organizational instruments, are used more rarely. These include measures such as amalgamation of departments, establishment of green cabinets, interdepartmental working groups and environmental units within various sectoral departments (*Ibid.*). The third category incorporating 'harder and more consequential instruments' is implemented even 'less frequently' and with 'far less enthusiasm' (p. 43). These instruments envisage extended rights for environmental departments (such as veto or consultation), green budgeting, environmental assessments

²³³ *Op.cit.* 208

²³⁴ According to the logic followed by the authors of this typology constitutional provisions dedicated to EPI fall in the communicative category as they produce limited commitments in terms of enforceability and thus, play 'softer' role than other more procedural provisions (Jacob, Volkery and Lenschow, 2008: 27). For instance, the Constitution of the Republic of Bulgaria has two general postulates with regard to environmental protection. Art. 15 states 'The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living Nature in all its variety, and the sensible utilization of the country's natural and other resources' and according to Art. 55 'Everyone shall have the right to a healthy and favorable environment corresponding to established standards and norms. They shall protect the environment' (Constitution of the Republic of Bulgaria, 1991)

and the inclusion of environmental aspects in the assessment of new policies and regulations.²³⁵

While it would be interesting to consider all of these categories in relation to the discussion of policy interactions in the cases of Bulgaria, this research needs to focus on the instruments which appear most relevant to the analysis of interactions between EU environmental and EU cohesion and pre-accession assistance policy. This is dictated by the necessity to trace the key argument here stipulating that these interactions (along with other domestic factors), in particular, can have implications for waste implementation performance in this country.

Furthermore, as this research is concerned with policy interrelations manifested primarily at the level of policy content, the discussion here will turn to the so-called procedural EPI instruments (Jacob, Volkery and Lenschow, 2008). Environmental assessments of projects and plans and programmes as regulated by Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (hereinafter, the 'EIA Directive') and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment ('SEA Directive')²³⁶ entail obligations of essentially procedural character (Zetter, 1997; Sheate, 1997; Krämer, 2007). They also bear relation to the application of EPI in the context of the implementation of EU Structural/pre-accession instruments.²³⁷ The latter will be specifically addressed in the following section 3 of this chapter.

²³⁵ See Medarova-Bergström *et al*, 2007; Catenacci, 2007; Jacob, Volkery and Lenschow, 2008; Wilkinson, Benson and Jordan, 2008: 82; Bina, 2008: 134; Hertin, Jacob and Volkery, 2008: 114, etc.

²³⁶ *Op.cit.* 51

Another EU Directive that would be interesting to examine in the context of this discussion is the IPPC Directive (See Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [1996] OJ L257/26, See codified version Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [2008] OJ L24/8). It relates to the environmental assessment procedure and lays down that its 'provisions ... should apply without prejudice to the provisions of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment. When information or conclusions obtained further to the application of that Directive have to be taken into consideration for the granting of authorisation, this Directive should not affect the implementation of Directive 85/337/EEC' (Art.1, Art. 6, Art.9 (2)). This is reflected in the text of the EIA Directive as well. According to its 97/11/EC amendment Member States may develop a single procedure combining the requirements of both EIA and IPPC Directives (Art.2 (2a)).

While the examinations in Part III will touch upon this overlap between integrated licensing and environmental assessment, it will be beyond the scope of the present discussion to explore their interrelatedness in greater detail. It is the environmental assessment as such which is of interest here whether part of the IPPC process (relevant for instance when licensing landfills receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste (Annex 1, point 5.4)) or in the context of the licensing procedure as provided by the Landfill Directive.

Op.cit. 48

²³⁷ See Dusik, Sadler and Mikulic, 2001; Glasson and Gosling, 2001; Roberts, 2001; Clement, 2001; Catenacci, 2007; Sgobbi, 2007; Medarova-Bergström *et al*, 2007, etc.

The EIA Directive²³⁸ applies to assessment of the environmental impact (direct and indirect) of public and private projects which are likely to have effects on humans and the environment (Art. 1, Art. 3). In line with its provisions, Member States have to ensure that assessment is conducted prior to granting development consent for such projects (Art. 2). The Directive offers specific provisions relating for instance to: the requirement for the developer to submit relevant information (eg. description, outline of main alternatives and indication of the main reasons for the particular choice in view of its environmental effects, etc.) on the project and its likely impact (Art. 5 (1) and Annex IV), the participation of competent authorities (Art. 1 (3)), the project selection criteria for projects listed in Annex II (Art. 4 (3) and Annex III) and public participation (Art.6). As agreed by academics and policy analysts, Art. 4 (1) and (2) linked to Annexes I and II constitutes the core of the Directive (Zetter, 1997: 258). Art. 4 identifies two types of projects and groups them within Annex I and Annex II respectively. Annex I lists 22 categories²³⁹ of projects where environmental impact assessment is mandatory.²⁴⁰ With regard to the waste sector, Annex I projects are for instance those for waste disposal installations for the incineration, chemical treatment (of hazardous and non-hazardous waste) or landfill of hazardous waste.²⁴¹ The second group of projects accommodated in

²³⁸ It was first introduced as a policy instrument by the United States Government in the late 1960s in relation to the planning of major (construction and infrastructure) projects (Fairbrass and Jordan, 2004; Hertin, Jacob and Volkery, 2008). Its contribution towards mitigating the negative environmental effects of such infrastructure projects inspired its adoption in European states, and eventually in the European Union as well. Following references in the first (1973) and second Environmental Action Programmes (1977) the first formal proposal for an EU Directive on environmental assessment came in 1977. Yet, it faced severe opposition by the Member States as it presented ‘the EU’s first intrusion into national land use planning practices’. It underwent 20 draft revisions prior to its publication in 1980 (Sheate, 1997; Fairbrass and Jordan, 2004: 159). Eventually the EIA Directive was adopted on 3 July 1985 to come into force three years later (Zetter, 1997; Sheate, 1997). It was revisited and amended respectively in 1997, 2003 and 2009. Fundamentally, Directive 97/11/EC widened the scope of the EIA Directive by: extending the types of projects covered, and the number of projects qualifying for mandatory environmental impact assessment (Annex I); providing new screening arrangements and criteria (Annex III) for Annex II projects and demanding minimum information requirements. The 2003 amendment introduced changes on public participation (in line with the Aarhus Convention) and access to justice in environmental matters (*See* Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC(2009) 1684/2 – Not published in the Official Journal (p. 152)). The 2009 amendment concerned changes in Annexes I and II by which new project categories respectively on transport, capture and storage of carbon dioxide were added (*See* Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final - Not published in the Official Journal (p. 181))

²³⁹ 9 types in the initial version of the Directive (*See* Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [1985] OJ L 175/40)

²⁴⁰ These include construction of crude-oil refineries, construction of lines for long-distance railway traffic, airports (above 2100 m runway length), etc.

²⁴¹ Hazardous waste used to be regulated by Directive 91/689/EEC of 12 December 1991 on hazardous waste [1991] OJ L 377/20. It is now repealed and integrated into Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3.

This research touches upon management of hazardous waste insofar as harmful practices of mixing hazardous and non-hazardous waste are concerned and in relation to the transposition and implementation

Annex II (13 categories) are not necessarily subject to an environmental assessment (Art. 2(3)). They include waste disposal actions that do not figure in Annex I. These need to be carefully considered on a case-by-case basis or against thresholds or criteria set by the Member States (Art. 4(2), (3)). Consequently, Member States have discretion to determine whether a certain project has ‘significant effects on the environment’ by virtue of its nature, size or location (Art. 2). The Court of Justice of the European Union has limited this discretion positing that any project which is likely to have such effects needs to undergo environmental impact assessment (Fairbrass and Jordan, 2004: 160; Krämer, 2007: 170).²⁴² Yet, according to Krämer, in practice this jurisdiction is frequently ignored in daily practice especially in the sub-national arena (*Ibid.*).

At the same time, while Directive 85/337/EC outlines the procedural framework for reaching a decision that can have certain environmental repercussions, it does not stipulate the outcome of this decision. It is left to the national decision-maker to take account of the information found and to pursue a course of action that would best suit their interests. As experience has shown, it is possible, then, for harmful, in terms of environmental consequences, projects to be granted a green light (Sheate, 1997: 272; Scott and Holder, 2006: 213; Krämer, 2007: 170).

As early as the 80s the European Commission realized that by being responsible for orchestrating funding through the Structural and the Cohesion Funds in the Member States, it runs risks of this sort which was later proved by the serious allegations it faced in the 90s (Scott, 1998, 2002; Lenschow, 2002c; Dhondt, 2003).²⁴³ The Commission proposed for any project co-financed by the EU funds to be subject to an environmental impact assessment. Yet, this attempt failed as the main beneficiaries at the time, namely the Southern Member States, argued that such an approach would be discriminatory (Krämer, 2007: 171). At present similar obligation exists for EU-funded major project²⁴⁴ applications by Member States and candidate countries.²⁴⁵ Most of the non-

of the Landfill Directive. A more thorough account of handling hazardous waste would require a separate research project.

²⁴² For instance Case C-431/92 *Commission v Germany* [1995] ECR I-2189; Case C-72/95 *Kraajveld* [1996] ECR I-5403; Case C-435/97 *WWF* [1999] ECR I-5613, etc.

²⁴³ To be discussed in the following section 3

See Case T-461/93 *An Taisce and WWF (UK) v Commission* [1994] ECR II-0733 and Case C-325/94p *An Taisce and WWF (UK) v Commission* [1996] ECR I-3727; Case T-585/93 *Stitching Greenpeace Council (Greenpeace International) and Others v Commission* [1995] ECR II-2205

²⁴⁴ *Op.cit.* 132

²⁴⁵ *See* Art. 34, 39, 40 f of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25;

Annex XXI ‘Major project request for confirmation of assistance under Articles 39 to 41 of Regulation (EC) No 1083/2006 European Regional Development Fund/Cohesion Funds. Infrastructure Investment’ to Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional

major operations, however, are not subject to particular environmental scrutiny on behalf of the European Commission (in the sense of EU Structural/pre-accession fund legislation) but come under Member States and candidate countries' responsibility with regard to environmental impact assessment and licensing (Krämer, 2007: 155).

The adequate application of the EIA Directive is crucial for the implementation of both major and non-major EU-funded projects as well as for nationally-funded public and private operations (falling respectively within the scope of either Annex I or Annex II of the Directive). Yet, the transposition and implementation of this Directive has been reported as rather problematic across both new (2004 and 2007 EU entrants) and old Member States as shown by the high number of infringement cases it has generated (Caddy, 2000: 215; Krämer, 2007: 170).²⁴⁶ The most critical among those concern situations where policy decisions permit project realization 'independently from its, potentially negative, impact on the environment', as well as instances of starting projects prior to the completion of the environmental assessment itself (*Ibid.*).

The SEA Directive presented an option for the Commission to address the shortcomings of the EIA Directive and to shift attention from project planning to policy and programme-planning (Sheate, 1997; Glasson and Gosling, 2001; Fairbrass and Jordan, 2004; Bina, 2008).²⁴⁷ As spelled out in Art. 1 of the Directive its objective is to 'provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development'. It requires from Member States to perform environmental assessment of plans and programmes which are likely to have significant environmental effect. Art. 3(2) specifies plans and

Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1;

Art. 157 (4f) of Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

²⁴⁶ See Report, COWI, Study Concerning the Report on the Application and Effectiveness of the EIA Directive, European Commission, DG ENV, June 2009

Op.cit. 58; In 2009, the Commission opened in total eight new infringement procedures on the basis of the EIA Directive. Five cases were opened against Belgium, Italy and Romania concerning incorrect application of the EIA Directive, three of which were based on a complaint. Three cases were launched against Hungary, Italy and Bulgaria for non-conform transposition of the EIA Directive. The latter case is already closed due to satisfactory amendments to Bulgarian EIA legislation (p. 183) (*See* Table 1 in Appendix I). *See* Part III

²⁴⁷ *Op.cit.* 51

The idea of EU legislation on strategic environmental assessment was proposed to the Commission in the late 1970s. There were even intentions to include it in the draft EIA proposal. This initiative, however, fell into stalemata until the end of the 1980s when SEA was re-addressed in the fourth Environmental Action Programme. Actual work on a formal proposal started in 1990 and took the SEA idea through a 'tortuous history' of drafts until the directive was enacted in 2001 and came into effect in 2004 (Sheate, 1997; Fairbrass and Jordan, 2004).

programmes for which such an assessment is mandatory. Among them are those in the area of waste management, town or country planning, land use as well as plans and programmes that would foresee issuing development consent for projects that would fall either within Annex I or II of the EIA Directive. For plans and programmes concerning the use of small areas at local level, as well for modifications of existing plans and programmes, discretion is left to the Member States to decide whether an environmental assessment would be needed (either through case-by-case examination or by specifying types of plans and programmes) (Art. 3(3), (5), (6), Annex II). Similarly to the EIA Directive, the SEA Directive provides for the preparation of an environmental report (Art. 5), consultations with authorities (Art. 6(2) and (3)) and with the public (Art. 6 (4)) within an ‘appropriate time frame’ prior to the adoption of the plan or programme, disclosing and exchange of information and reporting (Art. 9, 12). Another important aspect of the Directive particularly in the context of this research pertains to its relatedness to the EU structural and pre-accession assistance instruments. According to Art. 11 (3) SEA would be applicable to EU co-financed plans and programmes.²⁴⁸

This relationship, however, has been qualified as blurred by unclear wording (Krämer, 2007: 172). As recently reported by the European Commission, similarly to the case with the EIA Directive, the transposition (formal and practical) of the SEA Directive has entailed difficulties leading to the initiation of infringement proceedings.²⁴⁹

The European Commission finds that a particular aspect of the application of these environmental assessment provisions which needs to be addressed as a priority relates to breaches concerning big infrastructure projects or interventions involving EU

²⁴⁸ Reference to this is also made in Art. 3 (9) and Art. 12 (4) of the SEA Directive
Reference to SEA is made, for instance: in Art. 47, Art. 48 (2), Art. 49 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25; in Annex XXI ‘Major project request for confirmation of assistance under Articles 39 to 41 of Regulation (EC) No 1083/2006 European Regional Development Fund/Cohesion Funds. Infrastructure Investment’ to Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1, p.137; in Art. 109, 57 (4) – but no clear reference to the ‘environmental part of the ex-ante assessment’ of Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1.

²⁴⁹ See Report, COWI, Study Concerning the Report on the Application and Effectiveness of the SEA Directive (2001/42/EC), European Commission, DG ENV, January 2009
Op.cit. 58 (p. 179); In 2008 the European Commission launched eleven non-conformity cases. Bulgaria initially figured among them but the procedure against it was later terminated. Yet, in October 2009 the country was addressed by the European Commission with another letter of formal notice (ex-Art. 226 TEC now Art. 258 TFEU) on account of poor application of Art. 5(1), 8 (decision-making prior to the adoption of the plan or programme based on the environmental report) and 9(1) which has not been closed at the time of writing (as of December 2010) (See Table 1 in Appendix I). See Part III.

funding.²⁵⁰ As key EPI instruments their adequate implementation would contribute to the process of integrating environmental requirements into the EU cohesion and pre-accession assistance instruments. This would bring an element of predictability and clarity to the interaction between EU structural/pre-accession policy, EU environmental policy and waste management, in particular, during implementation for the following reasons:

First, the correct application of the Environmental Assessment Directives provides access to EU financing. It also offers certain guarantees that the waste facilities resulting from the particular projects will produce foreseeable environmental impacts depending on the environmental choices (among alternatives) made by national authorities.

Second, waste infrastructure needed towards meeting EU waste management requirements is developed predominantly with the help of EU funding especially in the new Member States and candidate countries. These states need to boost their financial and administrative capacity in order to implement these requirements in an effective and timely manner²⁵¹ (Carmin and VanDeveer, 2005; Paraskevopoulos *et al*, 2006).

Third, adequate application of environmental and waste legislation can be expected to produce positive effects on a variety of sectors including regional development.²⁵²

In this context, EU cohesion/pre-accession assistance policy appears to be instrumental for attaining Member States and candidate countries' compliance with the EU's waste and environmental legislation. Yet, the only way to use its instruments is to manifest ability to absorb EU funding by (among other requirements) applying EU

²⁵⁰ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on implementing European Community Environmental Law, Brussels, 18.11.2008, COM (2008) 773 final - Not published in the Official Journal
See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC(2009) 1684/2 – Not published in the Official Journal (p. 155)

²⁵¹ See REC (2000), Applicant Countries' Contribution to the 6th Environmental Action Programme, Budapest: Regional Environmental Centre, available at: <http://www.rec.org/REC/Programs/6thEAP/> (Date of reference 14.04.2010)

REC (2003), Environmental Financing in Central and Eastern Europe (1996 – 2001), Szentendre: Regional Environmental Centre, available at: <http://archive.rec.org/REC/Programs/SofiaInitiatives/Enviro.Finance.in.CEE.pdf> (Date of reference 24.04.2010), etc.

See also United Nations (2007), Municipal Environmental Investments in South-Eastern Europe: 2001 – 2005 submitted by Serbia and the Regional Environmental Centre for Central and Eastern Europe through the Ad Hoc Working Group of Senior Officials, Sixth Ministerial Conference 'Environment for Europe', Belgrade, 10-12 October 2006, available at: <http://www.rec.org/publication.php?id=121> (Date of reference 29.04.2010);

²⁵² See REC (2008), Investing in the Environment as a Way to Stimulate Economic Growth and Employment. How Environmental Projects Contribute to Achieving Lisbon Agenda Goals, Szentendre: Regional Environmental Centre, available at: <http://ec.europa.eu/environment/integration/pdf/LisbonReport.pdf> (Date of reference 24.04.2010)

See Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Cohesion Policy and the Environment, Brussels, 22.11.1995, COM(95) 509 - Not published in the Official Journal (p. 2)

environmental legislation (such as the Environmental Assessment Directives). It is argued here that this interdependence, along with other domestic factors, can affect implementation performance and condition change in waste management. In order to better understand this interaction it is necessary to see how environmental requirements are integrated into EU cohesion/pre-accession assistance policy and explain why good project preparation and management in the framework of cohesion policy can be crucial for the implementation of waste legislation in a country like Bulgaria.

3. The Policy Puzzle of Cohesion, Environment and Waste

There are two main aspects of EU cohesion and pre-accession assistance policy that need to be tackled here. The first concerns the extent to which environmental requirements are integrated into the legal provisions regulating EU structural and pre-accession assistance in the Member States and the candidate countries. As widely discussed in the academic literature, even if in fits and starts, these provisions materialize ‘the first EU policies that went – and continue to go – through a conscious greening process’ (Lenschow, 2002c: 193; Krämer, 2007). Although the EU has taken steps to orchestrate this process, its operationalization has been devolved to the national and sub-national level. Sectoral policy-makers in these arenas have frequently been incapable or unwilling to apply environmental policy integration to regional development.

The conflictual interactions between regional development programmes and environmental protection have remained ‘often unresolved on the ground’ (Lenschow, 2002c: 193). The latter has led to situations where environmental projects have produced ‘more harm than good’ (Lenschow, 2002c: 224; Krämer, 2007). Therefore, the second aspect that will be discussed here relates to the influence of EU cohesion policy and pre-accession assistance on other policy areas and on waste management and environmental protection, in particular. Fundamentally, EU cohesion and pre-accession aid has been channelled towards assisting Member States and candidate countries both financially and administratively. Projects directly linked to environmental protection, as the ones in the sphere of waste management, feature among those obtaining EU financing, especially in the new Member States (like Bulgaria). As underlined by the EU applicants in 2000 in contribution to the drafting of the sixth EAP ‘the direction provided by the Member States for the use of EU financing instruments will determine to what extent the implementation of environmental *acquis* will be successful. While the

EU *acquis communautaire* does not, in general, dictate the use of specific policy approaches, the EU financing instruments implicitly or explicitly predetermine the solutions'.²⁵³ Yet again, the capacity of national and sub-national authorities to prepare, co-finance and implement EU-funded environmental projects remains an important variable in the process that can potentially constrain the implementation of EU environmental/waste *acquis* (Futó *et al*, 2006: 111).

The following sub-sections consider these two perspectives to EU cohesion policy and pre-accession assistance and take them as key reference points for the discussion on the role of policy interactions in the Europeanization of the Bulgarian waste sector.²⁵⁴

3.1 Integration of Environmental Protection Requirements in EU Pre-accession Assistance/Cohesion Policy

The beginnings of the European Union regional policy can be traced back to the Treaty of Rome according to which the Member States wanted 'to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions'.²⁵⁵ The EU further addressed these regional difficulties in the 1960s and the 1970s by considering and eventually establishing a European Regional Development Fund (hereinafter, the 'ERDF') (See Table 2, Appendix I).²⁵⁶ The policy consultations preceding the enactment of Regulation No 724/75 created an image of an EU regional policy that would be compatible with environmental considerations. A 1973 Report stated that the 'environmental case for closing the geographical gaps is as powerful one for those who live in the so-called prosperous areas of the Community as it is for those in the poorer regions' (Lenschow, 2002c: 202).²⁵⁷ The 1975 regulation itself did not make an explicit reference to environmental protection. At that time the environmental impact of infrastructural projects was not perceived as particularly salient. It, therefore, did not feature as a prominent factor in the regional planning

²⁵³ *Op. cit.* 251

²⁵⁴ *See* Part III

²⁵⁵ 5th recital of the Preamble to the EEC Treaty

Op.cit. 2

²⁵⁶ *See* Regulation (EEC) No 724/75 of the Council of 18 March 1975 establishing a European Regional Development Fund [1975] OJ L73/1 adopted under Art. 235 of the EEC Treaty (Evans, 1999: 14)

²⁵⁷ *See* Report, Commission of the European Communities, Report on the Regional Problems in the Enlarged Community, Brussels, 03.05.1973, COM(73) 550 - final– Not published in the Official Journal (p. 5)

process. The latter rather reflected a logic of ‘intergovernmental’ redistribution of resources among the Member States.²⁵⁸

This trend was maintained by the 1979 and 1984 reforms²⁵⁹ of the ERDF. Yet, although these reforms did not directly relate to environmental protection, they laid the ground for the development of the environmental policy integration process later on (Lenschow, 2002c: 194).²⁶⁰ They marked a development according to which the ERDF could be used ‘more to tackle regional problems associated with implementation of sectoral policies than to promote regional development’ as a sole end (Evans, 1999: 17). This comes to underline the fact that similarly to the case with environmental policy, the start of EU regional policy has been characterized by cross-sectoral features and cannot be examined in isolation from other sectoral policies. Today regional development is only one aspect of the Structural Funds operationalization (Bachtler and McMaster, 2008: 402). These funds have been utilized in support of a multitude of sectors, with waste management taking a central place among them.

In recognition of this multi-faceted nature of ERDF, Art. 1 of Regulation 1787/84 provided for coordination of EU policies insofar as they affected regional development, while taking account of their specific aims. This provision, later qualified in the literature as the ‘coordination principle’ (Dhondt, 2003: 28), was reinforced by Art. 130d EEC (now Art. 175 TFEU) as amended by the Single European Act (1986). In fact, the Single European Act laid down a Treaty base for the establishment of a coordinated framework of existing structural instruments such as the ERDF, the European Agricultural Guidance and Guarantee Fund (hereinafter, ‘EAGGF’), Guidance Section and the European Social Fund (‘ESF’).²⁶¹ It also marked the launch of EU cohesion policy and literally introduced the term ‘cohesion’ into the Treaty text.²⁶²

In line with the provision set in Art. 130d EEC, the Brussels European Council of 1988 agreed to a reform of the Structural Funds which envisaged drafting three main Regulations and doubling of fund allocations by 1993.²⁶³ These regulations came into

²⁵⁸ See Scott, 1994; Hervey, 1998; Evans, 1999; Lenschow, 2002c: 194; Bache and George, 2006; Allen, 2008: 19; Bache, 2008; Baun and Marek, 2008a

²⁵⁹ See Council Regulation (EEC) No 214/79 of 6 February 1979 amending Regulation (EEC) No 724/75 establishing a European Regional Development Fund [1979] OJ L75/1; Council Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund [1984] OJ L169/1

²⁶⁰ For instance, they contributed to reinforcing the role of the European Commission in the allocation of the fund’s resources (Lenschow, 2002c: 194)

²⁶¹ The ESF and the EAGGF will not be discussed in the framework of this chapter and this dissertation as they are not so relevant in the context of waste management

²⁶² See Scott, 1994, 1996; Evans, 1999: 19; Allen, 2000; Bache and George, 2006: 462; Bache, 2008: 41, etc.

²⁶³ See Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L185/9; Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation

effect on 1 January 1989 and presented a major change to the Structural Fund framework. The key components of this policy framework have been largely maintained ever since (Bache *et al.*, 2010). They provided for financing along 5 objectives,²⁶⁴ three of which (1, 2, 5b) had an explicit regional dimension. This regional focus made it necessary for the EU to adopt a system for classifying its territorial units at sub-national level. This Nomenclature of Territorial Units for Statistics (hereinafter, ‘NUTS’) was initially introduced in EU legislation by Council Regulation 2052/88 and subsequently became more widely employed by Eurostat on the basis of ‘gentlemen’s agreements’ with the Member States (Hughes, Sasse and Gordon, 2004: 535).²⁶⁵ The prospect of enlargement later on, however, led to the adoption of Regulation (EC) No 1059/2003²⁶⁶ which marked the departure from the old negotiation method for establishment of NUTS regions. According to its provisions, the territory of the Member States is divided into hierarchical territorial units, the largest being NUTS level 1,²⁶⁷ which in turn is subdivided into NUTS level 2 (Art. 2). The latter level, respectively encompassing NUTS 3

(EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L374/1; Council Regulation (EEC) No 4254/88 of 19 December 1988, laying down provisions for implementing Regulation laying down provisions (EEC) No 2052/88 as regards the European Regional Development Fund [1988] OJ L374/15

²⁶⁴ The objectives as laid down in Art. 1 and 2 of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L185/9

Objective 1 covered by ERDF, ESF, EAFFG: promoting the development and structural adjustment of the regions whose development is lagging behind;

Objective 2 covered by ERDF, ESF: converting the regions, frontier regions or parts of regions (including employment areas and urban communities) seriously affected by industrial decline;

Objective 3 (ESF): combating long-term unemployment;

Objective 4 (ESF): facilitating the occupational integration of young people

Objective 5a (EAGGF Guidance Section): speeding up the adjustment of agricultural structures

Objective 5b (EAGGF Guidance Section): promoting the development of rural areas

Part of the ERDF budget was retained for Community Initiatives in line with the provisions of Regulation No 2052/88 (Art. 5(5)) and Regulation No 4253/88 (Art. 11) (*Discussed by Bache*, 2008: 42-43)

²⁶⁵ The acronym originated from the French *Nomenclature des Unites Territoriales* Statistiques; used for the purposes of regional statistics as early as the 60s and the 70s.

²⁶⁶ See Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) [2003] OJ L154/1 amended in view of successive enlargement waves as follows: Regulation (EC) No 1888/2005 of the European Parliament and of the Council of 26 October 2005 amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union [2005] OJ L309/1; Commission Regulation (EC) No 105/2007 of 1 February 2007 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS) [2007] OJ L39/1; Regulation (EC) No 176/2008 of the European Parliament and of the Council of 20 February 2008 amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of Bulgaria and Romania to the European Union [2008] OJ L061/1

²⁶⁷ The following population thresholds are stipulated by Art. 3 of Regulation No 1059/2003: NUTS level 1 minimum 3 million and maximum 7 million; NUTS level 2 minimum 800 000 and maximum 3 million; NUTS level 3 minimum 150 000 and maximum 800 000

territorial units, is particularly relevant to the territorial objectives adopted under the framework of EU cohesion policy.²⁶⁸

The need for partnership in this complex, multi-level setting (among other EU Structural Fund principles namely concentration, programming and additionality discussed in detail elsewhere²⁶⁹) was emphasized back in the 1980s in the framework of the above mentioned 1988 Regulations.²⁷⁰ These regulations were the first to make the consultation of relevant local and regional authorities a formal requirement of an EU policy (Bache and George, 2006: 465). Art. 4(1) of Regulation 2052/88 qualified 'partnership' as close consultations between the Commission, the Member State concerned and the competent authorities designated by the latter at national, regional, local or other level, with each party acting as a partner in pursuit of a common goal'. These are essential in cases of cross-sectoral interactions across levels of governance like the ones interrelating environmental, waste and cohesion policies in Bulgaria.

Another innovation introduced by the 1988 reform reflected increased concern for environmental protection (See Table 2, Appendix I). This was manifested through a commitment to increase environmental spending (Lenschow, 2002c: 195). Art.1f of Council Regulation 4254/88 stipulated that the ERDF would finance 'productive investment and investment in infrastructure aimed at environmental protection where such investment is linked to regional development'. While this clause showed commitment to environmental financing, it still limited such financing to projects having regional implications, thus treating environmental protection as a secondary objective (Lenschow, 2002c: 195). At the same time, the text of the regulations provided for coordination between EU structural aid and environmental considerations. For instance, Regulation 2052/88 stated that '[M]easures financed by the Structural Funds...shall be in keeping with...Community policies, including those

²⁶⁸ See Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25

Before the adoption of the NUTS Regulation there existed also NUTS 4 and NUTS 5 levels. They have now been renamed into Local Administrative Units ('LAU') but have not been included into this Regulation. Article 2(5) leaves it to the Member States to choose whether to create further territorial subdivisions beyond the NUTS level 3 or not.

According to Eurostat (2007) the current NUTS nomenclature valid from 1 January 2008 provided for the following subdivision of EU territory: 97 NUTS 1 level regions, 271 NUTS 2 level regions and 1303 NUTS 3 level regions, LAU 1 – 8398, LAU 2 – 121601. As it will be discussed in Part III the territory of Bulgaria comprises 2 NUTS level 1 regions, 6 NUTS 2, 28 NUTS 3 (*oblasti*), 264 LAU 1 (municipalities, i.e. *obshтини*), 5329 LAU 2 (populated areas). This statistical information is available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-RA-07-020 (Date of reference 06.05.2010)

²⁶⁹ For instance see Allen, 2000; Bache and George, 2006: 463; Bache, 2008; Bache *et al*, 2010, etc.

²⁷⁰ *Op. cit.* 263

concerning...environmental protection’ (Art. 7). Furthermore, Art. 8 (5) of that regulation included a provision allowing the European Commission to evaluate the environmental impact of the operations proposed for EU funding as reflected in Member State regional development plans towards establishing a Community support framework (for EU structural operations) for Objective 1 regions (Bache and George, 2006: 468). Yet, although these clauses stipulated a way of integrating environmental policy considerations into ERDF provisions they have been criticized for missing explicit ‘operational steps to link environmental and regional policy-making’ (Lenschow, 2002c: 195). As Andrea Lenschow points out, the European Commission had envisaged such operational measures including a set of mandatory environmental instructions to be followed in the planning phase of regional programmes but the Council had rejected them (*Ibid.*).

Therefore, although the end of this first round of Structural Fund programmes marked an increase of environmental awareness, it was shaded by a ‘superficial consideration of environment’ in the funds management in practice (Clement, 2001: 78). According to a European Commission report on the implementation of reform of Structural Funds in 1993 (1995), during the period 1989-1993 no Member State had performed environmental impact assessment for their Operational Programmes as a whole. The information they had provided in their plans and programmes was too general and mostly unusable in terms of monitoring and environmental assessment.²⁷¹

The second round covering the period 1994 – 1999 saw some improvement.²⁷² It was marked by another reform which generally maintained the main principles agreed to in 1988.²⁷³ Yet, it also brought about a number of adjustments and novelties.²⁷⁴ In terms of

²⁷¹ See Report, Commission of the European Communities, The Implementation of the Reform of the Structural Funds in 1993: Fifth Annual Report, Luxembourg, 20.03.1995, COM(95) 30 – final – Not published in the Official Journal (p. 107)

²⁷² See Report, EEA (European Environment Agency) (2009), Territorial Cohesion. Analysis of Environmental Aspects of the EU Cohesion Policy in Selected Countries, EEA technical report, No 10/2009, Copenhagen (p. 18)

²⁷³ For a more detailed account of this and subsequent reforms, please, see Evans, 1999; Allen, 2000; Clement, 2001; Bache and George, 2006; Bache, 2008, etc.

²⁷⁴ For instance, Objectives 1 and 2 remained unchanged; Objectives 3 and 4 merged to form Objective 3; new Objective 4 introduced, Objective 5a remained (FIFG added); Objective 5b slightly changed; Objective 6 added

See Council Regulation (EEC) No 2081/93 of 20 July 1993 amending Regulation (EEC) No 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L193/5; Council Regulation (EEC) No 2082/93 of 20 July 1993 amending Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L 193/20; Council Regulation (EEC) No 2083/93 of 20 July 1993 amending Regulation (EEC) No 4254/88 laying down provisions for implementing Regulation (EEC) No 2052/89 as regards the European Regional Development Fund [1993] OJ L 193/34

EPI, the 1993 reform reiterated with increased emphasis that Member States' development plans should include 'an appraisal of the environmental situation of the region concerned and an evaluation of the environmental impact of the strategy and operations planned...in terms of sustainable development in agreement with the provisions of Community law in force' (Art. 8(4) of Council Regulation (EEC) No 2081/93) (See Table 2, Appendix I). Still, these measures have been qualified as vague and remaining declaratory rather than operational (Bache and George, 2006).

Another element of the 1993 reform which needs to be underlined here is related to the fact that this reform was initiated after the signature of the Maastricht Treaty (Bache and George, 2006: 468).²⁷⁵ The latter provided for the establishment of a Cohesion Fund.²⁷⁶ This fund was set up to assist Member States with a GDP of less than 90 per cent of EU average through individual projects (at the time) not governed by the mainstream Structural Fund principles.²⁷⁷ There was no regional breakdown of funding and financing was targeted primarily at environmental and transport infrastructural operations. Its specific objectives qualified it as a potentially successful environmental policy integration instrument linking cohesion and environmental policies. The original cohesion instrument established by the means of Regulation (EEC) No 792/93²⁷⁸ prior to the ratification of the Maastricht Treaty connected the fund to the Treaty Art. 130s (now Art. 192 TFEU) containing its 'environmental rationale' (Lenschow, 2002c: 198). This article belonging to the Treaty title on 'Environment' envisaged financial support from the Cohesion Fund for Member States facing financial constraints. As has been pointed out in the literature, this clause had indicated that although the fund had been created as if to assist environmental measures, it had initially surfaced rather as 'a financial transfer mechanism with macro-economic objectives' (Lenschow, 2002c: 198). The latter had raised much criticism as well as questions pertaining to the coordination of the Cohesion Fund with the other structural instruments, the Member States bias towards transport projects (prior to the 50/50 distribution between environmental and transport allocations²⁷⁹) and the non-transparent and predominantly

²⁷⁵ Art. G (38) of the Maastricht revision provided for changes in the Economic and Social Cohesion Title which changed number from V to XIV and also included a provision on the establishment of a Cohesion Fund in Art. 130 d (ex-Art. 161 TEC, now Art. 177 TFEU)

²⁷⁶ See Lenschow, 2002c; Bache and George, 2006; Bache, 2008; Bache *et al*, 2010, etc.

²⁷⁷ Cohesion Fund allocations for 1994 – 1999 period were distributed among Spain, Portugal, Greece and Ireland (See Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument [1993] OJ L 79/74; Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1994] OJ L130/1)

²⁷⁸ See Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument [1993] OJ L 79/74

²⁷⁹ *Op.cit.* 189

declaratory modes for environmental project selection, environmental impact assessment and environmental, regional and social and economic partners' involvement (*Ibid.*). Although the subsequent Cohesion Fund Regulation No 1164/94²⁸⁰ had marked an improvement with regard to these, it still lacked precision and did not offer a guarantee that projects funded by the Cohesion Fund would comply with environmental protection requirements. On the one hand, Art. 8 of the regulation stipulated that 'projects financed by the [F]und shall be in keeping...with Community policies, including those concerning environmental protection'. On the other hand, however, Art. 10.4 and Annex II, Art. B, discussing project approval procedures called for information on the 'possible impact on the environment' when submitting project applications but did not refer to the EIA Directive²⁸¹ making the environmental assessment requirement rather formalistic and subject to minimalist interpretations by the beneficiary countries (Lenschow, 2002c: 214) (See Table 2, Appendix I).

This weakness was addressed in the following 2000 – 2006 programming cycle when both the Structural and Cohesion Fund regulations were revisited in view of the enlargement prospects faced by the EU at that time. The planned enlargement presented a huge challenge both in terms of environmental protection and regional development.²⁸² In an enlarged Union, the extent to which environmental requirements were to be incorporated in EU cohesion policy was due to have an even more critical impact on the ground. EU funding (through the ERDF and the Cohesion Fund) was directed towards meeting EU environmental standards (like those in the area of waste management). At the same time, this was to be achieved through ensuring environmental compliance of infrastructural development (in terms of meeting the requirements for environmental assessment of operations).

A measure in this direction was incorporated into the text of the amended Cohesion Fund Regulation.²⁸³ The amended Art. B tackling *ex-ante* evaluation clarified the connection between environmental assessment requirements and the EU legislation on EIA and insisted that Member States not only provide EIA results in conformity with

²⁸⁰ See Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1994] OJL130/1

²⁸¹ *Op.cit.* 51

²⁸² Enlargement to EU 25 was to increase the population of the EU by 20 per cent but its GDP by only 4-5 per cent. In an EU of 27 members more than 1/3 of the population would be living in Member States with a per capita income of less than 90 per cent of the EU average (the criteria for Cohesion Fund assistance) compared to 1/6 in the EU15. In the EU27 the poorest 10 per cent of the population would earn just 31 per cent of the EU 27 average compared to the 61 per cent of the EU15 average income earned by the poorest 10 per cent in the EU15 (Allen, 2008: 22).

See Carmin and VanDeveer, 2005; Allen, 2008; Bozhilova, 2008; Baun and Marek, 2008a

²⁸³ See Council Regulation (EC) No 1265/1999 of 21 June 1999 amending Annex II to Regulation (EC) No 1164/94 establishing a Cohesion Fund [1999] OJL161/62. In contrast to the Structural Funds, the regulation is only amended rather than replaced

EU law but also indicate possible alternatives to the ones chosen for the project in question (Lenschow, 2002c: 200) (See Table 2, Appendix I).

Similar advancement can be observed in the reform of the Structural Fund regulations for the 2000 - 2006 cycle.²⁸⁴ This cycle saw a ‘stronger recognition and integration of the environment than in previous Structural Fund regulations’.²⁸⁵ Regulation (EC) No 1260/1999²⁸⁶ laid down the general provisions on these funds. The EPI principle was incorporated unambiguously and early in the text of the regulation (See Table 2, Appendix I). According to some analyses in the literature, the regulation made it possible to suspend or withdraw regional funding if any violations of EU environmental law were to be discovered (Lenschow, 2002c: 197, 210; Krämer, 2007: 166, 439). Andrea Lenschow even commented that financial sanctions of this sort ‘may have a more immediate policing effect than long-term legal proceedings’ in line with the provisions of ex-Art. 226 TEC (now Art. 258 TFEU) (p. 210). From this point of view the Structural and Cohesion Funds offered a good opportunity for enforcing EU environmental legislation and the EPI principle respectively (Lenschow, 2002c; Medarova-Bergström *et al*, 2007: 12).

This possibility is even more apparent when discussing EU pre-accession aid launched during the 2000 - 2006 programming period in relation to EU enlargement plans. While the sixth EAP envisaged that the candidate countries should integrate environmental protection requirements into Community Programmes including those related to development infrastructure (Art. 2), these states found sectoral integration quite challenging.²⁸⁷ Their potentially negative performance in this respect could not have been prosecuted through the legal procedure mentioned above but rather in the context of the accession negotiations and the financial assistance granted. One of the key financial instruments²⁸⁸ directed towards aiding applicant countries in meeting EU

²⁸⁴ Structural funding during 2000-2006 was split between four Structural Funds: ERDF, ESF, FIFG and EAGGF – Guidance. These were allocated across 4 Objectives (Objective 1 – regions lagging behind in development terms; Objective 2 – economic and social conversion zones; Objective 3 – training systems and employment policies and rural development and restructuring if the fishing sector beyond Objective 1) and 4 Community initiatives (Interreg III, URBAN II, EQUAL and Leader +). The Cohesion Fund was allocated to some Member States on a national basis (Report, 2009: 18)

²⁸⁵ *Op.cit.* 272

²⁸⁶ See Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1999] OJL161/1

²⁸⁷ *Op.cit.* 113

REC (2000), Applicant Countries’ Contribution to the 6th Environmental Action Programme, Budapest: Regional Environmental Centre, available at <http://www.rec.org/REC/Programs/6thEAP/> (Date of reference 14.04.2010)

²⁸⁸ Other pre-accession instruments which will not be touched upon here as they do not relate directly to waste management but were also launched in that period (2000-2006) were respectively the PHARE programme aimed at strengthening economic and social cohesion, and developing administrative and institutional capacity in preparation for the Structural Funds management (See Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People’s Republic [1989] OJ

‘heavy’ environmental requirements²⁸⁹ was the Instrument for Structural Policies for Pre-Accession (ISPA).²⁹⁰ It was developed as a forerunner of the Cohesion Fund and provided funding for environment and transport projects. Provisions assuring compatibility of the projects funded with EU environmental law figure throughout the regulation. These envisage environmental assessment in line with the EIA Directive for the purposes of project application and project approval (Art. 7; Annex I and II) as well as for assessment of environmental compatibility of EU assistance under ISPA ex-post (Art.11f; Annex IV) (See Table 2, Appendix I).²⁹¹

On the one hand, these provisions theoretically allowed for orchestrating the interaction of EU cohesion and environmental policies in Member States and candidate countries through reinforced EPI measures related to funding conditions and environmental assessments. On the other hand, in practice, the EU ‘normally relied on the affirmation of national authorities that a project conformed’ with EU environmental legislation especially in relation to non-major projects (Krämer, 2007: 166). Moreover, even in cases when the European Commission had been notified by local groups and environmental organizations that no environmental assessment had been made before a motorway or waste project was initiated, it is not clear in what number of cases the Commission had refused or halted funding. As Krämer underlines ‘[I] know of no case, and no publicly available document records any case, where financial assistance was ever definitely refused in an environmental case’ (2007: 439; Wilkinson, Benson and Jordan, 2008: 83). It must be admitted though, that it is beyond the capacity of the Commission to trace the implementation of the 316 Operational Programmes funded by the ERDF and Cohesion Fund (as of 2007) (Wilkinson, 2007: 14).²⁹² Applying EPI to infrastructural investment, would therefore, very much depend on the political will and the capacity of national and sub-national authorities as key domestic players.²⁹³

The role of domestic factors in balancing the interactions between EU cohesion and environmental policy can be considered even stronger in the context of the 2007 – 2013

L375/11; *Op.cit.* 201) and SAPARD targeted at rural development (*See* Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period [1999] OJL161/87)

²⁸⁹ *Op. cit.* 43

²⁹⁰ *See* Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73

Op.cit. 201

²⁹¹ A more detailed account of the application of ISPA can be obtained in Part III of this thesis in relation to the case of Bulgaria.

²⁹² *Op.cit.* 58

²⁹³ *See* Lenschow, 2002c; Krämer, 2007; Medarova-Bergström *et al.*, 2007; Jordan and Lenschow, 2008; Bachtler and McMaster, 2008, etc.

programming period.²⁹⁴ According to analyses of EU Structural and Cohesion Fund regulations as amended for the purposes of funding in that period, there is a certain retreat with regard to EPI that can be identified in their texts (See Table 2, Appendix I). The provisions that were applicable in the 2000 - 2006 cycle allowed for, even if in theory, refusal of financial assistance (for non-major projects) or recuperation of the sums paid in cases of non-compliance with EU environmental compatibility requirements (Krämer, 2007: 438; 166). This option is missing in the current regulations. As Krämer points out ‘the new regulations on the Community Funds enumerate some particularly serious cases, where the Commission may retain funds. The disregard of Community environmental law does not figure among these cases’. He underlines that this will lead to a situation where only legal proceedings in line with ex-Art. 226 TEC (now Art. 258 TFEU) would be the single way for tackling such instances (*Ibid.*).²⁹⁵

This marks a trend according to which environmental compatibility is left largely to the discretion of the Member States and is very much dependent on the ‘political rank’ environmental policy has had in these states (Krämer, 2007: 166). Decisions on Operational Programmes and major projects remain under the scrutiny of the European Commission in terms of their environmental impact. Yet, this is not entirely reflected in cases of non-major projects where national discretion is much wider.²⁹⁶

²⁹⁴ In the 2007-2013 programming period, the EU Council had come up with Community Strategic Guidelines on Cohesion, which have provided for the adoption of National Strategic Reference Frameworks and individual Operational Programmes by all Member States. A single piece of legislation, i.e. Regulation (EC) No 1083/2006 governs Structural and Cohesion Funds, i.e. as of 2007 the Cohesion Fund no longer co-finances projects but follows the programme approach of the Structural Funds. Financing is envisaged along 3 Objectives with the help of 3 financial instruments, as follows Convergence Objective covered by the ERDF, the ESF and the Cohesion Fund, Regional competitiveness and employment Objective through the ERDF and the ESF and European territorial cooperation Objective assisted by the ERDF. Bulgaria is eligible for funding under the first and the third objectives. See http://ec.europa.eu/regional_policy/atlas2007/bulgaria/index_en.htm (Date of reference 09.05.2010)
See Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25; Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 [2006] OJL210/1; Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1; Council Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94 [2006] OJL210/79; Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82; Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

²⁹⁵ See Report, EEA (European Environment Agency) (2009), Territorial Cohesion. Analysis of Environmental Aspects of the EU Cohesion Policy in Selected Countries, EEA technical report, No 10/2009, Copenhagen (p. 19)

²⁹⁶ To a certain extent this characterizes the situation in candidate countries as well (for the 2007-2013 these would be Croatia, Turkey, FYROM, Montenegro, and Iceland). For the 2007-2013 period, the overall EU

From this overview it can be seen that the incorporation of EPI in EU cohesion instruments, which was running parallel to the development of EU cohesion policy, has not been very consistent and cannot be qualified as unproblematic. Hence, it can be argued that, depending on the workings of domestic factors, EPI can, in practice, be implemented in a rather formalistic fashion (Lenschow, 2002c; Medarova-Bergström *et al.*, 2007; Krämer, 2007). If this is the case, it can in turn affect the overall interaction dynamics between EU environmental, waste and cohesion policies at the implementation stage.

3.2 EU Pre-accession Assistance/Cohesion Policy: Towards Implementation of Environmental and Waste *Acquis*

The complex character of these interaction dynamics can be well revealed by engaging in a short discussion on the influence of EU cohesion policy and pre-accession assistance on environmental protection and waste management as reflected in secondary literature and policy and legal documents. As seen from the overview of EU structural and pre-accession assistance instruments, EU cohesion and pre-accession aid are channelled towards assisting Member States and candidate countries financially and administratively. Environmental and waste management projects²⁹⁷ are co-financed by the EU through the ERDF, the Cohesion Fund and ISPA/IPA. The new Member States and candidate countries are particularly dependent on this financing as it assists them in the adoption of the *acquis communautaire* and, specifically in the case of candidate countries, prepares them for work with EU Structural and Cohesion Funds. The case of Bulgaria will be examined in the following Part III and will reveal the extent to which the EU has influenced Bulgarian waste policy. Prior to proceeding with this, however, here it is important to underline that the dependence on EU financing for the purposes of administrative and infrastructural development can contribute to the complexity of

pre-accession assistance towards them has been concentrated within a single Instrument for Pre-Accession Assistance (IPA) which has replaced the instruments used during the 2000 – 2006 programming cycle.

See Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82; Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

IPA is also targeted at potential candidate states that are respectively Albania, Bosnia and Herzegovina, Serbia and Kosovo (under UN Security Council Resolution 1244).

²⁹⁷ LIFE / LIFE + is another financial instrument for the environment created in 1992 but it will not be examined here as it does not directly relate to the implementation of waste *acquis* (the Landfill Directive, in particular) in Bulgaria; *See* Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) [2007] OJL149/1

See Krämer, 2007: 167

the Europeanization dynamics. Analyses of cases with EU funding in Member States going back to the 1990s reveal that apart from assisting development it can also happen to be environmentally problematic.²⁹⁸

EU funding is targeted at infrastructural investments which often neglect their own immediate or long-term impact on eco-systems, which is usually the case with transport (Interviewee-BG 11) and even with waste management projects. On the one hand, these conflicts between environmental and developmental considerations can be related to instances of problematic environmental assessments of projects, plans or programmes. These assessments can be non-compliant with EU EA requirements due either to lack of capacity or even due to a political decision. On the other hand, as was discussed in section 2, even if disposing of environmental impact assessment needed for the purposes of submitting major projects²⁹⁹ to the European Commission, authorities are able to choose among alternatives and select not so environmentally-friendly ones. Such a dilemma can, for instance, relate to the choice of waste disposal facilities (landfill, incineration or recycling) when environmental considerations often intersect with economic ones (Gille, 2005; Nilsson *et al*, 2009).

Due to such considerations, in its first annual review of activity of Funds back in 1990, the Commission stated that ‘on the one hand, there is a severe backlog of problems to be remedied, while on the other there is a risk that development measures financed by the Funds will aggravate the pressure on the environment (creating precisely the kind of problem that other funds are seeking to remedy) (Clement, 2001).³⁰⁰ This problem was further emphasized by the European Court of Auditors in 1992 (Scott, 1996).³⁰¹ It was also flagged in a number of Court cases³⁰² relating to the

²⁹⁸ See Scott, 1998: 128-147; Evans, 1999; Schumacher, 2001: 35; Lenschow, 2002c: 10; Lenschow, 2002: 219; Nollkaemper, 2002: 28; Dhondt, 2003: 160; Krämer, 2007: 167

²⁹⁹ *Op.cit.* 132

³⁰⁰ See Report, Commission of the European Communities, Annual Report on the Implementation of the Reform of the Structural Funds (1989), Brussels, 15.11.1990, COM(90)516 – final (p. 51)

³⁰¹ See Report, European Court of Auditors, Special report No 3/92 concerning the environment together with the Commission’s replies [1992] OJ C245/1: ‘Following the reform of the Funds, the Community departments are seldom aware of the exact details of the individual operations funded by the structural instruments, as decisions are essentially taken at national or regional level and, in many cases, during the execution of the programmes. The latter indicate the type of measures envisaged, but they do not specify what technology is to be employed or even, in many instances, the location, or even number, of investments...Financing by programmes makes it difficult to carry out examinations at Community level of the projects and thus take account of their environmental implications.’

³⁰² Case T-585/93 *Stitching Greenpeace Council (Greenpeace International) and Others v Commission* [1995] ECR II-2205; Case C-321/95P *Stitching Greenpeace Council (Greenpeace International) and Others v Commission* [1998] ECR I-1651; Case T-461/93 *An Taisce & WWF v Commission* [1994] ECR II-733; Case C-325/94p *An Taisce & WWF v Commission* [1996] ECR I-3727

For a detailed account of these, please, see Dhondt, 2003: 160; Schumacher, 2001; Scott, 1998; Scott, 1996

compatibility of EU Structural Funds with environmental requirements widely discussed in the legal literature.³⁰³

The European Commission has addressed these problems through the reforms of the EU cohesion policy instruments introducing direct reference and detailed provisions on environmental assessments of projects. Also, on a number of occasions it has threatened to withdraw funding in cases of breaches of EU environmental legislation. For instance, in 2000 the Commissioners for regional policy and agriculture jointly informed the Member States that funding would be dependent on their compliance with key EU environmental laws (Wilkinson, Benson and Jordan, 2008: 83). Yet, the actual ability of the Commission to block funding on the account of environmental violations should not be overestimated - even more so in the context of 2007 - 2013 Structural and Cohesion Fund regulations which are weaker in this respect. Much of the responsibility is devolved to the Member States and candidate countries. Environmental concerns over this weakness have been voiced in the last decade through on-going correspondence between environmental organizations like the Bankwatch Network and Friends of the Earth Europe on the one hand and the European Commission, on the other. These environmental organizations have expressed concerns over the European Commission plans to further devolve competences for managing EU funding to the Member States in its plans for the post-2013 programming period. They have also expressed dissatisfaction with a significant number of controversial major projects in the new Member States (waste-related and transport-related) and have drawn attention to the inefficiencies in environmental impact assessments and the need to reinforce transparency and public scrutiny over such projects. In 2009 these organizations indicated the existence of at least 55 controversial (at least to them) projects in Central and Eastern Europe, with the Bulgarian Sofia waste project featuring among them.³⁰⁴

In view of these complexities, it becomes evident that the adequate management and implementation of EU cohesion and pre-accession aid including the application of EPI through the provisions of the Environmental Assessment Directives in the process can affect the implementation of environmental and waste legislation in the Member States and the candidate countries. If successfully used, EU structural and pre-accession

³⁰³ See Scott, 1996, 1998; Schumacher, 2001; Dhondt, 2003: 160, etc.

³⁰⁴ See Letter from Bankwatch network and Friends of Earth Europe to the European Commission (DG Regional Policy and DG Environment) from 19 October 2009 available at: <http://www.foeeurope.org/billions/Letter%20FoEE-BW%20to%20DG%20Regio-ENVI%2019102009.pdf>; Letter from Bankwatch network and Friends of Earth Europe to the European Commission President Barroso from 11 May 2009 available at: http://www.bankwatch.org/billions/files/Letter_FoEE-BW_to_%20Barroso-11-05-09.pdf; See <http://www.bankwatch.org/billions/> (Date of reference 10.05.2010)

assistance and environmental assessments, in this context, become instrumental for achieving environmental protection objectives. Yet, reality works differently, isolating cases in which there is ‘lack of coordination between many of the very EPI instruments that are supposed to be delivering more policy coordination’ (Lenschow, 2008: 333). Such cases can be the instances of inadequate environmental assessments in project management and can lead to delays in applications for EU funding or to environmentally detrimental project outcomes. They point to the role of domestic factors mediating the interaction between environmental and cohesion policies in the national and sub-national arena that are often rendering these interactions quite unpredictable.³⁰⁵

As already underlined above, absorption of EU funding itself is hugely dependent on domestic variables at national and sub-national level.³⁰⁶ Therefore, whether Bulgaria, facing serious challenges in terms of waste management,³⁰⁷ will be able to successfully implement EU waste *acquis* is very much dependent on its way of handling EU funding. The implementation of EU cohesion and pre-accession funding regulations is in itself an extremely demanding task in terms of institution-building and learning. Failures in the management of spending can have not only negative financial (expressed in loss of funding) and environmental implications but also a political ‘shaming-and-blaming’ effect. As it will be seen from the discussion on Bulgaria in Part III, any Commission interventions of this sort are highly politically sensitive (Wilkinson, Benson and Jordan, 2008).

Failures in funds management would also indicate that money earmarked for projects that are critical in terms of meeting EU waste requirements and specific transition deadlines (as it was the case with the Landfill Directive in Bulgaria) are not being absorbed. That, in turn, could lead to environmental infringement proceedings launched by the European Commission in the long run. The latter situation can be observed in relation to the Sofia waste case in Bulgaria which was referred to the Court of Justice of the European Union by the European Commission on the basis of Art. 258 TFEU (ex-Art. 226 TEC) in November 2009 (See Table 1, Appendix I).³⁰⁸

The objective of this discussion is not to analyse the performance of Bulgaria in terms of EU structural and pre-accession assistance management. It would be unrealistic

³⁰⁵ See Part I, Chapter 1

³⁰⁶ See Krämer, 2005; Bache and George, 2006; Marinov *et al*, 2006; Bache, 2008; Allen, 2008; Bachtler and McMaster, 2008, etc.

³⁰⁷ *Op.cit.* 58

³⁰⁸ See Part III, Chapter 7

to make conclusions on how efficiently EU funds have been used at such an early stage of cohesion policy/pre-accession implementation after the country's EU accession in 2007 (Baun and Marek, 2008a). The objective here is rather to explore the significance of policy interactions already identified in existing academic literature, policy and legal documents, with a specific focus on the interdependence between EU environmental, waste and cohesion/pre-accession policies. As explained in Part I, the present research takes policy interactions as a 'domesticated' variable, with the argument that these interactions should not be ignored as, along with other domestic factors, they can potentially affect implementation performance and policy change in different sectors such as waste management. The case of the Europeanization of the Bulgarian waste policy that is to be examined in the following Part III of this thesis, offers an empirical illustration of the role policy interactions (more specifically, the interactions of environment, waste and cohesion policies) can play in the Europeanization process.

Conclusions

Towards clarifying the concept of policy interactions as adopted here, particularly in relation to the interplay among EU environmental, cohesion/pre-accession and waste policies, the present chapter firstly offered a discussion on policy interactions as presented in academic and policy sources. Secondly, it related this discussion to the discourse on environmental policy integration addressing the main EPI debates. And finally, the chapter offered an overview reflecting the interrelatedness of EU environmental policy and EU structural and pre-accession aid, in particular, maintaining that the link between these two policies can bear direct relevance to waste management in Bulgaria. Ultimately, the case study will show how feasible this assumption is.

The following Part III will examine the Europeanization of waste policy in Bulgaria. By scrutinizing Bulgarian implementation performance in waste management, this examination will strive to find to what extent Bulgarian waste policy has been Europeanized. Towards this end, the following chapters will engage in a careful process tracing and will attempt to identify the main factors responsible for the performance and modes of change in the waste sector of this country. The role of EU policies, policy interactions (as a 'domesticated' factor) and path dependent domestic factors will be taken into consideration in the course of this discussion.

PART THREE

Europeanization of Waste Policy in Bulgaria

Being an ex-communist state, Bulgaria has faced serious challenges of overcoming environmental degradation, infrastructural neglect and the public philosophy of taking natural resources as 'free goods', all of these being commonly inherent 'myths' of planned economies (Carter and Turnock, 1993; Pavlínek and Pickles, 2005; Carmin and VanDeveer, 2005). Interestingly, these challenges happen to be concentrated and well demonstrated within the sphere of waste management in Bulgaria. Inadequate waste disposal practices have resulted in serious environmental pollution (of air, water and soil). They have been associated with the accumulation of dismal infrastructural legacies such as 'environmentally-unfriendly' landfills or dumpsites. And they have reflected the nation's neglect of the environment with carpets of rubbish covering the urban and provincial areas and dustbins overflowing with mixed and malodorous litter.

Unavoidably, such problems have triggered chain effects into other environmental or non-environmental areas such as public health, economy, transport, tourism or even the fiscal regime.³⁰⁹ Despite this, the sectoral implications of waste management have long been undervalued in the face of pressing national economic priorities and have been flagged mainly at election times (Minutes 1, 04.07.2008). What is more, waste policy has been organized within the framework of a historically-burdened administrative apparatus at national and sub-national level.

The end of communism has marked the start of a period of transition with Bulgaria embracing modernization and heading towards EU accession. This process brought changes in waste management as well. It is questions pertaining to the pace and the extent to which Bulgarian waste policy has been Europeanized since this critical juncture that are of a particular interest here. While appreciating the transformative role of the European Union, the present discussion engages in a careful process tracing with the ambition to identify other, domestic and 'domesticated' factors which potentially intervene in the Europeanization process. The transposition and implementation of EU waste management legislation are certainly not easy and straightforward tasks. Even if, on the face of it, transposition undergoes smooth progress, implementation still remains a serious challenge (Krämer, 2005). Understanding the reasons behind this by examining trends in implementation performance can help us obtain an idea as to the

³⁰⁹ See Ecotec Research and Consulting (2001), *The Benefits of Compliance with the Environmental Acquis*, Contract B7-8110/2000/159960MAR/HI, Brussels

type and direction of change Bulgarian waste policy has been undergoing since the engagement of Bulgaria with the European Union. In its 1997 Opinion on Bulgaria's application for EU membership, the European Commission qualified waste policy in Bulgaria as 'an area of major concern' characterized by 'elementary' practices.³¹⁰ Interestingly, this message does not sound much different to the Commission's very recent (2009) assessment of the waste problem in the Bulgarian capital as a case of deficient implementation of European waste legislation and total waste management failure.³¹¹ The latter gives the impression that waste remains an area of major concern for Bulgaria in 2009, as it was in 1997. Yet, it is necessary to obtain a much more detailed picture on the transposition and implementation of EU waste legislation in order to be able to make any further speculations of this sort.

Given the wide scope of the waste management *problematique*, the lengthy period of time and the multiple variables considered when examining waste policy in Bulgaria, it is necessary to make strict delineations as to the empirical focus and the logic of presentation of the research findings adopted in this Part III of the thesis.

Firstly, as already explained in the Introduction and Chapter 1 (Part I) delineating the research model that is to be applied, the first milestone of the present discussion concerns the identification of relevant EU level processes impacting the domestic arena. The EU political and legislative agenda in the sphere of environmental protection, which, as seen from the findings of Part II, is characterized by strong cross-sector features, is taken as an independent variable working its way through a hierarchical 'enlargement governance' setting (Dimitrova, 2002; Bulmer and Radaelli, 2005). Part II offered detail on what is being 'downloaded' by Bulgaria by way of legal requirements (Chapter 3) as well as their possible implications across sectors (Chapters 3 and 4). The focus of discussion has been placed on examining the transposition and implementation of the Landfill Directive in Bulgaria and the 2006 consolidated version of the Waste Framework Directive insofar as it relates to the former.³¹² The present discussion proceeds with the case of Bulgaria highlighting developments with municipal waste as defined by the Landfill Directive: 'waste from households, as well as other waste which, because of its nature or composition, is similar to waste from household'.³¹³

³¹⁰ See Commission Opinion on Bulgaria's Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11 (p. 94); See Appendix II.4

³¹¹ *Op.cit.* 39

³¹² *Op.cit.* 6

For more details on these Directives see Part II, Chapter 3 on 'European Union Environmental Law and Policy'.

³¹³ *Op.cit.* 6, 46, 158

Secondly, in order to accentuate the transformative influence of the EU, it is important to provide insight into waste management practices prior to the engagement of Bulgaria with the European Union. Such an account also helps in identifying traits of pre-existing policies with their infrastructural implications and underlines the relevance of embedded and path dependent factors. Furthermore, the latter also allows for estimations as to the ‘goodness of fit’ between what is being downloaded from the EU in view of how it fits with Bulgarian municipal waste policy before and after the Europe Agreement (8 March 1993),³¹⁴ as well as to the extent of change necessary towards complying with EU requirements. As shown by Europeanization writings, the latter can serve as orientation as to the intensity of adaptational pressures exercised upon the Bulgarian environmental and waste sectors as well as to their implications for implementation performance and policy change.

Thirdly, as discussed in Chapter 1 (Part I) seeking to address the research question it is also important to determine the relevance of endogenous factors that emerge in the process of transposition and implementation of EU waste legislation in Bulgaria. The salience of two categories of factors is to be considered in the empirical discussion. These are respectively, domestic factors that have already been examined in Europeanization research such as multiple veto points, mediating formal institutions, political and organization cultures, differential empowerment of actors, learning and political or partisan contestation. Along those factors, the role of a ‘domesticated’ variable reflecting the workings of policy interactions at the level of implementation in the national arena is placed under scrutiny to see whether it can be regarded as a critical factor in determining implementation performance and policy change. The two-way interaction between environmental and cohesion/pre-accession assistance policies is taken as particularly relevant for waste management in light of the discussions on the interdependence between these policies in Chapter 4 (Part II).

Fourthly, exploration of trends in the formal and practical transposition of EU waste and environmental *acquis* in Bulgaria pre- and post-accession reveals the way the country has scored against EU requirements in terms of implementation performance and the extent to which policy adjustments have translated into actual change (dependent variable).

In terms of presentation, Part III of this research follows a chronological logic as this appears most suited for accommodating the process tracing approach³¹⁵ undertaken

³¹⁴ *Op.cit.* 7

³¹⁵ See Part I, Chapter 2 on ‘Research Methodology’

here. The latter gives due consideration to the complex interrelations between EU, domestic and ‘domesticated’ variables over the lengthy period of time examined. At the same time, accentuating trends and scrutinizing the empirical material for traits of the above mentioned domestic and ‘domesticated’ factors aids in avoiding the static effect of purely chronological accounts.

Towards introducing systematic description and analysis, Part III is organized as follows. Chapter 5 traces waste management practices in Bulgaria from pre-historic to modern times and identifies the end of communism and the orientation of Bulgaria towards the European Union as a critical juncture. Chapter 6 follows developments in Bulgarian waste management from 1993 when the Association Agreement³¹⁶ was signed to the Accession Treaty (2005).³¹⁷ Chapter 7, in turn, focuses on the period beyond the Treaty of Accession and considers developments up to 2010.³¹⁸ Chapter 8 offers a discussion on the findings of the preceding chronological chapters and revisits the research model, the research question and the research hypothesis proposed in the Introduction. The main points of discussion relate to the role of the European Union in guiding implementation and inducing change in Bulgarian waste policy. They also take account of the role of domestic and ‘domesticated’ factors influencing the transposition and implementation of EU waste legislation in Bulgaria. Ultimately, conclusions are made on the extent to which Bulgarian waste policy is Europeanized.

³¹⁶ *Op.cit.* 7

³¹⁷ *Op.cit.* 8

³¹⁸ *Op.cit.* 10



Chapter 5

Waste Management in Bulgaria: from Pre-history to Modernity and up to Signing the Association Agreement with the European Union (1993)

Introduction

To lead into the empirical discussion on the Europeanization of Bulgarian waste policy, it is important to go back to the origins of waste management in Bulgaria and trace the path that it took, or in other words, to find ‘how it got’ where it is at present (Pierson, 2000: 252). This chapter, therefore firstly, offers an overview of waste management practices in Bulgaria from pre-historic times to the 1990s. It identifies traits of pre-existing waste policies and emphasizes that in the case of Bulgaria, EU waste *acquis* have not been ‘downloaded’ to a *tabula rasa* (Offe, 1996: 219). If taking a holistic approach to Bulgarian environmental and waste regulation at the outset of the country’s engagement with the European Union, it is beyond argument that in terms of policy content Bulgaria lacked a coherent legislative framework tackling waste management. At the same time, however, previous waste practices had existed and left their imprint on the sector by way of infrastructural legacies and path dependent patterns embedded in policy structures and policy styles.

The second contribution of this chapter is to accentuate the start of the relations between Bulgaria and the EU as a critical choice and a juncture marking the end of communism and the orientation of Bulgaria to EU accession. It delineates key political, economic and environmental implications of the ex-communist regime in the country and identifies a misfit between the existing reality in terms of policy content and EU environmental and waste requirements at the time of the Europe Agreement (1993).³¹⁹ The workings of the endogenous path dependent variables sought in the empirical material can reveal the extent to which these variables remain salient following the start of Bulgarian-EU relations.

1. Waste Practices in Bulgaria up to the 1990s

³¹⁹ *Op.cit.* 7

As a Bulgarian academic has pointed out ‘the waste disposal problem is as old as the world’ (Dimitrov, 2007).³²⁰ His observation draws on findings from the Palaeolithic Age (200 000 to 12 000 BC) according to which the first *homo sapiens* lived in small dispersed groups. They were not acquainted with agriculture or stock-breeding of any sort and were engaged mainly with hunting, fishing and fruit picking, leaving mostly bones as waste. With more advanced civilization setting in, this lifestyle changed with people abandoning caves, settling along river shores and engaging in farming, mining and smelting. Together with these activities, waste started piling up.

Archaeologists building ethnographical profiles of old civilizations have strongly relied on this type of waste findings in order to make conclusions on regional customs. The diversity of waste disposal methods used has also been taken as an important reference point in this respect. In his discussion on the history of waste disposal, Williams (2005) goes back to 500 BC when in Athens, Greece a law was adopted forbidding waste to be thrown in the streets and foreseeing that it is transported by scavengers to an open dump one mile outside of the city. Williams also refers to the first records of waste being burned in the early years of the first millennium in Palestine as well as to reports of a waste dump site outside Jerusalem which had been compared to hell (p. 1).

Bulgarian ancestors maintained a different and quite peculiar practice for more than 3 - 4 thousand years. They used to throw waste out of their houses gradually surrounding themselves with piles of rubbish without making any attempt to clear them. Then every 20 to 30 years they burned the whole village together with the waste, levelled the terrain and rebuilt their houses. These repetitions transformed plane areas into more hilly ones with hills built out of waste growing 15 - 20 metres high (Dimitrov, 2007). There are over 300 such hills in Bulgaria.³²¹ With the establishment of towns in the Middle Ages, this technique gave way to landfilling, which had persisted as the predominant waste disposal method in the country up to present days.³²² The town authorities organized daily collection and transport (by carts) of the waste out of towns

³²⁰ Dr Bozhidar Dimitrov Stoyanov is a Bulgarian historian, PhD and ex-Minister without portfolio (Minister until 20.12.2010; recently involved in a number of political scandals resulting from his poignant comments and qualifications of Bulgarian politicians).
See <http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0232&n=17&g=> (Date of reference 17.09.2010)

³²¹ One of the most renowned hills is the so-called Karanova mogila (Karanova hill)

³²² See National Waste Management Programme (1999–2002), Sofia, 18.03.1998; National Waste Management Programme (2003–2007), Sofia, 11.12.2003; National Waste Management Programme (2003–2007), revision and extension of the Action Plan through 2008, Sofia, 13.02.2008; National Waste Management Programme (2009–2013), Sofia, 09.01.2009

where it was landfilled into natural or artificial ‘dump holes’ which once filled were covered with earth (Dimitrov, 2007).

During the time of the Ottoman rule in Bulgaria (XIV – XIX), the ‘neatness’ of this waste management practice deteriorated. Many foreign travellers³²³ reported that the Bulgarian and Ottoman settlements were covered with piles of rubbish thrown into yards and vacant sites within the villages and towns. This practice brought severe epidemic diseases and death during the XVI – XVIII centuries. According to historians, the Turkish suffered the most from these epidemics, as they found it safe to remain in towns despite the outbreak of disease, whilst the Bulgarian population fled into the mountains and forests waiting for the epidemic to go away. There were instances when villages which had been undergoing serious waste pollution for 100 - 150 years were being deserted and new villages were being built within a distance of one or two miles from the old ones. This practice marked an interesting phenomenon, common to Bulgarian ancestors in earlier times as shown above, of people moving away from waste rather than moving waste away from them.

The first records of attempts on behalf of the Turkish authority to remedy the waste problem were from the time of the Crimean war (1853 - 1856). The governor of the Northern Bulgarian region, Mithad Pasha took measures in line with European practices. These measures involved regular collection of waste in the towns and waste disposal away from their boundaries (*Ibid.*).

Since then, waste management had not been subject to specific change for quite a while.³²⁴ It was rather subsumed under a more general political and environmental protection agenda. Crucial events for the history of the Bulgarian state followed such as the Russian-Turkish war (1877 - 1878) and the liberation of Bulgaria from Turkish rule (3 March 1878).³²⁵ On the 16th April 1879, a Constitution of the Bulgarian Principality was adopted³²⁶ settling basic matters of the state rather than referring to individual policies such as environmental policy. Environmental regulation came later predominantly in relation to nature protection and forestry, in particular. A sizeable

³²³ See for instance Beaujor, F. (1794-1799) ‘Military Expedition’, *French Travel Notes*, 425-427

³²⁴ Local waste practices continued with waste collection, transport by carts and disposal out of the towns. For instance, see <http://www.vidin-online.com/istoria/kmetove.php> (in Bulgarian) (Date of reference 20.07.2010)

³²⁵ There have been debates among historians as to the correct labelling for the period during which the Bulgarian state had been subordinate to the Ottoman Empire. According to some authors it is a period of Turkish ‘presence’ in Bulgaria while others consider this time more as a period of Turkish ‘rule’ or ‘yoke’.

³²⁶ Also referred to as the Tarnovo Constitution (after the name of the town of Veliko Tarnovo which was a temporary capital of Bulgaria (1879) following the Liberation).

The 1st Bulgarian Government was appointed on 17 July (5 July old dating style) 1879 by kniaz Alexander I with the objective to prepare the first elections for a Common National Assembly.

number of Forest Acts were issued starting from 1883 (also in 1889, 1897, 1904, 1922 and 1925).³²⁷ These were institutionally reinforced by the foundation of a Council for the Protection of the Countryside in 1928 and the establishment of numerous national parks (Carter, 1993: 38; Baker and Baumgartl, 1998: 189). In support of this environmental protection momentum, an Act on the Protection of Native Nature was issued in 1936 (in force until 1960 when it was replaced by a nature protection decree and by an amended act in 1967) (Georgieva, 1993: 70).

Following the upheavals of the Second World War and the establishment of a communist regime in Bulgaria,³²⁸ however, environmental considerations were pushed down the ladder of national priorities (Carter, 1993; Baker and Baumgartl, 1998). The only environmentally-related reference made in the new Constitution of the People's Republic of Bulgaria adopted in 1947³²⁹ concerned the arrangement of state ownership over all natural resources, forests, water and mineral springs (Art. 7). And it was not until the 1960s that environmental issues were re-addressed. The 60s saw attempts in most of the then socialist countries to develop environmental policies (Georgieva, 1993). Bulgaria was not an exception to this, adopting a number of environmental regulations such as a Forestry Act in 1958, a Decree on the Protection of the Countryside in 1960, a Nature Protection Act in 1967 and also including environmental themes into the so-called Five-Year Plans (Carter, 1993; Baker and Baumgartl, 1998). A particularly important step towards restoring environmental protection on the political and legislative agenda was the adoption of a Law on the Protection of Air, Waters and Soil from Pollution (1963).³³⁰ This law provided for waste management measures too. Art. 15 stipulated that People's Councils³³¹ were responsible for organizing the removal

³²⁷ See National Assembly archives 1879 – 1944 at <http://www.clio.uni-sofia.bg/BG/Ab05.html> (Date of reference 20.07.2010)

³²⁸ The Bulgarian Communist Party came to power following a *coup d'état* on 9 September 1944. The country (a monarchy until then) obtained the status of a 'people's republic' after a referendum on 15 September 1946. The first Bulgarian Government chaired by a Communist (Georgi Dimitrov) started work on 23 November 1946. It was based on a coalition of the following party formations Bulgarian Labour Party (later renamed into Bulgarian Communist Party), Zveno (1927 – 1949), Bulgarian Agricultural People's Alliance (BZNS), Bulgarian Workers' Socio-Democratic Party (BRSDP). Gradually the Bulgarian Labour Party (BRP) began dominating the Government. It was renamed into Bulgarian Communist Party (BKP) in December 1948 (Tashev, 1999; <http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0034&g=> (Date of reference 19.07.2010))

³²⁹ See Constitution of the People's Republic of Bulgaria from 6 December 1947 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=5> (Date of reference 20.09.2010)

³³⁰ See Law on the Protection of Air, Waters and Soil from Pollution prom. SG 84/29.10.1963. The amended version as of SG26/02.04.1968 is discussed here. The law underwent many amendments including an amendment changing its title into Law on the Prevention of Soil Pollution as of 1996, SG 45/1996, SG 67/1999

³³¹ These were municipal and district councils partially performing the functions of the modern municipal councils. Their competences were outlined in Chapter V 'Local Organs of the State Authority' of the now (since 1991) repealed Constitution of the People's Republic of Bulgaria from 6 December 1947 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=5> (Date of reference 20.09.2010)

and disposal of household and street waste as well as of other waste generated in residential and recreation areas. It also envisaged financial penalties for the directors of enterprises, establishments or organizations who did not take appropriate measures for the collection and disposal of waste in approved sites (Art. 20b).

Another legal act, the Regulation on cleaning of residential areas³³² adopted in 1966, continued this policy line. Its focus was on the organization and maintenance of a clean environment in built-up areas. With regard to waste management, this involved the ‘displacement of waste...its disposal through composting or any other operation, its collection from pavements and lanes, and transport’ (Art. 2a). The only reference the regulation made to waste ‘dumpsites’ and ‘composting fields’ concerned the obligation of People’s Councils to select sites outside built-up areas (Art. 7). These sites had to be constructed at a distance of at least 3 km³³³ from these areas in a windward location (Art.7a). The composting fields had to be further than 1 km away from towns with a population of up to 30 000 citizens and further than 3 km away from towns with a population of over 30 000 people (Art. 7b). The Regulation included some general guidance on handling hazardous (for humans and animals) waste such as highly flammable, polluted biodegradable waste and hospital waste, providing that it had to be incinerated ‘at safe (in terms of fire safety) sites’ (Art. 12, paragraph 3). The clause this Regulation was mostly criticized for, especially in the 90s prior to it being repealed, was related to a ban on ‘burning waste in the yards, streets, squares, parks and gardens, etc. in the towns of Sofia, Plovdiv, Ruse, Burgas, Veliko Tarnovo, Pernik, Gabrovo and Pleven’ (Art. 11). According to a Bulgarian academic, this was a particularly ‘serious shortcoming’ of this regulation as it was illogically excluding other towns from the above list (Penchev, 1992).

Other problems related to the fact that many of the provisions of this Regulation had been superficially implemented in practice. Among those was the requirement for a landfill site to be allocated at a distance of 3 km from residential areas. Some sites were being situated within less than 3 km (Interviewee-BG 23).³³⁴ Inconsistencies of this sort have provoked questions as to the practical implications of such provisions and have made these rules appear as ‘law on paper’ only. They have also raised concerns over the

³³² See Regulation on cleaning of residential areas adopted by the Council of Ministers prom. SG 79/11.10.1966

³³³ 1 kilometer (metric system) equals 0.6214 of a mile (Imperial system)

³³⁴ For reference to Interviewees, please, see Appendix II.7
Op.cit. 190

impact of authoritative and environmentally uninformed decisions favouring actors' interests or other policy priorities, on environmental protection and population health.

At the same time, legal provisions created an illusion that 'the state really cared about the environment' (Carter, 1993: 42). A Regulation setting out rules for the implementation of the Law on the Territorial Organization and Settlement (1973)³³⁵ introduced specific requirements on the selection and construction of landfill sites (Art.201). These requirements provided that waste collection and disposal sites were built, organized and operated on the basis of approved projects. Such projects were meant to ensure the protection of ground and surface waters from pollution, as well as the rehabilitation of landfill terrains (Art. 201(3)).

This approach was continued in the 1978 amendment of the Regulation setting out rules for the implementation of the Law on the Protection of Air, Waters and Soil from Pollution.³³⁶ While, until that time, this Regulation had not included a specific clause on waste landfills, a newly introduced article (Art. 48a) envisaged control over the construction and maintenance of landfills and disposal facilities as well as corrective measures in cases of malpractice. A Committee for the Protection of the Natural Environment, established in 1976, was entrusted with these competences.³³⁷ This Committee was a successor to the first Ministry of Forestry and Environmental Protection in Bulgaria founded at the beginning of the 1970s (Carter, 1993).³³⁸

This seemingly strong movement towards including environmental protection among state policies can also be seen from the amendment of the Constitution of the People's Republic of Bulgaria in 1971.³³⁹ Art. 31 stipulated that '[t]he protection of nature and natural resources, of the water, air and soil as well as of the cultural heritage is an

³³⁵ See Regulation setting out rules for the implementation of the Law on the Territorial Organization and Settlement adopted by the means of a Decree No 31 of the Council of Ministers prom. SG 62/07.08.1973
Another relevant regulation from the 1973 was the Regulation on the temporary sanitary and technical norms and rules No 0-44 for the treatment of solid waste in populated areas prom. SG 55/1973

³³⁶ See Regulation setting out rules for the implementation of the Law on the Protection of Air, Waters and Soil from Pollution adopted by the means of a Decree No 45 of the Council of Ministers from the 24 September 1964 prom. SG 80/09.10.1964 amended SG 09/31.01.1978

³³⁷ By force of a Decree No 873/19.06.1976 of the State Council, the Ministry of Forestry and Environmental Protection transferred its engagement with environmental protection to a newly established Committee for the Protection of the Natural Environment attached to the Council of Ministers. Ministerial order No 126/19.06.1976 specified the objectives, the human resource and the structural organization of this Committee. Its aims related to (1) organization and coordination of measures for the development of a regulatory system for environmental protection; (2) coordination and control of the national environmental protection programme; (3) coordination and control of the activities ensuring the rational utilization of natural resources; (4) applying specialized control over environmental protection. Ministerial Decree No 89/29.10.1976 outlined the committee's tasks and functions.

³³⁸ See Appendix II.2

³³⁹ See Constitution of the People's Republic of Bulgaria 18 May 1971 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=6> (Date of reference 20.09.2010)

obligation of the state authorities, enterprises, cooperatives and public organizations and a duty of every citizen’.

According to analysts, this commitment was more of a declaratory nature rather than of practical consequence. The communist government maintained a ‘facade of environmental care’ creating a situation where there was a growing gap between the official stance on environmental pollution problems and the ecological reality (Carter, 1993: 42). Practical steps towards preserving the environment intact from industrial pollution and public carelessness were taken predominantly in specific cases, in villages and cities native to communist party officials. It was a matter of prestige for such officials to protect these areas from ‘dirty industrialization’, thus, keeping up with a socialist version of the NIMBY (Not In My Back Yard) syndrome, the so-called NIOLOGY (Not In Our Leaders’ Back Yards) (Georgieva, 1993).

At the same time, the governing style of the time involved burdensome and long administrative procedures necessitating the participation of too many actors, often interconnected within ‘intimate networks’, in the implementation cycle, thus hiding ineffectiveness behind the facade of heavy bureaucracy (Interviewee-BG 2, 23; Carter, 1993; Medarova-Bergström *et al*, 2007).

According to authors, another reason for this ineffectiveness and the environmental degradation that followed was the fact that environmental crises were ‘symptoms of an economic crisis of state socialism’ unfolding in the 1970s and 1980s (Pavlínek and Pickles, 2005: 241). Hence, at the end of the 1980s in Bulgaria, there were not only pollution and environmental indifference left but also a severe scarcity of resources (human, technical, financial, institutional and legal) (Krämer, 2005: 290). All of these have had serious consequences in terms of policy development and implementation. With regard to waste management, particularly critical have been the infrastructural legacies, the shortage of resources as well as the inherited ‘political clientelism’ and public apathy (Cellarius and Staddon, 2002; Jehlička and Tickle, 2005: 86; Vasilis, Getimis and Paraskevopoulos, 2006: 226; Bozhilova, 2008).

If applied to the research model outlined in Part I of the thesis, these findings point to the significance of the following indigenous variables in Bulgarian environmental and waste policies, in particular, prior to the 1990s. Firstly, environmental protection issues were working their way through ‘intimate networks’ and competing with conflicting policy priorities. Thus, they were often being overshadowed by the prevailing interests of veto players, with the latter camouflaged within the collective amalgam of the centralized party structure. Secondly, the existing formal institutions featured as

structural opportunity units in this centralized party web of policy structures. They were lacking capacity and resources and were engaged in simulation of policy implementation rather than in policy implementation as such. This is well shown by the third prominent factor that needs to be accentuated here, pertaining to the political culture and style of the time characterized by ‘legal nihilism’ (Tanchev and Belov, 2008: I-12) and excessive clientelism (Vasilis, Getimis and Paraskevopoulos, 2006: 226). The latter led to the fourth factor related to the empowerment of domestic actors at national or/and sub-national level having the ‘right’ political connections to achieve their goals. All this ultimately resulted in environmental degradation, infrastructural neglect and the emergence of an environmentally undisciplined and apathetic society (Interviewee-BG 2, 7, 9, 16 and 23).

2. Between Communist Legacies and EU Aspirations: Pre-accession Period prior to Signing the Association Agreement with the EU (1993)³⁴⁰

The collapse of the communist rule in Bulgaria in November 1989 marked the end of a highly centralized and repressive totalitarian regime in the country. Yet, the latter had left its imprint on all spheres of life, thus, predetermining the start of a long and turbulent period of transition (Baker and Baumgartl, 1998: 185). Three key contextual features of this period such as political instability, economic crisis and inherited environmental degradation need to be underlined here as they have all (among others which fall beyond the scope of this research) had their share in stalling Bulgarian reform.

The first one relates to the political instability in the country since the first ‘free’ elections in June 1990. This instability was reflected by excessive multiplication of party formations, by party splits and high turnover rate of government (*Ibid.*). The latter also marked the emergence of a multi-party system (contrasting to the years of communism) accommodating the interests of multiple players aggregated along conflicting political and partisan agendas. There were five changes of government between February 1990 and October 1994, merely for a period of four years.³⁴¹ The first Government that came to power after the 1990 elections represented the Bulgarian Socialist Party (BSP) which was considered the ‘least reformed of all the former Communist parties in Eastern Europe’ (Baker and Baumgartl, 1998: 186). It managed to

³⁴⁰ *Op.cit.* 7

³⁴¹ *See* Appendix II.2

preserve its positions in the Bulgarian political life and its members benefited from extensive control of the state and the economy until 1997 (Vachudova, 2009). This marked a political climate characterized by corrupt relationships between state officials and economic actors as well as by a merger between bureaucracy and politics (*Ibid.*; Ganev, 2001, 2007; Dimitrova, 2002: 180).

The inability to depose old elites was particularly severe at the sub-national level where old and new leaders were in practice the same people (Baker and Baumgartl, 1998: 186). This led to a situation in which new laws were being administered and implemented in the old political style and within the old 'intimate networks' (Medarova-Bergström *et al*, 2007). The latter development had significant implications in the context of waste management given its predominantly local nature. It allowed for the concentration of veto power at the sub-national level and the penetration and entrenchment of veto players within the weak formal institutions there, thus setting the scene for confrontation horizontally in the sub-national arena, and vertically with the national institutions, rather than for partnership with them, depending on the 'political wind blowing'.

The persistence of such contested relations was bound to have negative implications in terms of administrative capacity of formal institutions as well. Once in power nationally and/or sub-nationally, parties aimed at preserving their control over the administration dismissing civil servants from opposition forces and 'installing' their own loyal officials (Dimitrova, 2002: 183). Opposition parties, among which were the environmental formations most actively pursuing the change of regime at the end of the 1980s and beginning of the 1990s such as *Ecoglasnost* and the Green Party, got involved in internal party struggles and remained too weak to influence the political *status quo* (Carter, 1993; Baker and Baumgartl, 1998).

The second feature of the transition period that has to be accentuated here concerns the severe economic crisis which 'plagued' the Central and East European countries after 1989 (Bozhilova, 2007). Bulgarian economic transition was no exception in this respect. The country faced serious hyperinflation in 1995 and 1996, stopped servicing its high foreign debt (inherited from the communist regime) and scared potential investors and foreign partners away by showing that it was not coping well enough as a market economy (Baker and Baumgartl, 1998: 187-188; Bozhilova, 2007: 12). These problems spilled over into other sectors, causing financial constraints on their reform as was specifically the case with environmental protection (Georgieva, 1993: 68, 70).

Weaknesses in the capacity of formal institutions at national and sub-national level manifested the effects of these financial constraints in a particularly tangible way.

In this context environmental political commitment was yielding to pressing economic concerns (Baker and Baumgartl, 1998: 188). The resulting impact on the sphere of the environment, and related sub-sectors such as waste management, was evident in two ways at least. Firstly, during the first few years after the end of the communist regime, there was a clear discrepancy between unrealistic environmental goals in the spirit of ‘the past tradition of wishful thinking’ and the actual low interest in immediate action both in terms of legislative change and implementation outcomes (Georgieva, 1993: 73). This practice was evidenced by the fact that the financing of environmental programmes, such as the 1990 emergency programme for restoration and protection of the environment, was only partially procured. According to authors, the rationale behind this strategy was to ‘set targets too high for the non-communist inheritors and by that, to predetermine their policy failures’ (*Ibid.*). Hence, the second serious problem of Bulgarian environmental commitment was that, despite public assurances that the environment was considered a high national priority, this certainly was not the case. In fact, very little was done to integrate environmental protection objectives in the overall transitional policy framework (*Ibid.*; Carius *et al*, 2001).

The latter led to the third, most tangible evidence of the weaknesses in Bulgarian environmental protection policy at the beginning of the 1990s. This was the state of the environment itself. Although degradation was not among the worst in CEECs, it still presented a serious cause for concern due to its long-term irreversible character and sectoral implications (Caruis *et al*, 2001). Environmental pollution was partially due to harmful waste management practices with landfilling being the dominant disposal method. According to the data presented in the Bulgarian State of Environment Yearbook for 1990, household solid waste was disposed in about 300 organized and 1 300 small village landfills known to the authorities.³⁴² Most of the existing landfills

³⁴² It should be underlined that there were serious data deficits and controversies with regard to waste quantities (as there were no weighing facilities) and numbers of supervised or unsupervised (including illegal) landfills (Caruis *et al*, 2001).

See State of Environment Yearbook 1990 issued respectively in 1991; The Council of Ministers had an annual obligation to develop a report on the state of the environment which after being adopted by the National Assembly was promulgated as a State of the Environment Yearbook in line with Art. 4 of the Environmental Protection Act prom. SG 86/18.10.1991. The 2005 amendment of Art. 22 (SG 77/27.09.2005) of the repealing Environmental Protection Act prom. SG. 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.09.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.08.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG

were uncontrolled and were perceived as unsafe (Georgieva, 1993; Carius *et al*, 2001). Such unmonitored landfills were potentially harmful in a number of ways.

Landfills with improper lining allow leachate to contaminate ground and surface waters, thus, putting local populations at risk. Landfill gas (methane) leaks are potential causes for explosions. Dioxins are released from waste combustion on sites. Inadequate waste compacting allows waste to be spread to neighbouring areas. Landfill sites attract rodents (rats), which can be disseminators of disease (Williams, 2005).³⁴³ These particular landfills presented even higher risks as they were not fenced, allowing easy access for people and animals. Mixed waste (including both hazardous³⁴⁴ such as hospital or industrial waste and non-hazardous waste) was being deposited there without any control.³⁴⁵ There also used to be very dangerous and environmentally unacceptable practices of incinerating waste at the landfill sites.³⁴⁶

This account gives an idea about the scale of the waste management problems and their environmental implications in Bulgaria at the beginning of the 1990s. Remediating those in a sustainable way would have required the development of a coherent legal framework dealing with waste management, substantial investments for the closure and remediation of unsanitary landfills and the construction of alternative waste disposal facilities, as well as political commitment to environmental objectives. Unfortunately, these were quite deficient in the context of the political and economic turmoil of Bulgarian transition to democracy.

Yet, some steps were being taken towards improving the existing situation. These involved the establishment of a Ministry of Environment in February 1990,³⁴⁷ the strengthening of environmental objectives in the new Constitution from July 1991 (Art. 15 and 55)³⁴⁸ and the adoption of an Environmental Protection Act in October 1991.³⁴⁹

82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010 renamed the State of Environment Yearbook into a National Report on the State of Environment

³⁴³ See Report, Ecotec Research and Consulting (2001), The Benefits of Compliance with the Environmental Acquis, Contract B7-8110/2000/159960MAR/HI, Brussels.

³⁴⁴ *Op.cit.* 241

³⁴⁵ See State of Environment Yearbook 1990, Sofia, 1991

Previous practices of separate collection of waste streams – glass, paper, metal were halted due to lack of municipal funds, commitment and public engagement. For more details on this see National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998

³⁴⁶ See State of Environment Yearbook 1995, Sofia, 1996; Sights of such old-style landfills are still possible to come across in Bulgaria 20 years later. Please, see Appendix II.8

³⁴⁷ See Resolution No 173 of the National Assembly prom. SG 14 / 16.02.1990 which transforms the Committee for the Protection of the Natural Environment into Ministry of Environment; the Ministry was renamed into Ministry of Environment and Water by Resolution of the National Assembly from 21.05.1997 prom. SG 41 / 23.05.1997

See Appendix II.2

³⁴⁸ See Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007

The latter was debated and enacted by the first post-totalitarian Bulgarian National Parliament and was among the legal acts that were most negatively affected by political battles and inter-party trade-offs (Georgieva, 1993). Despite textual weaknesses which had been subject to much criticism, it was a step forward in introducing key environmental principles into Bulgarian environmental legislation such as the polluter-pays principle (Art. 29-34), access to public information (Art. 8-15) and environmental impact assessment (Art. 19-23) (*Ibid.*; Baker and Baumgartl, 1998³⁵⁰).³⁵¹ Although this law included provisions on distribution of administrative competences (Art. 24-28), it did not clearly delineate the competences of national and sub-national levels of governance. It was found by decision-makers at the time that decentralization in environmental matters, although desirable for the attainment of effective environmental policy, was going to be put to the risk by corruption and lack of competence at the local level (Georgieva, 1993: 75; Carius *et al*, 2001: 41). Another logical explanation for this fear could be the path dependent pattern of centralism in Bulgaria since the end of communism, with the Ministry of Environment hesitant of delegating much competence to municipalities (*Ibid.*).

With regard to waste management, the 1991 Environmental Protection Act did not provide for the development of a coherent national waste policy or legislation (Baker and Baumgartl, 1998: 192). It mentioned waste handling when outlining municipal

Art. 15: 'The Republic of Bulgaria shall ensure the protection and reproduction of the environment, the conservation of living nature in all its variety, and the sensible utilization of the country's natural and other resources.'

Art. 55: 'Everyone shall have the right to a healthy and favourable environment corresponding to established standards and norms. They shall protect the environment.'

Translation into English available at: <http://www.parliament.bg/?page=const&lng=en> (Date of reference 23.06.2010)

³⁴⁹ See Environmental Protection Act prom. SG 86/18.10.1991, repealed in 2002. See Appendix II.3

³⁵⁰ See REC (1996), Approximation of European Union Environmental Legislation. Case Studies of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic and Slovenia, Budapest, January / February 1996, available at: <http://archive.rec.org/REC/Publications/EUlaw/cover.html> (Date of reference 23.01.2010)

³⁵¹ The Environmental Protection Act provided that environmental impact assessment was obligatory for projects listed in both Annex I and II (Art. 19.2), the latter Annexes being almost identical to Annex I and II of Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1985] OJ L 175/40. The EU Directive, however, determined separate procedures for projects belonging to different annexes in line with Art. 4 as discussed in Chapter 4 (REC, 1996: 15). Interestingly, it seems that the 1991 Bulgarian Environmental Protection Act was over-complying with the EU Directive in that respect, thus, creating unrealistic expectations which were afterwards difficult to implement. Naumova (1999: 66) followed this in her article 'Socio-Legal Problems of the Ecological Legislation'. The EIA clause of the Environmental Protection Act was later (in 1992) supplemented by an Environmental Impact Assessment Regulation. The latter underwent substantial amendments in 1995 and 1998. A new Regulation was adopted in 2003, see Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into 'Regulation on the terms and procedure for carrying out environmental impact assessment', SG 80/09.10.2009, SG 29/16.04.2010. Translation into English available at: http://www.moew.government.bg/index_e.html (Date of reference 25.08.2010) For information on the earlier versions of the Regulation, see State of Environment Yearbook 1993, Sofia, 1994; State of Environment Yearbook 1995, Sofia, 1996

competences. Municipal authorities were expected to control the disposal of waste and hazardous substances in their respective areas (Art. 26.3) and to control the collection and disposal of household waste (Art. 26.5). Waste management was also touched upon in relation to projects presented in Annex I and II of the act necessitating obligatory environmental impact assessment (according to this particular version of the law³⁵²).

Despite the weaknesses of the environmental and waste provisions in the 1991 Environmental Protection Act, its substance and the inclusion of EU environmental principles in the text, in particular, were indicative of the political course of Bulgaria towards the European Union. Diplomatic relations between Bulgaria and the EU (the then European Economic Community) were established in 1988. Those were then supplemented by an Agreement on Trade and Commercial and Economic Cooperation in 1990. Eventually, in December 1990, the Bulgarian Grand National Assembly adopted a decision on the willingness of the Republic of Bulgaria to become a member of the European Union.³⁵³

This EU aspiring policy was further substantiated by the signing of the so-called Europe Agreement in March 1993.³⁵⁴ One of its key objectives was to provide for the gradual preparation of Bulgaria for EU membership. It accentuated the need of approximation of Bulgarian laws with those of the European Union and outlined a number of areas that had to be encompassed by the approximation process. Environmental protection (Art. 70) and environmental policy integration (Art. 72) featured among them. Art. 81 was dedicated to the environment and included provisions on waste management in the sense that cooperation between Bulgaria and the EU would concern among other environmentally-related areas also waste reduction, recycling and safe disposal.

As discussed in Chapter 3, EU criteria for these activities at that time were already clearly reflected in EU secondary legislation such as Council Directive 75/442/EEC on waste.³⁵⁵ Art. 3 of this Directive envisaged specific measures for the prevention or reduction of waste production. With regard to requirements for safe disposal, Art. 4

³⁵² *Ibid.*

³⁵³ See Agreement between the European Economic Community and the People's Republic of Bulgaria on Trade and Commercial and Economic Cooperation, Brussels, 09.05.1990; See Decision on the willingness of the Republic of Bulgaria to become a member of the European Community prom. SG 03/11.01.1991; See Commission Opinion on Bulgaria's Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11

See Appendix II.3

³⁵⁴ See Association Agreement for Bulgaria [1994] OJL 358/3, signed on 8 March 1993 and into force from 1 February 1995; *Op.cit.* 7

See Appendix II.3 and Appendix II.4

³⁵⁵ *Op.cit.* 6

See Part II, Chapter 3

stipulated that Member States should take the necessary measures ‘to ensure that waste is recovered or disposed without endangering human health and without using processes or methods which could harm the environment...’ and ‘to prohibit the abandonment, dumping or uncontrolled disposal of waste’. Broadly speaking, Art. 5 also called for the establishment of ‘integrated and adequate’ networks of disposal installations by Member States towards attaining self-sufficiency in waste disposal.³⁵⁶

Conclusions

Starting along the path of EU accession was a critical choice taken by Bulgaria in terms of its strategic development. In the context of environmental protection and waste management, it provided for the incorporation of provisions like the ones presented above in the content of Bulgarian waste policy. While this juncture entailed a subscription to an EU-driven accession agenda, adaptation could by no means be isolated from the influence of endogenous factors remnant of the communist regime or generated in the post-communist transition.

As shown by the above overview of the status of Bulgarian waste policy, there loomed a wide gap between EU requirements and Bulgarian reality in terms of both policy content and existing waste infrastructure. Legal approximation was very challenging as it required rushed³⁵⁷ transposition of EU waste legislation with the latter being a ‘moving target’ in its own right (for instance, the Landfill Directive took 9 years for adoption³⁵⁸) (Interviewee-BG 9; Kružíková, 2005: 105; Bozhilova, 2007). And while, if using Offe’s terminology, there was ‘empty space’ in waste legislation in Bulgaria and it was even being compared to a ‘black hole’ in environmental regulation,³⁵⁹ waste had been managed within a pre-existing policy framework (Offe, 1996: 210 – 217; Glachant, 2001).³⁶⁰ That framework had constituted a working waste handling formula prior to the 1990s. This chapter tracing waste handling practices from pre-historic times testified that EU waste *acquis* were by no means to be downloaded to a ‘policy void’ (Goetz, 2007: 262). Yet, pre-existing Bulgarian waste policy had

³⁵⁶ For clarification, these provisions correspond respectively to Art. 13 and Art. 36 (1) of the 2008 amended Waste Framework Directive. Art. 5 was transformed into a much wider Art. 16;
Op.cit. 6

³⁵⁷ See Commission Opinion on Bulgaria’s Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11 : ‘particular attention should be given to quick transposition of framework directives dealing with air, waste...’ (p. 95); Also see Appendix II.4

³⁵⁸ See Part II, Chapter 3; See Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1

³⁵⁹ *Op.cit.* 350

³⁶⁰ See Part I, Chapter 1 and Part II, Chapter 4

become outdated and non-compliant with modern environmental standards, including EU standards, thus turning into ‘deadweight of the past’ that had to be changed (Offe, Elster and Preuss, 1998).

This process of change, however, though EU-driven, also reflected the workings of domestic factors at the level of policy structures and policy style, which remained salient following the turn of the 1990s. In terms of legislation, political battles and inter-party trade-offs led to the adoption of an innovative but, still, imperfect Environmental Protection Act in 1991 (Georgieva, 1993).

The emerging role of political confrontation among multiple veto points and weak (in terms of human and financial resource) mediating formal institutions at national and sub-national level, working in a context of legalistic practices and corrupt ‘intimate networks’ that over-privileged selected domestic actors, was even more prominent with regard to practical transposition (Interviewee-BG 2, 23; Carter, 1993; Baker and Baumgartl, 1998: 192-195; Medarova-Bergström *et al*, 2007). Thus, the implementation of the waste *acquis* was about to become the ‘much more difficult nut to crack’ (Krämer, 2005: 292, quoting ex-Commissioner M. Wallström).

These latter challenges were not limited to environmental protection and waste management but cut across many, if not all, policy areas. The cross-sectoral nature of environmental and waste policies, and the policy interaction between these areas and other policy sectors such as regional policy, meant that difficulties in any of those were bound to produce chain effects into the rest and *vice versa* (Interviewee-EU 1, Interviewee-BG 3, 4, 6, 8, 9, 14, 19).

As shown here, up to the 1990s political ideology, policy decisions and economic difficulties downplayed environmental protection considerations in the face of conflicting policy challenges. With the start of the EU accession, however, given the strongly expressed transversal character of EU environmental policy and its interaction with other policy areas like EU pre-accession assistance/cohesion policy, entering the national arena policy interactions were bound to play a role in the process of Europeanization of Bulgarian waste policy.³⁶¹ The relevance of policy interactions, taken here as a ‘domesticated’ factor, is scrutinized along that of other domestic variables in the subsequent Chapters 6 and 7 tracing developments in Bulgarian waste management post-1993. Chapter 8, in turn, recapitulates this chronological account in

³⁶¹ See Part II, Chapters 3 and 4

view of the research model and discusses the salience of these endogenous variables for the process of Europeanization of Bulgarian waste policy.



Chapter 6

Waste Management in Bulgaria Pre-accession: the Road from the Association Agreement (1993) to the Accession Treaty (2005)

Introduction

The Europe Agreement (1993) formed the legal basis for the relations between Bulgaria and the European Union.³⁶² As such, here it is taken to denote formally the beginning of the process of ‘downloading’ of EU environmental and waste policies by Bulgaria. The previous chapter offered an overview of the country’s waste practices prior to 1993, and found that at the time of the Association Agreement there was a serious misfit between the state of the Bulgarian waste sector in terms of policy content and available infrastructure, and EU requirements. It also emphasized the existence of path dependent endogenous factors at the level of policy structures and policy style with the potential to persist after the start of EU-Bulgarian relations. Taking up from there, the present chapter continues with the chronological account of Bulgarian waste management in the context of the country’s environmental protection agenda, distinguishing between the following periods,³⁶³ respectively: 1993 – 1997 reflecting the initiation of the EU accession process; 1997 – 2001 covering national legal measures taken prior to the opening of the negotiations on Chapter ‘Environment’; and 2001 – 2005, tracing developments before the signature of the Treaty of Accession (2005).³⁶⁴

In the framework of this chronological discussion, key themes are highlighted to reflect trends of, firstly, the impact of the European Union on the Bulgarian waste sector pre-accession, with a due consideration of the mechanism (formal and practical transposition) and the top-down dynamics of this process (Dimitrova, 2002; Jordan and Liefferink, 2004: 1, 6; Bulmer and Radaelli, 2005).³⁶⁵ In line with the logic of the research model elaborated in the Introduction and Part I, this chapter scrutinizes the ‘goodness of fit’ between Bulgarian municipal waste policy and the EU rules in order to determine the intensity of the EU adaptational pressure on Bulgaria in the waste sector

³⁶² *Op.cit.* 7 and 354
See Commission Opinion on Bulgaria’s Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11 (p. 9)

³⁶³ See Appendix II.3

³⁶⁴ *Op.cit.* 8

³⁶⁵ *Op.cit.* 114

and to approximate the change needed towards complying with EU waste rules. By concentrating the attention on policy content as provided in EU landfill legislation, this comparison allows for a more detailed examination of the identified misfit in a way that reflects its nuances and implications for implementation.³⁶⁶

Secondly, by screening the chronological account for key developments, the present discussion highlights critical features characterizing the examined periods such as the role of time, timing and tempo in the Europeanization process (Radaelli, 2003); administrative and financial capacity; coordination between policy structures at national and sub-national level and application of environmental policy integration through environmental assessments and the ISPA pre-accession instrument.³⁶⁷ This helps to identify the relevance of domestic factors, discussed in the existing literature such as multiple veto points, mediating formal institutions, political and organization cultures, differential empowerment of actors, learning and political or partisan contestation, for the Europeanization of Bulgarian waste policy. At the same time, the empirical material is scrutinized in order to detect the workings of the ‘domesticated’ variable put forward for examination in this research, reflecting policy interactions in implementation in the national arena.³⁶⁸

1. Initiation of the EU Accession Process: 1993 - 1997

The main features characterizing the relationship between the EU and Bulgaria have been covered by a wealth of studies on the fifth enlargement (2004 and 2007) and earlier enlargement waves.³⁶⁹ What needs to be underlined in the context of the present research concerns one of the novelties of the fifth enlargement. This was the introduction of the so-called Copenhagen criteria in the accession process with the latter bringing an element of asymmetry to the relations between the EU and the then ‘associated’ CEECs including Bulgaria. These criteria ensued from deliberations of the 1993 Copenhagen European Council.³⁷⁰ They lifted the threshold for EU membership and created greater expectations as to the preparedness of the candidate countries for

³⁶⁶ See Part II, Chapter 3
Op.cit. 6

³⁶⁷ *Op.cit.* 51, 290

³⁶⁸ See Part I, Chapter 1 and Part II, Chapter 4

³⁶⁹ See Grabbe, 2001; Dimitrova, 2002; Hughes, Sasse and Gordon, 2004; Bozhilova, 2007; Avery, 2009
See also Kochenov, 2005 for a detailed discussion on the evolution of enlargement provisions in the EU Treaty as well as on the distinction between ‘customary and Treaty law’.

³⁷⁰ See Copenhagen Presidency Conclusions, 21 and 22 June 1993, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/93/3&format=HTML&aged=1&language=EN&guiLanguage=en> (Date of reference 18.09.2010)

EU accession. The criteria were channelled into an evolving enlargement procedure which blended with the requirements of the classical EU enlargement law as set in the Treaty. Importantly, although the practice which was established did not figure in the ‘written enlargement law of the European Union’,³⁷¹ it was upheld and considered legally binding by all actors involved (Kochenov, 2005: 4; Bozhilova, 2007).

The Copenhagen criteria began with the provision that accession would take place ‘as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required’. The focus was placed on the ‘importance of the approximation of laws in the associated countries to those applicable’ in the EU with environmental laws being explicitly included among others.³⁷² The criteria were then supplemented by a fourth criterion connected to the EU requirement towards the candidate countries for the ‘adjustment of their administrative structures’ added by the Madrid European Council, 15 and 16 December 1995.³⁷³ Eventually, while the 1997 Luxembourg European Council decided on the start of accession negotiations with a number of Central and East European applicants, it insisted that they not only transpose the EU *acquis*, develop necessary administrative capacity but also apply EU legislation prior to their accession.³⁷⁴

In terms of environmental legislation, this meant, as the Guide to the Approximation of European Union Environmental Legislation had underlined, that the CEECs had to align to some 70 directives with their amendments and ‘daughter directives’ and approximately 21 regulations.³⁷⁵ The practical application of these provisions would

³⁷¹ The Lisbon Treaty brought change with regard to this by amending Art. 49 TEU (ex-Art. 49 TEU) to include that ‘the conditions of eligibility agreed upon by the European Council shall be taken into account’. See Treaty of Lisbon, OJ C306/01 of 13.12.2007 and Treaty of Nice, OJ C 80 of 10.03.2001

³⁷² More specifically, the three Copenhagen criteria were as follows: the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of functioning market economy and capacity to cope with competitive pressures and market forces within the Union; the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union (Copenhagen Presidency Conclusions, 21 and 22 June 1993: 12, 14).

³⁷³ See Madrid Presidency Conclusions, 15 and 16 December 1995, available at: http://www.europarl.europa.eu/summits/mad1_en.htm (Date of reference 18.09.2010)

³⁷⁴ See Luxembourg Presidency Conclusions, 12 and 13 December 1997, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0008.htm (Date of reference 18.09.2010)

The Conclusions envisaged that negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia were to be started in 1998. As to the other associated countries such as Romania, Slovakia, Latvia, Lithuania, Bulgaria and Malta, the preparation of the negotiations with them was to be speeded up. It was the European Council in Helsinki in December 1999 that launched the negotiations with them, See Helsinki Presidency Conclusions, 10 and 11 December 1999, available at: http://www.europarl.europa.eu/summits/hel1_en.htm (Date of reference 08.10.2010)

See Appendix II.3

³⁷⁵ See European Commission (1997), Guide to the Approximation of European Union Environmental Legislation, Brussels, available at: <http://ec.europa.eu/environment/archives/guide/preface.htm> (Date of reference 20.04.2010)

require ‘heavy’ investment and high expertise on behalf of the national and sub-national authorities.

Towards assisting the CEECs in this respect, the Luxembourg European Council provided for the introduction of another enlargement instrument, the Accession Partnership,³⁷⁶ which would ‘mobilize all forms of assistance to the applicant countries of Central and Eastern Europe within a single framework’.³⁷⁷ This framework was also meant to cover the financial resources that would aid the adoption of the EU *acquis* and would be updated in line with the applicants’ progress in the harmonization process. The Luxembourg Council envisaged the gradual increase of the PHARE financial assistance and the allocation of aid for agriculture and a ‘structural instrument which will give priority to measures similar to those of the Cohesion Fund’.³⁷⁸ This assistance, however, was conditional on the performance of the CEECs with regard to their commitments under the Europe Agreement, progress towards satisfying the Copenhagen criteria and advancement in implementing the Accession Partnerships. Failure to respect these general conditions would lead to suspension of financial assistance.³⁷⁹

This accession framework constitutes a clear illustration of the existence of policy interactions manifested by the interdependence between the applicants’ advancement with the adoption of the EU sectoral *acquis* and the allocation of EU pre-accession assistance. Progress was to be monitored in the framework of the Europe Agreement by the means of progress reports (the first was due in 1998).³⁸⁰ The latter would draw on a number of sources among which would be reports on the National Programme for the Adoption of the *Acquis*, presenting a national policy instrument developed in relation to the Accession Partnership.³⁸¹

It was within this ‘enlargement governance’ framework (Dimitrova, 2002) that Bulgaria progressed on its path to EU accession. The Europe Agreement came into

³⁷⁶ See Regulation (EC) No 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships [1998] OJ L85/1

³⁷⁷ *Op.cit.* 374

³⁷⁸ *Op.cit.* 374; See Essen Presidency Conclusions, 9 and 10 December 1994, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00300-1.EN4.htm (Date of reference 18.09.2010)

See Part II, Chapter 4

Op.cit. 201, 288

³⁷⁹ See Accession Partnership, Council Decision 98/266/EC of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the accession partnership with the Republic of Bulgaria [1998] OJL 121/36

³⁸⁰ See for instance, Regular Report from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 04.11.1998 and subsequent reports outlined in the Bibliography; See Appendix II.4

³⁸¹ *Op.cit.* 379

See Appendix II.3

force on 1 February 1995 and it was followed by the Bulgarian application for EU membership in December 1995.³⁸² As a response the European Commission produced its Opinion on Bulgaria's Application for Membership to the EU in July 1997.³⁸³

Among its other tasks, the Commission Opinion tackled the question of Bulgaria's capacity to 'adopt the obligations of membership, that is the *acquis* of the Union as expressed in the Treaty, the secondary legislation, and the policies of the Union' and made an assessment of Bulgarian prospects for membership as well as a recommendation concerning accession negotiations (1997: 7; Avery, 2009). The Opinion made an overview of the relations between Bulgaria and the EU and concluded that despite positive trends in these relations since 1989, Bulgaria's progress in integration had been hindered by 'political and economic problems and by the continuing weakness of its administrative structures' (p. 11).³⁸⁴

In the sphere of environmental protection, the document qualified Bulgarian problems as 'very serious...not...effectively addressed'. Among these problems, waste was put forward as 'an area of major concern'. Waste management practices were assessed as 'elementary, especially for disposal activities' (p. 94). According to the Opinion, apart from the area of hazardous waste, for which some regulations had already been in place at that time (such as Decree No 153 of the Council of Ministers for the collection, transportation, storage and disposal of hazardous waste), there was 'no coherent national policy or legislation for waste management...no official control of waste management practices and no specific legislation on incineration of waste' (p. 95).³⁸⁵ In view of this, 'quick transposition' of the EU waste *acquis* was a must. For the purposes of its enforcement, 'massive investment and strengthening of administrative capacity' were necessary. At the same time, the Opinion admitted that 'full compliance

³⁸² See Appendix II.3

³⁸³ See Commission Opinion on Bulgaria's Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11; See Appendix II.3 and II.4

³⁸⁴ The Commission Opinion expressed hope that the new government at the time that comprised a coalition of the Union of Democratic Forces (SDS), Bulgarian Agricultural People's Alliance (BZNS) 'People's Union' and the Democratic Party, would bring some improvement. For an overview of Governments' sequence see Appendix II.2

³⁸⁵ Indeed, although legislation existed as there was also, for instance, the Regulation on the norms on the design of sanitary landfills for solid household waste SG 40/1993, it was by no means coherent. See Decree No 153 of the Council of Ministers for the collection, transportation, storage and disposal of hazardous waste prom. SG 70/17.08.1993; See State of Environment Yearbook 1990, Sofia, 1991 (p. 12); State of Environment Yearbook 1993, Sofia, 1994 (p. 180); See also REC (1996), Approximation of European Union Environmental Legislation. Case Studies of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic and Slovenia, Budapest, January / February 1996, available at: <http://archive.rec.org/REC/Publications/EUlaw/cover.html> (Date of reference 23.01.2010) (p. 21 and 22)

with the *acquis* could be expected only in the very long term and would require increased levels of public expenditure '(p. 121).³⁸⁶

Although the main responsibilities in this respect lay with the Ministry of Environment and Water,³⁸⁷ due to the cross-sectoral nature of environmental protection and waste management involving the 'integration of environmental protection into EC sectoral policies', the administrative requirements involved many other bodies 'not normally associated with environmental protection' (p. 116). In this relation, the role of EPI instruments was deemed of particular importance (Carius *et al*, 2001), yet alas legislation on environmental impact assessment³⁸⁸ was also in need of amendment as it was labelled as inadequate in the Commission Opinion. The Commission specifically criticized 'recent amendments'³⁸⁹ that 'have substantially weakened its impact' (p. 95).³⁹⁰ Hence, if going back to the discussion on EPI in Part II, and if judging by environmental impact assessment developments, at the end of the 1990s in Bulgaria, there were weak EPI dynamics that were coupled with serious deficiencies in terms of administrative capacity. Then, not surprisingly in discussing environmental reform in the context of the overall accession effort of Bulgaria towards EU membership, academics of the time qualified it as a 'failure...to adequately respond to the challenge of preparation for membership' and described the likelihood of an environmentally-sustainable future in Bulgaria as 'depressingly low' (Baker and Baumgartl, 1998: 202, 203).

Such positions accentuated the prominence of the misfit between EU requirements and Bulgarian reality in the waste sector at the end of the 1990s. Although as seen from the European Commission Opinion, a dramatic shift from landfilling as a main waste disposal method was by no means imminent, existing disposal practices were incompatible with EU standards.³⁹¹ While the Commission assumed that 'quick

³⁸⁶ See Appendix II.4

³⁸⁷ *Op.cit.* 347 renamed in Ministry of Environment and Water since May 1997

³⁸⁸ As already discussed in Part II, Chapter 4, Environmental Assessments (EIA and SEA respectively) are key EPI instruments. *Op.cit.* 51

³⁸⁹ An example of such an amendment was offered by S. Naumova (1999) who discussed the cross-sectoral character of environmental protection in an article of hers. She tackled an amendment of Art. 23 pertaining to the EIA procedure of the Environmental Protection Act from 1995 (*See* Environmental Protection Act prom. SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002). Art. 23 was first enacted and subsequently repealed as it had limited the range of projects subject to obligatory EIA (p. 66)
Op.cit. 351

³⁹⁰ See REC (1996), Approximation of European Union Environmental Legislation. Case Studies of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic and Slovenia, Budapest, January / February 1996, available at: <http://archive.rec.org/REC/Publications/EUlaw/cover.html> (Date of reference 23.01.2010) (p. 15)

³⁹¹ *Op.cit.* 383

transposition' was possible, it admitted that full compliance could be expected only in the longer term. According to its analysis, important domestic variables in this context were the inadequate administrative and financial capacity of mediating formal institutions. Also, the assessment that Bulgarian environmental problems were 'not...effectively addressed' drew the attention to the allegedly persisting policy style from the past of maintaining a 'facade of environmental care' that disguised the lack of implementation initiative (Carter, 1993: 42). Furthermore, the European Commission recognized the salience of the cross-policy and spatial character of environmental protection and waste management, expressed at the very least in the dispersal of competences among multiple veto points situated horizontally across sectors, and vertically across levels of governance, and emphasized the need for adequate environmental policy integration into sectoral policies. Equally problematic for the latter, however, had been the critical weaknesses in capacity of national and sub-national formal institutions.³⁹²

Accentuating these weaknesses, the 1995 State of Environment Yearbook underlined, in relation to the delays with the enactment of a Waste Management Act that 'unfortunately, the activity of state authorities was not at the necessary level'.³⁹³ There were serious faults with regard to data collection which made the waste sector quite difficult to regulate. Although a National Information System for Waste Monitoring (within the National Information System for Ecological Monitoring) was started back in 1992, its operationalization had been problematic. These problems were mostly related to faults originating from data sources such as lack of weighing bridges at landfills, incorrect municipal reporting, insufficient control on behalf of the municipalities over waste collecting companies, poor information on numbers of supervised or unsupervised landfills, etc.³⁹⁴ For instance, the National Strategy for the Environment and Action Plan 2000-2006, adopted a few years later, admitted that the available data on waste quantities per capita per year (equalling 1000 kg) in Bulgaria was 'in the sphere of the absurd'.³⁹⁵ Attempts to address such deficiencies were made, for example, by the creation of a Register of Landfills and Old Waste Contaminations in 1996 within the framework of the National Information System for Ecological

³⁹² See Appendix II.4

³⁹³ See State of Environment Yearbook 1995, Sofia, 1996

³⁹⁴ See State of Environment Yearbook 1998, Sofia, 2000

Data inconsistencies surface even if only comparing data from the separate annual Yearbooks covering the period 1990-2000.

³⁹⁵ See National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001 (p. 79)

See Appendix II.3

Monitoring.³⁹⁶ Still, according to the above mentioned Environment Strategy the large number and diverse types of waste could not be covered by the existing information system. The Strategy underlined, however, that specific information was even not necessary to assess the scale of the waste problem. Its severity was possible to measure merely by the fact that there was ‘not a single Bulgarian citizen...satisfied with the status of the waste problem’.³⁹⁷

2. Bulgarian Waste Reform: Formal Transposition between 1997 and 2001

As a way of addressing this public discontent and responding to the recommendations set in the 1997 Commission Opinion on Bulgaria’s Application for Membership to the EU³⁹⁸ a Law on the Limitation of the Harmful Impact of Waste on the Environment (hereinafter, ‘LLHIWE’) was adopted in September 1997.³⁹⁹ This law presented the first coherent legal instrument regulating waste management in Bulgaria (Interviewee-BG 15).⁴⁰⁰ It was an important step towards meeting EU waste requirements and standards, thus setting fundamental changes of Bulgarian waste policy into motion (Carius *et al*, 2001: 48-49).⁴⁰¹ These changes were predominantly at the level of policy content and in line with the provisions of Council Directive 75/442/EEC on waste.⁴⁰² Still, while the law reflected key aspects of this EU Waste Framework Directive, it left others out. On the one hand, it introduced clauses on the definition of waste (Art. 1(2) and the Supplementary Provisions), the waste hierarchy (Art. 3, Art. 30), obligations of waste holders and waste producers (Art. 4), waste treatment and transport (Ch. 3), waste management licensing and control (Art. 12, Ch. 5), incorporating the EIA into the process of developing waste infrastructure (Art. 37(2), (3)), waste sites (Art. 13), principle that the polluter should pay (Art. 11), waste management programmes (including the development of a National Waste Management Programme) (Ch. 4, for eg. Art. 27) and so forth.

³⁹⁶ See State of Environment Yearbook 1996, Sofia, 1997; State of Environment Yearbook 1997, Sofia, 1999; State of Environment Yearbook 1998, Sofia, 2000
See http://eea.government.bg/website/defra_enu/viewer.htm (Date of reference 08.10.2010)

³⁹⁷ *Op.cit.* 395

³⁹⁸ *Op.cit.* 383

³⁹⁹ See Law on the Limitation of the Harmful Impact of Waste on the Environment prom. SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002
See Appendix II.3

⁴⁰⁰ *Op.cit.* 383

⁴⁰¹ See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003

⁴⁰² *Op.cit.* 6

See Part II, Chapter 3

On the other hand, some of these newly adopted clauses, like the ones related to the definition of waste and the waste hierarchy of the Waste Framework Directive, were not adequately transposed.⁴⁰³ More importantly, key provisions like the ones prohibiting the ‘abandonment, dumping or uncontrolled disposal of waste’ (Art. 4) and the establishment of an ‘integrated and adequate network of disposal installations’ (Art. 5 (1)) of the Waste Framework Directive, were omitted altogether.⁴⁰⁴ Such inconsistencies led to a string of amendments to the law in 2000, 2002 and eventually to its suspension and replacement in 2003.⁴⁰⁵

The National Strategy for the Environment and Action Plan 2000-2006 explained these ‘frequent changes’ with the fact that formal institutions were lacking capacity to ‘draft and enforce legal documents’, thus constantly making omissions that had to be corrected when found (p.23).⁴⁰⁶ This unevenness of the transposition process not only stalled the approximation of Bulgarian waste legislation with that of the EU but also had a significant share in slowing implementation on the ground.

As discussed in Chapter 3 (Part II), the EU Waste Framework Directive left it to the states to establish and designate the competent authorities that would be engaged with the implementation process (Art. 6 of the Waste Framework Directive; Interviewee-BG 3). Therefore, while policy content was meant to change in compliance with EU waste *acquis*, arrangements on formal institutions or policy structures remained a strictly national prerogative. At the same time, however, the capacity and performance of the latter, taken here as one of the domestic variables under examination,⁴⁰⁷ had the potential to influence progress in both transposition and implementation of EU legislation.

The 1997 Law on the Limitation of the Harmful Impact of Waste on the Environment designated the key institutions that would be engaged with waste management in Bulgaria. These followed the logic of the institutional framework

⁴⁰³ See 2000 Regular Report from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 08.11.2000

See Appendix II.4

⁴⁰⁴ On the former there was merely a sentence in Art. 65 (1) of the LLHIWE envisaging a fine for physical persons dumping waste in unregulated places

⁴⁰⁵ The Law on the Limitation of the Harmful Impact of Waste on the Environment prom. SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002 was repealed in 2003 and replaced by Waste Management Act prom. SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 80/03.10.2006, SG 53/30.06.2007, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011; See Appendix II.3

⁴⁰⁶ See National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001; See Appendix II.3

⁴⁰⁷ See Introductory chapter and Part I, Chapter 1

developed by the Environmental Protection Act of 1991.⁴⁰⁸ At national level, the overall responsibility for the portfolio of environmental protection and waste management, in particular, remained with the Ministry of Environment and Water.⁴⁰⁹ Among its specific waste-related responsibilities, such as development of legislation, strategies, programmes and projects, budgeting, monitoring and control,⁴¹⁰ the Ministry was engaged with licensing the collection, transport and disposal of hazardous and industrial waste if these covered the territory of more than one of its Regional Inspectorates of Environment and Water (hereinafter, 'RIEWs').⁴¹¹ The Inspectorates, firstly established by Art. 25 of the 1991 Environmental Protection Act, were subordinate to the Ministry and worked as its decentralized structures at regional level, although their territorial allocation did not necessarily follow the territorial-administrative division of the country. With respect to waste handling, their competences covered the licensing of industrial and hazardous waste management (within the boundaries of their allocated territory) (Art. 37), as well as other monitoring and control functions. In performing these, the RIEWs also interacted with other sub-national authorities such as the municipalities, in particular. In line with the provisions of the 1991 Environmental Protection Act,⁴¹² the 1997 waste law granted mayors competences to manage municipal and inert waste, including the right to license activities with these types of waste (Art. 37 (3) of the LLHIWE) (Carius *et al*, 2001).

Although the general configuration of these three key institutions managing waste policy in Bulgaria has been preserved until today, their competences have been reshuffled. This is reflected in later (since 1997) revisions of the Bulgarian waste legislation. For instance, the 2003 Waste Management Act deprived mayors of their licensing competences (Art. 37). Here it needs to be underlined that while, on the one hand, these developments occurred in the context of alignment with EU *acquis*, on the other hand they came as 'lessons learned' from the imperfections of the transposition process. This draws the attention to the importance of learning as another key domestic variable in the process of Europeanization of Bulgarian waste policy. The latter is well

⁴⁰⁸ The 1991 Environmental Protection Act was discussed in Chapter 5. Art. 24, 25 and 26 are of particular relevance here; *Op.cit.* 349

⁴⁰⁹ *Op.cit.* 347, 387

⁴¹⁰ *Op.cit.* 399

⁴¹¹ *See* National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998; *See* Appendix II.3

⁴¹¹ The RIEWs were 15 at the time (*See* National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998). They are 16 at present (*See* National Waste Management Programme (2009-2013), Sofia, 09.01.2009)

⁴¹² *See* Art. 26 of the Environmental Protection Act prom. SG 86/18.10.1991, repealed in 2002. *See* Appendix II.3; *Op.cit.* 349

demonstrated by the most recent (2010)⁴¹³ amendments to the 2003 Waste Management Act which are to be more thoroughly addressed in the following chapter (Chapter 7).⁴¹⁴

Pursuant to the Law on the Limitation of the Harmful Impact of Waste on the Environment, 12 implementing regulations in the area of waste management were adopted by the end of 2000.⁴¹⁵ With particular relevance to the management of municipal waste and landfilling, featuring as the sole disposal method in Bulgaria at the time, were respectively Regulation No 13 on the conditions and requirements for construction and operation of landfills and Regulation No 12 on the requirements for sites accommodating waste treatment facilities.⁴¹⁶ These Regulations transposed the text of the then still in a draft form EU Landfill Directive (November 1998).⁴¹⁷ If comparing the content of the two Regulations to the text of the Landfill Directive⁴¹⁸ adopted in April 1999, the following features come to the fore.

On the one hand, the Regulations reflected key clauses of this Directive that were already discussed in Chapter 3. For example, Regulation No 13 identified three classes of landfills, for hazardous, non-hazardous and for inert waste, respectively (Art. 1 (2) of the Regulation and Art. 4 of the Landfill Directive). In line with Art. 6 of the Landfill Directive, the Regulation spelled out conditions on the acceptance of different types of waste (municipal, non-hazardous, stable and non-reactive hazardous and hazardous waste) to the different classes of landfill (Art. 6 (1) of the Regulation). Also, it included

⁴¹³ The research covers developments up to the end of 2010; *Op.cit.* 10

⁴¹⁴ See Waste Management Act prom. SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 80/03.10.2006, SG 53/30.06.2007, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011. It is expected that this act will be revisited again by the end of 2011; See Appendix II.3 and II.5

⁴¹⁵ *Op.cit.* 406

⁴¹⁶ See Regulation No 13 on the conditions and requirements for construction and operation of landfills issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998 and Regulation No 12 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998

See also Regulation No 11 on the conditions and requirements for the construction and exploitation of facilities and installations for the disposal of household waste issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998. This specific regulation is not discussed in this chapter as it focuses on waste disposal methods such as thermal treatment (incineration, pyrolysis), composting and recycling (Art. 1(1)) and refers provisions on the construction and operation of the landfills for household waste that a more relevant to this research, to Regulation No 13 presented above (Art. 1(4)). However, it is worth clarifying here that this Regulation repeals pre-existing national secondary legislation from the 70s (Temporary sanitary and technical norms and rules No 0-44 for the treatment of solid waste in populated areas prom. SG 55/1973) and the 90s (Norms on the design of sanitary landfills for solid household waste SG 40/1993); *Op.cit.* 335 and 385

See Appendix II.3

⁴¹⁷ See National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998

See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003;

See Appendix II.3

⁴¹⁸ *Op.cit.* 6

provisions on the non-acceptance of certain waste groups (such as liquid, explosive, hospital waste, etc.) to landfills (Art. 3 and 6 (3) of the Regulation and Art. 6 (4) of the Landfill Directive). Regulation No 13 also transposed clauses on the integration of the environmental assessment procedure in the process of site licensing (Art. 5 of the Regulation and Art. 7 of the Landfill Directive), waste acceptance procedures (Appendix I to Art. 3 of the Regulation and Art. 11 of the Landfill Directive), landfill control and monitoring (Art. 3, Art. 25, Art. 43, Appendix I and Appendix III of the Regulation and Art. 12, Art. 13 and Annex 3 of the Landfill Directive), closure and after-care procedures (Art. 42, 43 and 44 of the Regulation and Art. 13 of the Landfill Directive), existing landfills (Art. 45 of the Regulation and Art. 14 of the Landfill Directive). This Regulation also introduced regional perspective to the design of landfill sites (Art. 15 of the Regulation and Art. 5 (1) of the Waste Framework Directive).

Regulation No 12, in turn, went into the technicalities of the selection of landfill sites in view of the definitions adopted in the Landfill Directive (Art. 2 of the Directive, for instance definition of a ‘landfill’, ‘temporary storage’, etc.), conditions on landfill locations and the hydrological and geological requirements for landfill sites (Annex 1, points 1 and 3.2 of the Directive).

On the other hand, the text of the Regulations showed certain weaknesses in terms of conformity with the Landfill Directive. For example, according to Regulation No 13 ‘the competent environmental institutions *may require* pre-treatment of waste’ (emphasis added) prior to disposal (Art. 6 (2)) whilst the text of the Directive states clearly that ‘only waste that has been subject to treatment is landfilled’ and then, it allows for exceptions (Art. 6a of the Landfill Directive). As to Regulation No 12, it did not clearly distinguish between landfill for hazardous, non-hazardous and inert waste when outlining the permeability and thickness indicators in the geological requirements for landfills (Art. 28 of Regulation No 12 and respectively, Annex 1, point 3.2 of the Landfill Directive).⁴¹⁹

Such inconsistencies predetermined later amendments (for instance, in 2004 when the pre-treatment condition was secured in Art. 38 of Regulation No 8 amending Regulation No 13,⁴²⁰ and forthcoming amendments by the end of 2010) to these Regulations. And again, the reasons behind them can be related, firstly, to the process of approximation with EU legislation. The Landfill Directive transposed in 1998 was still a

⁴¹⁹ Although, it made such a differentiation when discussing hydrological requirements (Art. 46)

⁴²⁰ See Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery prom. SG 83/24.09.2004
See Appendix II.3

draft which made the transposition process somewhat formalistic. Also, similarly to other waste directives such as the Waste Framework Directive,⁴²¹ the Landfill Directive had been blamed for containing vague qualifications and clauses (Kružíková, 2005: 105).⁴²² As shown by research on EU-25 countries, the latter can prove to be a serious problem for correct transposition and implementation. The second explanation may be sought in the lack of experience and capacity of Bulgarian authorities to transpose complex EU legal texts (Interviewee-BG 9, Interviewee-EU 1).⁴²³

Therefore, while working towards compliance with the EU waste *acquis*, Bulgaria faced difficulties in the ‘downloading’ process as early as the stages of formal transposition. Formal institutions were lacking the capacity to handle ‘policy-taking’ in a smooth way, even more so in such a complex and dynamic policy area like waste management concentrating multiple interests nationally and sub-nationally, and having significant financial and cross-sectoral implications in the longer run. At the same time, these domestic institutions, being themselves bearers of past legacies, for instance by way of their policy style of excessive legalism, corrupt practices and environmental indifference, were starting along a path of learning which made transposition a gradual process rather than a single exercise (Interviewee-BG 2, 3, 4 and 5).

3. Bulgarian Waste Reform: Negotiated Engagements and Key Challenges to Practical Transposition between 2001 and 2005

The challenges mentioned above showed that the ‘quick transposition’ prescribed by the European Commission in its 1997 Opinion⁴²⁴ was not happening as smoothly as desired. Implementation would, then, expectedly share this fate even more so in such a resource-intensive and time-consuming (in terms of infrastructural development) sector as waste management. However, the accession process had an ‘escape option’ for candidate countries and that was the possibility to negotiate transitional periods⁴²⁵ for

⁴²¹ *Op.cit.* 6

See Part II, Chapter 3

⁴²² Report, COWI, Follow-up Study on the Implementation of Directive 1999/31/EC on the landfill of waste in EU-25, European Commission, DG ENV, June 2007

⁴²³ *Op.cit.* 406

⁴²⁴ *Op.cit.* 383

⁴²⁵ *See for instance*, 2003 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 05.11.2003; 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final; Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005; *See* Treaty of Accession of Bulgaria and Romania to the European Union, Official Journal L 157/48 of 21.06.2005; *Op.cit.* 8

See Appendix II.4

compliance with some of the ‘heavy’ *acquis*. The Landfill Directive⁴²⁶ was eligible in this respect as it necessitated substantial financial investments⁴²⁷ which had to be utilized within limited periods of time in a sustainable and environmentally acceptable way (Krämer, 2005: 294).

In 2001, Bulgaria began negotiations with the European Union on the Chapter ‘Environment’ (that is Chapter 22).⁴²⁸ In March 2003, two months prior to the provisional closure of the Chapter, the Programme for the Implementation of Directive 1999/31/EC on the landfill of waste gave information on the transitional periods demanded by Bulgaria. These related to targets for the limitation of biodegradable municipal waste intended for disposal (Art. 5 (2a) and (2b) of the Landfill Directive) and to the request of a transitional period for the disposal of liquid waste to landfill (in relation to the definition for liquid waste in Art. 2q and Art. 5 (3a) of the Landfill Directive). According to the programme, Bulgaria also considered the possibility of negotiating additional transitional periods, for example, in relation to specific types of landfills.⁴²⁹ However, unlike Romania which negotiated for full implementation of municipal waste requirements to be achieved by July 2017, Bulgaria seemed to go along with the landfill deadline for the then-Member States which was July 2009 (Interviewee-BG 3, 4, 11).⁴³⁰

This choice of strategy was overly optimistic considering the state of municipal waste management in Bulgaria at the time (Carius *et al*, 2001: 50). Truly, by April 2005 when the Treaty of Accession of Bulgaria to the EU was signed, there was significant advancement in terms of legal alignment with EU waste legislation expressed, for instance, by the adoption of a new Waste Management Act in 2003.⁴³¹ This act developed and supplemented the 1997 Law on the Limitation of the Harmful Impact of Waste on the Environment,⁴³² for example, by including specific clauses on the prohibition of the abandonment, dumping and uncontrolled disposal and incineration of waste (Art. 6 (2) in line with Art. 4 (2) of the Waste Framework Directive), providing

⁴²⁶ *Op.cit.* 6

⁴²⁷ See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005

⁴²⁸ See Communication from the Commission to the Council and the European Parliament, Roadmaps for Bulgaria and Romania, Brussels, 13.11.2002, COM(2002) 624 final
See Appendix II.3

⁴²⁹ See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003 (p.6); See Part II, Chapter 3

⁴³⁰ See Appendix II.4 and in particular, 2003 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 05.11.2003 and Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005

For the transposition deadline for existing landfill sites (July 2009) see Art. 14 of the Landfill Directive, see also Part II, Chapter 3

⁴³¹ *Op.cit.* 414

⁴³² *Op.cit.* 399

for the incorporation of measures on reducing the quantities of biodegradable waste going to landfill into waste management programmes (Art. 31 (2.10) in line with Art. 5 of the Landfill Directive), fine-tuning provisions on the waste hierarchy (Art. 4 in line with Art. 3 of the Waste Framework Directive), etc. However, as reported by the European Commission in 2004, there had still been some delays concerning the transposition of provisions on landfills.⁴³³ The latter report had come shortly after the adoption of Regulation No 7 on the requirements for sites accommodating waste treatment facilities and Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery which were substituting Regulations No 12 and 13 from 1998 discussed above.⁴³⁴ The following 2005 Comprehensive Monitoring Report already concluded that waste management legislation in Bulgaria was ‘basically in place and...in line with the *acquis*’.⁴³⁵ According to both reports, however, it was implementation which remained problematic, specifically with regard to the development of waste infrastructure.

The dismal state of municipal waste infrastructure was a particularly critical factor in this respect (Interviewee-BG 7). Precise data on collected quantities of municipal waste was still missing due to the lack of weighing equipment at municipal landfills (with only 6 weighing units in the whole country). There were 663 landfills where there was organized waste disposal of some sort. However, only 59 landfill sites served settlements with a population above 20 000 people (70 per cent of the population of Bulgaria at the time). These sites did not meet the modern standards in terms of environmental protection and safety of adjacent populations. For instance, there was no pre-treatment of waste performed at any of them as firstly, this requirement had not been transposed into Bulgarian legislation until 2004 and secondly, no investment had been made into pre-treatment facilities. Also, mixing of non-hazardous and hazardous waste (such as, for instance, clinical waste) had continued to be a common practice. The 2003 Programme for the Implementation of the Landfill Directive and the National Waste Management Programme (2003-2007) categorized these 59 landfill sites into 4

⁴³³ See 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final (p. 111); See Appendix II.3 and II.4

⁴³⁴ See Regulation No 7 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Agriculture and Forests, Minister of Health prom. SG 81/17.09.2004 and Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery prom. SG 83/24.09.2004; *Op.cit.* 420; See Appendix II.3

⁴³⁵ See 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final; See Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final (p. 59); See Appendix II.3 and II.4

groups depending on the risk they presented to the environment and population health. They comprised, respectively, of 12 very high risk, 17 high risk, 28 medium risk and only two minimum risk landfills.⁴³⁶ Apart from those, 5135 unsupervised landfills had been identified by municipal authorities and Regional Inspectorates.⁴³⁷

Bulgarian authorities were under pressure to take practical measures and bring this infrastructure into compliance with the EU waste *acquis*. Requirements under the Waste Framework Directive that states had to ‘prohibit the abandonment, dumping or uncontrolled disposal of waste’ (Art. 4) and ‘to establish an integrated adequate network of disposal installations’ to achieve self-sufficiency in waste disposal (Art. 5 (1)) were applicable from the date of EU accession.⁴³⁸ The provisions of the Landfill Directive on the licensing, operation, closure and after-care of existing landfill sites, in turn, had to

⁴³⁶ This categorization came as output of project ‘National programme for reduction of the risk from landfills of waste and past contaminations with waste’ which was also basis for the development of a Register of Landfills and Old Waste Contaminations (1996) discussed above. According to data from this project reported in the State of Environment Yearbook 2000 (Sofia, 2001) there were 59 municipal landfill sites each serving a population over 20 000 people. The Programme for the Implementation of Directive 1999/31/EC on the landfill of waste from March 2003 misquoted this data and read that there were 58 landfill sites. At the same time it parroted the risk categorization without calculating the relevant numbers correctly as those did not equal 58 but rather 59 (12 + 17 + 28 + 2). The National Waste Management Programme (2003-2007) which followed seven months later (in December 2003) quoted the same categorization but reflected the correct sum of 59 landfills. Although this is a small miscalculation, it exhibits how far from reality these programmes were as 1 landfill site would make a big difference in practical terms (as it would be serving a population above 20 000).

What is more, errors of this type are mirrored in following documents which is what happened in the given case. ISPA Strategy for Environment from October 2003 repeated the wrong figure (p. 23).

Analyses of the following documents (from 2003 onwards) show that such errors did not remain exceptional but even became repetitive. Among many examples the following appear to be the most striking:

1. ISPA Strategy for Environment (October 2003) read that 22 landfills were constructed, reconstructed and put into operation in the period 1999-2002 while as shown by later documents these were actually 12 (p. 24)

2. While reporting on the number of landfills which were undergoing construction and were financed by the state budget in 2003, i.e. 8 regional landfill sites, the National Waste Management Programme (2003-2007) from December 2003 enumerated 10 landfills (p. 31);

3. Another very confusing ‘counting’ problem also occurred in the National Waste Management Programme (2009-2013) from January 2009. On p. 79 the programme read that there were 22 (i.e. 21 plus the landfill of the capital Sofia) regional landfills left to be constructed in Bulgaria. On the basis of this number, it calculated that there had to be a system of 55 regional landfills working in Bulgaria by 16 July 2009. However, when actually counting the regions enlisted in the programme, the number turns out to be 23, not 22. The overall number of regional landfill sites would then be 56, not 55 (See Appendix II. 6). This error has proved to be very perplexing. For instance, one of our interviewees - a representative of the National Association of Municipalities in the Republic of Bulgaria (i.e. Interviewee-BG 18) shared that she was at a loss as to the number of regional landfills Bulgaria would need to develop, whether 55 or 56 as she was constantly coming across different figures. Although this error was corrected in following documents (such as Development of the Waste Management Infrastructure with the Assistance of Operational Programme ‘Environment 2007-2013’, Sofia, 14.04.2009 and Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme ‘Environment 2007-2013’, Sofia, November 2009), different figures are still popping up in the news, thus further complicating this already overly obscure picture.

⁴³⁷ See State of Environment Yearbook 2000, Sofia, 2001, State of Environment Yearbook 2002, Sofia, 2003, Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003, ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003, National Waste Management Programme (2003-2007), Sofia, 11.12.2003

⁴³⁸ See Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005; Appendix II.4
Op.cit. 6

be practically applied by 16 July 2009 in line with the transitional periods laid down in the Directive itself (Art. 14). This meant that Bulgarian authorities had to initiate closure and remediation of existing landfill sites and the construction of alternative waste disposal facilities within very tight deadlines.⁴³⁹ Time pressure was significant with regard to the implementation of both directives (Interviewees-BG 3, 4, 11).

Yet, authorities had failed to take on board signals from the European Commission that ‘full implementation will require a more realistic timeframe’ than the one that had been foreseen.⁴⁴⁰ The National Waste Management Programme (1999 - 2002) had drawn illusionary plans envisaging the ‘finalization’ of alignment with EU waste legislation in 2001, solution of urgent waste landfilling problems and engagement with recycling, building incineration plants and composting ‘in the following years’.⁴⁴¹ Although slightly remedied by consequent programmes,⁴⁴² this unrealistic approach remained a critical issue and resulted in ‘poorly’ and ‘irresponsibly’ negotiated transitional periods, specifically with regard to the implementation of the Landfill Directive (Interviewee-BG 3, 4, 8, 9 and 11).

What needs to be underlined in relation to this finding, is the importance of time in the Europeanization process. The decision taken by Bulgarian policy structures at the time of the negotiations on the Chapter ‘Environment’ that was discussed above set an unfeasible transposition time-frame that would potentially affect the timing of consequent measures or decisions within the framework of the waste reform and would create a path dependent pattern of unrealistic deadlines. The implementation tempo envisaged, overlooked the scale of the change needed (given the existing misfit between the state of Bulgarian waste management and the EU waste requirements), the aggravating role of infrastructural legacies as well as the workings of domestic (pertaining to policy structure and policy style) and ‘domesticated’ (related to policy content) factors. What is more, this misjudgement brought about unnecessary implementation pressures lacking utility rationale and being inadequate in the context of the infrastructural reality and the deficient capacities of Bulgarian policy structures.

⁴³⁹ See Guidelines for the Development of Conditioning Plans for Existing Landfill Sites in Compliance with the Legal Requirements adopted by Order No RD-1242 of 24.11.2004 of the Minister of Environment and Water

⁴⁴⁰ See Regular Report on from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 04.11.1998 (p. 35); See Appendix II.3 and II.4

⁴⁴¹ See National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998 (p. 48)

⁴⁴² See ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003 (p. 29)

3.1 Administrative and Financial Capacity of Policy Structures

The inadequate stipulation of the transposition time-frames as such, can be viewed as another indication of the capacity weaknesses of Bulgarian policy structures. The negotiations were by no means an easy process. Accession countries had to ground their requests for transitional periods on well-motivated rationales as the Commission officials were suspicious of disguised protectionist moves (for example, as a way of protecting domestic industrialists) on behalf of national authorities. There had to be national assurance for compliance with these periods in the form of detailed strategies and implementation timetables (Krämer, 2005: 294).⁴⁴³ Poor judgment on that front, as happened in the case of Bulgaria, would result in serious pressure, impossibility for timely implementation and eventual post-accession sanctions in instances of non-compliance (Interviewee-BG 3, 4, 8, 9, 11; see also Table 1, Appendix I).⁴⁴⁴

This capacity problem of Bulgarian policy structures working in the environmental and waste sectors was also emphasized in the European Commission Regular Reports on Bulgaria's Progress towards Accession. All of the reports issued in the period 1998 - 2005⁴⁴⁵ continuously reiterated that the country suffered from serious capacity, capability and coordination problems at national (Ministry of Environment and Water) and sub-national level (Regional Environmental Inspectorates, regional administrations located at the level of NUTS 3 regions and responsible for conducting state policy at local level, and municipalities). These problems ranged from understaffing, poor qualification and lack of experience of personnel to shortages of basic technical facilities such as photocopying machines⁴⁴⁶ or testing and monitoring facilities at RIEW laboratories (Interviewee-BG 2, 3, 4, 5, 6, 8, 9, 11, 15, 16, 21).⁴⁴⁷

While one of our interviewees confirmed the seriousness of this situation, they emphasized the importance of good administrative capacity for the successful transposition and implementation of environmental legislation in accession countries

⁴⁴³ *Op.cit.* 401

⁴⁴⁴ The latter will be discussed in greater detail in the following Chapter 7; *See* discussion on the infringement procedure in Part II, Chapter 3.

⁴⁴⁵ *See* for instance the 2002 Regular Report 'Bulgaria needs to focus on investments, and on reinforcing administrative capacity and implementation' (p. 105); *See* Appendix II.4

⁴⁴⁶ According to the report quoted below, lack of photocopying capacity at the Ministry in Bulgaria prevented staff from receiving copies of EU legislation (p. 254)

See Report, DG Environment Contract: Environmental Policy in the Candidate Countries and Their Preparations for Accession. Administrative Capacity for Implementation and Enforcement of EU Environmental Policy in the 13 Candidate Countries, Contract B7-8110/2000/159960MAR/HI, Brussels

⁴⁴⁷ *See* National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998; *See* National Waste Management Programme (2003-2007), Sofia, 11.12.2003; *See* National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001

and EU Member States. As they put it ‘all the right people should be at the right places and they should talk to each other’ (Interviewee-EU 1, Interviewees-BG 5 and 14). At the same time, they flagged the importance of availability of financial resources as well and underlined that ‘one cannot go far without money’ (*Ibid.*). In fact, this view was shared by all the officials interviewed within the framework of the research. There was also consensus among them that, in the case of Bulgaria, both money and expertise were scarce.

Although, as shown by the Programme for the Implementation of Directive 1999/31/EC on the landfill of waste,⁴⁴⁸ Bulgarian public finances (for instance from the state budget, national environmental protection fund/enterprise for management of environmental protection activities (hereinafter, ‘EMEPA’),⁴⁴⁹ municipal funds) were being allocated for the implementation of EU provisions on municipal waste management, these would not suffice (Interviewee-BG 6, 22). According to the National Waste Management Programme (2003 – 2007), for the period 1999 - 2002 funding from the state budget and EMEPA was channelled into the construction, reconstruction and operationalization of 12 landfill sites in line with the provisions of the Landfill Directive⁴⁵⁰ and work on the development of ten more was under way (p. 9).⁴⁵¹ However, even in the case of optimal mobilization and coordination of national funding, only half of the needed resources for the implementation of the Directive would be ensured.⁴⁵² The Programme for the Implementation of Directive 1999/31/EC on the landfill of waste stipulated that an approximate sum of € 477.5 million for the period

⁴⁴⁸ *Op.cit.* 401

⁴⁴⁹ The National Environment Protection Fund was set up on the basis of the 1992 amendment of Art. 24 (2) of the Environmental Protection Act prom. SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002. By force of Art. 60 (1) of the repealing Environmental Protection Act of 2002, the National Environmental Protection Fund was renamed into Enterprise for Management of Environmental Protection Activities. The latter is set up as a legal person and its main sources of revenue are environmental fees and sanctions. *See* Environmental Protection Act prom. SG. 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.09.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.08.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010

⁴⁵⁰ *Op.cit.* 6

⁴⁵¹ The 12 sites were Antonovo, Vratsa, Gorna Malina, Goce Delchev, Karlovo, Madan, Rudozem, Sandanski, Troyan, Sofia-Suhodol, Plovdiv-Tsalapitsa and Varna and the 10 sites, respectively, were Dobrich, Dospat, Lovech, Omurtag, Oryahovo, Petrich, Harmanli, Shumen, Razgrad and Yambol. Investment in the landfill of Vratsa and Mezdra was complementary to financing provided by the Kingdom of Denmark in the form of bilateral assistance. Co-financing was also provided for the landfills of Ruse and Sevlievo which were being financed through ISPA on the basis of a financial memorandum from 2000. *See* National Waste Management Programme (2003-2007), Sofia, 11.12.2003 (p. 9 and p. 130); *See* ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003 (p. 24 and p.39)
See Appendix II.6

⁴⁵² *See* National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998 (p. 26)

2003 - 2015 would be needed for this purpose (p. 28). This calculation was later expanded to € 865.56 million for 2007 - 2015.⁴⁵³ In fact, the above programme bluntly admitted that the application of its provisions ‘will not be possible without substantial foreign financing provided by European and international financial institutions and programmes’ with ISPA⁴⁵⁴ featuring as a key instrument among them at the time.

The introduction of ISPA presented a way of addressing the ‘main difficulty in the environmental sector’ in Bulgaria which according to the European Commission was ‘the lack of large-scale investments’.⁴⁵⁵ Being a forerunner of the Cohesion Fund, the instrument aimed at facilitating the implementation of the *acquis communautaire* by the applicant countries in the fields of environment and transport. It was focused on the implementation of the most urgent measures demanding ‘heavy’ investment in these, in the context of the regulation, ‘beneficiary countries’ (Art. 4). Assistance was, therefore, reaching for objectives that were consistent with the respective Accession Partnership and national environmental or transport programmes (Art. 1 (2)). It was to be committed for the period 2000 - 2006 and would usually cover 75 per cent of the public expenditure for a given measure (Art. 6). Seeking to achieve more significant impact in the financed fields, ISPA would aim at measures amounting to more than € 5 million (Art. 2 (2)). The ISPA Regulation envisaged for financing to be allocated depending on the performance in implementing ISPA measures in previous years (Art. 4). It also stipulated strict provisions on management and control (Art. 9) and articulated clauses allowing for the reduction, suspension and cancellation of assistance for cases when a measure ‘does not justify either a part or the whole of the assistance allocated’ (Art. 9 (4)). The European Commission bore responsibility for ensuring that the principles of sound financial management were being adhered to in the management of ISPA assistance (Art. 9 (5)). Tendering and contracting were subject to *ex-ante* approval by the Commission which also monitored implementation very closely (Annex III). However, this was meant to be a transitional phase that would evolve into full decentralisation for the implementation of ISPA under Extended Decentralised Implementation System (hereinafter, ‘EDIS’). For instance, under EDIS ‘the *ex-ante*

⁴⁵³ See National Waste Management Programme (2003-2007), Sofia, 11.12.2003 (p. 129); Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007 (p. 123)

⁴⁵⁴ ISPA was established by Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73. Since the accession of Bulgaria to the European Union on 01.01.2007, ex-ISPA projects have been managed under the provisions of Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1994] OJL130/1
See Part II, Chapter 4; *Op.cit.* 186, 201, 290, 291

⁴⁵⁵ See 1999 Regular Report from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 13.10.1999 (p. 48)

approval requirement' by the Commission, with regard to launching tenders, evaluation of bids, award of contracts and financial management, was to be waived and replaced by a system of ex-post controls (Art. 12 and Annex III).⁴⁵⁶

As pointed out in the Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, these complexities meant that any reliance on EU pre-accession assistance would necessitate additional efforts on behalf of Bulgarian policy structures in the context of project management and fund absorption (p. 35). It was clear that advancement with the latter would precondition progress with the implementation of the EU waste requirements, specifically with regard to construction of municipal landfill sites. Alternatively, any difficulties in managing and absorbing EU pre-accession funds would, respectively, have implications for the Bulgarian performance in the spheres of waste management and environmental protection. That would, in turn, lead to delays or suspension of money flows for infrastructural development and technical assistance. As clearly explained in the conditionality clause of the Accession Partnership and its revisions, EU assistance was conditional on the respect by Bulgaria of its commitments under the Europe Agreement, further steps towards satisfying the Copenhagen criteria, progress in implementing the Accession Partnerships, as well as on the coordinated use of the pre-accession instruments. Detailed guidelines on the latter were integrated into the Accession Partnership itself under the provisions on 'Regional policy and coordination of structural instruments; which also featured as Chapter 21 in the negotiation process.⁴⁵⁷ By demonstrating inability or unwillingness to abide by these conditions, Bulgarian authorities would, figuratively speaking, 'shoot themselves in the foot' as they would lose their aid in the face of ISPA funding (Interviewee-EU 1; Interviewee-BG 11). Such a development would, of course, hamper implementation and invite political shaming effects that would possibly cloud accession prospects. Alternative, more positive scenarios would entail the need of reinforcing political commitment, capacity (for preparation, co-financing, implementation and monitoring), coordination and financial discipline at all levels of government towards the successful absorption of EU pre-accession assistance (Baun and Marek, 2008).

⁴⁵⁶ *Op.cit.*⁴⁵⁴

⁴⁵⁷ See Accession Partnership, Council Decision 98/266/EC of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the accession partnership with the Republic of Bulgaria [1998] OJL 121/36; Accession Partnership, Council Decision of 28 January 2002 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2002] OJL 44/1; Accession Partnership, Council Decision 2003/396/EC of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2003] OJL 145 / 1; See Appendix II.3, II.4

These interdependencies exhibit the prominent role that policy interactions, and in particular the interactions between EU environmental and waste policies and EU pre-accession assistance, once ‘domesticated’, can have in the Europeanization process. At the same time, they underline the interrelatedness between policy interactions as a ‘domesticated’ variable and other domestic factors such as the performance and the capacity of mediating formal institutions.

The timely introduction of EDIS would be indicative of progress in developing self-sufficient capacity to manage and utilise EU pre-accession assistance towards implementing EU ‘heavy’ *acquis* like those in the area of waste management, and preparing for work with EU Structural and Cohesion Funds post-accession. Interestingly, the Bulgarian ISPA Strategy for Environment from October 2003 did not dwell on the challenge of introducing EDIS. It rather focused on detailing the sectors that stood as priority for ISPA assistance, with waste management occupying a central place among them.⁴⁵⁸ More specifically, the strategy gave information on infrastructural projects initiated towards conforming to the requirements of the Landfill Directive⁴⁵⁹ and accentuated the ones launched with the assistance of ISPA (p. 24). These projects were grouped under two financial memoranda signed respectively in 2000 and 2003 by Bulgaria and the European Commission. The first one concerned a grant of assistance from ISPA for the construction of six landfill sites (in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol) and it was initially due to be finalized by 31 December 2004.⁴⁶⁰ However, this memorandum underwent a number of revisions with the latest extending its duration until 31 December 2010. The second memorandum related to the development of a regional waste management centre in Kardzhali that was due to be completed by 31 December 2008, with this deadline also being postponed to the end of 2010.⁴⁶¹

⁴⁵⁸ The three sectors were, respectively, waste management, air quality and water quality
See ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003

⁴⁵⁹ *Op.cit.* 6

⁴⁶⁰ *See* Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol in Bulgaria, Measure No 2000/BG/16/P/PE/ 002, Brussels, 18.12.2000; Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Kardjali Regional Waste Management Centre in Bulgaria, Measure No 2003/BG/16/P/PE/ 019, Brussels, 16.12.2003

See Appendix II.4 and specifically 2001 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 13.11.2001, SEC(2001) 1744 and 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final

⁴⁶¹ These projects will be returned to in Chapter 7 with a more specific discussion of the problems encountered during their implementation.

These delays come to indicate that the implementation of these ISPA projects was by no means unproblematic (Interviewees-BG 3, 4, 6, 11). Although, as shown above, Bulgaria was lacking the financial resource to implement the provisions of the Landfill and the Waste Framework Directives,⁴⁶² once provided with EU resource, it proved to be slow and weak in absorbing it. Then, the fact that in 2009 the projects under the two financial memoranda were included in a list of high risk environmental projects in terms of completion within the envisaged time-frame does not sound surprising.⁴⁶³ Also, when examining the indicative list of investment projects laid down in the ISPA Strategy for Environment (2003) and comparing it to the action plan of the National Waste Management Programme 2003 – 2007, it becomes evident that Bulgaria counted on ISPA for the development of a significant number of landfills in the period 2003 – 2006.⁴⁶⁴ However, reference to the latest National Waste Management Programme 2009 – 2013⁴⁶⁵ outlining current engagements in developing an integrated waste management system of 56⁴⁶⁶ regional landfill sites⁴⁶⁷ in Bulgaria, shows how few of those had actually been carried out as planned. It would, therefore, appear that at least as far as waste management is concerned, the period between 2004 and 2009 did not see much initiative, neither EU nor nationally funded, towards implementing the requirements of the Landfill Directive and the Waste Framework Directive. Action was rather centred upon the finalization of projects that had already been started.

One of the reasons for this could be that the firm start in implementing the EU waste *acquis* in the period 1999 - 2003 had been motivated by the negotiations between Bulgaria and the EU on Chapter 22 (July 2001 – June 2003) (Vachudova, 2009: 59-60; Avery, 2009; Interviewee-BG 24). Once the negotiations had been provisionally closed and the prospects of approaching EU accession somewhat secured, implementation

⁴⁶² *Op.cit.* 6

⁴⁶³ See Report on the State of Projects at High Risk in Terms of Completion within the Timeframe of the Financial Memoranda financed under ISPA/Cohesion Fund (Regulation 1164/94), Sofia, October 2009, available in Bulgarian at: http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/01_Executive_Summary_of_Report.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/09_Report_Kardjaly.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/03_Report_5_landfills.doc (Date of reference 07.12.2010)

⁴⁶⁴ See ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003 (p. 33-36) and National Waste Management Programme (2003-2007), Sofia, 11.12.2003 (p. 130)

⁴⁶⁵ These were landfill sites falling within Group 4 of the 6 group categorization adopted by the NWMP
 See National Waste Management Programme (2009-2013), Sofia, 09.01.2009; See Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme "Environment 2007-2013", Sofia, November 2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

⁴⁶⁶ *Op.cit.* 436 (3)

⁴⁶⁷ The phrases 'regional waste disposal systems/centres', 'regional systems for waste management', 'regional waste disposal sites', 'regional landfills', 'regional landfill sites' have been used interchangeably throughout the thesis.

momentum was lost, only to be revived again post-accession with the threat of EU infringement proceedings and sanctions for non-compliance knocking on the door.

Another reason can be sought in the fact that Bulgarian policy structures were overloaded (Börzel, 2007: 235) and struggling with ongoing projects (Interviewee-BG 3). This must have been problematic as, according to Art. 4 of the ISPA Regulation, further financing was usually being allocated depending on the performance in implementing ISPA measures in previous years. As confirmed by the European Commission Regular Reports from 2004 onwards, Bulgarian performance in this respect had not been commendable at all. According to the 2004 Regular Report, implementation of ISPA projects in Bulgaria was progressing but ‘the rate of progress has been slow, reflecting the size and complexity of projects and the limited capacity of some implementing agencies’ (p.10). The 2005 Comprehensive Monitoring Report expressed even greater criticism stating that ‘substantial structural weaknesses...in the context of the management of pre-accession funds are raising serious concerns regarding Bulgaria’s capacity to manage the Structural Funds and the Cohesion Fund in a sound and efficient way’ and that ‘additionality should be verified before relevant programming documents are finalised’ (p. 58). The reports also expressed concerns over the delay in obtaining EDIS accreditation by ISPA implementing agencies, as the latter was indicative of critical capacity weaknesses and carried substantial risks ‘involving the loss of large amounts of pre-accession funding’.⁴⁶⁸ In fact, it was not until 2007, that the Ministry of Environment and Water was granted accreditation as an ISPA Implementing Agency.⁴⁶⁹

This delay in achieving EDIS accreditation reflects the lack of preparedness of key policy structures. They had been over-reliant on EU financial assistance with regard to implementing EU waste legislation while they had not secured co-financing, had not proved capable of efficiently managing EU funds and had not ensured alternative funding (Interviewee-BG 11). Lack of administrative capacity at national and sub-national level, expressed by shortage of staff, inexperience, and high turnover of personnel due to political changes, also led to over-dependence on consultants and contractors who were difficult to manage (Interviewee-BG 11, 12, 16, 18, and 22). The European Commission had also spotted difficulties and irregularities in procurement

⁴⁶⁸ See 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final (p. 10); See Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final (p. 58); See Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final (p.40-41); See Appendix II.4

⁴⁶⁹ See http://www.moew.government.bg/ns/recent_news.php?action=fullnews&showcomments=1&id=958 (Date of reference 15.12.2010)

procedures going against the requirements of the EU Practical Guide to Contract Procedures for EU External Actions (Interviewee-BG 21).⁴⁷⁰

Overall, not only was there a lack of financial and administrative capacity in Bulgaria but also there was not adequate capability to absorb EU pre-accession assistance, with the country being over-reliant on it especially for the purposes of the waste reform (Bailey and De Propriis, 2002; Bache, 2008).⁴⁷¹ Part of the reason for this weakness of formal institutions at national and sub-national level (domestic variable) and the complex implications of policy interactions described above ('domesticated' variable) should be sought in the workings of other domestic factors examined in the existing Europeanization writings. Such factors are the existing of multiple veto points horizontally at national level, and vertically at national and sub-national level lacking coordination and having contested relationships; the political or partisan nature of these contestations; the differential empowerment of domestic actors; the political and organizational cultures and the process of learning accompanying developments in this setting.

3.2 Contested Relations across Levels of Governance

There was lack of coordination and rivalry among policy structures. At national level, this was expressed by communication problems and contentions among Ministries, while coherence among them was crucial for project identification, application for financing (to the European Commission) and implementation

⁴⁷⁰ See Report from the Bulgarian National Audit Office on the Results of an Audit of Measure ISPA 2003/BG/16/P/PE/019 'Kardjali Regional Waste Management Centre' at the Ministry of Environment and Water for the period 01.01.2007 – 30.06.2009, Sofia, 05.11.2009, available in Bulgarian at: [http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane\[1\].doc](http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane[1].doc) (Date of reference 07.12.2010);

See Report on the State of Projects at High Risk in Terms of Completion within the Timeframe of the Financial Memoranda financed under ISPA/Cohesion Fund (Regulation 1164/94), Sofia, October 2009, available in Bulgarian at: http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/01_Executive_Summary_of_Report.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/09_Report_Kardjaly.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/03_Report_5_landfills.doc (Date of reference 07.12.2010);

See Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 'Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol' at the Ministry of Environment and Water, 'EU Funds for Environment' Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007, available in Bulgarian at: <http://www.bulnao.government.bg/index.php?p=18> (Date of reference 07.12.2010)

See Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2006, Brussels, 7 November 2007, SEC (2007) 1467, COM (2007) 685 final (p. 24, p. 30)

See Practical Guide to Contract Procedures for EU External Actions available at: http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm (Date of reference 31.12.2010)

⁴⁷¹ *Op.cit.* 31

(Interviewee-BG 14; Minutes 3, 01.10.2009).⁴⁷² For example, if examining the financial memoranda in the sphere of waste management discussed above, it becomes evident that inter-ministerial coordination was critical. The authority responsible for making the 2000 application or the National ISPA Coordinator was established within the Ministry of Regional Development and Public Works, while the agency responsible for implementation was the Ministry of Environment and Water. This was also the case with the 2003 memorandum, where the National ISPA Coordinator had moved to the Ministry of Finance and responsibility for implementation had remained with the Ministry of Environment and Water.⁴⁷³ As an interviewee from the Ministry of Environment and Water underlined, however, cooperation between these ministries was literally non-existent. Even within the Ministry of Environment and Water itself, coordination between relevant units was problematic, which formed a negative trend that unfortunately persisted beyond 2005 as well (Interviewee-BG 14).

In the cases of the ISPA infrastructural waste projects, the final beneficiaries were located at the sub-national level. Accounts of their involvement in project preparation and project implementation exhibit a highly centralized approach to environmental investment projects in Bulgaria at the time which was a way of perpetuating past centralist traditions and was permissible in the framework of ISPA (Interviewee-BG 2, 16, 19, 20, 21).⁴⁷⁴ Although the latter clashed with the inherently sub-national focus of waste management, concerns over capacity (administrative and financial) weaknesses⁴⁷⁵ and corrupt practices, particularly acute at municipal level, prevailed over calls for decentralization (Interviewee-BG 21; Carius *et al*, 2001: 41). Probably, a sign of the initial movement towards decentralization was the fact that, for the period 1997 – 2003, the Law on the Limitation of the Harmful Impact of Waste on the Environment,⁴⁷⁶ in its Art. 37, had envisaged for mayors, being at the centre of executive power at the sub-national/municipal level,⁴⁷⁷ to manage municipal and inert waste, including the right to license activities with these types of waste. Although this can be interpreted as a

⁴⁷² For example, *see* 2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 08.11.2000, (p. 93); 2003 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 05.11.2003 (p. 119); *See* Appendix II.4

⁴⁷³ *Op.cit.* 460

⁴⁷⁴ *See* Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2004, Brussels, 1 December 2005, SEC (2005) 1552, COM (2005) 612 final (p. 36); *See* Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2006, Brussels, 7 November 2007, SEC (2007) 1467, COM (2007) 685 final (p. 30)

⁴⁷⁵ *See* European Commission Regular Reports in Appendix II.4

⁴⁷⁶ *Op.cit.* 399

⁴⁷⁷ *See* Art. 139 of the Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007

continuation of the competence of People's Councils over waste handling from the 60s and 70s, discussed above, there is the important difference that the latter were operating in a context of a strict party centralization and in practice were directed by the national level. Therefore, given the political context of the late 90s, the way the 1997 LLHIWE stipulated mayors' competence can be treated as a trend towards decentralization which was, however, tempered by the 2003 Waste Management Act.⁴⁷⁸

On the one hand, indeed, there were signs that municipal authorities were experiencing themselves as 'local feudals' and their behaviour was influenced more by political rather than expert decisions (Minutes 8, 21.01.2010). With regard to waste management and the ISPA projects discussed, this was demonstrated by the difficulty with which municipalities were forming associations in order to establish regional waste management centres, and the unsustainable course of inter-municipal relations they were taking. Their short-term horizons spread to contentions over the choice of landfill sites with terrains allegedly owned by political parties (Interviewee-BG explicitly requested anonymity with regard to this claim), while overlooking prospective issues such as arrangements over facility run-up, closure and after-care costs (Interviewee-BG 2, 3, 4, 11, 14, 21).⁴⁷⁹ This finding points to the role of political or partisan contestation as an important variable explaining divisions in the sub-national arena.

On the other hand, the top-down approach undertaken by the national level was not helping these sub-national frictions as it was by no means coherent and transparent (Interviewee-BG 6, 16). Although the National Waste Management Programmes (1999 – 2001) and (2003 – 2007) had envisaged the development of regional landfills across the country by taking existing regionalization into account, they had failed to come up with a sound rationale for this policy and to issue clear guidelines as to the rules governing municipal participation in servicing these regional facilities.⁴⁸⁰ The 1997 Law on the Limitation of the Harmful Impact of Waste on the Environment was also silent on that matter. The subsequent Regulation No 13 on the conditions and requirements for construction and operation of landfills (1998) included a clause stipulating that landfill designs were to be developed in keeping with the regional principle of servicing more than one settlement or more than one municipality, if the possibility for this existed (Art. 15). Art.17 (2) of the new 2003 Waste Management Act threw more, but still

⁴⁷⁸ *Op.cit.* 414

⁴⁷⁹ *Op.cit.* 470

⁴⁸⁰ See National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998; National Waste Management Programme (2003 - 2007), Sofia, 11.12.2003; See National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001, See Appendix II.3

limited, light on this issue pointing out that a mayor may cooperate with other municipalities towards arranging waste disposal on a regional principle. One of the implementing regulations to this Act, that is Regulation No 7 on the requirements for sites accommodating waste treatment facilities (2004), linked this to the provisions of the National Waste Management Programme. It specified that the landfill sites ‘are determined so that they service the population of more than one municipality in line with the regional principle for waste management’ and skipped the option clause (‘if the possibility for this existed’) of the 1998 Regulation No 13 (Art. 8 (2); Art. 11). It was amendments to the Waste Management Act from 2008 that provided more particularities on the establishment of associations of municipalities sharing a regional landfill, with the latter being further developed in 2010 revisions (See Appendix II.5).⁴⁸¹ Going back to the ISPA waste projects, it should be underlined that there was neither a fixed legal model for the municipal associations that were to be established, nor strict delineations as to municipal rights and obligations within the associations at the time.⁴⁸²

This lack of clarity led to further complications of the already complex inter-municipal relations and in regional waste planning. The regional administrations of the 28 NUTS level 3 regions,⁴⁸³ that were responsible for conducting state policy and coordinating the activities of the municipalities, did not ‘function adequately’ (Carius *et al*, 2001).⁴⁸⁴ The mapping of regional landfill sites was not to follow the country’s administrative-territorial structure but was a way of introducing another layer into this structure developed especially for the purposes of waste management and in line with the principles of proximity and self-sufficiency, laid down in EU waste legislation.⁴⁸⁵ Led by these principles, municipal associations would either follow the lines of NUTS level 3 regions or cut across those, forming ‘waste regions’ comprising LAU units of separate NUTS level 3 regions. This is a good illustration of Hooghe and Marks’s categorization touched upon in Chapter 4 and also to be returned to in Chapter 8, where

⁴⁸¹ *Op.cit.* 399, 414, 416 and 434

⁴⁸² For instance, the municipalities within the eventually unsuccessful regional waste centre in Pernik were about to set up a limited liability company to operate the facility and the municipalities from the regional waste centre in Silistra formed a non-profit organization

Op.cit. 470

⁴⁸³ See Art. 135 of the Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007

As mentioned in Chapter 4 the territory of Bulgaria comprises 2 NUTS level 1 regions, 6 NUTS 2, 28 NUTS 3 (*oblasti*), 264 LAU 1 (municipalities, i.e. *obshtini*), 5329 LAU 2 (populated areas).http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-RA-07-020 (Date of reference 06.05.2010); *Op.cit.* 268

See Appendix II.6

⁴⁸⁴ See National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998 (p.18)

⁴⁸⁵ *Op.cit.* 6

hierarchical Type I regionalization can overlap with Type II functional and task-specific, here waste-specific, jurisdictions (2004: 15-30).⁴⁸⁶ An overlap of this sort indicates that the interdependencies within the sub-national level, that is among authorities of LAU units within or across NUTS level 3 regions, can be critical, along with the issues of their coordination with the national level whether in the face of the Ministry of Environment and Water, its RIEWs or NUTS 3 state administrations. What is more, while taking a centralist stance, the Ministry of Environment and Water proved weak in directing these relations.⁴⁸⁷

Awareness of this complex picture of interdependencies explains the existence of coordination difficulties among the multiple policy structures taking part in municipal waste management, which was especially acute in the context of deficient capacities. Corrupt and legalistic policy style, political partisan contestation and differential empowerment of actors characterizing national - sub-national relations added up to this domestic challenge. Complexity was also introduced by the process of ‘learning by doing’ accompanying the ‘download’ of the EU rules that were new for Bulgaria. Policy interactions and the over-reliance on EU financing, in particular, further aggravated these domestic factors as they brought a cross-sectoral dimension to the waste reform revealed in relation to policy content and, consequently, to the operation of national and sub-national policy structures.

3.3 ‘Waste Regions’ and EPI through Environmental Assessments and ISPA

Although, as discussed above, the regional approach to waste management in Bulgaria was not particularly strongly reflected in Bulgarian waste legislation, measures, whether nationally or internationally-funded, were being taken towards its practical introduction and the establishment of an ‘integrated and adequate network of disposal installations’ in line with the Waste Framework Directive (Art. 5 (1)).⁴⁸⁸ As underlined in the National Waste Management Programme (2003 – 2007), this integrated management combines all waste management principles and ‘guarantees interaction and optimal combination of the different methods and approaches with the

⁴⁸⁶ *Op.cit.* 230

⁴⁸⁷ Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 ‘Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol’ at the Ministry of Environment and Water, ‘EU Funds for Environment’ Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007, available in Bulgarian at: <http://www.bulnao.government.bg/index.php?p=18> (Date of reference 07.12.2010)

⁴⁸⁸ *Op.cit.* 6

purpose of achieving economically and environmentally effective waste management’ (p. 61) (Interviewees-BG 3 and 4; Williams, 2005: 368). The choice of landfilling as a predominant waste disposal technique in the country was by no means the best from an environmental point of view and in reference to the waste hierarchy. Yet, this choice was made nationally where, in the case of Bulgaria, the ‘willingness to pay’ for waste handling was low (Interviewee-BG 2, 3 and 4). Indeed, as one of our interviewees put it, ‘the poorer the country, the lower the technology’ (Interviewee-BG 2, 22). Also, the persistence of landfilling as a preferred waste disposal method would allow for continuation of pre-existent waste practices and would, at least initially, not lead to fundamental changes in waste handling. At the same time, the formation of regional landfills would help in meeting the requirements of the Landfill Directive⁴⁸⁹ and would allow for the operation of the existing non-compliant landfills to be halted by the deadline of 16 July 2009, envisaged in the Directive (Art. 14) and not re-negotiated by Bulgaria.⁴⁹⁰ Moreover, once the basic requirements of the Landfill Directive and the Waste Framework Directive are met, the established ‘waste regions’ would be able to host upgraded facilities, in terms of both economic and environmental indicators (Interviewee-BG 22).⁴⁹¹

Still, as already noted, the actual development of a regional waste disposal network was a challenging task as a ‘good landfill would, still, be more expensive than an illegal one’ (Interviewee-BG 2). In a context of poor capacities (both financial and administrative) and inherent ‘offhand’ approach to implementation (Interviewee-BG 14), environmental considerations were being suppressed by the economic and political interests of the day. This was well demonstrated by the weakness and bureaucratisation of environmental policy integration (EPI) into Bulgarian sectoral policies expressed, for instance, through turbulent inter-ministerial coordination on environmental matters and problematic formal and practical transposition of the EU environmental assessment legislation (Medarova-Bergström, 2008).⁴⁹²

The European Commission Regular Reports in the period 1998 – 2005 stressed the importance of integrating environmental protection requirements into the definition and

⁴⁸⁹ *Op.cit.* 6

⁴⁹⁰ National Waste Management Programme (2003 - 2007), revision and extension of the Action Plan through 2008, Sofia, 13.02.2008 (p. 71)

⁴⁹¹ See Newspaper Interview of Evdokia Maneva, Deputy-Minister of the Environment and Water, (2010) ‘The Opponents of Regional Landfills are Ignorant People’, *Yantra Dnes*, 3118, available in Bulgarian at: <http://www.dnesbg.com/index.php?page=NewsDetailsPage&id=13973> (Date of reference 26.12.2010)

⁴⁹² *Op.cit.* 480

As already explained in Part II, Chapter 4 which was dedicated to EPI and policy interactions, the focus in this research is limited to environmental assessment provisions and environmental clauses in EU pre-accession and cohesion policy legislation as tools for EPI.

implementation of all other sectoral policies in view of promoting sustainable development, both placed high on EU political agenda at the time. Prior to the adoption of the new Environmental Protection Act in Bulgaria in September 2002,⁴⁹³ the European Commission had underlined the need for Bulgaria to revise its legislation transposing EU Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment and Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.⁴⁹⁴ It had followed Bulgarian progress with legislation on environmental assessment since 1998⁴⁹⁵ and had accentuated its weaknesses in particular with regard to clauses on non-mandatory EIA and information to the public in the environmental assessment process. For instance, the 1997 amendment to the, now repealed, Environmental Protection Act⁴⁹⁶ had granted municipal policy structures the authority to determine the environmental impact of projects, sites and activities that were not subject to a mandatory environmental assessment and were contained in the only at the time Annex to the Act (Art. 20). A

⁴⁹³ See Environmental Protection Act prom. SG. 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.09.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.08.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010

See Appendix II.3

⁴⁹⁴ The Environmental Assessment Directives were discussed in great detail in Part II, Chapter 4 of this dissertation.

See Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114; See Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30

Op.cit. 51

⁴⁹⁵ *Op.cit.* 351

With the adoption of Regulation No 4 on environmental impact assessment prom. SG 84/22.07.1998 amended SG 68/03.08.2001; See Appendix II.3 and II.4

It will be beyond the scope of this research to go into a deeper analysis of the transposition of EU EA provisions (that is provisions on environmental impact assessment and strategic environmental assessment) into Bulgarian legislation. This would necessitate a separate research effort which would cover: 1). the 1991 Environmental Protection Act and its amendments, 2). the 2002 repealing Environmental Protection Act that has itself undergone a sizeable number of amendments with the latest dating from June 2010, and the relevant implementing regulations such as 3). the Regulation No 2 of 5 of March 2003 on the terms and conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments prom. SG 24/14.03.2003 – now repealed, 4). Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for carrying out environmental impact assessment’, SG 80/09.10.2009, SG 29/16.04.2010, 5). Regulation on the terms, procedure and methods for environmental assessment of plans and programmes prom. SG 57/02.07.2004 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for environmental assessment of plans and programmes’, SG 29/16.04.2010. See Appendix II.3

The aim here is rather to centre upon the key challenges in transposing and implementing the environmental assessment legislation in Bulgaria before and after accession to the European Union.

⁴⁹⁶ See Environmental Protection Act promulgated SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002; *Op.cit.* 349

See Appendix II.3

prompt reference to the EU EIA Directive that was discussed at length in Part II, Chapter 4, is sufficient to spot at least two problems with this provision. The first one is that the Bulgarian 1991 Environmental Protection Act and its consecutive amendments and implementing regulations had not made the distinction between Annex I (mandatory EIA) and Annex II (non-mandatory) projects as provided in Art. 4 (1) and (2) of the EIA Directive. The second relates to the fact that Art. 20 of the Environmental Protection Act had not reflected the necessary screening procedure that was required for determining whether non-mandatory actions should be made subject to an assessment. Instead, as noted above, the Act entrusted municipalities with the latter competence. Due to such weaknesses, the 2001 European Commission Regular Report stated poignantly that the ‘the delay in the adoption of the new Environmental Protection Act...has postponed the transposition of the *acquis* on environmental impact assessment and access to environmental information’ which was ‘regrettable’.⁴⁹⁷ Following the adoption of the new 2002 Environmental Protection Act, later reports concluded with greater optimism that a good framework was established for further progress on environmental assessment in terms of formal transposition in Bulgaria.⁴⁹⁸ A Regulation No 2 on the terms and conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments and a Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies were adopted in March 2003.⁴⁹⁹ As reported by the 2004 European Commission Regular Report,⁵⁰⁰ this advancement in the field of horizontal legislation was supplemented by the adoption also of legislation on strategic environmental

⁴⁹⁷ See 2001 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 13.11.2001, SEC(2001) 1744 (p. 76, 101); See Appendix II.3, II.4

⁴⁹⁸ See 2002 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 09.10.2002, COM(2002) 700 final and 2003 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 05.11.2003; See Appendix II.3, II.4

⁴⁹⁹ See Regulation No 2 of 5 of March 2003 on the terms and conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments prom. SG 24/14.03.2003 – now repealed; Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for carrying out environmental impact assessment’, SG 80/09.10.2009, SG 29/16.04.2010. Translation into English available at: http://www.moew.government.bg/index_e.html (Date of reference 25.08.2010)

See 2003 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 05.11.2003
See Appendix II.3, II.4

⁵⁰⁰ See 2004 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final (p. 112); See Appendix II.3, II.4

assessment by the means of a Regulation on the terms, procedure and methods for environmental assessment of plans and programmes from July 2004.⁵⁰¹

These developments show that despite initial delays, the formal transposition of EU Environmental Assessment Directives (both EIA and SEA) was progressing at a rapid pace (Carius *et al*, 2001). Yet, as one of our interviewees underlined, ‘the difficulty is not so much in the transposition but rather in making these procedures work’ (Interviewee-EU 1). In the case of Bulgaria, firstly, there were conditions for implementation to be stalled due to transposition problems and delays. Secondly, environmental policy structures demonstrated weakness in defending environmental interests over the resistance of other policy areas (Interviewee-BG 5). Priority was given to fast project execution rather than to endorsing environmental concerns (Carius *et al*, 2001: 75). And third, in the spirit of past traditions, excessive legalism was brought into the environmental assessment procedures (Interviewee-BG 2). They were long and formalistic, with no clearly distinguishable value in the context of the spatial planning process (Interviewee-BG 2; Carius *et al*, 2001; Medarova-Bergström *et al*, 2007; Medarova-Bergström, 2008).⁵⁰²

These persistently weak EPI dynamics unfolding in a context of deficient administrative capacities both at national and sub-national level, received increased attention in the context of EU pre-accession assistance and ISPA projects, in particular (Carius *et al*, 2001: 46). The European Commission had emphasized in its reports that the proper implementation of the EIA Directive, the preparation of ‘sound and complete’ environmental assessments, and enhanced inter-ministerial cooperation were critical for preparing large-infrastructure projects (Interviewee-BG 3, 4, 6).⁵⁰³ And indeed, the objective of the ISPA-funded waste projects discussed above, was to reverse ‘the general tendency in Bulgaria to carry out waste disposal without dedicating strong attention to the environmental impact’.⁵⁰⁴ In fact, the rationale behind the introduction of ISPA in accession countries like Bulgaria was linked to assisting these states with the

⁵⁰¹ See Regulation on the terms, procedure and methods for environmental assessment of plans and programmes prom. SG 57/02.07.2004 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for environmental assessment of plans and programmes’, SG 29/16.04.2010

⁵⁰² See National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998 (p. 27)

⁵⁰³ See Appendix II.4

⁵⁰⁴ See Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol in Bulgaria, Measure No 2000/BG/16/P/PE/ 002, Brussels, 18.12.2000 (p. 17)
See Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2006, Brussels, 7 November 2007, SEC (2007) 1467, COM (2007) 685 final (p. 30)

implementation of EU environmental legislation (including waste legislation) and environmental protection.

As discussed in Part II, Chapter 4, the ISPA Regulation contains a number of provisions ensuring compatibility of the funded projects with EU environmental law.⁵⁰⁵ These foresee environmental assessments in line with the EIA Directive for the purposes of project application and project approval (Art. 7; Annex I and II) as well as for assessment of environmental compatibility of EU assistance under ISPA ex-post (Art.11f; Annex IV) including in the annual Commission report (Annex V).⁵⁰⁶ This meant that projects that did not qualify for mandatory EIA as they were part of Annex II of the EIA Directive, were to be subject to environmental assessment in the context of the ISPA process. Although, in theory this seemed to strengthen environmental policy integration into EU pre-accession assistance and ISPA projects were not to be funded had they not obtained an adequate environmental assessment (Interviewee-BG 6), practice proved otherwise. For example, the 2004 Annual Report for ISPA signalled that the practical application of the EIA provision in ISPA projects, especially with regard to public consultation, had given rise to ‘serious problems’ (p. 36).⁵⁰⁷ Also, the European Commission has recently expressed concerns over the ‘environmental non-compliance’ of one of the ISPA landfill projects that has been implemented under the 2000 ISPA financial memorandum, and has admitted that this non-compliance will make the closure of the project rather ‘problematic’.⁵⁰⁸ This comes to show that

⁵⁰⁵ *Op.cit.* 291

⁵⁰⁶ See Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73; *Op.cit.* 201, 290

See Part II, Chapter 4; See Table 2 in Appendix I

⁵⁰⁷ *Op.cit.* 474

⁵⁰⁸ See Letter 3, Letter from the Director-General of Directorate-General Regional Policy Dirk Ahner to the Deputy Prime Minister and Minister of Finance Simeon Djankov, Subject ‘State of Implementation of the Cohesion Policy in Bulgaria’, Brussels, 08.01.2010, available at: http://www.moew.government.bg/recent_doc/ns/ns/2010/link3.pdf (Date of reference 07.12.2010) (Details of correspondents as of 2010)

This example relates to the landfill of Montana that was put into operation in 2006 and the controversies around the application of the EIA procedure towards the issuing of an integrated permit for its operation as a regional waste disposal site in 2007. This case was firstly brought to the attention of the European Commission by the Bulgarian NGO *Ecoglasnost* in 2006. It was eventually taken to the Bulgarian Supreme Administrative Court in 2008 (See Resolution No 12471/19.11.2008 of the Supreme Administrative Court of the Republic of Bulgaria). In line with the Court resolution, the Regional Environmental Inspectorate – Montana had come up with a decision that no more than 10t of waste for a 24 hour period could be admitted to the landfill. Later checks, however, revealed that this decision was not being complied with in practice. As a result, the mayor of Montana was fined by the Regional Environmental Inspectorate in April/June 2010. Continuing problems with this landfill, including concerns over leachate infiltrating into the local river Ogosta, have provoked *Ecoglasnost* to seek further assistance from the European Commission and the Ministry of Environment and Water, as shown by correspondence. In the correspondence, the organization claims that the ‘European’ landfill is environmentally non-compliant and causes ‘ecological genocide’ in the surrounding area. For more details, see (in Bulgarian) http://eu.actualno.com/news_84478.html, http://www.greenparty.bg/index.php?option=com_content&view=article&id=8632:-----&catid=30:2010-07-09-10-20-16&Itemid=227&lang=bg, <http://www.greentech.bg/?p=7855>, <http://montana-dnes.com/modules.php?name=News&op=SeeNews&id=4232> (Date of reference 04.08.2010)

deficiencies in compliance with EU environmental legislation, and environmental assessment legislation, in particular, in the framework of EU pre-accession assistance can, potentially, lead to complications. EPI is not to be taken for granted as it is critically dependent on the institutional context where it is implemented and ‘often fails due to insufficient capacities and a lack of substantive guidance’ (Lenschow, 2002a: 231). Overlooking the environmental aspects of developing infrastructure meant to solve environmental problems itself could hamper fund absorption and interfere with the attainment of waste management goals which, in turn, goes with concurrent environmental problems. Such a development has certainly been undesirable for a country so reliant on EU assistance for infrastructural development as Bulgaria. In fact, as shown above, there has been a direct link between investments in the waste sector and the implementation of ISPA in Bulgaria. Capacity to cope with ISPA including through the adequate application of the EU Environmental Assessment Directives was crucial in this context. The policy interaction between EU pre-accession aid and EU environmental and waste policies has, then, unfolded as an important ‘domesticated’ factor in the national arena which, together with domestic factors, has had the potential to influence implementation performance in Bulgarian waste management pre-accession. These interaction dynamics have become even more relevant after the accession of Bulgaria to the European Union with the clock of compliance with EU environmental and waste requirements ticking and the Structural and Cohesion Funds stepping in.

Conclusions

The following main conclusions may be drawn on the basis of the extensive chronological overview of the development of Bulgarian waste management covering the period between the signature of the Association Agreement (1993)⁵⁰⁹ and the Treaty of Accession of Bulgaria to the EU (2005)⁵¹⁰ presented here. The first observation pertains to the start of Bulgaria’s accession to the EU at the beginning of the 1990s and to the extent and pace with which Bulgarian waste policy has been Europeanized since this critical juncture. As revealed by the empirical evidence presented in this Part III of the thesis, there was a clearly identifiable misfit in terms of policy content and existing infrastructure, between Bulgarian and EU waste policies at the time of the Europe

⁵⁰⁹ *Op.cit.* 7

⁵¹⁰ *Op.cit.* 8

Agreement.⁵¹¹ On the one hand, promptly transposed EU legislation had to replace the old paradigms of action characterizing the Bulgarian waste sector and to bring it closer to EU standards. On the other hand, however, this alignment with EU legislation did not necessitate an abrupt change of the accepted waste disposal practice in Bulgaria that was fully reliant on landfilling.⁵¹² Therefore, while appreciating the significance of the existing misfit, nuances at the level of policy content allow for qualifying it as a medium rather than a high misfit. The latter permits speculations as to the strength of adaptational pressures the Bulgarian waste sector was exposed to at the beginning of the 1990s (See Table 1, Chapter 1, Part I).

The second observation takes us back to the research model adopted in this thesis, according to which, alongside the role of the EU and the ‘goodness of fit’ between EU waste rules and Bulgarian waste policy, the analysis of the Bulgarian implementation performance in ‘downloading’ EU waste legislation also necessitates the examination of endogenous factors.⁵¹³

Progress with the ‘accommodation’ of the EU waste *acquis* into Bulgarian legislation was strongly dependent on the receptivity of the domestic context and its proneness to change. Transposition proved to be a dynamic process with legislation subject to multiple amendments resulting from inadequate transposition due to capacity weaknesses, implementation lessons learned and developments of EU legislation. Yet, change of Bulgarian waste legislation was set into motion and, therefore, it can be concluded that, prior to 2005, the EU’s impact on Bulgarian waste legislation was significant.

Implementation, however, remained more problematic and rather limited. It was being stalled by delays with formal transposition as well as by the workings of endogenous factors. Commitment to implementation was powered around the accession negotiations on the Chapter ‘Environment’. Yet, as revealed in the post-accession period, the envisaged time-frame for compliance with the provisions of the EU Landfill and Waste Framework Directives proved to be overly optimistic.⁵¹⁴ Given the existing financial, administrative and infrastructural deficiencies, Bulgarian authorities had negotiated unrealistic transitional periods for implementation.

The highlighted themes in the chronological account of this chapter exhibited the critical role of domestic variables proposed in existing Europeanization research such as

⁵¹¹ *Op.cit.* 7

⁵¹² *See* Part II, Chapter 3

⁵¹³ *See* Introductory chapter and Part I, Chapter 1

⁵¹⁴ *Op.cit.* 6

capacity weaknesses (administrative and financial) of mediating formal institutions; the establishment of veto points within these institutions at national and sub-national level as well as the lack of coordination and the emergence of contested relations among them; path dependent patterns of political and organizational cultures of excessive bureaucracy, corruption, clientelism and environmental indifference; differential empowerment of actors across levels of governance, with power predominantly concentrated at the national level; decisions driven by political choices and political or partisan contestations; and the temporal implications of the learning process accompanying change.

In this setting, particularly prominent was the inability of policy structures to mobilize investments for the construction of compliant regional waste disposal facilities and the closure of existing non-compliant ones. The only way for the EU to stimulate implementation in the Bulgarian waste sector was through its pre-accession financial aid and ISPA, in particular. Yet, managing ISPA actions was another critical challenge for Bulgaria both in terms of administrative and financial capacity (including co-financing capacity). Problems pertained to staff inexperience and high turnover of personnel due to political changes, with the administration of ISPA being ‘reserved’ for people with the right connections. The national structures were exercising an overly centralized approach to project management while being unable to properly coordinate the competences of the sub-national authorities (municipalities, municipalities within ‘waste regions’, regional administrations, RIEWs) with regard to ‘waste regionalization’, and were themselves dragged into inter-ministerial rivalries. They were excessively reliant on EU financing while failing to secure adequate financial management and control of projects and allowed for irregularities in public procurement procedures. Likewise, environmental assessments in the context of ISPA projects were being downplayed and applied under the old path dependent formalistic and mechanistic formulae (Marinov, 2006; Interviewee-BG 2). As it was shown in this chapter, policy interaction between EU pre-accession aid and EU environmental and waste policies emerged as an important ‘domesticated’ factor at the national level which, in conjunction with domestic factors, had the potential to influence implementation performance in Bulgarian waste management pre-accession. Developments with Bulgarian waste policy post-2005 reveal the extent to which the exposure to these domestic and ‘domesticated’ factors has held risks for the timely implementation of the EU waste requirements and for the Europeanization of Bulgarian waste policy.



Chapter 7

Waste Management in Bulgaria Post-accession

Introduction

This chapter proceeds with the chronological overview of Bulgarian waste policy post-2005 and examines the role of the EU, of domestic and ‘domesticated’ factors in the Europeanization process entailing formal and practical transposition of the EU waste *acquis* in Bulgaria. The account follows developments after the signature of the Treaty of Accession of Bulgaria to the European Union (2005)⁵¹⁵ differentiating between two post-accession sub-periods that cover respectively the time between 2005 and 2007 when the Treaty came into force, and between 2007 and 2010, with the end date determined by the research time-frame.⁵¹⁶ These periods are signposted to reflect key developments and examples characterizing Bulgarian waste management post-accession.

Bulgaria signed the Treaty of Accession to the European Union on 25 April 2005 with the actual date of entry being stipulated for 1 January 2007. The present research has witnessed developments in Bulgaria up to its fourth year of membership of the EU, on 1 January 2011. Although this short post-accession time horizon precludes us from making definitive conclusions on implementation outcomes⁵¹⁷ in Bulgarian waste management, it still offers insights into the trends in formal and practical transposition of the EU waste *acquis* in the country in the post-2005 period. It also gives the opportunity to compare the influence of the European Union and the effects of domestic and ‘domesticated’ factors on waste policy pre- and post-accession, as well as to reason on the extent to which Bulgarian waste policy has been Europeanized, with the latter discussion to be the focus of attention of Chapter 8.

1. At the EU Threshold: from the Accession Treaty (2005) to Accession (2007)

As discussed in the previous chapter, from the date of accession (2007), Bulgaria was bound by the engagement to apply the ‘general requirements’ under the Waste

⁵¹⁵ *Op.cit.* 8

⁵¹⁶ *Op.cit.* 10

⁵¹⁷ For instance, Interviewee-BG 5 underlined that while it is possible to talk about ‘implementation deficit’ in waste management at European Union level, it is still too early to label Bulgarian difficulties in the waste sector as examples of this deficit.

Framework Directive. With regard to the Landfill Directive,⁵¹⁸ despite warnings that implementation would present a critical challenge, the country ended up with only one transitional period and it did not directly concern the organization of landfilling within municipal waste management.⁵¹⁹ It provided for derogation from the requirements of the Directive for non-acceptance of liquid, corrosive and oxidising waste and for the prevention of surface water entering landfilled waste, for 14 existing industrial facilities.⁵²⁰ Bulgarian requests for a two year transitional period for the application of Art. 5 (2a) and (2b) of the Landfill Directive on the limitation of biodegradable waste going to landfills⁵²¹ were not reflected in the Accession Treaty. Nor were also any potential intentions⁵²² to postpone the deadline (16 July 2009) for the obligation to close all non-conform landfills in line with Art. 14 of the Directive.

The development of an ‘integrated and adequate network of disposal installations’ (Art. 5 of the Waste Framework Directive) has been key to meeting these obligations within the specified time-frames. As an interviewee from DG Regional Policy underlined, the European Commission had been promoting the adoption of a coherent regional approach towards the establishment of such a waste network as firstly, it would ensure ‘economy of scale’ (Interviewee-BG 3). In support of this, at a Parliamentary session, the Deputy-Minister of Environment and Water, Evdokia Maneva, reasoned that it would be unacceptable for all the 264 municipalities⁵²³ in Bulgaria to operate separate waste disposal facilities. She argued that a country like the Netherlands, with population numbers almost equal to those of Bulgaria, relies on eight waste treatment facilities. The second argument in favour of the adoption of a regional approach to

⁵¹⁸ *Op.cit.* 6

⁵¹⁹ See Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005 (p. 18)

See Treaty of Accession of Bulgaria and Romania to the European Union, Official Journal L 157/48 of 21.06.2005 (ratified by the Bulgarian Parliament on 11 May 2005), Annex VI (p. 34); See Appendix II.4

⁵²⁰ More specifically, derogation from Art. 5 (3a and b) and Annex I, point 2 (second indent); *Op.cit.* 6

⁵²¹ Art. 5 (2a, b, c) of the Landfill Directive provides that Member States have to reach the following targets in limiting the disposal of biodegradable waste to landfill: reduction to 75 per cent (of the total amount (by weight) of biodegradable municipal waste produced in 1995) by 2006; 50 per cent by 2009; 35 per cent by 2016. See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 180)

This article also allows for states which in 1995 put more than 80 per cent of their collected municipal waste to landfill to postpone this target for a period not exceeding 4 years. Bulgaria falls into this category, hence this provision is applicable to its case: reduction to 75 per cent by 2010; 50 per cent by 2013 and 35 per cent by 2020; See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005 (p. 121); National Waste Management Programme (2009-2013), Sofia, 09.01.2009 (p. 108); National Strategic Plan for the Gradual Reduction of Biodegradable Waste Going to Landfills 2010-2020, Sofia, 2010 (p. 21)

Op.cit. 159

⁵²² See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003 (p. 6)

⁵²³ See Appendix II.6

waste management has been that this approach offers a ‘good starting point for projects’, no matter whether nationally or internationally funded (Interviewee-BG 3; Minutes 11, 31.03.2010). The establishment of regional systems for management of municipal waste would serve as a basis for the implementation of the requirements of the Waste Framework Directive and the Landfill Directive in terms of environmentally-acceptable waste disposal, waste treatment prior to disposal, reduction of biodegradable waste going to landfill, and would present an alternative to illegal or non-compliant waste disposal practices. At the same time, it would constitute a sustainable framework for consequent upgrade of waste infrastructure in line with the principles of the waste hierarchy (Interviewee-BG 22).⁵²⁴

However, in 2006 the European Commission found that, although Bulgarian waste management legislation was ‘in line with the *acquis*’, preparations had to be ‘stepped up, in particular, for the development of an integrated network of disposal installations’. This conclusion came with the regular comment pointing to capacity weaknesses of formal institutions and their staff qualified as particularly acute at sub-national (regional and local) level. Also, given the strong reliance on EU pre-accession assistance for the procurement of both technical assistance and infrastructure, that was widely discussed in the previous section, signals by the European Commission of worrying delays with EDIS and ‘doubts over Bulgaria’s capacity to control future Structural Funds expenditure’ made the implementation picture appear much graver.⁵²⁵

Reports on progress with ISPA (Cohesion Fund/ex-ISPA after the date of accession) waste projects (started in 2000 and 2003, respectively), touched upon in the previous section, offer detail on the specific problems encountered during project implementation (Interviewees-BG 3, 4, 8, 11, 21).⁵²⁶ The first and most obvious one concerns the existence of delays. These were delays with procurement procedures, with actual building work, with reporting, all of these causing disruptions in payments and, ultimately, inability to finalize the contracts under the financial memoranda within the necessary time-frame. The measure initially envisaging the construction of six waste

⁵²⁴ *Op.cit.* 491

⁵²⁵ See Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final (p. 33, 41); See Appendix II.4

⁵²⁶ See Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol in Bulgaria, Measure No 2000/BG/16/P/PE/ 002, Brussels, 18.12.2000; Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Kardjali Regional Waste Management Centre in Bulgaria, Measure No 2003/BG/16/P/PE/ 019, Brussels, 16.12.2003; *Op.cit.* 460
See Appendix II.6

disposal sites was subsequently tailored for five sites as the project for the landfill of Pernik had failed to catch up with the delays. The other five (Montana, Ruse, Sevlievo, Silistra and Sozopol) sites had been constructed and put in operation and their defect notification period had duly expired. However, the building contracts under the same measure providing for the closure of existing municipal landfills replaced by these newly constructed regional sites were not finalized within the period of eligibility of expenditure ending on 31 December 2010. Their defect notification period would then extend beyond the time limit of the financial memorandum that had already been amended multiple times. The latter implies that, in the best possible scenario which does not involve return of funds, costs incurred after that date would need to be met nationally. This prospect has qualified the contracts under this financing memorandum as high-risk ones.⁵²⁷

The situation with the 2003 financing memorandum for the construction of a regional waste management centre in Kardzhali has been much worse in terms of delays as the project is currently in a construction phase. The works and the defect notification period go well beyond the deadline 31 December 2010 for Cohesion Fund/ex-ISPA projects in Bulgaria. The minimum risk for this project would, then, concern the costs incurred after that date. Greater risk of financial corrections that can amount to the whole EU financing on the measure, however, exists in relation to this particular project and depends on the ability of Bulgaria to present to the European Commission a final report within 12 months from 31 December 2010, as well as on the project output at that particular point in time (for instance, whether the constructed facilities would be operational or not).⁵²⁸ Facing this imminent deadline, Bulgaria, has managed to obtain extensions for financial memoranda signed post-2004 or signed by the European Commission at the end of 2003, and by Bulgaria at the beginning of 2004. The latter is relevant to the project for the construction of a regional waste disposal centre in Kardzhali.⁵²⁹ In fact, as early as the beginning of 2010, it was clear that none of the

⁵²⁷ *Op.cit.* 461, 463

⁵²⁸ *Op.cit.* 463

See Report from the Bulgarian National Audit Office on the Results of an Audit of Measure ISPA 2003/BG/16/P/PE/019 'Kardjali Regional Waste Management Centre' at the Ministry of Environment and Water for the period 01.01.2007 – 30.06.2009, Sofia, 05.11.2009, available in Bulgarian at: [http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane\[1\].doc](http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane[1].doc) (Date of reference 07.12.2010)

See Report, Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

⁵²⁹ These extensions are also very much relevant to projects in the water sector

See Minutes 14, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 13.10.2010 available in

environmental ex-ISPA projects would be finished before the deadline at the end of the year (Letter 3, 08.01.2010;⁵³⁰ Interviewee-BG 19).

The second category of problems with the implementation of the contracts under these financing memoranda, that need to be underlined here, pertain to issues of capacity and coordination among policy structures at national and sub-national level.⁵³¹ These can easily be perceived as potential causes for the above mentioned delays. Firstly, there was the problem of staff turnover and difficulties with finding experts to participate in project implementation units. Secondly, there were complications with the establishment of municipal associations towards the creation of regional waste management systems shared by the municipalities within these associations.⁵³² These led to deadlock as to decisions on the selection of landfill operators, the stipulation and collection of waste disposal fees and the inability of smaller more distant municipalities to cope with the expenditure for covering the distance to the respective regional site. For instance, in 2007, out of the 5 municipalities supposed to utilize the landfill of Ruse, only 2 of them were actually doing it.⁵³³ Third, municipalities had been shown to be irresponsible at the project preparation stage and had not made adequate arrangements for land acquisition and for realistic preliminary environmental, geological and hydrological studies, which led to problems and delays with the building works. In the case of the landfill of Montana, discussed in the previous section, this has provoked complications and causes for environmental concerns that have spanned beyond the launch of the site (Letter 3, 08.01.2010). Fourth, the Ministry of Environment and Water had proved weak in coping with the delays caused by these complications which was reflected in conflicts with contractors, inadequate management of implementation activities, reliance on time-frames where actual contract dates and deadlines were

<http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno/ID/1836> (Date of reference 07.12.2010); *See* Minutes 12, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 21.04.2010 available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno> (Date of reference 07.12.2010)

⁵³⁰ For a more detailed reference to Letters, *see* the Bibliography. In the text they will be quoted in line with the chronological numbering adopted in the Bibliography, followed by the respective date/month/year (XX.XX.XX)

⁵³¹ *See* Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 'Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol' at the Ministry of Environment and Water, 'EU Funds for Environment' Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007, available in Bulgarian at: <http://www.bulnao.government.bg/index.php?p=18> (Date of reference 07.12.2010)

See Report from the Bulgarian National Audit Office on the Results of an Audit of Measure ISPA 2003/BG/16/P/PE/019 'Kardjali Regional Waste Management Centre' at the Ministry of Environment and Water for the period 01.01.2007 – 30.06.2009, Sofia, 05.11.2009, available in Bulgarian at: [http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane\[1\].doc](http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane[1].doc) (Date of reference 07.12.2010)

⁵³² *Op.cit.* 482

⁵³³ *Op.cit.* 531

misrepresented and poor reporting. All of these had, understandably, led to frequent delays and even interruptions of payments. Fifth, public procurement procedures were lacking transparency. Letters from the European Commission reveal concerns over the excessively wide use of direct negotiation procedures following the cancellation of open tenders⁵³⁴ which had led to a situation where the negotiated procedure ended up ‘being the norm rather than the exception’ in the environmental sector in Bulgaria (Letter 1, 23.02.2009; Letter 3, 08.01.2010).⁵³⁵ All these difficulties with the implementation of waste Cohesion Fund/ex-ISPA projects⁵³⁶ in Bulgaria, that have remained valid over both pre- and post-accession periods, point to serious and persisting capacity and coordination weaknesses at national and sub-national level in the management of EU assistance.

As shown by this overview as well as by Chapter 6, Bulgaria was following a path dependent course of reliance on EU financing for the implementation of EU waste rules. Thus, capability to absorb EU pre-accession funding that was with principal relevance prior to 2007 was, even if not directly, linked to Bulgarian implementation performance in the waste sector. Policy interaction between waste policy and pre-accession assistance established itself as a critical ‘domesticated’ variable intervening in the Europeanization of Bulgarian waste policy. While ISPA was meant to add to investments in the environmental and waste sector, in particular, with nationally-driven projects put to a standstill, it obtained the role of a major source of financing for waste management investment. Yet, the difficulties around its implementation further aggravated the impact of other domestic factors on the application of EU waste provisions.

Firstly, formal institutions at national and sub-national level lacked the capacity and coordination potential for utilizing the EU pre-accession financial tools for the purposes of environmental protection and waste management as shown by their failures in project preparation (sub-national institutions) and project management (national institutions).

⁵³⁴ See Practical Guide to Contract Procedures for EU External Actions available at: http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm (Date of reference 31.12.2010) and Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts [2004] OJ L 134/114
Op.cit. 470

⁵³⁵ See Special Report from the Budget Control Committee of the European Parliament on the Status of Implementation of EU Funds in Bulgaria as of 31 July 2009, Brussels, 16.10.2009
See Annual Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2009, Sofia, February 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

⁵³⁶ *Op.cit.* 454

Secondly, contested relations among multiple veto points located within policy structures at national level (horizontally across Ministries), national and sub-national levels (vertically) and at the sub-national level (across municipalities) appeared as another serious challenge aggravated by policy interactions. While national structures were in charge of the project management process, the sub-national authorities were the responsible institutions in the field of municipal waste management and they were the ones supposed to hold ownership of the process of establishment of regional waste management systems by way of municipal association, the selection of the regional landfill sites, the utilization of the waste disposal facilities and the closure and after-care of non-compliant landfills. At the same time, the process of establishment of municipal associations was lacking legal clarity and guidance from the national level, with the latter exercising a centralized, and yet an incompetent approach to absorbing EU financing for waste management.

Thirdly, there was obscurity as to the empowerment of actors in charge of the sector. Sub-national authorities lacked capacity to carry out their competences in line with EU requirements and found it easier to seek instructions from the national policy structures, thus maintaining the communist tradition of reliance on centralized state governance. At the same time, the national institutions were not up to this task, leaving the implementation responsibility entirely with the sub-national policy structures (Interviewee-BG 11).

Fourthly, both sub-national and national institutions had been nurtured in a political culture of overly bureaucratic and corrupt relations and were viewing EU-funded waste projects as money-making enterprises and opportunities for political advances rather than as means to developing an environmentally sustainable and modern waste sector (Interviewee-BG explicitly requested anonymity with regard to this claim).

As a fifth factor, then, came political or partisan contestation conditioning decisions related, for instance, to the selection of landfill sites or the configurations of municipal association.

And finally, policy structures were undergoing a learning process on two fronts, with the first related to adjustments to EU waste and environmental rules, and the second connected to EU pre-accession assistance and cohesion policy requirements.

2. Waste Management in Bulgaria beyond 2007

The actual entry of Bulgaria into the European Union on 1 January 2007, transformed the status of the country from an acceding state to an EU Member State. This entailed a shift from EU pre-accession conditionality pressure as a key element of the top-down EU-Bulgarian relations to compliance pressure towards meeting the legal obligations Bulgaria had undertaken under the Treaty of Accession.⁵³⁷ In relation to this, alongside the influence of domestic factors, the effects of policy interactions as a ‘domesticated’ variable have become even more pronounced after the country’s accession to the EU. Implementation performance in the waste sector, in particular, has fallen under the spotlight of European Commission’s compliance assessment actions (with regard to both formal and practical transposition). The continued reliance of Bulgaria on EU financing for progressing with environmental projects made the country subject to double scrutiny: - firstly similarly to the pre-accession period it could be exposed to financial corrections in the framework of EU cohesion policy and secondly, in cases of transposition failures, now as a Member State the country could be prosecuted through EU legal procedures. By examining the reasons behind the imposition of such EU sanctions, it would be possible to make conclusions on the performance of Bulgaria in aligning with EU waste requirements, as well as to reveal which factors, among the domestic and ‘domesticated’ variables considered in our overview in this Part III of the thesis, emerge as most prominent in the EU-driven process of change in the Bulgarian waste sector.

2.1 Funding Scandals and EU Responses

In the post-2007 period, failures in ISPA (spanning over both environmental transport sectors) set prior to the country’s accession to the EU, as well as in other pre-accession instruments (such as PHARE), culminated in a political scandal with serious financial implications for Bulgaria in 2008 (Vachudova, 2009). As reports from the European Commission poignantly explained then, the ‘significant amounts of assistance’ that Bulgaria had received from the EU in ‘financial terms or technical expertise’ had not ‘always delivered expected results’. The reports revealed that as a result of this, ‘a growing sense of frustration’ was being accumulated among the Member States who had offered their support to Bulgarian reform, especially due to the ‘lack of transparency and results in their dealings with the Bulgarian administration’.

⁵³⁷ *Op.cit.* 8

The European Commission claimed that Bulgaria was not able to ‘reap the full benefits’ of EU assistance due to these ‘critical weaknesses’ in administrative and judicial capacity at central, regional and local level. It offered a vivid and grave picture of the situation as follows

*The Bulgarian public administration suffers from a high turnover of staff, unattractive salaries which create opportunities for corruption, and outdated, centralized procedures. In particular hesitation to use enforcement powers to remedy irregularities and fraud by immediate recoveries or other protective measures and the de facto non-independence of the national audit authority and implementing agencies give rise to serious concern.*⁵³⁸

The European Commission also drew attention to the role of high level corruption and organized crime in the management of EU pre-accession assistance in Bulgaria that was particularly apparent in public procurement procedures, and its grave consequences in the context of a generally weak administration within formal institutions at all levels. The latter was taking its toll as proved by Bulgarian absorption performance. The Commission underlined that Bulgaria had appeared to be ‘particularly slow’ in the timely implementation of environmental infrastructure investments. As of July 2008, the country had absorbed only 18 per cent (that is € 156 million out of the available funding of € 879 million) of the Cohesion Fund/ex-ISPA funding.

All this brought ‘temporary suspension of pre-accession funds and the freezing of payments under various other financial instruments’.⁵³⁹ Ex-ISPA funding was affected as well, as it was suspended for the period July 2008 – May 2009.⁵⁴⁰ With regard to the environmental sector, the Commission had recommended for Bulgaria to perform audits on contracts concluded by negotiated procedure in the environmental area, to intensify monitoring of delayed projects, to improve the rules and procedures of contract management and to optimize administrative resources.

⁵³⁸ See Appendix II.4 and in particular Report from the Commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria, Brussels, 23.07.2008, COM(2008) 496 final (p. 9-10)

⁵³⁹ See Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.07.2008, COM(2008) 495 final (p. 6); See Report from the Commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria, Brussels, 23.07.2008, COM(2008) 496 final (p. 2-10) Appendix II.3, II.4

⁵⁴⁰ See Report, Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

The Commission 2008 reports, although much sharper, were consistent with earlier concerns over the capacity and capability of Bulgaria to manage EU funds, expressed in previous reports and considered in Chapter 6.⁵⁴¹ As an interviewee from the European Parliament poignantly put it ‘a child of 4 could have predicted that there would be trouble with absorbing money...[T]here was political imperative for Bulgaria to join the European Union and now the EU needs to face the music’ (Interviewee-EU 1).

Indeed, the EU had prepared for problems with the performance of Bulgaria post-accession. While the Treaty of Accession had included the same three safeguard clauses as the ones incorporated in the Treaties of states that joined in 2004 (a general economic safeguard clause, a specific internal market safeguard clause, and home affairs safeguard clause),⁵⁴² it had also provided for two new unprecedented ‘tools’ (Vachudova, 2009: 51). The first one left the EU with the option to postpone the accession of Bulgaria with 1 year, that is, until 1 January 2008 upon ‘clear evidence’ that the country was ‘manifestly unprepared’ to meet the requirements of membership by 1 January 2007 (Art. 38). The second allowed the EU to continue monitoring Bulgarian performance in the field of judicial reform, corruption and organized crime through the co-operation and verification mechanism.⁵⁴³ It was within the framework of this mechanism that the 2008 reports, discussed above, were issued (*Ibid.*).

The actions taken by the European Commission towards suspending Bulgarian pre-accession funding and withdrawing the accreditation of two implementing agencies⁵⁴⁴ in 2008 created a widespread impression that corruption in Bulgaria was on the increase following the country’s accession to the EU in 2007. This perception understandably discredited the coalition government that had stepped into power in August 2005.⁵⁴⁵ The fact that the ministers had themselves figured in a number of ‘dramatic corruption scandals’ in 2007 and 2008 did not help in this context (Vachudova, 2009: 57). The results of 2008 polls among Bulgarian citizens showed that 80 per cent of respondents did not trust the Government, the Parliament and the Courts and that majority of Bulgarians supported EU’s decision to freeze funding. They believed that, since money

⁵⁴¹ See Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final; See Chapter 6

Op.cit. 31

⁵⁴² *Op.cit.* 8

⁵⁴³ See Commission Decision 2006/929/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime C (2006) 6570 final [2006] OJ L 354/58

⁵⁴⁴ *Op.cit.* 535

⁵⁴⁵ The Government included the so-called ‘triple’ coalition with a 8:5:3 distribution of Ministerial seats among the Bulgarian Socialist Party (BSP), the National Movement Simeon II (NDSV) and the Movement for Rights and Freedoms (DPS), respectively; See Appendix II.2

was not reaching them, these measures would be ‘a way of hurting the corrupt political class’ (*Ibid.*).⁵⁴⁶ According to some of our interviewees, however, withholding EU financing should be used only as a last resort as it can also be perceived as a way of ‘punishing the poor for being poor’ (Interviewee-BG 3, 4, 5, 8). Analyses of the 2008 European Commission reports point to the existence of a direct link between weak administrative capacity of formal institutions and inability to tackle corruption and organized crime (Vachudova, 2009: 54).

2.2 EU Structural and Cohesion Funds for Waste Management in Bulgaria

It was in such a context that Bulgaria had to initiate work with the Structural and Cohesion Funds in the framework of EU cohesion policy 2007 - 2013. While on the one hand, the challenges the country faced with ISPA were instructive for managing EU Structural and Cohesion Funds, on the other hand, there was an overlap between pre-accession and post-accession cohesion instruments which contributed to the overload of Bulgarian policy structures that had already been struggling with fund management. At the same time, experience with ISPA could be qualified as ‘poor’ and even ‘wrong experience’ (Interviewees-BG 3, 4, 9, 14) and as such offered examples of ‘how not to do it’ (Interviewee-BG 11) in terms of fund management.

As of 2008, out of the 56 ‘waste regions’ that had to be operational by the 16 July 2009 in order to replace existing non-compliant landfills in line with the commitments Bulgaria had undertaken under the Landfill Directive, only 27 had been constructed. six sites were still under construction, of which five were financed nationally and one was the remaining 2003 ISPA project discussed above. 23 sites had still to be constructed so that Bulgaria could close 203 existing municipal sites and meet the deadline for the Landfill Directive.⁵⁴⁷

Towards this end, Bulgaria has again been counting on EU financing (Interviewee-BG 5, 6, 7, 9, 15, 19, 21 and 22). The 2007 Operational Programme ‘Environment’ (hereinafter, ‘EOP’),⁵⁴⁸ developed in the framework of the Convergence objective of

⁵⁴⁶ See Euractiv.com, 26.07.2008 available at <http://www.euractiv.com/en/enlargement/bulgaria-mea-culpa-eu-moves-suspend-funding/article-174462> (Date of reference 05.12.2010)

⁵⁴⁷ See National Waste Management Programme (2009-2013), Sofia, 09.01.2009; See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007; See Appendix II.6 *Op.cit.* 6, 436 (3)

⁵⁴⁸ The EOP was officially approved by the European Commission on 7 November 2007 by force of Decision C/2007/5470

See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007; Annual Report 2007 Operational Programme “Environment 2007-2013”, Sofia, 03.06.2008, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

EU cohesion policy and due to be implemented with the financial support of the European Regional Development Fund and the Cohesion Fund,⁵⁴⁹ has been ‘directed mainly towards the achievement of compliance with the requirements of the European environmental legislation and in particular with Directive 1999/31/EC’ (p. 45). Priority 2 of the EOP has been dedicated to ‘[I]mprovement and development of waste treatment infrastructure’ with a financial allocation amounting to 20.4 per cent of the total EOP resource that is approximately € 366.7 million for the 2007 - 2013 programming period.⁵⁵⁰ However, consulting and complementing the analysis of the Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, the EOP has found that this money would not be sufficient for meeting even the minimum requirements of the Landfill Directive (Interviewees-BG 5, 9, 15, 21).⁵⁵¹ At the same time, as shown by the investment programme of the National Waste Management Programme 2009 – 2013 that came a year or so later, the EOP has been envisaged as a key source of funding (besides the state budget, municipal budgets and private investments) towards implementing the Directive. Among the prioritized activities for funding under the EOP have been, respectively, the construction of the remaining 23 regional waste disposal sites, the introduction of facilities for preliminary treatment (sorting, composting, mechanical and biological treatment) at the landfill sites that are to be constructed as well as at sites in need of such an upgrade (like Ruse, Montana and Silistra, for instance which were built under ISPA) and the closure of existing non-compliant landfills (p. 147).

While on the one hand, this information illustrates the extent to which cohesion policy and waste policy can be interdependent, on the other hand, it shows how, similarly to the situation with ISPA, Bulgaria was, at least at that point in time, still overly reliant on EU financing (Interviewee-BG 11).

However, it was hardly possible to allocate so scarce a resource to such a wide range of activities as foreseen by programmes like the National Waste Management Programme 2009 - 2013, especially when not being able or willing to spare

See Appendix II.3

⁵⁴⁹ *See Part II, Chapter 4*

See Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25

⁵⁵⁰ *See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007; See Annual Report 2008 Operational Programme “Environment 2007-2013”, Sofia, 27.05.2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)*

⁵⁵¹ *See Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007; See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003 (p. 28)*

complementary national financing. An important factor complicating this choice was the fact that, as of 2008 and 2009, besides political and corruption scandals Bulgaria, already an EU Member State, was also pressed by the threat of at least two EU legal proceedings in the area of municipal waste management.

2.3 EU Infringement Actions: Context and Developments

As discussed in Part II, there was the possibility that infringement proceedings would not only bring financial penalties to the country, but would also further compromise its political image in Europe. Ultimately, as accentuated in the 26th and 27th Annual Reports on Monitoring the Application of EU Law, by opening infringement proceedings the European Commission was ‘registering’ cases of implementation ‘failures’ (Interviewee-BG 10).⁵⁵²

To start with, there was the so-called Sofia waste problem. In October 2007, the European Commission sent a letter of formal notice to Bulgaria in line with Art. 258 of the TFEU (ex-Art. 226 TEC) on account of deficient implementation of Articles 4 and 5 of the Waste Framework Directive (See Table 1, Appendix I).⁵⁵³ As an interviewee from DG REGIO put it, ‘everybody knew about the Sofia waste management problem’ (Interviewee-BG 11). It had followed a path dependent course driven by ‘wrong political decisions’ since the 1980s which eventually set the stage for a serious waste crisis (Interviewee-BG 7, 17).⁵⁵⁴ In October 1984, the Council of Ministers of Bulgaria took a decision to construct a landfill site for the capital of Sofia in proximity to the neighbourhood of Suhodol.⁵⁵⁵ The landfill has been utilized in two phases, respectively phase I from 1987 to 1996 and phase II from 1997 to 2005, with the latter opened for use again at the end of 2007.⁵⁵⁶ In fact, phase II of the landfill featured as the first disposal site in the country constructed in line with European and environmental standards. However, in view of the limitations to its capacity, in December 2000 the mayor of Sofia, Stefan Sofianski, initiated discussions on the construction of a waste

⁵⁵² See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC (2009) 1684/2 – Not published in the Official Journal, (p.151)

See also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 179)

Op.cit. 39

⁵⁵³ *Op.cit.* 6

⁵⁵⁴ See Appendix II.8

⁵⁵⁵ See <http://infocenter.bnt.bg/content/view/full/1006> (Date of reference 08.08.2010)

⁵⁵⁶ See National Waste Management Programme (2009-2013), Sofia, 09.01.2009 (p. 18)

incineration plant.⁵⁵⁷ There had even been the option for the construction of this plant to have been performed under ISPA (Minutes 4, 15.10.2009). Yet, this idea was later dropped because of the inability of the municipal authorities at the time to allocate an appropriate site for this purpose (Interviewee-BG 6, 11).⁵⁵⁸ December 2001 saw the initiation of the first protests of the residents of Suhodol under the banner of NIMBY (Interviewee-BG 7) which triggered an endless ‘waste epopee’ of empty promises and political games with the protesters, the municipality of Sofia and the Ministry of Environment and Water featuring, at least on the face of it, as key actors.

After another unfulfilled promise of the mayor of Sofia in 2004 to find an alternative disposal site for the accommodation of the waste from the capital, in 2005 protesters were once again mobilized to block the access to the landfill, claiming that it is a ‘potential source of environmental pollution and infection’. Municipal authorities were forced to succumb to the demands of the protesters and to search for quick alternatives for waste disposal as well as for other sites where these would be applied. It was decided that the waste from the capital would be packed into bales and temporarily stored at especially designated locations until the waste treatment plant was constructed. This decision was accompanied by social unrest in the areas where these bales were to be stored, by continuing protests in Suhodol, whose residents were resolved not to allow access to the landfill there, and eventually by a waste crisis in the capital where litter had been left piling up. Ultimately, a resolution was reached for the Suhodol site to be closed which, however, did not solve the problem with finding temporary sites for the baled waste.⁵⁵⁹ At the same time, while counting on this interim solution, the municipality was not seriously exploring alternative waste disposal options for the waste of the Bulgarian capital.⁵⁶⁰

This led to a situation where, in 2006, there were no available temporary sites to accommodate the bales and there was also no sustainable waste disposal alternative. In 2007, the municipality had no choice but to take steps towards re-opening the landfill of Suhodol and to suspend the baling process. Its measures, however, triggered new waves of protests as well as national legal proceedings questioning the legality and scrutinizing

⁵⁵⁷ *Op.cit.* 555

⁵⁵⁸ See Interview of Nona Karadzova, Minister of the Environment and Water, Bulgarian National Radio (22.11.2009) available in Bulgarian at: <http://www.focus-news.net/?id=f13474> (Date of reference 25.12.2010)

⁵⁵⁹ *Op.cit.* 555

⁵⁶⁰ *Op.cit.* 558

the procedural aspects around the re-opening of the site such as, for instance, the application of the EIA procedure (Minutes 1, 04.07.2008: 4-5).⁵⁶¹

While, on the one hand, these protests can be interpreted as signs of a genuine NIMBY syndrome, on the other hand, it is possible to see them as part of an ‘ugly’ political game (Interviewee-BG 3; Minutes 1, 04.07.2008: 7). In fact, all interviewees who commented on the challenges of waste management in Sofia qualified these challenges as ‘overexposed’ and strongly politicized (Interviewee-BG 2, 3, 4, 5, 6, 7, 10, 11 and 17), and labelled the situation in Sofia as a ‘nonsensical’ one (Interviewee-BG 3).

What needs to be underlined here, with regard to the re-opening of Suhodol, relates to the fact that, since 2007, the landfill has indeed been intended to serve as a ‘transitional solution’ until an alternative infrastructure is put in place (Minutes 1, 04.07.2008: 13). Practical steps towards providing this infrastructure have been taken in the context of Operational Programme ‘Environment’ 2007-2013,⁵⁶² where the ‘[C]onstruction of an integrated system of facilities for the treatment of municipal solid waste of Sofia municipality’ was included in an indicative list of major projects.⁵⁶³ In fact, as was strongly emphasized at a meeting of Bulgarian authorities with European Commission officials in July 2008, dedicated to this particular waste project, advancement with the project would determine whether there would be a continuation of the infringement proceedings initiated by the Commission in October 2007.⁵⁶⁴ At that point, the Commission was not only about to move to the second stage of the infringement proceedings and issue a reasoned opinion (Art. 258 TFEU, ex-Art. 226

⁵⁶¹ See Resolution No 256 of Administrative Court of Sofia, Sofia, 23.04.2008
Eventually in August 2008, Suhodol-II was granted a fully-fledged integrated permit in line with the provisions of Art. 120 of the Environmental Protection Act and Art. 16(1) of Regulation on the terms and procedure for the issue of integrated permits which was again, though unsuccessfully, contested in Court. In 2009, the 2008 permit was complemented by an integrated permit for Suhodol phase I. For more information on this, see National Waste Management Programme (2009-2013), Sofia, 09.01.2009 (p. 17); Resolution No 255-H0-I0-A0/2008 from the 6th August 2008 of the Minister of Environment and Water; Resolution No 376-H0-I0-A0/2009 from the 15th May 2009 of the Minister of Environment and Water
See Environmental Protection Act prom. SG 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.09.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.08.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010; See Decree No 62/12.03.2003 amended by Decree No 278/20.12.2005

⁵⁶² *Op.cit.* 548

⁵⁶³ See Part II, Chapter 4 on major projects; *Op.cit.* 132

For more details on the Sofia project see National Waste Management Programme (2009-2013), Sofia, 09.01.2009 (p. 152-153)

⁵⁶⁴ See Minutes 1, Meeting of the Deputy Prime Minister Meglena Plugchieva with European Commission officials in relation to the Sofia household waste project which is to be co-financed by the European Union, Sofia, 04.07.2008, available in Bulgarian at http://www.capital.bg/getatt.php?filename=o_543918.pdf (Date of reference 07.12.2010) (p. 11)

TEC),⁵⁶⁵ but also to open a second infringement case in relation to Sofia waste management (Minutes 1, 04.07.2008: 12). That second case would concern the handling of the baled waste, as its temporary storage was illegal from the perspective of EU waste legislation. Bulgaria had to find a solution to this within a fixed time-frame or face another infringement procedure.⁵⁶⁶

This procedure was not opened, as the Sofia municipality readily undertook the engagement to finance the transport and disposal of the bales to other regional landfills in Bulgaria (Minutes 6, 14.01.2010). However, negotiations with recipient ‘waste regions’ proved to be problematic and ‘sensitive’, and even necessitated changes in the Waste Management Act which will be outlined further below (Minutes 1, 04.07.2008: 3). At the time of writing,⁵⁶⁷ there are plans for 4 sites to host the last 150 thousand tonnes of bales from Sofia, respectively Lovech, Karlovo, Sevlievo and Plovdiv, with the process due to be finalized by 31 March 2011.⁵⁶⁸

As to the 2007 infringement procedure, it had progressed to the stage of reasoned opinion in November 2008 and was eventually referred to Court in November 2009 (Art. 258 TFEU, ex-Art. 226 TEC) (See Table 1, Appendix I; Minutes 6, 14.01.2010).⁵⁶⁹ These developments ran parallel to delays with the allocation of financing and the preparation of the Sofia waste project (Letter 3, 08.01.2010).⁵⁷⁰ Eventually, in line with the informal commitments undertaken at the meeting of Bulgarian authorities with European Commission officials in July 2008, advancement with the project since March 2010 brought the termination of EU legal proceedings. In March 2010, the project application form was submitted⁵⁷¹ to the European Commission for consideration in line with Art. 39 and 40 of Regulation 1083/2006.⁵⁷² The Commission response came in November 2010, giving a green light to the first stage of

⁵⁶⁵ In fact the Commission issued a reasoned opinion in November 2008 (See Table 1, Appendix I)

⁵⁶⁶ *Op.cit.* 564 (p. 11 – 12)

⁵⁶⁷ As of December 2010

⁵⁶⁸ See Interview of Nona Karadzova, Minister of the Environment and Water, (05.10.2010) available in Bulgarian at: <http://www.mediapool.bg/show/?storyid=172169> (Date of reference 25.12.2010)

⁵⁶⁹ See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 179)

⁵⁷⁰ *Op.cit.* 558

See Minutes of Meetings, Sixth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.05.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

⁵⁷¹ See <http://ope.moew.government.bg/bg/notice/noticedetail/from/noticearchive/id/17>; <http://eufunds.bg/bg/pubs/1000> (Date of reference 08.12.2010); See Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010) (p. 20)

See Appendix II.3

⁵⁷² *Op.cit.* 549

the project. In his letter to the Bulgarian Prime Minister, José Manuel Barroso underlined that the ‘decision allowing for the start of the first stage of the project, as well as the initiation of construction works, would be sufficient for the European Commission to suspend the infringement procedure’. The latter would leave time for Bulgaria to elaborate an environmentally-acceptable, cost-efficient and long-term waste solution for Sofia as a second stage of the project (Letter 4, 05.11.2010). This development points to the existence of a clear link between progress with the Sofia waste project in the context of EU cohesion policy, and the EU infringement procedure pertaining to problematic implementation of EU environmental and waste requirements in Bulgaria as shown by the case of waste management in Sofia. Such a perspective gives due recognition to the importance of policy interactions as a critical variable in the Europeanization of Bulgarian waste policy.

What has become clear from the Sofia waste management case is that, although the infringement concerned the waste management of Sofia, the state would be the defending party before the Court of Justice of the EU. Therefore, the Sofia waste problem was not a municipal problem only, but rather a problem of the state and it had to be solved jointly by the municipality and the Government (Minutes 1, 04.07.2008: 9). By being hesitant to allocate the necessary financial resource to the Sofia waste project, as it would account for almost one third of the EU grant in the framework of the Operational Programme ‘Environment 2007-2013’, the Bulgarian Government had been postponing the solution to the Sofia legal case. This exhibits the complexity characterizing the relations between national and sub-national policy structures in Bulgaria, pertaining both to problems of capacity and deficient coordination, but also to contested relations between veto points entrenched at these levels of governance, with the contestation between them being predominantly politically instigated. It also points to the stronger empowerment of national institutions in the allocation of EU financing, reminiscent of the centralist past of the country, as well as to their over-reliance on EU financing.

Reasons for this indecision can also be sought in governmental concerns over the imminent threat of a second waste-related infringement procedure against Bulgaria. This threat related to the engagement under the Landfill Directive⁵⁷³ to close non-compliant existing landfill sites by 16 July 2009. As discussed above, in 2008, that is one year before the deadline, Bulgaria was still lacking the alternative waste

⁵⁷³ *Op.cit.* 6

infrastructure that would replace these landfills. There remained 23 more regional waste disposal systems⁵⁷⁴ to be constructed and those were to include facilities for preliminary treatment and composting. The latter would help to meet the minimum requirements of the Landfill Directive, and would facilitate compliance with the Directive targets for reducing the quantities of biodegradable waste going to landfill.⁵⁷⁵ Also, existing compliant waste disposal sites, like the ones constructed under ISPA, were lacking facilities for preliminary treatment.⁵⁷⁶ Although compliance with the deadline was already not possible at that stage, still, it was important that Bulgaria at the least showed commitment to meet EU requirements (Interviewee-BG 2, 3, 4, 11; Minutes 4, 15.10.2009).⁵⁷⁷

For this reason, at the meeting in July 2008, dedicated to the Sofia waste project, the Minister of Environment and Water at the time (Dzhevdet Chakarov) expressed concern that the limited financial resource of the EOP would not be sufficient to cover the Sofia waste project, the construction of the remaining 22 regional disposal sites and the closure of non-compliant waste sites (Minutes 1, 04.07.2008: 19). He was even probing into the possibility of obtaining additional EU finances towards meeting all these objectives. However, the response from the European Commission was that Bulgaria would need to retreat to national and municipal funds or loans from the European Investment Bank and that requests for additional funds would be considered only after Bulgaria proved capable of actually spending EU money (p. 21).

As later admitted by Dzhevdet Chakarov, in his capacity of a member of the opposition, at a parliamentary meeting, as a Minister of Environment and Water he had not managed to procure the necessary national financing as this had been a very difficult task in the context of government by coalition⁵⁷⁸ where there were strong inter-ministerial rivalries especially with the Ministry of Finance and Ministry of Regional Development and Public Works (Minutes 3, 01.10.2009). The latter shows the relevance

⁵⁷⁴ See Appendix II.6

⁵⁷⁵ The target for 2010 was attained as early as 2002, however measures are needed towards meeting the 2013 and 2020 targets

See National Strategic Plan for the Gradual Reduction of Biodegradable Waste Going to Landfills 2010-2020, Sofia, 2010 (p. 21); See Development of the Waste Management Infrastructure with the Assistance of Operational Programme 'Environment 2007-2013', Sofia, 14.04.2009 and Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme 'Environment 2007-2013', Sofia, November 2009

Op.cit. 159, 521

⁵⁷⁶ See Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme 'Environment 2007-2013', Sofia, November 2009 (p. 38)

⁵⁷⁷ See Minutes of Meetings, Third Meeting of the Monitoring Committee of Operational Programme "Environment 2007-2013" of the Republic of Bulgaria, Sofia, 03.06.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010) (p. 6)

⁵⁷⁸ *Op.cit.* 545

of the domestic variable reflecting the problematic effects ensuing from the workings of multiple veto points, horizontally in the national arena, on the allocation of public finances for waste management and environmental protection.

This challenge was also reflected in a document dedicated to the ‘Development of the Waste Management Infrastructure with the Assistance of Operational Programme ‘Environment 2007 – 2013’ that was produced by the Ministry of Environment and Water in April 2009.⁵⁷⁹ The document envisaged the introduction of direct award procedures⁵⁸⁰ for the construction of the 23 regional waste management systems which was an adequate solution given the limited financial resource available and the reluctance of municipalities to undertake regional waste management. However, it failed to draw a realistic budget procuring all the necessary means, particularly with regard to the Sofia waste management project (Minutes 3, 01.10.2009). Also, it left the closure of non-compliant municipal landfill sites to competitive calls of proposals and did not envisage for the introduction of pre-treatment facilities at existing regional sites (like the ones constructed under ISPA).⁵⁸¹

While national policy structures had not provided for the adequate allocation of EU financing, had not procured national funding and had not mobilized municipalities for action three months prior to the implementation deadline (16 July 2009), they compensated this inaction with a misplaced involvement in another waste management problem of Sofia in the spring of 2009. The Government interfered in a conflict between the municipality of Sofia and waste collection companies. It opened a waste crisis unit and elaborated a bill regulating waste management in the district of Sofia that would deprive the municipality of its constitutionally embedded waste management functions (Interviewee-BG 19).⁵⁸² Among its other rather fuzzy objectives, the bill had the

⁵⁷⁹ See Development of the Waste Management Infrastructure with the Assistance of Operational Programme ‘Environment 2007-2013’, Sofia, 14.04.2009

⁵⁸⁰ See Decree No 121 of the Council of Ministers laying down the provisions for awarding of grants under the operational programmes finance by the Structural Funds and the Cohesion Fund of the European Union prom. SG 45/08.06.2007, title amended SG 44/11.06.2010

See OP “Environment 2007-2013”, Annual Report 2008 Operational Programme “Environment 2007-2013”, Sofia, 27.05.2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010); See Minutes of Meetings, Fifth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 24.03.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

⁵⁸¹ See Minutes of Meetings, Seventh Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.11.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

⁵⁸² The bill was submitted to Parliament on 19 May 2009, available in Bulgarian at <http://www.parliament.bg/bg/archive/2/3/166> (Date of reference 04.09.2010); See Appendix II.5

See Minutes 2, Work session of the Committee on European Affairs of the 40th National Assembly of the Republic of Bulgaria, Sofia, 21.05.2009, available in Bulgarian at <http://www.parliament.bg/?page=ns&lng=bg&nsid=5&action=show&Type=cmStan&SType=show&gid=171&id=1378> (Date of reference 04.09.2010)

ambition to introduce sustainable waste management on the territory of Sofia, to solve the problem with the landfill of Suhodol and to prevent future waste crises in the capital (Art. 2(3)). The state intended to overtake the competences of the municipality of Sofia through a specialized administration (Art. 4) and to determine (Art. 4 (2.2)) and collect the waste fees (Art. 5).

While this bill was based on the pretence that it was transposing the newly adopted at EU level Waste Framework Directive 2008/98/EC⁵⁸³ and assisting the Operational Programme ‘Environment’, it was, in fact, creating serious obstacles to the progress of the Sofia waste management project. It entailed changes that would affect the ownership of the waste treatment facilities which were not desirable at that stage of project preparation.⁵⁸⁴ Shifting waste competences at that point in time presented a potential threat in terms of delays and consequential loss of funding.⁵⁸⁵ Since progress with this project would determine developments with the infringement procedure against Bulgaria for non-compliance with the Waste Framework Directive, it turned out that the bill was, in a way, threatening to compliance with EU waste legislation. Its aims appeared more political in the context of the coming elections⁵⁸⁶ rather than environmental (Interviewee-BG 3, 4, 7, 11 and 17). As the then mayor of Sofia and present Prime Minister Boiko Borisov put it at the July 2008 meeting discussed above, ‘when elections approach, the waste begins to smell’ (Minutes 1, 04.07.2008). The latter strongly accentuates the relevance of political and partisan contestation among the domestic factors influencing developments in Bulgarian waste management.

Eventually the bill was withdrawn, allegedly under the influence of the European Commission coming with the warning that financing under the EOP would be halted (Interviewee-BG explicitly requested anonymity with regard to this claim), and the crisis unit was declared illegal. However, these events had brought sectoral destabilization and had managed to distract the attention from the imminent deadline (16 July 2009) for compliance with the Landfill Directive.

It was not before June 2009 that the Ministry of Environment and Water came up with a plan on how to approach this deadline.⁵⁸⁷ In fact, it was the press which first

⁵⁸³ *Op.cit.* 6

⁵⁸⁴ See <http://www.mediapool.bg/show/?storyid=153164> (10.06.2009) quoting Carsten Rasmussen, DG REGIO (Date of reference 25.12.2010)

⁵⁸⁵ See Minutes of Meetings, Sixth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.05.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

⁵⁸⁶ The elections were planned for 5th July 2009

See <http://www.osce.org/bg/odihr/elections/bulgaria/item/66575> (Date of reference 02.01.2011)

⁵⁸⁷ See <http://www.moew.government.bg/>, 03.06.2009 (Date of reference 01.12.2010)

communicated to municipalities that they had to close 203 landfills and to make arrangements for transporting waste to compliant regional waste disposal sites (Interviewee-BG 18). That meant that some municipalities had to finance the transport of their waste for excessively long distances. For instance, Samokov was meant to dispose its waste at the regional landfill of Karlovo situated 180 km away.⁵⁸⁸ A solution of this sort would entail significant complications for municipalities as they would have to procure financing for transport and disposal that had not been envisaged in their annual budgets. Also, they had already signed contracts for waste collection and transport with operators that would need to be revised in view of the new distances. Such an amendment, however, was inadmissible in the context of Art. 43 of the Law on Public Procurement, which complicated matters even further (Interviewee-BG 18).⁵⁸⁹ At the same time, recipient ‘waste regions’ were concerned about the capacities of their landfills as the lifespan of those landfills had been determined on the basis of lower waste intakes. Accepting waste from other municipalities and regions would lead to ultimate depletion of their capacities and would necessitate earlier upgrade or expansion (Interviewee-BG 12, 16). For these reasons, the plan mockingly compared to a ‘military map’, faced strong opposition from the municipalities which entrusted the National Association of Municipalities with the task to represent them and to seek dialogue with the Ministry of Environment and Water (Interviewee-BG-18).⁵⁹⁰ As a result of work meetings and consultations between representatives of the municipalities and the Ministry, a new plan was developed and presented to the National Association of Municipalities on the 14 July 2009. According to the plan, 60 landfills were to remain operational after the 16 July 2009, until the 23 regional landfills were put in place (*Ibid.*).⁵⁹¹

This decision came at a time when the outcome of the national elections was already clear⁵⁹² and a new Minister of Environment and Water was to take office at the end of July. In her inaugural speech, the Minister declared the completion of the regional waste management systems a key priority in the waste sector. She expressed concern that the

⁵⁸⁸ See http://www.moew.government.bg/recent_doc/ns/otp.doc, 03.06.2009 (Date of reference 01.12.2010)
Op.cit. 333

⁵⁸⁹ See Law on Public Procurement prom. SG 28/06.04.2004 amended SG 53/22.06.2004, SG 31/08.04.2005, SG 34/19.04.2005, SG 105/29.12.2005, SG 18/28.02.2006, SG 33/21.04.2006, SG 37/05.05.2006, SG 79/29.09.2006, SG 59/20.07.2007, SG 94/31.10.2008, SG 98/14.11.2008, SG 102/28.11.2008, SG 24/31.03.2009, SG 82/16.10.2009, SG 52/09.07.2010, SG 54/16.07.2010, SG 97/10.12.2010, SG 98/14.12.2010, SG 99/17.12.2010

See Annual Report 2009 Operational Programme “Environment 2007-2013”, Sofia, 15.06.2010, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010) (p. 18)

⁵⁹⁰ See <http://www.moew.government.bg/>, 09.06.2009 (Date of reference 01.12.2010)

⁵⁹¹ See http://www.moew.government.bg/recent_doc/ns/otp.doc, 15.07.2009 (Date of reference 01.12.2010)

⁵⁹² See Appendix II.2

European Commission would presently start infringement proceedings against Bulgaria on account of non-application of the Landfill Directive and underlined that the ‘distribution of waste all over the country’ would not convince the Commission that the engagements under the Directive were being met. On the contrary, in her view this could happen only if Bulgaria adopted and abided by a clear and strict time-frame of activities for the construction of the 23 regional waste disposal sites.⁵⁹³ This approach seems to have been accepted by the European Commission as after formally inquiring on progress with the implementation of the Landfill Directive in August 2009, at the time of writing⁵⁹⁴ it has still not started legal proceedings (Minutes 3, 01.10.2009; Minutes 4, 15.10.2009).⁵⁹⁵

2.4 Financing ‘Waste Regionalization’. Progress with Operational Programme ‘Environment 2007 – 2013’

These intentions were soon followed by evidence for political will to handle the landfill problem.⁵⁹⁶ In August 2009, the Bulgarian Council of Ministers issued a decree procuring national funding for the closure of non-compliant municipal landfills for household waste (Art. 6) and the construction of regional facilities for preliminary treatment of household waste at existing regional landfill sites (Art. 5). This has allowed for EU financing through Operational Programme ‘Environment 2007 – 2013’ to be focused on the development of the 23 regional waste management systems (Art. 2 and 3; Minutes 3, 01.10.2009).⁵⁹⁷ Art. 3 envisaged for the EOP financing to be implemented on the basis of a ‘Mechanism for Development of the Waste Management Infrastructure

⁵⁹³ See <http://www.moew.government.bg/>, 31.07.2009 (Date of reference 01.12.2010)

⁵⁹⁴ As of December 2010

⁵⁹⁵ See Statement by the Minister of Environment and Water Nona Karadzova from 24.11.2010, available in Bulgarian at http://www.moew.government.bg/recent_doc/ns/ns/2010/botevgrad_opos.doc (Date of reference 15.12.2010)

See Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 178)

⁵⁹⁶ See Minutes of Meetings, Seventh Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.11.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010) (p. 8)

⁵⁹⁷ See Decree No 209 of 20 August 2009 on financing the construction of the regional waste management systems, the regional facilities for preliminary treatment of household waste and the closure of municipal landfills prom. SG 68/25.08.2009;

See Annual Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2009, Sofia, February 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

See Appendix II.3

with the Assistance of Operational Programme ‘Environment 2007-2013’.⁵⁹⁸ This mechanism issued in November 2009 was an upgrade to the document on the development of waste infrastructure from April 2009 that the previous Government had elaborated. It has offered specificity as to financial allocations (with separate calculations for the Sofia waste project as a major project⁵⁹⁹), time-frames, and has envisaged a financial reserve as well as municipal financial contribution in the framework of national co-financing. The means allocated to the construction of the 23 regional waste management systems, technical assistance costs included, have amounted to almost € 339 million whilst the money granted for priority 2 of the EOP equalled € 366.7 million (p. 33).

The fact that Bulgaria has managed to spare, even if modest, national funds to be invested in the development of waste infrastructure towards implementing EU waste requirements and to be added to EU assistance under cohesion policy, shows that the EOP is no longer ‘considered a source of funding at all costs’ but is rather assuming the role of financial aid (Minister of Environment and Water, 2009: 7).⁶⁰⁰ However, advancement with implementation is still very much dependent on progress with the absorption of EU money (Interviewee-BG 5, 6, 7, 9, 15, 19, 21, 22; Letter 3, 08.01.2010).

Delays in the framework of the EOP present serious risk factors for fund absorption in the context of the n+2/n+3 rule,⁶⁰¹ but also for the implementation of the Landfill Directive (Interviewee-BG 3, 2, 4, 8, 9, 11, 21 and 22).⁶⁰² The EOP has already accumulated delays on a number of fronts. It had a late start as, although it was approved in the autumn of 2007, the first contracts were not signed until the spring of 2009.⁶⁰³ The compliance assessment report for the programme,⁶⁰⁴ that would open a green light to the inflow of the first interim payments to Bulgaria, was returned by the

⁵⁹⁸ See Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, Sofia, November 2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010); See Appendix II.3

⁵⁹⁹ *Op.cit.* 596

⁶⁰⁰ *Op.cit.* 596

⁶⁰¹ See Art. 93 on automatic decommitment of funds, Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25

⁶⁰² *Op.cit.* 598

⁶⁰³ *Op.cit.* 595

See Annual Report 2007 Operational Programme “Environment 2007-2013”, Sofia, 03.06.2008, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

⁶⁰⁴ In line with Art. 71 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25

European Commission once before being approved in February 2010 (Minutes 1, 01.10.2009).⁶⁰⁵

In terms of execution, ‘precious time was lost’ due to ‘problematic and insufficient project pipelines’ and ‘sub-optimal grant schemes’, particularly in the water sector, that the new Government had to investigate and cancel under the threat that funding for the entire EOP would be interrupted (Letter 3, 08.01.2010: 3).

At the same time, problems with administrative capacity of formal institutions have persisted, partially due to the political change of July 2009 (*Ibid.*; Interviewee-BG 2) but also because of the continuing ‘widespread lack of sufficient and sufficiently qualified human resources’ (Letter 3, 08.01.2010: 4; Interviewee-BG 21). Trends of problematic coordination of Bulgarian policy structures at national and sub-national level entangled in lengthy and burdensome administrative procedures have also contributed to the ‘gloomy’ prospects before the Operational Programme ‘Environment 2007-2013’ and priority 2 on waste management, expressed by low contracting and payment rates (*Ibid.*; Minutes 14, 13.10.2010).⁶⁰⁶ These delays and problems are, in turn, bound to hamper the implementation commitments of Bulgaria in the waste sector (Minutes 3, 01.10.2009: 4).

Recent reports indicate procedural advancement with the projects for the construction of the regional waste management systems in Bulgaria. As of December 2010, financing under the EOP has been granted for the projects of Sofia and Botevgrad. The applications of three ‘waste regions’ (Vidin, Pernik and Burgas) are currently being assessed. 14 other regional associations have been called to submit their applications (Malko Tarnovo, Borovo, Varna, Veliko Tarnovo, Gabrovo, Dobrich, Kostenets, Levski, Lukovit, Panagyurishte, Pleven, Razlog, Stara Zagora and Yambol) with the prospect that contracts will be signed by the end of 2011.⁶⁰⁷ This is four regions short of the target that the Ministry of Environment and Water had set in their Mechanism for Development, according to which by the end of 2010 all the 23 regions

⁶⁰⁵ See <http://www.moew.government.bg/>, 11.02.2010 (Date of reference 01.12.2010)

⁶⁰⁶ See Minutes of Meetings, Eighth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Pomorie, 15.06.2010, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010) (p. 4)

⁶⁰⁷ *Op.cit.* 595

See Minutes 14, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 13.10.2010 available in <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno/ID/1836> (Date of reference 07.12.2010)

See Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010) (p. 22)

See Appendix II.6

had to be called to submit their project proposals.⁶⁰⁸ Although there has clearly been serious effort towards accomplishing this target, it has been stalled by the unpreparedness of beneficiaries, that is, of municipalities and associations of municipalities to submit their project proposals.⁶⁰⁹ Some of the key problems have been related to a number of time-consuming challenges such as the lack of mature projects, low quality of project proposals, procedural complications with regard to the EIA procedure and the issue of integrated permits, coverage of the feasibility studies, ownership of the potential landfill sites and conflicts concerning municipal participation into the ‘waste regions’ (Minutes 14, 13.10.2010).⁶¹⁰ Particularly critical among them have been the issues pertaining to the application of EIA legislation and the establishment of regional associations of municipalities. The latter points to the importance of policy interactions as a ‘domesticated’ variable, as well as to its interdependence with domestic variables within the timescape of the Bulgarian waste reform (Bulmer, 2009: 312).

2.5 EPI through Environmental Assessments and EU Structural and Cohesion Funds

As discussed in the previous chapter, the adequate application of environmental assessment procedures in line with EU EIA and SEA Directives⁶¹¹ has been key to the integration of environmental concerns into waste management projects, whether EU or nationally-funded, as well as for obtaining EU funding. However, similarly to the situation prior to the signature of the Accession Treaty, its application has continued to be problematic post-accession, thus further emphasizing the relevance of policy interactions as a key ‘domesticated’ variable in the examined Europeanization processes in Bulgaria.

Firstly, problems with the formal transposition of EU environmental assessment legislation in Bulgaria have led to initiation of infringement procedures by the European Commission. The Commission opened a case of non-conformity of Bulgarian

⁶⁰⁸ *Op.cit.* 598

⁶⁰⁹ See Minutes of Meetings, Eighth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Pomorie, 15.06.2010, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

⁶¹⁰ See Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010) (p. 22-23)

⁶¹¹ *Op.cit.* 51

legislation with the EIA Directive in May 2009 which was eventually, ‘due to satisfactory amendments’, terminated in October 2009. Similarly, a procedure was initiated on non-conformity with the SEA Directive which although closed in September 2008, was followed by another one, this time on account of poor application⁶¹² in October 2009, with the latter not being closed at the time of writing⁶¹³ (See Table 1, Appendix I).⁶¹⁴

Secondly, concerns over the practical transposition of EU environmental assessment legislation in Bulgaria have been reiterated after Bulgaria signed the Treaty of Accession. The European Commission underlined the need for Bulgaria to invest more efforts in the implementation of legislation transposing the EIA and the SEA Directives, as key environmental policy integration tools, both at national and sub-national level.⁶¹⁵ As far as these have related to EU financial assistance, similarly to the experience with ISPA pre- and post-accession, the application of environmental policy integration into the EOP has also proved to be challenging (Interviewee-BG 6, 7, 11, 14). Environmental assessments have been treated more as formalistic requirements rather than instruments for the integration of environmental considerations into waste and cohesion policies (Interviewee-BG 2, 9, 11; Medarova-Bergström, 2008). Even more so, in the context of pressing deadlines for the implementation of EU waste requirements and absorption targets within the framework of EU Structural and Cohesion Funds, EPI has been yielding to fast project execution under threat of infringement proceedings or loss of funds.

As shown in Part II, Chapter 4, EU provisions on Structural Funds and the Cohesion Fund for the 2007 - 2013 programming period have left Member States with considerable discretion in balancing the interaction between EU cohesion and environmental policy compared to previous programming periods. On the one hand, Regulation No 1083/2006 on EU funds has provided that the objectives of the funds are to be pursued in the framework of sustainable development and EPI (Art. 17; Art. 47).⁶¹⁶ On the other hand, the European Commission’s perspective to national

⁶¹² Specifically, on poor application of Art. 5(1), 8 (decision-making prior to the adoption of the plan or programme based on the environmental report) and 9(1)

⁶¹³ As of December 2010

⁶¹⁴ See also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 183-4)
See Part II, Chapter 4

⁶¹⁵ See Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final (p. 33); See Appendix II.4

⁶¹⁶ See Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25

environmental assessment analyses has related mainly to the evaluation of applications for major projects (Art. 40). For actions not counting as major projects⁶¹⁷ and not qualifying for mandatory EIA (Annex II), it has been the responsibility of Member States to decide whether these would be subject to an environmental assessment (Interviewee-BG 6). Even if it is decided that such projects would undergo environmental assessment, or if they are covered by Annex I of the EIA Directive, it is still up to the Member States to merely ‘take into consideration’ the information gathered from the developer and the public consultation process (Art. 8 of the EIA Directive) for the purposes of issuing development consent.

As shown by the Bulgarian experience, there is much room for interference of endogenous factors in this latter setting. The lengthy and burdensome procedures and the weakness of policy structures at national and sub-national level have facilitated the infiltration of political interests into the process (Interviewee-BG 2, 3, 4, 7, 9, 11, 15, 18 and 21).⁶¹⁸ In debates on the amendment of the Environmental Protection Act from October 2009,⁶¹⁹ the Deputy-Minister of Environment and Water, Evdokia Maneva, openly condemned the ‘practice of pressuring the decision-making organ into taking a decision that would suit certain interests’.⁶²⁰

While environmental organizations have often raised valid concerns over such practices, cases also exist where political interests have found their way under the pretext of ‘fake’ environmental considerations or NIMBY arguments (Interviewee-BG 3). Such cases have shown how unreasonable challenges to EIA decisions have had the potential to stall progress with projects creating circumstances in which an environmental procedure hampers advancement in the implementation of waste legislation that is, in turn, meant to promote environmental protection (Interviewee-BG 3).

These policy interdependencies show the value of recent amendments to the Environmental Protection Act (as of 2010)⁶²¹ oriented towards the optimization and simplification of the EIA procedure, especially in the light of it being ‘one of the key

See Table 2, Appendix I

⁶¹⁷ *Op.cit.* 132

⁶¹⁸ *See* Minutes 5, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 29.10.2009, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

⁶¹⁹ *Op.cit.* 493

⁶²⁰ *Op.cit.* 618

⁶²¹ *Op.cit.* 493

steps' in the process of applying for EU structural funding for the development of waste infrastructure in Bulgaria (Minister of Environment and Water, 2009: 10).⁶²²

2.6 Formal Transposition Continued: 'Waste Regionalization'

Another important challenge in meeting the requirements of EU waste legislation and 'waste regionalization', in particular, that emerged prior to the accession of Bulgaria to the EU in the context of ISPA and has persisted in the post-accession period, concerns the establishment of regional associations of municipalities sharing waste disposal sites. In fact, it has evolved into a 'serious problem' for the implementation of the National Waste Management Programme 2009 - 2013, envisaging the development of a system of 56 regional waste disposal sites⁶²³ towards complying with the EU Landfill and Waste Framework Directives.⁶²⁴

A recent amendment to the Waste Management Act from 2010⁶²⁵ has addressed this challenge and reflected 'lessons learned' from the Bulgarian experience in the waste sector. Aspects of this amendment and, in particular, changes to Art. 39, have also been relevant to the alignment of Bulgarian waste legislation with EU landfill requirements. The European Commission found and notified Bulgaria that it had not fully transposed the provisions of Art. 7 (1) and Art. 8 (1) of the Landfill Directive necessitating that, prior to being issued landfill permits, waste operators have to arrange for a 'financial security' to be deducted from their revenues. This 'financial security' would ensure the fulfilment of their obligations arising under the permit such as closure, maintenance and after-care (under Art. 13) of the disposal site (Minutes 8, 21.01.2010: 1).⁶²⁶ In relation to this, the Bulgarian Waste Management Act was amended to include provisions on the introduction of financial instruments that would serve these purposes in line with Art. 10 of the Landfill Directive in a new Section IVa 'Financing of Waste Disposal through Landfill' (Art. 71a – 71e) (Minutes 7, 20.01.2010; Interviewee-BG 21).⁶²⁷ Until then, although municipalities were obliged to include the above costs in waste fees, the latter

⁶²² *Op.cit.* 596

⁶²³ *See* National Waste Management Programme (2009-2013), Sofia, 09.01.2009; *See* Appendix II.6

⁶²⁴ *Op.cit.* 6, 491

⁶²⁵ *Op.cit.* 414
See Appendix II.5

⁶²⁶ *See* Report, IEEP and Ecologic, A Report on the Implementation of Directive 1999/31/EC on the Landfill of Waste, May 2009 (p. 43)

⁶²⁷ This amendment was supplemented by Regulation No 14 from 15th November 2010 on the procedure and methods for estimating the financial security and using the accumulated funds for the purposes of closure and after-care of the landfill sites issued by the Ministry of Environment and Water and the Ministry of Finance prom. SG 93/26.11.2010, in force from 01.01.2011; *See* Appendix II.3

only provided for run-up costs and overlooked longer-term expenses and investments (Minutes 7, 20.01.2010: 8 - 9).⁶²⁸ This has resulted in the inability of municipalities to spare means for the purposes of closure, monitoring and after-care of their municipal landfills, thus burdening the state with their own financial obligations. Reaching agreement on engagements of this sort has been among the challenges to the establishment of regional waste management systems in Bulgaria (*Ibid.*).

Two particular aspects of these challenges need to be accentuated here. The first relates to the workings of the following domestic variables. As it has been underlined in the previous chapters of this Part III of the thesis, mediating formal institutions at sub-national level, in the face of municipalities in particular, have suffered from serious capacity (administrative and financial) weaknesses that have made it difficult for them to cope with the requirements in the waste and cohesion policy frameworks (Interviewee-BG 2, 6, 7, 8, 9, 11, 14, 15, 16, 18, 19, 21). At the same time, these weaknesses have been supplemented by an inherent political culture of disregard to law implementation, particularly pronounced in the sub-national arena (Interviewee-BG 14). The need for urgent action towards the construction of regional waste disposal sites, the closure of non-compliant municipal landfills and the remediation of dumpsites has made this passivity of mayors even more evident. As the Deputy-Minister of Environment and Water poignantly noted at a parliamentary session, mayors ‘do not lift their finger for anything and there is no force on earth that can make them to’ (Minutes 9, 24.03.2010: 18). They have still been inclined to abide by the ‘completely wrong’ presumption that the state will do their job (Interviewee-BG 19). At the same time, veto points entrenched within sub-national policy structures have channelled local interests with

⁶²⁸ The waste sector is a revenue generating sector and municipalities determine and collect waste fees in line with the provisions of the Local Taxes and Fees Act (Art. 62-71). Art. 63 of this act provides that waste fees are determined annually by the means of a decision of municipal councils and are envisaged to cover costs for the: 1). procurement of waste containers, 2). waste collection and transport to the disposal site/facility, 3). research, design, construction, maintenance, operation, closure and monitoring of the landfill site/or other waste disposal facilities, etc. Since the recent changes to the Waste Management Act (2010) introducing Art. 71a and Art.71e, these fees incorporate financial securities for closure and after-care of sites. However, until now waste fees covered only run-up costs and did not provide for the costs of closure, after-care and the construction or upgrade of new waste disposal sites and facilities. The municipal councils have traditionally abstained from increasing the amount of fees paid due to social considerations. There are still controversies and lack of transparency around the setting of waste taxes, as well as no public scrutiny over the spending of the collected fees. *See* National Waste Management Programme (2009-2013), Sofia, 09.01.2009 (p. 43), National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998; National Waste Management Programme (2003-2007), Sofia, 11.12.2003
Local Taxes and Fees Act promulgated SG 117/10.12.1997 amended SG 71/23.06.1998, SG 83/21.07.1998, SG 105/08.09.1998, SG 153/23.12.1998, SG 103/30.11.1999, SG 34/25.04.2000, SG 102/15.12.2000, SG 109/18.12.2001, SG 28/19.03.2002, SG 45/30.04.2002, SG 56/07.06.2002, SG 119/27.12.2002, SG 84/23.09.2003, SG 112/ 23.12.2003, SG 6/23.01.2004, SG 18/05.03.2004, SG 36/30.04.2004, SG 70/10.08.2004, SG 106/03.12.2004, SG 87/01.11.2005, SG 94/25.11.2005, SG 100/13.12.2005, SG 103/23.12.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 36/02 May 2006, SG 105/22.12.2006, SG 55/06.07.2007, SG 110/21.12.2007, SG 70/08.08.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 41/02.06.2009, SG 95/01.12.2009, SG 98/14.12.2010

restricted time-horizons and have exercised corrupt and highly bureaucratized practices leading to contested relations horizontally in the sub-national arena, for instance among municipalities within NUTS level 3 regions or across those, or vertically, with national policy structures. Unfortunately, these contentions have often been instigated more by political or economic rationales rather than by environmental ones (Minutes 8, 21.01.2010; Interviewee-BG 2, 3, 4, 7, 9, 11, 15, 18, 21).

The 2010 bill of amendment to the Waste Management Act had envisaged a measure that would, allegedly, neutralize this municipal work style. It had proposed changes, that were eventually accepted, to Art. 17 reinforcing the obligations of mayors either individually or in cooperation with other mayors from the regional association, to start procedures on the construction of new treatment facilities no later than three years before depletion of the existing ones (while this period used to be two years as of the 2008 amendments).⁶²⁹ However, the bill had proposed another extension to this Article that was widely opposed during parliamentary debates, particularly by the National Association of Municipalities, and rejected eventually. This proposal foresaw, for municipalities that do not take timely action towards preparation, construction, closure and after-care of the landfill site and/or of other disposal facilities, not to be able to obtain funding for environmental projects from the state budget, EMEPA⁶³⁰, other national public financing sources or European funds. This was viewed as a ‘mobilizing’ measure by the Ministry of Environment and Water, yet it appeared too ‘drastic’ in the eyes of municipalities, as in cases of malpractice, it would preclude them from obtaining any financing under Operational Programme ‘Environment’, including for the water sector (Minutes 9, 24.03.2010: 18).

The second aspect pertains to the complexities around the association of municipalities sharing a ‘waste region’, or of the relations between municipalities across ‘waste regions’ (Interviewees-BG 3, 4, 21). As shown by experience under ISPA, these have presented a serious challenge to smooth progress of project management and implementation of EU waste requirements (Interviewee-BG 8). Although the 2008 amendment to the Waste Management Act had offered legal clarification on the set up of regional associations of municipalities established for the purposes of regional project management (Art. 19a) in line with the arrangement of the National Waste Management Programme (Art. 28 (4)),⁶³¹ practice reveals that it had failed to secure the

⁶²⁹ See Appendix II.5

⁶³⁰ *Op.cit.* 449

⁶³¹ See National Waste Management Programme (2009-2013), Sofia, 09.01.2009, See Appendix II.6

practical functioning of these associations. As the Deputy-Minister of Environment and Water, Evdokia Maneva, reported during debates on the 2010 amendment of the Waste Management Act, most of the municipal associations said to exist at the time had been there on paper only. Participating municipalities were dropping in and out of the associations without being able to reach agreement, prepare documentation or absorb money towards meeting their engagements. At the same time, there was ‘no room for illusions that a single municipality would be able to construct and maintain an individual landfill site as that would mean that the whole of Bulgaria would be covered with landfills’ (Minutes 8, 21.01.2010: 14-15; Interviewee-BG 21).

The Mechanism⁶³² for the financing of the construction of the 23 waste disposal sites, discussed above, has employed a practical approach to this problem by envisaging financing to functioning regional associations forming ‘waste regions’ (Minutes 10, 25.03.2010: 4). This strategy has been reinforced by specific legal provisions channelled through the 2010 amendment of the Waste Management Act. The scope of Art.19a has been significantly expanded to include clearer definitions and details. It now provides that the municipalities incorporated into the regions established under the National Waste Management Programme (Art. 28 (4)) form a regional waste management system comprising of a regional landfill and/or other waste treatment facilities. The Waste Management Act also offers detail on questions pertaining to ownership in the context of these ‘waste regions’ and cost for the treatment of waste (Art. 19a), procedure for the establishment of regional associations of municipalities, legal status, membership and management of these associations (Art. 19b).

As a safeguard that municipalities will follow these lines, Art. 19b of the Waste Management Act binds the establishment of associations to prospects for financing. More specifically, paragraph 9 stipulates that municipalities will be able to obtain financing for waste management projects from European funds, state budget, EMEPA or other national public sources of financing only after the establishment of a regional association (Art. 19b (8)). Paragraph 11 takes this responsibility even further by providing that if a ‘municipality refuses to participate, causes delay, obstructs the establishment or operation of a regional association and/or of a regional waste management system, it has to pay damages and opportunity costs to the other municipalities from the respective region’ (Art. 19b (11)).⁶³³

⁶³² *Op.cit.* 598

⁶³³ *See* Appendix II.5

These latter clauses provoked vivid discussions during the debates on the bill of amendment in Parliament. Representatives of the National Association of Municipalities were particularly concerned over the limitation that municipalities have to associate under the regional arrangement envisaged by the National Waste Management Programme in line with Art. 28 (4) and underlined the voluntary element of associating within these ‘waste regions’. They gave an example of a Bulgarian municipality (Asenovgrad) which had the ambition of establishing a separate association from the one it has been allocated to. The Deputy-Minister of Environment responded to this clarifying that municipalities have the liberty to switch regions against the arrangement set by the National Waste Management Programme, but that would cost them the EU financing. She underlined that such municipalities could also construct a landfill site which would, similarly, require them to finance it with their own means (Minutes 10, 25.03.2010: 6).

This stringent approach has been expected to guarantee stronger municipal commitment and to prevent manifestations of ‘regional egoism’ (Minutes 10, 25.03.2010: 8). Given the explicit manifestation of policy interactions intervening in the implementation of EU waste legislation in Bulgaria, in the sense that, due to weaknesses of mediating formal institutions at national and sub-national level, the country has been over-reliant on EU funding, attaining synchrony among veto points at these levels has been key to advancement with the Europeanization process.

Instances of ‘regional egoism’ can be clearly identified in relation to the Sofia waste management problem, discussed above, when adjacent municipalities were bargaining and refusing to accept the bales of waste from the capital (*Ibid.*). With the aim of preventing such cases, the 2010 amendment to the Waste Management Act has improved and developed previous proposals⁶³⁴ towards framing Art. 23 (2) and (3) that allows the Council of Ministers, on the basis of a proposition by the Minister of Environment and Water, to issue a permission for the utilization of 10 per cent of the remaining capacity of a particular operating regional landfill/facility towards meeting

⁶³⁴ See Bill for the amendment of Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, submitted to the 41st National Assembly of the Republic of Bulgaria by MP Dzhevdet Chakarov on 23.09.2009 and rejected on 4.02.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/bills> (Date of reference 04.09.2010)
Bill for the amendment of Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, submitted to the 40th National Assembly of the Republic of Bulgaria by the Council of Ministers on 19.05.2009 available in Bulgarian at <http://www.parliament.bg/bg/archive/2/3/166> (Date of reference 04.09.2010)

the needs of other regions in the case of a motivated and immediate necessity related to the national objectives as set by the National Waste Management Programme. This provision is applicable to landfills and/or facilities constructed with more than 50 per cent co-financing by the state budget or other national or international source. In such a way, it is underlined that it is unacceptable for municipalities to rely on national investments, and then waive their obligations or refuse to contribute to the solution of problems that can lead to sanctions with serious implications for the entire state, as it has been in the Sofia waste case (Minutes 10, 25.03.2010: 17).

These changes to the Waste Management Act indicate that involvement and coordination at sub-national level and communication between the sub-national and national policy structures are key to progress with the development of a network of regional waste management systems in Bulgaria, with the latter being indispensable for meeting the minimum Bulgarian obligations under the EU Landfill Directive and the EU Waste Framework Directive.⁶³⁵ As underlined by the current Minister of Environment and Water the constant dialogue between municipalities and the Ministry is a critical factor for success in this respect (Interviewee-BG 9, 16, 18)⁶³⁶ especially since further changes in legislation in line with the updated EU waste *acquis* are currently under way (Minutes 8, 21.01.2010: 11; Interviewee-BG 9).⁶³⁷

Conclusions

The period between 2005 and 2010 examined in this chapter features as the final phase of the researched time-frame and covers Bulgarian waste management post-accession. It has reflected key developments in the sector following the signature of the Treaty of Accession (2005).⁶³⁸ The Treaty marked the accession of Bulgaria into the European Union (2007) as well as the beginning of the legal obligations ensuing from this membership. It was, therefore, indicative of a shift in the top-down dynamics characterizing the relationship between the EU and Bulgaria from pre-accession

⁶³⁵ *Op.cit.* 6

⁶³⁶ *Op.cit.* 595

See Minutes of Meetings, Eighth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Pomorie, 15.06.2010, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010) (p. 5)

⁶³⁷ Changes with regard to the transposition of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3

See Programme for the Activity of the Ministry of Environment and Water July - December 2010, Sofia, June 2010, available in Bulgarian at: http://www.bsbd.org/UserFiles/File/Programa_MOSV_za_MC.pdf (Date of reference 07.12.2010) (p. 4-5)

⁶³⁸ *Op.cit.* 8

conditionality pressure to legal compliance pressure. According to the engagements negotiated under the Treaty of Accession, Bulgaria was required to apply the provisions of the Waste Framework Directive from the date of accession (2007) and those of the Landfill Directive pertaining to the closure of non-conforming landfills (Art. 14), by 16 July 2009.⁶³⁹

As of 2006, in terms of formal transposition, the country's progress had been qualified by the European Commission as satisfactory, yet the delays with implementation had signalled that practical compliance with the EU waste legislation would remain a challenge.⁶⁴⁰ Thus, there was adjustment at the level of policy content towards meeting EU legal requirements in the waste sector but it by no means featured a process of unproblematic absorption of the EU waste *acquis*. While the necessary change did not directly entail a paradigmatic transformation of the waste disposal method of landfilling predominant in Bulgaria, but rather the accommodation of new instruments that regulate this method towards ensuring its environmental compatibility, still the change was set to unfold in a context of a considerable adaptational pressure.

According to the theoretical model adopted in this research and presented in Chapter 1 (Part I), in such a setting, the role of the domestic context has had the potential to develop as a key ingredient to the Europeanization process. The empirical material providing an insight into the implementation performance of Bulgaria in applying the EU waste legislation supports this view. The following domestic factors have persisted since the period of pre-accession and established themselves as particularly salient.

The formal institutions at the national and sub-national level have been lacking the necessary administrative, coordination and financial capacity to ensure adequate and timely compliance with the EU requirements. They have formed easy access points to multiple interests. These interests have been grounded on the political and/or economic preferences of veto players rather than on environmental motives. Veto players have been facilitated by the existing political culture of policy structures characterized by confrontation, excessive bureaucracy, clientelism and environmental indifference. Contestations among multiple veto points horizontally at Ministerial level, in the context of government by coalition, have proved to be detrimental to the procurement of financing and/or co-financing of works towards the development of the waste infrastructure needed for meeting the EU waste requirements (as in the case of the 23

⁶³⁹ *Op.cit.* 6

⁶⁴⁰ *Op.cit.* 525

regional waste management systems remaining to be constructed and that of Sofia, in particular).⁶⁴¹

As shown by the difficulties around the establishment of municipal associations and/or the allocation of sites for regional landfills, there have also been serious contestations among municipalities within NUTS level 3 regions or across them, often instigated by political conflicts, with the latter conveniently hidden behind NIMBY motives. The use of NIMBY for political purposes was well demonstrated in the Sofia waste management case. The latter is also a good example for the existence of contested relations vertically between the national and sub-national level that draw the attention to the importance of two other domestic factors: respectively, differential empowerment of domestic actors, and political or partisan contestation.

The development of partnership between actors based at national and sub-national level has been a sensitive process entailing the need to break with old centralist traditions and to adopt a regional approach to waste management. Apart from administrative, coordination and financial difficulties, movement in that direction, however, has been tarnished by political conflicts, with the latter well revealed by the artificially increased relevance of waste management at election times and by the habit of politicizing waste crises (as, for instance, in the Sofia waste management case). Alongside these, of importance has also been the lengthy and incremental process of learning by experience that has accompanied formal and practical transposition. For instance, renewed efforts in formal transposition on the basis of ‘lessons learned’ towards addressing implementation problems (such as the ones in the context of ‘waste regionalization’) has presented transposition of waste legislation in Bulgaria as a dynamic and even a cyclic process entailing corrective measures based on past successes or failures (Paraskevopoulos, 2006: 15-16).

As shown by developments in Bulgarian waste management post-accession, the effect of these domestic factors has been multiplied by the persisting reliance of the country on EU financial assistance. On the one hand, Bulgaria has been over-reliant on EU money with the excuse that it has not had the financial capacity to execute the necessary reforms. On the other hand, it has not been capable of absorbing EU funds. The country has failed with the timely provision of co-financing, with the preparation of adequate project pipelines and the efficient management of awarded projects,

⁶⁴¹ *Op.cit.* 597

demonstrating inability to remedy instances of irregularities or fraud (as shown by experience with ISPA, for example).

This over-reliance on EU funding that has become particularly prominent post-accession, has enhanced the salience of policy interactions as a ‘domesticated’ factor in the Europeanization process. The importance of policy interactions has been made even more explicit by the need to integrate environmental protection requirements in nationally and EU funded waste projects towards complying with the EU waste and environmental legislation. Problems with the latter have formed a potential threat to project award and management procedures, and with them being instrumental to compliance with the EU waste *acquis*, respectively to successful implementation performance in the area of waste management.

The salience of policy interactions has also been manifested by the EU responses to problematic implementation of the EU waste legislation in Bulgaria as these responses have included measures in the framework of EU cohesion policy as well as legal infringements, or the threat thereof, in the context of the EU environmental and waste portfolio. These EU measures have pointed to the existence of problems in the implementation performance of Bulgaria in the waste sector indicating certain resistance to change resulting from the working of endogenous factors (domestic and ‘domesticated’) in the national arena.

On these grounds, the following Chapter 8 develops the analysis of the research findings presented in Chapters 5, 6 and 7 in view of the research model, the research question and the research hypothesis proposed in the Introduction.



Chapter 8

Revisiting the Research Model:

Bulgarian Waste Policy and the Effects of Europe

Introduction

An undeniable fact, surfacing from the chronological overview of Bulgarian waste policy in the preceding Chapters 5, 6 and 7 as well as from the discussions in Parts I and II, is that ‘waste policies cannot be turned round overnight’ (Jackson, 2006). Given the state of Bulgarian waste management at the outset of the country’s accession to the EU, effective compliance in the field of environmental protection, and waste policy in particular, had been deemed possible ‘only in the very long term’.⁶⁴² This prognosis had also been corroborated by academics studying institutional transformations in post-communist societies envisaging for changes in these societies to be slow and highly path dependent (Offe, Elster and Preuss, 1998). While in the case of Bulgarian waste reform, the European Union timescape has established itself as a ‘driver of change at the domestic level’ (Bulmer, 2009: 312), endogenous factors have also been of considerable significance as to the pace and nature of this complex process.

Seeking to relate the empirical findings signposted in the previous chapters to the research question exploring the extent to which waste policy in Bulgaria has been Europeanized, this chapter revisits the research model and offers a commentary on the relevance of the research hypothesis. It firstly considers the EU-Bulgarian relations prior to the entry of Bulgaria into the European Union (that is prior to the Treaty of Accession to the EU in 2005) towards delineating the part of the European Union political and legislative agenda in the sphere of environmental protection as an independent variable. The chapter discusses the ‘goodness of fit’ between Bulgarian waste practices and the EU waste requirements at the outset of the accession process (at the time of the Association Agreement of 1993), thus estimating the change the country has had to undergo towards aligning with the EU *acquis* in the waste sector. In this way, on the basis of the account of the development of Bulgarian waste policy presented in the previous chapters, the present discussion compares the ‘change expected’ to the ‘change attained’ and evaluates the relevance of the ‘goodness of fit’ parameter and

⁶⁴² See Commission Opinion on Bulgaria’s Application for Membership of the European Union, Brussels, 15.07.1997 (p. 96); See Appendix II.4

adaptational pressure, respectively, as predictors of change in the researched setting. The chapter also reflects on the shift in the Europeanization dynamics that has occurred in the post-accession period (after 2007) as well as on its meaning for the implementation process. The second section turns to the role of endogenous factors (domestic and ‘domesticated’) for the Europeanization process and offers a thematic interpretation of the research findings of the preceding chapters. In doing so it draws the attention to the intervening variables that have emerged as most relevant out of the empirical material and revisits the research hypothesis and its null version proposed in the introductory chapter. In conclusion, the chapter addresses the final element of the research model adopted in this thesis concerned with the implementation performance and the change of Bulgarian waste policy as a dependent variable. The discussion distinguishes between the periods before and after the accession of Bulgaria to the EU and recognizes the variations in the patterns of change characterizing formal and practical transposition, respectively. On these bases, the chapter feeds the research conclusions back into the research question exploring the extent to which waste policy in Bulgaria has been Europeanized.

1. ‘Fitting’ EU Environmental and Waste Rules to the Bulgarian Waste Sector

As provided by the research model submitted in the introductory chapter and Part I of this thesis, the first step in examining the case of the Europeanization of Bulgarian waste policy has entailed identifying the relevant processes at the European level that would potentially lead to domestic change (Risse, Cowles and Caporaso, 2001: 6). Chapters 3 and 4 (Part II) drew an image of the EU environmental protection agenda as a comprehensive, dynamic, cross-sectoral and highly regulated policy area. Focusing on the specialized sphere of EU waste policy, and the EU Landfill Directive and the EU Waste Framework Directive⁶⁴³ in particular, this research has considered their implications for the national waste policies of EU Member States and candidate countries, pertaining to developments mainly at the level of policy content. Part II has offered a discussion of what is being ‘downloaded’ from the EU by way of legal substance and what ‘downloading’ as such entails.

The understanding of Europeanization as the impact of the EU on its [M]ember [S]tates’ (Jordan and Liefferink, 2004a: 1, 6)⁶⁴⁴ has provided for a top-down perspective

⁶⁴³ *Op.cit.* 6

⁶⁴⁴ *Op.cit.* 35

to the relations between the EU and Bulgaria. As discussed in Chapter 1 (Part I) similarly to the experience of the other states that have entered the EU in 2004 and 2007, Bulgaria has been in the position of a ‘policy-taker’ in the Europeanization context, well reflected by the logic of the hierarchical positive integration governance model (Goetz, 2005: 255; Bulmer and Radaelli, 2005; Bache, 2008: 79). If following the ‘upload’/‘download’ logic applied in academic research, as a ‘policy-taker’ Bulgaria would be expected to join the group of laggards in the EU environmental sector (Carmin and VanDeveer, 2005a: 13; Goetz, 2005: 264; Börzel, 2007).

The pre-accession period, here taken to have formally started with the signature of the Association Agreement,⁶⁴⁵ was marked by conditionality and asymmetry of negotiations. Chapter 6 (Part III) offered a detailed account of these accession dynamics addressing particularities related to the application of the Copenhagen criteria, the Association Agreement, the provisions of the Accession Partnerships, the regular monitoring through progress reports and the complexities of the accession negotiations. According to the deliberations of the 1997 Luxembourg European Council, applicant countries had the obligation not only to transpose the EU *acquis* but also to apply them prior to accession.⁶⁴⁶ In line with this obligation, Bulgaria was due to align with EU waste legislation by the date of accession.

For the implementation of the more substantive and technically demanding among the EU waste directives such as the Landfill Directive (for instance in relation to Art. 5(2a), (2b) and Art. 14), the country was granted the opportunity to request transitional periods. Yet, it did not manage to exploit this possibility to its full potential. For example, in relation to Art. 14 of the Landfill Directive, unlike Romania which negotiated for full implementation of municipal waste requirements to be achieved by July 2017, Bulgaria opted to go along with the landfill deadline for the then-Member States which was July 2009 (Interviewee-BG 3, 4, 11).⁶⁴⁷ As underlined by one of our interviewees (Interviewee-BG 11), Bulgaria had conducted the negotiations irresponsibly and the targets it had set had been detached from reality. Existing academic writings explain such irrational choices with the ‘restricted time-horizons of negotiators failing to capture the longer-term consequences of their decisions’ (Bulmer, 2009). The latter understanding corroborates the finding of the present research that the inexperience and lack of capacity at the level of Bulgarian formal institutions is among

⁶⁴⁵ *Op.cit.* 7

⁶⁴⁶ *Op.cit.* 374

⁶⁴⁷ *Op.cit.* 430

the factors that have produced long term negative consequences for implementation performance in the Bulgarian environmental and waste sectors.

The awareness of the deficient capacities of applicants has provided for the mobilization of EU finances in the context of EU pre-accession assistance policy towards aiding candidate countries in the process of adjustment to EU requirements. As discussed at length in Chapter 4 (Part II), EU candidates counted on EU funding for the purposes of ‘heavy’ infrastructural investments in the environmental and the waste sector, in particular (Lenschow, 2002a, b; Krämer, 2005; 2007).⁶⁴⁸ This dependence on EU assistance was well reflected by the blunt statement of the Bulgarian Programme for the Implementation of Directive 1999/31/EC on the landfill of waste that the implementation of its provisions ‘will not be possible without substantial foreign financing provided by European and international financial institutions and programmes’.⁶⁴⁹ At the same time, as specified in the 1998 Accession Partnership,⁶⁵⁰ the procurement of EU financing was conditional upon the country’s performance towards meeting its commitments under the Europe Agreement, progress with satisfying the Copenhagen criteria and advancement in implementing the Accession Partnerships. Hence, engagements to implement the EU requirements in the context of sectoral policies, including environmental protection and waste management, walked hand in hand with those in the context of EU pre-accession assistance policy and *vice versa*.

This policy interdependence between EU environmental/waste and EU pre-accession assistance/cohesion policies has been explored in the context of this research on the basis of the concept of policy interactions taken as a ‘domesticated’ variable and considered alongside domestic variables. In this framework, it has been recognized that policy interactions, viewed as orchestrated or unorchestrated two-way integration processes between EU sectoral policies (Chapter 4), do not feature as direct drivers of change at the national level, with the latter function left to specific EU sectoral policies (such as EU waste policy). Yet, policy interactions originate at the EU level prior to being transferred and ‘domesticated’ in the national arena where they develop as mediating factors in the implementation process. For this reason, when discussing the EU political and legislative agenda in the sphere of environmental protection, it is important to emphasize its cross-sectoral character as this, firstly, offers an important

⁶⁴⁸ See Conclusions, Informal Ministerial Meeting between Ms Wallström and the Ministers of the Environment of the candidate countries, Brussels, 21.01.2003

Op.cit. 43

⁶⁴⁹ See Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003

⁶⁵⁰ *Op.cit.* 379

clarification as to the link between EU environmental and waste policies and secondly, explains the impossibility for considering environmental protection in isolation from other policy areas such as EU pre-accession assistance/cohesion policy (Chapters 3 and 4 (Part II)).

An important element characterizing the relations between the EU and Bulgaria that also constitutes the second step of the research model adopted here pertains to determining the ‘goodness of fit’ between what was being ‘downloaded’ from the EU, on the one hand and Bulgarian waste practices before and at the time of the Association Agreement (1993), on the other.⁶⁵¹ As provided by the policy area under consideration, discussed at length in Part II, the examination centred upon the EU effects at the level of policy content while developments related to policy structures and policy styles have been touched upon indirectly in relation to the role of domestic factors in the Europeanization process. The EU Waste Framework Directive and the EU Landfill Directive,⁶⁵² in particular, have delineated a relatively clear and specific policy model that has had to be incorporated in the content of Bulgarian waste policy.

This concentration on policy content has contributed to obtaining specificity as to what aspects of the EU and Bulgarian waste policies have been compared towards determining the fit between them. A key starting point for this discussion on ‘goodness of fit’ was to trace waste management policies in Bulgaria from pre-historic times to the 1990s. Chapter 5 offered a detailed historical overview of pre-existing waste practices showing that, prior to the start of EU-Bulgarian relations, waste management in the country had not been organized within a coherent policy framework. The existing waste handling practice, however, had been operational and synchronized with the policy expectations in the particular context and time (Offe, 1996: 210 - 217). As such, it substantiated a working waste management policy, with the latter pointing to the fact that EU waste *acquis* were not to be ‘downloaded’ to a ‘policy void’ (Goetz, 2007: 262) either in terms of legislation, or by way of organization of waste management and waste infrastructure. Existing legacies, however, became outdated and non-compliant with modern environmental standards, including EU standards. They were, therefore, turning into ‘deadweight of the past’ that would potentially remain ‘sticky’ and would affect consequent processes of implementation and change in the Bulgarian waste sector (Offe, Elster and Preuss, 1998). Towards attaining a better understanding of these path dependent dynamics, Chapter 5 examined the workings of endogenous factors,

⁶⁵¹ *Op.cit.* 7

⁶⁵² *Op.cit.* 6

exhibited predominantly at the level of policy structures and policy style and intervening with the development of the waste sector and with environmental protection more generally prior to the 1990s so that it would be possible to trace their role in the period after the signature of the Association Agreement with the European Union (1993).

Another important aspect of this ‘goodness of fit’ discussion was developed in the context of Chapter 6, dedicated to a more detailed exploration of the nuances and implications of the identified misfit in terms of policy content and existing infrastructure between Bulgarian and EU waste policies at the time of the Europe Agreement. The chronological overview reflected two key findings pertaining to this misfit. Firstly, the wide gap between EU requirements and Bulgarian reality in the waste sector necessitated prompt transposition of EU legislation that would substitute the old paradigms substantiating Bulgarian waste management and would draw them closer to EU standards in the context of a coherent waste policy.⁶⁵³ Secondly, although the identified misfit translated into a significant adaptational pressure that remained intense over the considered period, the change expected was not particularly abrupt or immediately radical. ‘Downloading’ EU waste legislation did not entail a direct change of the nationally accepted waste disposal practice that until today has remained fully reliant on landfilling (Chapter 3, Part II).⁶⁵⁴ The primary objective of the Landfill Directive, for example, has aimed at stipulating ‘stringent operational and technical requirements on the waste and landfills...to prevent or reduce as far as possible negative effects on the environment...as well as any resulting risk to human health from landfilling of waste during the whole life-cycle of the landfill’ (Art. 1).⁶⁵⁵

Therefore, while the Bulgarian waste sector was bound to undergo a significant change towards more environmentally-conscious regulation and optimization of landfilling, the landfilling practice as such was to be maintained. For this reason, if going back to existing categorizations of misfit, adaptational pressure, implementation performance and change discussed in Chapter 1, Part I of this thesis, it may be reasoned that the considered misfit can be qualified as medium (See Table 1). EU provisions are not in synchrony with the domestic practice, thus the observed misfit is by no means low and the mere recalibration of existing instruments would not result in alignment of the Bulgarian waste policy to that of the EU. At the same time, as explained above,

⁶⁵³ *Op.cit.* 383

⁶⁵⁴ *Op.cit.* 144

⁶⁵⁵ *Op.cit.* 6

neither does the situation in Bulgaria correspond to the theoretical setting of a high misfit, as the paradigm of the waste disposal method of landfilling exercised in the country was not to be entirely transformed, at least not under the direct implementation pressure of the EU waste directives examined in this research. Given these nuances, the situation in Bulgaria at the time of the Europe Agreement can be characterized as one of a medium misfit and a medium/moderate adaptational pressure, as it would require medium/modest change through the incorporation of new instruments in the content of Bulgarian waste policy.⁶⁵⁶

What this finding points to is that, although the Bulgarian waste sector was subject to a medium adaptational pressure, this pressure was still bound to have serious implications for implementation performance and policy change. As shown by the EU-Bulgarian relations specifically in the spheres of environmental protection and waste management in the post-accession period (after the signature of the Treaty of Accession)⁶⁵⁷, implementation problems have indicated continuous asynchrony with EU prescriptions in terms of both formal and practical transposition. It can, therefore, be maintained that adaptational pressure has remained persistent and intense post-accession.

According to existing academic research, in cases of adaptational pressure that persists over time, severe implementation deficits may be expected and they would signal problematic change (Risse, Cowles and Caporaso, 2001: 2, 9). In the case of Bulgaria, the short post-accession time-frame that was possible to examine does not allow for definitive conclusions on implementation outcomes post-accession. For this reason, as one of our interviewees has underlined, it is too early to label Bulgarian difficulties in implementing EU waste legislation as examples of the existing implementation deficit in the European Union (Interviewee-BG 5).⁶⁵⁸ However, the chronological examination in Chapter 7 covering the period between 2005 and 2010⁶⁵⁹ offered strong indications as to the developments in formal and practical transposition of the EU waste *acquis* in Bulgaria in that period and set those against the overview of pre-accession implementation trends of preceding chapters. While the questions related to the implementation performance of Bulgaria in the waste sector pre- and post-accession will be discussed in section 3 of this chapter, here they have been touched

⁶⁵⁶ See Risse, Cowles and Caporaso, 2001; Börzel and Risse, 2003; Jordan and Liefferink, 2004a; Liefferink and Jordan, 2004: 35; Knill, 2006

⁶⁵⁷ *Op.cit* 8

⁶⁵⁸ *Op.cit.* 517

⁶⁵⁹ *Op.cit.* 10

upon in relation to the discussion on the intensity of adaptational pressure over the Bulgaria waste sector that has persisted in both periods.

The post-accession period marked a critical juncture in EU-Bulgarian relations. The actual entry of the country into the EU on 1 January 2007 brought a change in the dynamics of these relations, with the EU top-down influence shifting from EU pre-accession conditionality pressure to post-accession compliance pressure under the legal obligations of the Treaty of Accession.

In the area of environmental protection and the waste sector, in particular, similarly to the situation pre-accession, EU funding has again been harnessed in assisting the implementation process, with the latter exposing the country to EU scrutiny in the framework of EU cohesion policy as well. While this interrelatedness of environmental and cohesion policy will be addressed in greater detail in the following section in relation to the discussion on policy interactions, here it needs to be underlined that the EU environmental protection agenda has entailed significant cross-sectoral elements with relevance strongly determined by the receptivity of the domestic context.

EU responses to problematic implementation indicate the persistence of a continuous trend of misfit between EU requirements and Bulgarian measures in the context of waste reform. According to Europeanization writings in such situations, the consideration of adaptational pressures should be accompanied by the examination of mediating factors working in the domestic arena. As Risse, Cowles and Caporaso underline, where adaptational pressures exist, domestic change is not necessarily on its way. They give an example showing that, even with adaptational pressures at work, national and sub-national governments 'may simply avoid doing anything to respond, in which case there will be an implementation deficit' (2001: 2). Hence, the presence or absence of mediating factors, or the interaction among them, affects implementation performance and conditions the pace and the nature of change unfolding under the EU impulse (Risse, Cowles and Caporaso, 2001: 7, 8; Caporaso, 2007: 29; Bache, 2008). The importance of considering endogenous factors has been well demonstrated in the case of the Europeanization of Bulgarian waste policy. It has illustrated that, while adaptational pressure persisted over the pre- and post-accession periods, the pace of the implementation process was marked by interruptions and shifts ensuing from developments in the domestic arena. For example, prior to EU accession, advancement with the transposition of EU waste legislation was stimulated in the context of the accession negotiations on Chapter 22 (July 2001 – 2003) as part of the adaptational dynamics. Once the negotiations had been provisionally closed, with accession

somewhat secured, that implementation momentum was lost. The consequent period between 2004 and 2009 did not see sufficient implementation impetus except for the one produced in the context of infringement proceedings initiated by the European Commission.⁶⁶⁰ The latter comes to underline that neither the pressure of EU conditionality, the EU compliance pressure nor the existence of adaptational pressure alone explain the trends in implementation performance and the mode of change of Bulgarian waste policy.

2. Mediating Factors: Explanatory Value. Relevance of the Initial Hypothesis

The third step of the research model adopted here complements the analysis of the ‘degree of fit’ between EU waste requirements and Bulgarian waste policy, towards developing a more comprehensive understanding of the Europeanization of the Bulgarian waste sector (See Fig. 1). It seeks to trace the role of mediating factors in the domestic arena that have conditioned responses to adaptational pressures. The chronological accounts of Chapters 5, 6 and 7 reflect the workings of the two categories of factors, respectively domestic and ‘domesticated’, put forward for exploration in the Introduction and Chapter 1 (Part I), and seek to trace their relevance in the Europeanization process.

The following domestic factors that have been examined in Europeanization research have also been considered in the case of Bulgarian waste management before and after the country’s accession to the European Union, respectively:- multiple veto points; mediating formal institutions; political and organizational cultures; differential empowerment of actors; learning; and political and partisan contestation. According to the findings of the empirical discussion of the preceding chapters (Chapters 5, 6 and 7), all these factors pertaining to developments predominantly at the level of policy structures and policy style, either independently or concomitantly with one another, have had significant implications for implementation and change in Bulgarian waste management within the considered time-frame.

2.1 Domestic Variables

2.1.1 Explanatory Value: Multiple Veto Points

⁶⁶⁰ See Chapters 6 and 7

As pointed out in academic writings, the existence of multiple veto points in the domestic context has proved to be an important factor affecting adaptation (Tsebelis, 1995; Risse, Cowles and Caporaso, 2001; Börzel and Risse, 2003; Bache, 2008). The following aspect of the discussion on multiple veto points emerges as particularly relevant in this research for both pre- and post-accession periods and is best revealed in relation to developments in practical transposition of EU waste legislation and in the context of the interactions between EU pre-accession assistance/cohesion, environmental and waste policies. It pertains to the dispersion of power across veto points positioned horizontally and/or vertically in the national arena, which has produced complications due to the diversity of preferences and capacities featured by these veto points. Furthermore, in the case of Bulgarian waste management it has not been the mere existence of multiple veto points across levels of governance that has brought complexity to implementation, but rather the establishment of contested relations among these veto points manifested for instance by problematic allocation of competences, deficient coordination and communication.

Vertical spatial dynamics is particularly prominent in the area of waste management, with this policy area driven by relatively local/regional waste realities and problems, and traditionally dealt with at sub-national level. Similarly, in the context of EU pre-accession assistance/cohesion policy dedicated to environmental and waste projects, sub-national institutions, including municipal administrations and municipal associations, have the strongest role in project implementation (as compared to programme planning, programme management and control, programme implementation) (Bachtler and McMaster, 2008). Therefore, concentration of veto power along the vertical axis joining the sub-national and the national level is inherent to developments in the waste sector. Particularly challenging in this context is the prospect of reversing the path-dependent trend of excessive state centralism in this policy area exhibited, for instance, in the context of ISPA projects pre-accession and in national - sub-national conflicts in relation to the Sofia waste case post-accession (Chapters 6 and 7). Despite the risks held in the trend towards decentralization of waste management, a situation has arisen where the state 'needs to rely on municipalities' for conducting a proper waste policy at the sub-national level (Interviewee-BG 11). At the same time, municipalities face the need to outgrow the 'completely wrong' presumption that the state will do their job (Interviewee-BG 19). However, the adequate communication and coordination as well as the strict regulation of relations, for instance in relation to the organization, financing/co-financing, establishment and operation of

regional waste management systems, along this vertical national - sub-national axis remains indispensable for the accomplishment of positive implementation results.

Another dimension reflecting the spatial distribution of veto power in Bulgaria is concentrated horizontally in the sub-national arena and pertains to the relation between municipal authorities, NUTS 3⁶⁶¹ state administrations and RIEWs, as well as to the association of municipalities within and across NUTS 3 regions towards the establishment of ‘waste regions’.⁶⁶² The formation of ‘waste regions’ constitutes a specialized form of waste-specific regionalization foreseeing the cooperation of municipalities that share a common regional waste management system. Driven by considerations of proximity and self-sufficiency, the mapping of these ‘waste regions’ has not followed the logic of administrative-territorial regionalization but constitutes the incorporation of another regional layer in the country created especially for the purposes of waste management. Municipal associations would either follow the lines of NUTS level 3 regions or cut across them, forming ‘waste regions’ comprising LAU units of separate NUTS level 3 regions. This distribution offers a good illustration of Hooghe and Marks’s categorization touched upon in Chapter 4, reflecting the possible overlap of hierarchical Type I regions with task-specific, here waste-specific, functional Type II jurisdictions.⁶⁶³

While ‘waste regionalization’ in Bulgaria has been carried out by way of complying with the provisions of the Waste Framework Directive, envisaging the establishment of integrated and adequate networks of disposal (Art. 5),⁶⁶⁴ the way that it was initiated and organized brings an element of complexity to Bulgarian waste reform. Although the state, in the form of the Ministry of Environment and Water, assumed the role of a central player in organizing regional waste management, it initially failed to procure regulatory precision to this initiative. For instance, at the time of ISPA waste projects discussed in Chapters 6 and 7, there was neither a fixed legal model for municipal association, nor strict delineation of municipal rights and obligations within municipal associations. It was amendments to the Waste Management Act from 2008 and 2010 that brought clarity to these questions (See Appendix II.5).⁶⁶⁵ Until then, regulatory obscurity contributed to the development of ineffective and dysfunctional municipal associations revealing critical coordination problems in establishing relations among

⁶⁶¹ *Op.cit.* 265 and 268

⁶⁶² *Op.cit.* 411 and 483

⁶⁶³ *Op.cit.* 230

⁶⁶⁴ *Op.cit.* 6

⁶⁶⁵ *Op.cit.* 414

authorities of LAU units within or across NUTS level 3 regions, as well as with RIEWs or NUTS 3 state administrations, even more so with the Ministry of Environment and Water proving weak in directing these relations⁶⁶⁶.

Problems with the allocation of landfill sites or the grouping of municipalities that would be served by particular sites exhibit the development of contested relations horizontally at the sub-national level explained by the short-term horizons of municipal authorities, instances of ‘regional egoism’ and political games often hidden behind NIMBY motives (Minutes 10, 25.03.2010: 8). The adequate implementation of EU waste legislation, by contrast, necessitates veto points embedded within municipal policy structures to take ownership of waste policy as a sub-nationally embedded portfolio and to engage in close and sustainable cooperation with municipalities from the respective ‘waste region’ for the purposes of waste management (Chapter 7).

The third dimension that needs to be considered here pertains to the distribution of veto power horizontally within policy structures at the national level as well as to instances of miscommunication and asynchrony among them. As shown by the findings of Chapters 6 and 7, while coordination at governmental level in the sphere of environmental protection and waste management was essential for progressing with the implementation of waste legislation through ISPA and Operational Programme ‘Environment’, there were situations where the liaison among them was literally non-existent (Interviewee-BG 14). Where communication existed, for instance, at Governmental meetings, then the circumstances of government by coalition stalled developments with the waste reform due to inter-ministerial rivalries, for instance between the Ministry of Environment and Water, the Ministry of Finance and the Ministry of Regional Development and Public Works (Minutes 3, 01.10.2009).⁶⁶⁷ Contestations among veto points horizontally at Ministerial level, have a negative impact on the procurement of financing and/or co-financing of works towards developing waste infrastructure, such as the 23 regional waste management systems remaining to be constructed and that of Sofia, in particular (Chapter 7).

⁶⁶⁶ Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 ‘Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol’ at the Ministry of Environment and Water, ‘EU Funds for Environment’ Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007, available in Bulgarian at: <http://www.bulnao.government.bg/index.php?p=18> (Date of reference 07.12.2010)

⁶⁶⁷ *Op.cit.* 545

2.1.2 Explanatory Value: Mediating Formal Institutions

Another domestic factor that emerged in the empirical material examined in the previous chapter as a key factor intervening in the process of the Europeanization of Bulgarian waste management, pertains to the potential of mediating formal institutions to facilitate change. Europeanization literature has examined mediating formal institutions as a variable countervailing the influence of multiple veto points (Risse, Cowles and Caporaso, 2001; Bache, 2008). In the case of Bulgarian waste management, however, capacity weaknesses (administrative and financial) within formal institutions have further aggravated and complicated the impact of multiple veto points and the interdependencies among them. Explanations pertaining to capacity weaknesses⁶⁶⁸ can be found throughout the empirical overview of Bulgarian waste policy before and after EU accession (Chapters 5, 6 and 7). By way of recapitulating the empirical findings, the following manifestations and features of these weaknesses need to be emphasized here.

Firstly, as shown by developments following the end of the communist regime accompanied by economic and political crises and environmental degradation, capacity deficits (financial, administrative and infrastructural) at national and sub-national levels are highly path dependent, mutually reinforcing and difficult to reverse.

Secondly, weak formal institutions allow for the penetration and entrenchment of veto players, with the latter setting the scene for confrontation horizontally in the sub-national arena and vertically with national institutions.

Third, weaknesses in capacity of formal institutions were revealed at the time of negotiations for the transitional periods of the Landfill Directive,⁶⁶⁹ with the negotiations lacking a rational perspective to the implementation potential of Bulgaria. The inadequate time-frame set by Bulgarian policy structures at the time of the negotiations and incorporated in the Treaty of Accession⁶⁷⁰ brought serious pressure to the overloaded Bulgarian policy structures.

Fourth, the lack of capacity and experience of Bulgarian formal institutions to transpose complex EU legal texts is a central reason for the dynamism of the transposition process in Bulgaria, with legislation subject to multiple amendments (Interviewee-BG 9, Interviewee-EU 1).⁶⁷¹ As Bernard Steunenbergh has underlined, ‘transposition is to a large degree an administrative exercise’ and as such it is detached

⁶⁶⁸ *Op.cit.* 31

⁶⁶⁹ *Op.cit.* 6

⁶⁷⁰ *Op.cit.* 8

⁶⁷¹ *Op.cit.* 406

from the broader political process. However, merely the ‘technical’ aspects of the national transposition of a piece of EU legislation can produce difficulties in the timing of drafting and the adoption of implementing laws (Steunenberg, 2009: 955). This is even more true in the context of such a specialized and technically complex area as waste management that is resource-intensive, revenue-generating, has serious cross-sectoral implications and, ultimately, ‘touches the lives of all’ (Jackson, 2006). Furthermore, at the time of the adoption of the Law on the Limitation of the Harmful Impact of Waste on the Environment (1997)⁶⁷², the exercise of transposing EU law as such was a novelty for an accession starter like Bulgaria. Similarly to the situation in Bulgaria, Eva Kružiková’s findings on the case of legal change in the Czech Republic referring to waste management in particular, reflect a highly uncoordinated and unsystematic transposition pattern entailing ‘repeated amendments or rewriting of acts immediately following their approval’ (2005: 110). Dynamism in formal transposition has implications for implementation as well.

Fifth, capacity weaknesses in the Bulgarian waste reform are most evident in relation to practical transposition of EU waste legislation. EU reports issued before and after the accession of Bulgaria to the European Union have consistently drawn attention to these weaknesses and have accentuated the importance of good administrative capacity for the successful transposition of EU environmental legislation and the need for increased effort towards large scale investments, specifically in relation to the sphere of municipal waste management.⁶⁷³ EU funding in the face of ISPA and EU Structural and Cohesion Funds has been channelled towards assisting Bulgaria with the latter. Yet, the adequate capability of the country to absorb this financing is indispensable for progressing with the waste reform, as Bulgaria became over-reliant on EU pre- and post-accession financial assistance without being able, at least initially, to procure alternative funding or, as shown by Chapter 7, to provide sufficient co-financing for projects in the waste sector.

2.1.3 Explanatory Value: Political and Organizational Cultures

Among the other domestic factors examined in existing Europeanization research that have also emerged in the empirical discussion of Chapters 5, 6 and 7 are respectively political and organizational cultures, differential empowerment of actors,

⁶⁷² *Op.cit.* 399

⁶⁷³ *See Appendix II.4*

learning and political or partisan contestation. While important to developments in the Bulgarian waste sector, these variables have surfaced more as contextual factors that have followed a course of path dependence and have recurred within each of the examined periods of the preceding chronological discussion in conjunction with the workings of other domestic or ‘domesticated’ variables, rather than independently.

The relevance of political and organizational cultures as a domestic variable, pertaining to features of policy style, constitutes a key factor in the context of this research that offers insight into implementation performance by explaining relations among veto points or persistent capacity weaknesses of formal institutions and maintaining a cross-sectoral and/or spatial perspective to implementation. The chronological account of Chapters 5, 6 and 7 illustrates that the key features of the political culture characteristic to Bulgaria during the final decades of communism persisted in Bulgarian political and social reality throughout the whole period of research.

Among its key characteristics are firstly, the establishment of a legalistic administrative style entailing the sustenance of prolonged and burdensome procedures that hide ineffectiveness behind the facade of heavy bureaucracy (Interviewee-BG 2, 23; Carter, 1993).

Secondly, administrative practice across sectors and levels of governance is also characterized by the development of configurations of ‘intimate networks’ favouring actors’ interests and constituting channels for corrupt and environmentally uninformed decisions (Medarova-Bergström *et al*, 2007).⁶⁷⁴ Developments with the selection of landfill sites, contract procedures within the context of EU projects and environmental assessments traced in the preceding Chapters 6 and 7 illustrate a trend in Bulgaria of placing political and economic priorities before environmental ones. Even more, environmental considerations or NIMBY concerns, for example, are used for political purposes creating pretence of care for the environment (Interviewee-BG 2, 3, 4, 5, 6, 7, 10, 11 and 17; Minutes 1, 04.07.2008: 7).

Thirdly, another important feature inherent to Bulgarian policy style is the persistence of ‘legal nihilism’ (Tanchev and Belov, 2008: I-12). It has substantial implications for implementation, with policy structures, especially at sub-national level, demonstrating passivity to implementation deadlines and targets (Interviewee-BG 14) (Minutes 9, 24.03.2010: 18). For example, this attitude clashed with the urgency of

⁶⁷⁴ *Op.cit.* 618

meeting the deadline (July 2009) for the implementation of Art. 14 of the Landfill Directive,⁶⁷⁵ necessitating the timely mobilization of measures towards the construction of regional waste disposal sites, the closure of non-compliant municipal landfills and the remediation of dumpsites (Chapter 7). The existence of a culture of non-implementation can explain why the prospect of the initiation of infringement procedures by the European Commission and the threat of legal proceedings by the Court of Justice of the European Union were received as a ‘potential surprise’ in Bulgaria (Kružíková, 2005: 110). The practice of non-implementation can also offer an explanation for the widespread public apathy in the country and scepticism towards the value of environmental measures taken by Bulgarian authorities

The fourth feature that emerges as a central characteristic of the political culture in Bulgaria before and after its accession to the European Union pertains to persistent trends of centralism and confrontation vertically between the national and sub-national level and horizontally at the sub-national level. These were touched upon in the context of the discussion on multiple veto points above, and are also linked to the examination of differential empowerment of actors as a domestic factor salient for understanding the dynamics of the Bulgarian waste reform that is to be considered next.

2.1.4 Explanatory Value: Differential Empowerment of Actors

As qualified in existing academic literature, differential empowerment of actors relates to the redistribution of power resources within the domestic arena (Risse, Cowles and Caporaso, 2001; Bache, 2008). The case of Bulgarian waste management offers a good setting for exploring this variable, particularly in the context of the relations between national and sub-national policy structures with regard to the implementation of formally transposed waste legislation. Developments with Bulgarian waste reform since the start of the accession process examined in the preceding chapters reflect a trend towards breaking with old centralist traditions and adopting a regional approach to waste management. As shown by the research findings, however, this trend is not unproblematic. The national level was cautious in parting with the top-down approach to waste management in Bulgaria due to concerns over corruption and deficient capacities in the sub-national arena. These concerns have some credibility as demonstrated by instances of ‘regional egoism’, passivity of municipalities and strong

⁶⁷⁵ *Op.cit.* 6

political partiality well demonstrated in the sphere of waste management, for instance in relation to ISPA projects, the development of regional waste management systems in the context of Operational Programme ‘Environment’ and the Sofia landfill, in particular. At the same time, however, national policy structures were becoming overburdened and suffering from capacity problems themselves, not being able handle competences traditionally indigenous to the sub-national level. Even more, they proved weak in regulating and guiding the waste reform in an organized and timely way (Chapters 6 and 7).

2.1.5 Explanatory Value: Political or Partisan Contestation

Political or partisan contestation emerges as an important variable in the context of the relations between policy structures vertically at national and sub-national level, and horizontally in the sub-national arena, with political agendas playing an important role in the process of Europeanization of Bulgarian waste policy (Bache, 2008; Baun and Marek, 2008). According to the empirical findings of preceding chapters, political conflicts are manifested in relation to both formal and practical transposition of EU waste legislation.

The discussion on the relevance of multiple veto points in the Europeanization process touches upon the important part political conflicts play in this process. Chapter 5 offered a perspective to the workings of this variable back in the 1990s, finding that veto players embedded at national and sub-national level respectively, were grouped primarily along party lines. The 1990s marked the merger between bureaucracy and politics, with policy structures penetrated by political interests and ‘purged’ from opposition supporters at every change of government bringing the instalment of new loyal officials (Dimitrova, 2002: 183). Reference to inter-party trade-offs affecting the text of the Environmental Protection Act back in 1991⁶⁷⁶ reflects the relevance of political bargaining in the legislative process in Bulgaria as well (Georgieva, 1993). Chapter 6 traced the role of political contestations in the waste reform after the signature of the Europe Agreement of 1993.⁶⁷⁷ The political nature of contestations among municipalities in the context of ISPA waste projects reveals that decisions were being taken on the basis of political rather than expert, environmentally-informed decisions (Minutes 8, 21.01.2010). Divisions were particularly acute with regard to the

⁶⁷⁶ *Op.cit.* 349

⁶⁷⁷ *Op.cit.* 7

association of municipalities, the establishment of sustainable working arrangements among them for the purposes of waste management and the selection of regional landfill sites, with the latter owned by different political parties (Interviewee-BG explicitly requested anonymity with regard to this claim). Politically instigated inter-municipal conflicts reflected the short-term horizons of municipalities that over-looked important questions pertaining to the sustainable operation of regional landfill facilities such as facility run-up, closure and after-care costs that had to be settled within a fixed and rather limited time-frame.⁶⁷⁸

As shown by Chapter 7, political contestations persist in the post-2005 period accompanied by corruption scandals (2008) and waste crises (2007 – 2009). According to the research findings, for instance, the Sofia waste problem was ‘overexposed’ by ‘ugly’ political games using the facade of NIMBY arguments and environmental concerns (Interviewee-BG 2, 3, 4, 5, 6, 7, 10, 11 and 17; Minutes 1, 04.07.2008: 7). These dynamics concerned the relations between the Government and the municipality of Sofia. The tension between them intensified in light of the approaching parliamentary elections in 2009⁶⁷⁹ and flared up when the then-Government interfered in a conflict between the municipality and waste collecting companies. The Government established a waste crisis unit and drafted a bill of amendment of the Waste Management Act that would deprive the municipality of Sofia of its constitutionally embedded waste management functions (Interviewee-BG 19).⁶⁸⁰ Political conflicts also surfaced in the context of the implementation of EU Structural and Cohesion Funds for the purposes of waste management and in relation to environmental assessment procedures in particular (Chapter 7),⁶⁸¹ with the latter problems specifically addressed in 2009 revisions of the Environmental Protection Act.⁶⁸² Legislative revisions, in turn, reflect a corrective approach to transposition pointing to the importance of another domestic variable examined in Europeanization literature, that is, of the process of learning.

2.1.6 Explanatory Value: Learning

The empirical discussion on the Europeanization of Bulgarian waste policy revealed that the workings of the intervening variables discussed above need to be considered in

⁶⁷⁸ *Op.cit.* 470

⁶⁷⁹ *Op.cit.* 586

⁶⁸⁰ *Op.cit.* 582

⁶⁸¹ *Op.cit.* 618

⁶⁸² *Op.cit.* 493

a context of ‘learning by doing’ and learning by experience that has accompanied formal and practical transposition (Interviewee-BG 5). Through the chronological account of the Bulgarian waste reform, preceding chapters reflect the temporal dimension of the subtle and incremental learning process accompanying policy change. If consulting academic discussions on learning and comparing those to the research findings, it is possible to reason that Bulgarian policy structures were undergoing ‘thin’ learning based on past successes or failures (Paraskevopoulos, 2006: 15-16). In this sense, learning ensued from the imperfections of formal transposition addressed through subsequent legal amendments such as, for instance, those of the 2003 Waste Management Act.⁶⁸³ Similarly, learning accompanied implementation efforts of Bulgarian authorities, with the latter accumulating experience on two fronts, the first related to adjustments to EU waste and environmental rules, and the second connected to EU pre-accession assistance and cohesion policy requirements.

2.2 Policy Interactions as a ‘Domesticated’ Variable

Alongside the factors presented above, the present research has explored a ‘domesticated’ test variable related to the role of policy interactions in the process of Europeanization of the Bulgarian waste sector. The initial perception of this research prior to the conduct of its empirical investigation was that policy interactions originating at EU level, once channelled to the national arena, become ‘domesticated’ and develop a serious potential for influencing the ‘download’ of EU waste legislation and the change produced as a result of this process. The adopted approach entailed the elaboration of a primary study hypothesis positing that

The extent to which Bulgarian waste policy is Europeanized is critically determined by the nature of policy interactions.

and the following null hypothesis centred upon this variable:

The extent to which Bulgarian waste policy is Europeanized is not critically determined by the nature of policy interactions.

While seeking to unveil the dynamics and the relevance of policy interactions in the studied Europeanization process, the present inquiry placed its examination of this

⁶⁸³ See Waste Management Act prom. SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 80/03.10.2006, SG 53/30.06.2007, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011. It is expected that this act will be revisited again by the end of 2011; See Appendix II.3 and II.5

‘domesticated’ variable in a wider research context, exploring also the role of the EU political and legislative agenda in sphere of environmental protection as an independent variable and that of domestic intervening variables considered in existing Europeanization writings. It also narrowed the discussion to the interaction between EU environmental policy and EU pre-accession assistance/cohesion policy, with the argument that these are particularly relevant to developments in the Bulgarian waste sector. To aid the identification of policy interactions in the empirical material, Chapter 4 of this thesis granted due consideration to this concept with a particular focus on the above policies and emphasis on policy content.

By way of matching the research findings of the preceding chapters of this Part III to the research model and the research hypothesis, four aspects of the discussion on policy interactions in the case of the Bulgarian waste reform need to be underlined here.

Firstly, according to the research findings centred upon the evolution of Bulgarian waste practices prior to the country’s engagement with the European Union at the beginning of the 1990, the Bulgarian departure from communism and its orientation towards the EU have set into motion a policy change having a strong cross-sectoral effect. Bearing significant cross-policy features, environmental protection and waste management, in particular, became part of this policy interaction dynamics (Chapter 5).

Secondly, as revealed by both pre- and post-accession periods, the role of policy interactions is most visible with regard to the practical transposition of EU waste legislation.

Thirdly, Chapters 6 and 7 offer two perspectives to policy interactions that correspond to the definition of policy interactions elaborated in Chapter 4, that is, of policy interactions as either orchestrated or unorchestrated dual integration processes between policies. As found by accession documents, at EU and national level, it was foreseen that an interaction pattern encompassing waste, pre-accession assistance/cohesion and environmental policies would develop, and in this sense, policy interactions were envisaged at the policy formulation stage. What had not been foreseen, however, were the implications of the ‘domestication’ of policy interactions which rendered them rather unpredictable both in terms of degree and effect (Glachant, 2001; Lenschow, 2002a; Jordan and Lenschow, 2008).

The first perspective on policy interactions pertains to the instrumental importance of EU pre-accession assistance and cohesion policy instruments for advancing the implementation of the EU waste *acquis* in Bulgaria. Chapter 6 focused on the period from the signature of the Europe Agreement to the conclusion of the Treaty of

Accession in 2005⁶⁸⁴ and found that Bulgaria had developed an over-dependence on ISPA for the purposes of infrastructural development in the waste sector. In this way, progress with the absorption of EU funds then became central to advancement with the construction of compliant regional waste disposal facilities and the closure of existing non-compliant ones by Bulgaria. As revealed by Chapter 7, covering the period between 2005 and 2010, this trend acquired an even stronger prominence, with Operational Programme ‘Environment’ developing as a key rather than as an additional source of funding for waste investments in Bulgaria. Thus, as shown by the experience with ISPA projects post-accession, potential delays in the context of the Operational Programme would firstly, signal problematic absorption of EU assistance and secondly, with no alternative financing secured by Bulgarian authorities, would stall the transposition of EU waste legislation on the ground. The Sofia case has offered a very good example in this respect as it has illustrated the clear link between the progress with the major project in the context of EU cohesion policy in Sofia and the dynamics of the EU infringement procedure opened by the European Commission in relation to the organization of waste management in Sofia (more specifically, in relation to the deficient implementation of Art. 4 and 5 of the Waste Framework Directive). Similarly, delays with the development of a network of waste management systems in Bulgaria started in the framework of ISPA and continued in the context of Operational Programme ‘Environment’ had a share in the failure of Bulgaria to meet the deadline (16 July 2009) for compliance with the Landfill Directive.⁶⁸⁵ However, again although it was evident that Bulgaria would not be able to comply with this deadline, it was sufficient that it showed commitment substantiated by measures towards optimizing the absorption and improving the management of EU Structural Funds, in order to prevent the initiation of non-application infringement proceedings by the European Commission (Interviewee-BG 2, 3, 4, 11; Minutes 4, 15.10.2009).⁶⁸⁶

The second perspective adopted in preceding chapters pertains to the importance of the adequate integration of environmental considerations into EU pre-accession assistance and cohesion policy instruments (EPI), with the latter being important in the context of compliance with EU environmental assessment legislation,⁶⁸⁷ the award of

⁶⁸⁴ *Op.cit.* 7 and 8

⁶⁸⁵ *See* Table 1, Appendix I

Op.cit. 6

⁶⁸⁶ *See* Minutes of Meetings, Third Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 03.06.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010) (p. 6)

⁶⁸⁷ *Op.cit.* 51

EU major projects⁶⁸⁸ and the environmental sustainability of measures substantiating the waste reform. Chapters 6 and 7 threw light on the problems Bulgaria has faced in applying EPI and meeting EU environmental assessment requirements and emphasized these as serious threats to progress with the implementation of EU waste legislation, in principle and specifically in relation to the framework of applications for EU funding. As key EPI instruments, environmental assessments, or rather the procedural smoothness of applying environmental assessments, could serve as an indication of how far environmental considerations are integrated into sectoral policies. According to the research findings on the implementation of environmental assessment procedures in Bulgaria before and after accession, the integration of environmental considerations into EU pre-accession funds and Structural Funds followed a weak EPI pattern (Dhondt, 2003). As discussed in EPI-dedicated writings, weak EPI envisages considerable discretion for policy structures as to whether and to what extent to adjust their policies to environmental protection requirements. In ‘no conflict situations’ where a nationally or EU-funded waste project endangers the environment or the health of adjacent population, national policy structures ‘take into account’ environmental objectives and may pursue them if that would suit them. In the case of a ‘conflict situation’, however, the experience of Bulgaria has well revealed that environmental considerations become suppressed by other policy priorities and are, thus, ‘systematically disregarded’ (2003: 92). These aspects, however, pertain to situations where compliance with EU environmental procedures is good. Yet, the experience of Bulgaria, with reference to a particular ISPA project, that of the landfill of Montana, touched upon in Chapter 6, exhibits the existence of cases of deficient application of the environmental assessment procedure as such. As the European Commission warned in that particular case, ‘environmental non-compliance’ can render the finalization of projects rather ‘problematic’.⁶⁸⁹ Such instances, therefore, may present potentially serious problems in the context of EU pre-accession assistance/cohesion policy, in the context of compliance with EU waste legislation by causing delays with the progression of projects or producing environmentally harmful outcomes, and also with regard to environmental protection *per se*. According to the findings of preceding chapters, similarly to the management of EU financing, the adequate application of EPI that may very well feature as a stage in the application for EU funding, is strongly dependent on contextual factors at national and sub-national level.

⁶⁸⁸ *Op. cit.* 132

⁶⁸⁹ *Op.cit.* 508

What needs to be underlined here is that, although the previous chapters have considered the above perspectives in substantial detail, they have by no means covered the subtleties of an analysis dedicated to the application of EU pre-accession/Structural and Cohesion Funds and the environmental assessment legislation as separate research endeavours. The objective here was rather to examine these insofar as they relate to the discussion on policy interactions and to emphasize the problematic nature of these interactions, with the latter having serious implications for the Europeanization of the Bulgarian waste sector. With particular relevance in this respect is the finding that Bulgaria has been over-reliant on EU financing for the purposes of aligning its waste policy with the EU waste requirements during both pre- and post-accession periods. This finding points to the importance of policy interactions as a ‘domesticated’ variable on the one hand, and the need for this variable to be considered in conjunction with domestic variables, on the other hand.

In relation to the above, emerges the fourth aspect of the discussion on policy interactions. The empirical material presented in the preceding chapters points to a setting of interdependence between the domestic and the ‘domesticated’ factors intervening in the process of the Europeanization of the Bulgarian waste policy. More specifically, it reveals that the path dependent course of Bulgaria of over-dependence on EU financial assistance and its inability or unwillingness to mobilize sufficient financing/co-financing and also to absorb EU funds for the purposes of timely compliance with the EU waste *acquis*, has produced a multiplied effect of the gravity of domestic factors. Firstly, formal institutions at the national and sub-national level prove weak in absorbing EU money targeted towards facilitating the waste reform due to capacity and coordination problems. Secondly, the contestations among veto players embedded within policy structures at national and sub-national level are further aggravated in the context of complex policy interactions. Thirdly, the intersection of the organization for the management of EU funds and that of waste management brings further obscurity as to the empowered ‘owner’ of the implementation process. Fourth, the policy style of policy structures at national and sub-national level provides for the establishment of an attitude towards EU assistance as an ‘endless’ and due source of money with no clear vision and consistent strategy for its practical utilization and value for the purposes of the waste reform. Fifth, controversies stemming from policy interactions are being used for political advancements. Sixth, policy structures are experiencing a learning process on two fronts, with the first related to acquaintance with

EU environmental and waste rules and the second connected to EU pre-accession assistance and cohesion policy requirements.

On the basis of all this, it can be claimed that the research findings on the relevance of policy interactions for the implementation performance and the change of the Bulgarian waste sector provide solid grounds for endorsing the hypothesis that *the extent to which Bulgarian waste policy has been Europeanized is critically determined by the nature of policy interactions*. This conclusion, however, comes with the stipulation that policy interactions and their effects have to be considered in the context of the workings of the domestic variables discussed above and the intensity of the EU adaptational pressures.

3. Implementation Dynamics and Pattern of Change

The final step of the research model adopted here and presented in the Introduction and Chapter 1 of this thesis substantiates the ultimate objective of this research, focused on qualifying the implementation performance of Bulgaria in the practical and formal transposition of the EU waste *acquis* (Waste Framework Directive and the Landfill Directive,⁶⁹⁰ in particular) and the change Bulgarian waste policy has undergone since the country's engagement with the European Union. The state of compliance with the EU waste *acquis* (in terms of formal and practical transposition respectively) is taken as a benchmark in qualifying the progress of the Bulgarian waste reform, with EU feedback on positive and/or negative trends in transposition constituting a key reference point in this respect.

According to the findings of the preceding chapters, prior to the signature of the Treaty of Accession of Bulgaria to the European Union (2005)⁶⁹¹ Bulgaria revealed mixed results with regard to both the formal and practical transposition of the directives considered in this research. Formal transposition unfolded as a dynamic process with transposing legislation subject to multiple amendments stemming from imperfections of transposed texts, lessons learned from experience and new developments in EU legislation. Despite these challenges, the EU's impact on Bulgarian waste legislation in the period between 1993 and 2005 can be qualified as significant. According to the assessment of the European Commission Comprehensive Monitoring Report from 2005,

⁶⁹⁰ *Op.cit.* 6

⁶⁹¹ *Op.cit.* 8

at that point in time Bulgarian waste management legislation was ‘basically in place’ and ‘in line with the *acquis*’.⁶⁹²

The same report, however, emphasized the need for further efforts towards the practical transposition of this legislation, in particular in relation to the development of an integrated network of disposal installations in Bulgaria. As revealed by the empirical findings of Chapter 6, implementation of EU waste requirements prior to 2005 can be characterized as problematic and patchy. Although it was ‘stirred up’ at the time of the negotiations on the Chapter ‘Environment’, this enthusiasm proved to be misleading in the sense that inadequate transposition deadlines were set, and not sufficient to lead to consistent practical measures towards alignment with the EU waste requirements on the ground. This uneven advancement is well revealed by the challenges faced in the framework of ISPA projects that have extended post-accession.

After 2005, implementation entered a period of stagnation. Activities until 2009 were centred upon project finalization rather than project initiation towards advancement with the waste reform. As discussed in Chapter 7, this trend of problematic implementation was confirmed by serious delays with ISPA projects, suspension of EU pre-accession funds, the late and insecure start of the Operational Programme ‘Environment’, and EU legal proceedings against Bulgaria and/or the threat thereof in relation to the practical transposition of the Waste Framework Directive and the Landfill Directive. Deficiencies in transposed legislation were also identified and led to further major amendments to the Waste Management Act in 2008 and 2010, with these amendments also reflecting ‘lessons learned’ from the difficulties faced during implementation.⁶⁹³ Developments in 2009 and 2010 marked certain advancement in both formal and practical transposition of the EU waste legislation, with outcomes, however, still uncertain and remaining to be further investigated in the context of subsequent research.

These results point to the existence of problems in the implementation performance of Bulgaria in the waste sector and indicate certain resistance to change in the framework of the Europeanization process. At the same time, while acknowledging the qualification given by the European Commission to Bulgarian performance in this sector as a total waste management failure,⁶⁹⁴ this research finds that Bulgarian waste

⁶⁹² See Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final (p. 59); See Appendix II.4

⁶⁹³ *Op.cit.* 414
See Appendix II.3 and II.5

⁶⁹⁴ See Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC (2009) 1684/2 – Not published in the Official Journal (p.151)

policy has undergone change since the country's engagement with the European Union. As pointed out in the first section of this chapter, the change that was initially expected amounted to accommodation of the EU waste *acquis* in the content of Bulgarian waste policy, with the progress of this process very much dependent on the influence of intervening domestic and 'domesticated' factors working in the national arena. The research findings reveal that the 'change attained' in this framework of a medium misfit, moderate adaptational pressure and intense influence of mutually-reinforcing endogenous factors features a problematic, patchy and sporadic accommodation of EU waste requirements.

Conclusions

Seeking to address the research question probing into the extent to which waste policy in Bulgaria has been Europeanized, this chapter offered a synthesis of the main findings of the preceding chronological chapters (Chapter 5, 6 and 7). It accommodated those in the framework of the research model proposed in the Introduction and Chapter 1 (Part I) and reasoned on the plausibility of the research hypothesis.

The chapter, firstly, considered EU-Bulgarian relations prior to the signature of the Treaty of Accession of Bulgaria to the European Union⁶⁹⁵ identifying the EU political and legislative agenda in the sphere of environmental protection as the independent variable in the Europeanization process. In this context, it discussed the 'goodness of fit' between EU requirements and the Bulgarian waste practices at the time of the Association Agreement⁶⁹⁶ towards approximating the 'change expected' and the intensity of EU adaptational pressures over the Bulgarian waste sector.

Secondly, along with the role of the EU as a key driver in the examined process of change, the chapter reflected on the part domestic and 'domesticated' factors have played in the Europeanization process. In doing so, the chapter built upon the conclusions of the preceding chapters in Part III and found that policy interactions deserve specific attention in the context of the Bulgarian waste reform as they demonstrated a serious potential for affecting the implementation performance and the pace and quality of change in Bulgarian waste policy. The research findings, however,

See also Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC (2010) 1143 final - Not published in the Official Journal (p. 179)

⁶⁹⁵ *Op.cit.* 8

⁶⁹⁶ *Op.cit.* 7

indicated that policy interactions cannot be considered in isolation from other factors indigenous to the domestic arena, such as multiple veto points, mediating formal institutions, political and organizational cultures, differential empowerment of actors, learning and political and partisan contestation.

The chapter finally dwelled on the findings of Chapters 6 and 7 pertaining to the implementation performance of Bulgaria in formal and practical transposition of EU waste legislation. On the basis of the overview of Bulgarian progress in this respect before and after EU accession, this chapter compared the ‘change expected’ in the Bulgarian waste sector to the ‘change attained’ as of the end of 2010.⁶⁹⁷ It found that the concept of ‘accommodation’ put forward in Europeanization literature can be used as the closest characterization of the type of change the Bulgarian waste sector has undergone since the country’s engagement with the European Union. However, this conclusion comes with the stipulation that firstly, the process of change is marked by uneven and problematic dynamics and secondly, it is by no means finalized. Esin Örüçü’s (2002) reliance on culinary metaphors comes very handy to this discussion on the quality of change in the Bulgarian waste policy. She uses the term ‘cake mixes’ to qualify phenomena where the outcome ‘is not precisely known until the cake is fully cooked’, with ‘the chance of being spoilt by under- or overcooking being a possibility’. In the examined case of Europeanization, the focus has not been placed on outcomes rather than on trends in implementation performance as indications of the direction and type of change under way. The change in Bulgarian waste policy has been set into motion and, despite instances of problematic implementation, it is progressing. This meets the understanding of transposition as an ‘ongoing process’ (Örüçü, 2002: 221 and 223), open to improvement and fine-tuning even more so in such dynamic and transversal spheres as environmental protection and waste management.

⁶⁹⁷ *Op.cit.* 10

Chapter 9

Conclusions

By way of conclusion, this chapter recaps the following aspects of the present research. It firstly, offers a short summary of the research findings with reference to the analytical and methodological approaches employed towards their delivery. Then it reflects on the value of these findings as contributions to existing research.

The introductory chapter stipulated the key research question guiding this research dedicated to exploring the *extent to which waste policy in Bulgaria has been Europeanized*. Towards answering this central question, the present discussion undertook the examination of the process of formal and practical transposition of the European Union waste *acquis* in Bulgaria with a particular focus on developments in municipal waste management. Drawing on the findings of Europeanization and new institutionalist research, the subsequent empirical investigation comprised the following analytical steps (Risse, Cowles and Caporaso, 2001; Bache, 2008).

The focus of attention was, firstly, placed on the EU political and legislative agenda in the sphere of environmental protection, also encompassing waste policy, as an independent variable. In this way, prior to approaching the case of Bulgarian waste management, this research provided an overview of what was being ‘downloaded’ from the EU by way of legal requirements and what ‘downloading’ as such entailed. Chapter 3 (Part II), in particular, presenting an overview of the basic characteristics of EU environmental and waste policies, was dedicated to this discussion. Chapter 4 (Part II), in turn, examined their cross-policy features and focused on the interaction patterns between EU environmental, waste and pre-accession assistance/cohesion policies.

The second key aspect of the research logic pertained to estimating how EU waste requirements ‘fit’ with national waste practices at the time the ‘downloading’ process was being initiated. As pointed out in Chapter 1 (Part I), the ‘goodness of fit’ perspective has been one of the most criticized aspects of top-down Europeanization frameworks. Acknowledging criticisms, this research strived to make the most of this concept as an approach towards approximating the extent to which domestic reality would have to change in order to comply with EU rules. At the same time, it tried to avoid the weaknesses of the ‘goodness of fit’ concept discussed in academic literature and reflected in Chapter 1 (Part I). Firstly, the present research avoided creating the impression of a ‘snapshot’ comparison in examining the ‘fit’ between national

arrangements and EU requirements. It was seeking to reflect the dynamics of the changing reality in the Bulgarian waste sector in a way reflecting the pace of Europeanization. Furthermore, the ‘goodness of fit’ was considered alongside the examination of factors such as learning, with the latter accentuating the temporal dimensions of the Europeanization process (Bache, 2008). Secondly, critics have expressed concerns that in the absence of a clear EU requirement or model to be ‘downloaded’ to the domestic arena, the ‘goodness of fit’ perspective could be problematic. In the case of the Europeanization of the Bulgarian waste sector, the waste directives considered (Landfill Directive and the Waste Framework Directive) entail specific prescriptive rules with their implications being traceable in the domestic context (*Ibid.*). Thirdly, the inability to identify a ‘misfit’ has also been taken as a potential problem in the ‘goodness of fit’ framework. Such a setting can be observed in cases of ‘policy voids’ (Offe, 1996: 210-217; Jordan and Liefferink, 2004a: 11; Goetz, 2007: 262). The engagement with the sphere of waste management, however, neutralizes this concern, as from the discussion in Chapter 5, it becomes evident that waste practices have accompanied social development since the dawn of humanity. Hence, any reference to organized waste handling would count as a policy arrangement. It was with this in mind that the account of Bulgarian waste management in Chapter 5 started with developments dating from 3 – 4 thousand years ago. Fourthly, scholars have also cautioned that ‘fit’ and ‘misfit’ should not be treated as something that could easily be measured (Jordan and Liefferink, 2004a: 11). To address this point, this research adopted the distinction between policy content, policy structures and policy style in approaching the various aspects of policies (Jordan and Liefferink, 2004). Furthermore, it stipulated its focus to developments at the level of policy content as far as discussions on the ‘goodness of fit’ and policy interactions as a ‘domesticated’ variable are concerned, with consideration of policy structures and policy styles in the context of the workings of domestic variables.

In order to identify the policy adjustments in the Bulgarian waste sector following the country’s engagement with the European Union and also to reflect variations in EU dynamics, this research firstly considered Bulgarian waste policy prior to the signature of the Association Agreement (1993) (Chapter 5). With this, it showed that waste handling should be viewed as an ‘ancient’, essential policy area, well pre-dating the EU and EU policy-making. Then, the discussion turned to the period following the start of EU-Bulgarian relations, in a pre-accession context (prior to 2005), and accentuated the existence of a substantial misfit and intense adaptational pressures characterizing these

relations (Chapter 6). Finally, the inquiry took a glimpse of the post-accession period tracing developments up to December 2010 (Chapter 7).⁶⁹⁸

While these chronological time-frames reflected variations in the adaptational pressures ensuing from the changing dynamics of EU-Bulgarian relations, they also drew attention to the importance of endogenous factors in the domestic arena, with the discussion of the latter constituting another important step of the research logic employed here (Bache, 2008: 12). The thesis examined the role of domestic variables considered in existing Europeanization writings such as multiple veto points, mediating formal institutions, political and organizational cultures, differential empowerment of domestic actors, learning and political or partisan contestation in conditioning the implementation performance of Bulgaria in the context of the EU-driven waste reform. Alongside those, another ‘domesticated’ variable featuring the dynamics of policy interactions in this process was put to the test (Part III). On the basis of its exploration of the patterns of policy interaction between EU environmental, waste, pre-accession assistance/cohesion policies as filtered by the domestic arena, this research found that policy interactions have had a strong part in conditioning developments with the Europeanization of the Bulgarian waste sector. What was found, in particular, pointed to the potential of policy interactions, taken alone and also in conjunction with other domestic variables, to affect implementation performance and policy change. More specifically, the empirical discussion of Part III illustrated that policy interactions bore the potential to produce a multiplied effect of the gravity of domestic factors and for this reason deserve a serious consideration as a mediating factor intervening into the Europeanization process in the domestic arena.

Finally, the Europeanization process revealed uneven dynamics of change in the Bulgarian waste sector, characterized by initial advancement with formal transposition, followed by a surge of activity in practical transposition around the accession negotiations, then a period of stagnation at the time of accession, and a rush into formal and practical transposition again towards the end of the examined period. If consulting existing academic approaches to characterizing implementation performance and ‘quantifying’ change, the following reasoning comes to the fore (Jordan and Liefferink, 2004a:7). Among the typological patterns of change elaborated in the existing literature, the dynamics of the Bulgarian waste reform have mostly resembled the logic of ‘accommodation’ rather than those of ‘absorption’ and ‘transformation. ‘Absorption’

⁶⁹⁸ *Op.cit.* 10

has been deemed to occur in settings of a small misfit and low adaptation pressures, in which EU requirements get incorporated by states without substantial changes of national policies, with effective implementation being commonly the case. 'Transformation', in turn, has been taken to feature a high misfit and high adaptational pressures, with paradigmatic changes in national policies on the way and implementation performance strongly dependent on the characteristics of the domestic context. The case of the Europeanization of Bulgarian waste policy exhibited different dynamics of a substantial misfit, yet a medium one and moderate adaptational pressures working their way through an enlargement governance framework pre-accession. Although the latter was highly asymmetrical, it had still left the opportunity for negotiating transitional periods. Post-accession, this conditionality pressure transformed into a compliance pressure in line with the engagements undertaken by Bulgaria under the Treaty of Accession to the European Union. New instruments were being transposed into the content of the Bulgarian waste policy with implementation performance highly affected by factors indigenous to the domestic context (See Table 1; Börzel and Risse, 2003: 69; Jordan and Liefferink, 2004a: 8; Börzel, 2005: 58; Bache, 2008: 11). The detailed examination of the case of Bulgaria exhibited that domestic and 'domesticated' factors had a significant impact on implementation performance and the pace and quality of change produced (dependent variable) as a result of the Europeanization impulse. The accommodation of EU waste requirements by Bulgaria, therefore, reflected interchanging trends of progress and stalemate occurring in the pre-accession and post-accession periods and pertaining to formal and practical transposition, respectively.

The methodological approach employed in this thesis envisaged an empirical focus on the case of Bulgarian waste management framed within a single case study research design. The latter allowed for the accommodation of process tracing as a key case study format following developments in the Bulgarian waste sector before the signature of the Europe Agreement in 1993, pre-accession prior to signing the Accession Treaty (2005) and after its conclusion till the end of 2010. Chapter 2 discussed the features and nuances of the process tracing approach undertaken as a format of exploration and found that it was best suited to capture a discussion with such a wide scope as that of waste management, such a lengthy period of research, and an array of factors interfering with the examined process. While being conscious of existing criticisms of the single case study research design, with accusations of ungeneralisability of research findings and other weaknesses tackled in Chapter 2, the present research opted for a focused and

in-depth examination of the single case of Bulgaria with the aim to produce an analytical contribution to existing research rather than a statistical one (Yin, 2003: 10). This focused approach also allowed for the accommodation of the perspectives of both law and politics in the research framework through the conduct of an intense exploration of the examined phenomena from the vantage point of both disciplines.

In this sense, a key methodological feature characterizing this research endeavour and having both conceptual and empirical implications, is its interdisciplinary stance bridging the politics and law schools (Chapter 2). While aware of the ‘traps’ (Vick, 2004: 185) along the way of interdisciplinary research, the present study shares the view that abidance by ‘rigid disciplinary fault lines’ (Hay, 2002: 5) may hide even greater, if not ‘destructive’, scientific perils (Slaughter Burley, 1993: 205). In light of the research question that navigates this research, focusing on the extent to which Bulgarian waste policy has been Europeanized, the need to reconcile the perspectives of politics and law develops as a distinct feature. On the one hand, the discussion centres upon the process of Europeanization and allows for the application of an Europeanization research model (Introduction and Chapter 1) against the empirical material on Bulgarian waste policy (Risse, Cowles and Caporaso, 2001; Bache, 2008), with the latter demonstrating the politics element in the research. On the other hand, it emphasizes the purely legal aspects of waste management by considering the characteristics of EU waste rules as part of the EU environmental portfolio (Chapter 3) and by analysing the formal and practical transposition of the EU waste *acquis* in Bulgaria (Part III). Europeanization, viewed as ‘*as the impact of the EU on its [M]ember [S]tates*’ (Jordan and Liefferink, 2004a: 1, 6), as such, reflects a process of change entailing the ‘download’ of EU waste legislation through transposition and implementation. Therefore, the analysis necessitates working across the disciplines of politics and law rather than working with either discipline in isolation (Vick, 2004: 164 – 165; Salter and Mason, 2007).

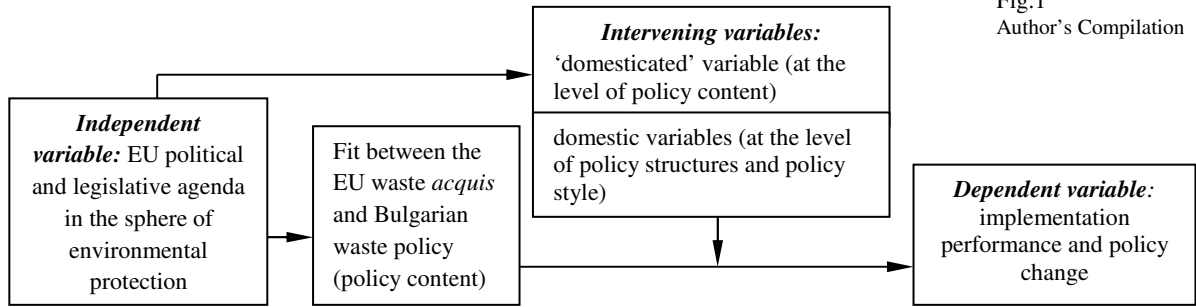
Maintaining this cross-disciplinary perspective, the thesis hopes to contribute to existing Europeanization, implementation and environmental research in the following ways.

Firstly, this thesis seeks to offer an empirical contribution addressing the gap in existing research on the processes of Europeanization and transposition (formal and practical) of EU environmental and waste *acquis* in the European Union new Member States and ex-candidate countries. Furthermore, as seen from the research question and the research methodology employed, the focus on the case of Bulgaria, in particular, was not so much a ‘methodological choice but a choice of what is to be studied’ (Stake,

2000: 435). Thus, by centring upon the experience of Bulgaria in the Europeanization of its waste sector, this research hopes to add to the unfortunately scarce academic studies dedicated to this country. The examination of the case of Bulgarian waste policy is conducted by the means of a qualitative research strategy entailing the combination of document consultation and interviewing as research methods. The empirical contribution of this research, particularly in terms of data collection, is most evident in the context of the first two stages of the adopted data management strategy comprising work with primary data in the form of official and public documents and records and interviewing, respectively (Chapter 2). In relation to the first stage, by way of consulting legal (for instance, EU primary and secondary legislation, national statutes) and policy documents (such as programmes, strategy documents, implementation documents and reports/progress reports, etc.) the present research addressed the existence of data shortages and inconsistencies in relation to the experience of Bulgaria in waste management. The latter are particularly acute with regard to the period prior to the Association Agreement (1993). At the same time, even following the start of the accession process, the seemingly abundant accounts of the progress of Bulgaria with the formal and practical transposition of EU waste legislation are patchy and often contradictory. The second stage, in turn, entailing 25 semi-structured and unstructured interviews with officials at EU level, national and sub-national level further enriched the empirical data on Bulgarian waste policy accumulated through document collection. What is more, the organization and conduct of interviews at these levels offered a multi-level perspective to the researched phenomena. Building upon these two stages of the research strategy, the third stage featuring consultation with secondary academic sources and the fourth stage of data interpretation further contributed to the development of an empirically rich single case study.

The second key contribution of this thesis pertains to its conceptual input to existing academic research. Although it is strongly reliant on existing studies in the field of Europeanization, new institutionalism, implementation and environmental protection, and borrows from Risse, Cowles and Caporaso's (2001) three-step model (See Fig. 2), this thesis also modifies the latter to meet more closely the purposes of the research question and the specificity of the case of Bulgarian waste management (See Fig. 1).

Fig.1
Author's Compilation



The first modification relates to the formulation of the independent variable in the research model. In Risse, Cowles and Caporaso's (2001) framework the independent variable is formulated more broadly as 'Europeanization processes'. In the context of the present research, however, the focus on the transposition of EU waste policy as part of the EU environmental portfolio has necessitated for the independent variable to be narrowed to the EU political and legislative agenda in the sphere of environmental protection. Still, this formulation extends beyond the area of waste management to environmental protection in order to accentuate that waste policy constitutes part of EU environmental policy, to emphasize their interrelatedness and to draw the attention to the cross-sectoral character of both policies.

Secondly, similarly to Risse, Cowles and Caporaso's (2001) model the present research applies the 'goodness of fit' approach to the researched phenomena and utilizes the correlation delineated by that model between the 'goodness of fit' and the intensity of adaptational pressures. As permitted by Risse, Cowles and Caporaso's model, the research relates this logic to policies rather than to domestic structures (2001: 5). It estimates the fit between what is being 'downloaded' from the EU in view of how it fits with Bulgarian municipal waste policy before and at the time of signing the Association Agreement (1993) in order to approximate the change needed towards complying with European waste rules and practices (p. 7). Furthermore, hoping to introduce a more meticulous precision as to exactly which policy aspects are being compared, the study applies Jordan and Liefferink's (2004) distinction between policy content, policy structures and policy style. Given the research focus on the Landfill Directive and the Waste Framework Directive (insofar as it relates to the former) and the specifics of the latter, an even narrower perspective to policy content is adopted for the purposes of the discussion on 'goodness of fit' (Chapter 3, in Part II and Part III). It is in relation to policy content, in particular, that the present research incorporates a distinct legal dimension into the Europeanization three-step framework. Although this dimension is reflected in the definition of policy content used in existing literature (Hall, 1993; Liefferink and Jordan, 2004: 36), there the legal aspect appears overshadowed by an

emphasis on ‘policy instruments’ and ‘policy goals’. At the same time, the thorough examination of the specificity of the EU legislation ‘downloaded’ to the domestic arena, of the national legislation preceding the start of this ‘download’, and the transposing legislation following the start of the ‘download’ is indispensable for tracing and understanding policy change.

Thirdly, the present research applies the distinction between policy content, policy structure and policy style in relation to the subsequent third step of Risse, Cowles and Caporaso’s (2001) model as well. In its modification of the model, the research introduces and examines two categories of intervening variables (Chapter 1), domestic and ‘domesticated’ respectively, with the argument that these variables have a significant influence on implementation performance and policy change in the Bulgarian waste sector. The thesis explores the five intervening variables proposed by Risse, Cowles and Caporaso: multiple veto points, mediating formal institutions, political and organizational cultures, differential empowerment of domestic actors, and learning. It also adds to the model a variable pertaining to political or partisan contestation put forward by Bache (2008: 16). The discussion on these domestic variables relates to developments at the level of policy structures and policy style (See Fig. 1).

The key conceptual contribution of this research pertains to the consideration of the so-called ‘domesticated’ variable manifested primarily at the level of policy content (Chapter 4). This variable reflects the existence of policy interactions at EU level which, once ‘domesticated’ in the national arena, can have significant implications for implementation performance and policy change. In the context of this research, policy interactions are taken to denote either orchestrated or unorchestrated two-way integration processes between policies. Here, the focus is placed upon the interaction between EU environmental policy and EU pre-accession assistance/cohesion policy, in particular, with the argument that these are relevant for developments in the waste sector (Part II and Part III). What the research findings on the Europeanization of Bulgarian waste policy reveal is that, indeed, *the extent to which Bulgarian waste policy has been Europeanized is critically determined by the nature of policy interactions*. This inference, however, comes with the reservation that policy interactions and their effects have to be considered in the context of the workings of the domestic variables discussed above and the intensity of the EU adaptational pressures. According to the research findings, policy interactions have the potential to produce a

multiplied effect of the gravity of domestic factors. For this reason, they deserve a more serious consideration than the one granted in existing research.

Finally, the dependent variable selected in the present research differs from the variable employed by Risse, Cowles and Caporaso (2001), with the latter dedicated to domestic structural change. The variable selected in the present modification of their model reflects the research interest in implementation performance and policy change. In order to throw light on the relation between these two concepts, the present research further develops Risse, Cowles and Caporaso's model by way of integrating existing categorizations of misfit, adaptational pressure, implementation performance and change pertaining to policy content into that model (See Table 1; Chapter 1). This clarification underlines the relatedness between implementation performance and change indicating that the disclosure of trends in implementation performance (pre- and post-accession and with regard to formal and practical transposition, respectively) may reveal the extent to which policy adjustments translate into actual change as well as the quality and type of this change. In the case of Bulgaria, the European Union responses to instances of problematic implementation in the form of the initiation of infringement proceedings or financial corrections (or the threat thereof) featured as a key benchmark for qualifying Bulgarian implementation performance and policy change in the waste sector. As found by Chapter 8, the Europeanization of the Bulgarian waste policy constitutes an uneven, problematic and ongoing process, which while driven by the EU political and legislative agenda in the sphere of environmental protection is also subject to the intense influence of mutually reinforcing endogenous factors (domestic and 'domesticated').

This conclusion derived from the examination of the case of the Europeanization of Bulgarian waste policy corroborates the findings of existing Europeanization writings pointing to the existence 'domestic adaptation with national colours in which national features continue to play a role in shaping outcomes' (Risse, Cowles and Caporaso, 2001: 1). In the present research, the nature of policy interactions as a 'domesticated' variable working at the national level alone or in conjunction with other domestic variable proves to be of a critical importance for the Europeanization process. Yet, in other contexts, in other Member States and/or candidate countries this variable may reveal different dynamics due to the uniqueness of the respective Europeanization processes. For this reason, caution is needed prior to undertaking any analytical generalization of the three-step Europeanization model, with its most significant

modification here related to the endorsement of policy interactions as a ‘domesticated’ variable.

On the one hand, despite the fact that none of the Bulgarian waste cases has ended up with a penalizing judgement from the Court of Justice of the European Union (as seen from Chapter 7, the case that was initially brought to the attention of the Court by the European Commission, was suspended eventually), Bulgarian waste management was singled out by the European Commission as an explicit example of deficient implementation of EU waste legislation and total waste management failure (Chapter 3, Part II and Part III).⁶⁹⁹ Indeed, this examination reveals problematic trends in Bulgarian implementation performance in the waste sector, which are linked to the role of EU adaptational pressures, as well as to the workings of domestic and ‘domesticated’ factors.

On the other hand, if taken in the context of the overall EU implementation experience in waste management, the case of Bulgarian waste policy is by no means an exception to the problematic implementation trends across other Member States and candidate countries (Chapters 3 and 4, Part II). This is well signalled by the European Commission. For instance, at the beginning of 2011, it approached 24 of the 27 EU Member States on grounds of ‘non-communication’ in relation to the transposition of the 2008 Waste Framework Directive.⁷⁰⁰ The European Commission signalled its concerns over persistent non-compliance with the Landfill Directive and the Waste Framework Directive in numerous other instances as well: for example in relation to the Greek experience, with serious implementation problems present since the time it became the first EU Member State to be imposed a daily penalty under Art. 260 TFEU (ex-Art. 228 TEC) in 2000⁷⁰¹; or in view of the inability of the majority of EU Member States to meet the deadline (16 July 2009) for the closure of non-compliant landfills in line with Art. 14 of the Landfill Directive.⁷⁰²

This finding invites subsequent research that would tackle the specific cases of other EU Member States/candidate countries and explore the way EU as an exogenous variable and endogenous variables (domestic and ‘domesticated’) affect the implementation performance and change of their waste policies, with a due consideration of the strictly ‘national colours’ of the examined phenomena. It, therefore, needs to be underlined that this research constitutes merely a starting point in setting the

⁶⁹⁹ *Op.cit.* 39, 172

⁷⁰⁰ *Op.cit.* 118

⁷⁰¹ *Op.cit.* 58, 167, 168, 169

⁷⁰² *Op.cit.* 162

academic ambition of the author for engagement with subsequent research that would put the conceptual propositions presented here to further empirical investigation through cross-country and/or cross-policy comparative research.

Bibliography

- Allen, D.** (2008) 'Cohesion Policy Pre- and Post-Accession', in M. Baun and D. Marek (eds), *EU Cohesion Policy After Enlargement*, Palgrave Macmillan.
- Allen, D.** (2000) 'Cohesion and Structural Funds: Transfers and Trade-Offs', in Helen Wallace and William Wallace (eds), *Policy-making in the European Union*, Oxford: Oxford University Press.
- Altheide, D.** (1996) *Qualitative Media Analysis*, Palgrave Macmillan.
- Avery, G.** (2009) 'Uses of Time in the EU's Enlargement Process', *Journal of European Public Policy*, 16 (2): 256-269.
- Bache, I., Bulmer, S. and Gunay, D.** (forthcoming) 'Europeanization: a Critical Realist Perspective'
- Bache, I., Andreou, G., Atanasova, G. and Tomsic, D.** (2010) 'Europeanization and Multi-level Governance in South-east Europe: the Domestic Impact of EU Cohesion Policy and Pre-accession Aid', *Journal of European Public Policy*, 18(1), 122-141.
- Bache, I.** (2008) *Europeanization and Multi-level Governance. Cohesion Policy in the European Union and Britain*, Lanham: Rowman and Littlefield.
- Bache, I. and George, S.** (2006) *Politics in the European Union*, 2nd edn, Oxford: Oxford University Press.
- Bache, I. and Jordan, A.** (eds) (2006) *The Europeanization of British Politics*, Basingstoke: Palgrave Macmillan.
- Bachtler, J. and McMaster, I.** (2008) 'EU Cohesion Policy and the Role of the Regions: Investigating the Influence of Structural Funds in the New Member States', *Environment and Planning C: Government and Policy*, 26, 398-427.
- Bailey, D. and De Propriis, L.** (2002) 'EU Structural Funds, Regional Capabilities and Enlargement: Towards Multi-level Governance', *Journal of European Integration*, 24, 303-324.
- Baker, S. and Baumgartl, B.** (1998) 'Bulgaria: Managing the Environment in an Unstable Transition', *Environmental Politics*, 7: 1, 183-206.
- Baun, M. and Marek, D.** (eds) (2008) *EU Cohesion Policy After Enlargement*, Palgrave Macmillan.
- Baun, M. and Marek, D.** (2008a) 'Introduction', in M. Baun and D. Marek (eds), *EU Cohesion Policy After Enlargement*, Palgrave Macmillan.
- Beaujor, F.** (1794-1799) 'Military Expedition', *French Travel Notes*, 425-427.

- Bell, S. and McGillivray, D.** (2006) *Environmental Law*, Oxford University Press.
- Benson, D. and Jordan, A.** (2010) 'European Union Environmental Policy after the Lisbon Treaty: *Plus Ça Change, Plus C'est la Meme Chose?*', *Environmental Politics*, 19 (3), 468-474.
- Bina, O.** (2008) 'Strategic Environmental Assessment', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Blaikie, N.** (2003) *Approaches to Social Inquiry*, Cambridge: Polity Press.
- Blumer, H.** (1954) 'What is Wrong with Social Theory', *American Sociological Review*, 19, 3-10.
- Börzel, T.** (2007) 'Environmental Policy' in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Börzel, T.** (2005) 'Europeanization: How the European Union Interacts with its Member States', in S. Bulmer and C. Lequesne (eds), *The Member States of the European Union*, Oxford: Oxford University Press.
- Börzel, Tanja A.** (2003) 'Shaping and Taking EU Policies: Member State Responses to Europeanization', *Europeanisation Online Papers*, Queen's University Belfast, No 2/2003.
- Börzel, T. and Risse, T.** (2003) 'Conceptualizing the Domestic Impact of Europe', in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford University Press.
- Börzel, T.** (2001) 'Pace-Setting, Foot-Dragging, and Fence-Sitting. Member State Responses to Europeanization', *Europeanisation Online Papers*, Queen's University Belfast, No 4/2001.
- Börzel, T.** (2001a) 'Non-compliance in the European Union: Pathology or Statistical Artefact?', *Journal of European Public Policy*, 8(5), 803-824.
- Börzel, Tanja A.** (2000) 'Why There Is No "Southern Problem". On Environmental Leaders and Laggards in the European Union', *Journal of European Public Policy*, 7(1), 141 - 162.
- Börzel, T. and Risse, T.** (2000) 'When Europe Hits Home: Europeanization and Domestic Change', *European Integration Online Papers*, 4(15), 29 November 2000.
- Botetzagias, I. and Karamichas, J.** (2009) 'Grassroots Mobilisations Against Waste Disposal Sites in Greece', *Environmental Politics*, 18(6), 939 – 959.
- Bozhilova, D.** (2008) *Bulgaria's Quest for EU Membership. The Europeanization of Policies in Transition*, Author House UK, Ltd.

- Bourne, K. and Cini, M.** (2005) 'Introduction', in M. Cini and K. Bourne (eds), *Advances in European Union Studies*, Palgrave Macmillan.
- Bryman, A.** (2008) *Social Research Methods* (3rd edition) Oxford: Oxford University Press.
- Bulmer, S.** (2009) 'Politics in Time Meets the Politics of Time: Historical Institutionalism and the EU Timescape', *Journal of European Public Policy*, 16(2): 307–324.
- Bulmer, S.** (2007) 'Theorizing Europeanization', in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Bulmer, S. and Lequesne, C.** (2005) 'The European Union and its Member States', in S. Bulmer and C. Lequesne (eds), *The Member States of the European Union*, Oxford: Oxford University Press.
- Bulmer, S. and Radaelli, C.** (2005) 'The Europeanization of National Policy', in S. Bulmer and C. Lequesne (eds), *The Member States of the European Union*, Oxford: Oxford University Press.
- Bulmer, S. and Burch M.** (1998) 'Organizing for Europe: Whitehall, the British State and the European Union', *Public Administration*, 76 (4): 601-28.
- Caddy, J.** (2000) 'Implementation of EU Environmental Policy in Central European Applicant States: the Case of EIA', in A. Lenschow and C. Knill (eds), *Implementing EU Environmental Policy: New Approaches to an Old Problem*, Manchester University Press.
- Calster, G. Van** (2006) *Handbook of EU Waste Law*, Richmond Law & Tax Ltd.
- Caporaso, J.** (2007) 'The Three Worlds of Regional Integration Theory', in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Carius, A., Krüger, C. and Homeyer, I.** (2001) *Environmental Policy and Law in Bulgaria. Towards EU Accession*, Ecologic.
- Carmin, J. and VanDeveer, S.** (eds) (2005) *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.
- Carmin, J. and VanDeveer, S.** (2005a) 'Enlarging EU Environments: Central and Eastern Europe from Transition to Accession', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.

- Carter, F.W.** (1993) 'Bulgaria', in F.W. Carter and D. Turnock (eds), *Environmental Problems in Eastern Europe*, Routledge.
- Carter, F.W. and Turnock, D.** (eds) (1993a) *Environmental Problems in Eastern Europe*, Routledge.
- Carter, F.W. and Turnock, D.** (1993) 'Introduction', in F.W. Carter and D. Turnock (eds), *Environmental Problems in Eastern Europe*, Routledge.
- Catenacci, M.** (2007) 'EPI at Regional and Local Level', *EPIGOV* a literature review, Berlin: Ecologic.
- Catenacci, M. and Sgobbi, A.** (2007) 'EPI at Regional and Local Level', *EPIGOV* state of the art report, Berlin: Ecologic.
- Cellarius, B. and Staddon, C.** (2002) 'Environmental Nongovernmental Organizations, Civil Society, and Democratization in Bulgaria', *East European Politics and Societies*, 16, 182.
- Chalmers, D. and Tomkins, A.** (2007) *European Union Public Law*, Cambridge University Press.
- Checkel, J.** (2005) 'It's the Process, Stupid! Process Tracing in the Study of European and International Politics', Working Paper No 26, Oslo: Arena.
- Cini, M. and Bourne, K.** (eds) (2005) *Advances in European Union Studies*, Palgrave Macmillan.
- Clement, K.** (2001) 'Strategic Environmental Awakening: European Progress in Regional Environmental Integration', *European Environment*, 11, 75-88.
- Cowles, M., Caporaso, J. and Risse, T.** (eds) (2001) *Transforming Europe: Europeanization and Domestic Change*, Ithaca and London: Cornell University Press.
- Creswell, J.** (1994) *Research design: Qualitative and Quantitative Approaches*, London, Sage.
- Daintith, T.** (ed.) (1995) *Implementing EC Law in the United Kingdom: Structures for Indirect Rule*, Chichester, John Wiley & Sons.
- Demmke, C.** (2001) 'Towards Effective Environmental Regulation: Innovative Approaches in Implementing and Enforcing European Environmental Law and Policy', *Jean Monnet Working Paper*, 5/01.
- Denzin, N.** (1970) *Sociological Methods: A Sourcebook*, Chicago, Ill., Aldine.
- Devine, F.** (2002) 'Qualitative Methods', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.
- Dhondt, N.** (2003) *Integration of Environmental Protection into Other EC Policies. Legal Theory and Practice*, Europa Law Publishing, Groningen.

- Dimitrov, B.** (2007) 'Our Ancestors Used to Burn Waste Together with Their Houses', *Standart* (online news), 25.02.2007 available at: <http://paper.standartnews.com/bg/article.php?d=2008-01-12&article=179731> (in Bulgarian) (Date of reference 17.07.2010)
- Dimitrova, A.** (2002) 'Enlargement, Institution-building and the EU's Administrative Capacity Requirement', *West European Politics* 25 (4): 171-190.
- Dragneva, P.** (2009) 'The Missing Link: Policy Interaction in EU Environmental Policy Implementation', in G. Eleftherakis, S. Hannam, E. Kalyva and A. Psychogios (eds), *Infusing Research and Knowledge in South East Europe*, SEERC.
- Dusik, J., Sadler, B. and Mikulic, N.** (2001) 'Developments of Strategic Environmental Assessment in Central and Central and Eastern Europe', *EPIGOV* a literature review, Berlin: Ecologic.
- Dworkin, R.** (1984) *Taking Rights Seriously*, Harvard University Press, Cambridge MA.
- Evans, A.** (1999) *The E.U. Structural Funds*, Oxford University Press.
- Fairbrass, J. and Jordan, A.** (2004) 'Multi-level Governance and Environmental Policy', in I. Bache and M. Flinders (eds), *Multi-level Governance*, Oxford University Press.
- Featherstone, K. and Radaelli, C.** (eds) (2003) *The Politics of Europeanization*, Oxford: Oxford University Press.
- Featherstone, K.** (2003) 'Introduction: In the Name of "Europe"', in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford: Oxford University Press.
- Fontana, A. and Frey, J.** (2000) 'The Interview: From Structured Questions to Negotiated Text', in N. Denzin and Y. Lincoln (eds), *Handbook of Qualitative Research*, Sage Publications, Inc.
- Futó, P., Kovács, P. and Fleischer, T.** (2006) 'Governance in Regional and Environmental Policies in Hungary: Challenges of Europeanisation and Adaptation', in C. Paraskevopoulos, P. Getimis, and N. Rees (eds), *Adapting to EU Multi-level Governance: Regional and Environmental Policies in Cohesion and CEE Countries*, Ashgate.
- Ganev, V.** (2007) *Preying on the State: The Transformation of Bulgaria after 1989*, Ithaca, NY: Cornell University Press.
- Ganev, V.** (2001) 'The Dorian Grey Effect: Winners as State Breakers in Post-Communism', *Communist and Post-Communist Studies*, 34, 1-25.

- Georgieva, K.** (1993) 'Environmental Policy in a Transition Economy: The Bulgarian Example', in A. Vari and P. Tamas (eds), *Environment and Transition. Policy and Politics in Central and Eastern Europe*, Dordrecht: Kluwer Academic.
- Gille, Z.** (2005) 'Europeanising Hungarian Waste Policies: Progress or Regression?', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.
- Glachant, M.** (2001) *Implementing European Environmental Policy: The Impacts of Directives in the Member States (New Horizons in Environmental Economics Series)*, Edward Elgar Publishing Ltd.
- Glasson, J. and Gosling, J.** (2001) 'SEA and Regional Planning - Overcoming the Institutional Constraints: Some Lessons from the EU', *European Environment*, 11, 89 - 102.
- Goetz, K. H. and Meyer-Sahling, J.-H.** (2009) 'Political Time in the EU: Dimensions, Perspectives, Theories', *Journal of European Public Policy*, 16 (2), 180-201.
- Goetz, K. H.** (2005) 'The New Member States and the EU: Responding to Europe', in S. Bulmer and C. Lequesne (eds), *The Member States of the European Union*, Oxford: Oxford University Press.
- Golub, J.** (1998) *New Instruments for Environmental Policy in the EU*, London: Routledge.
- Goodin, R.** (1996) 'Institutions and Their Design', in Robert E. Goodin (ed.), *The Theory of Institutional Design*, Cambridge University Press.
- Gourevitch, P.** (1978) 'The Second Image Reversed', *International Organization*, 32 (4), 881-912.
- Grabbe, H.** (2001) 'How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity', *Journal of European Public Policy*, 8 (6), 1013-1031.
- Graziano, P. and Vink, M.** (eds) (2007) *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Hall, P. and Taylor, R.** (1998) 'The Potential of Historical Institutionalism: a Response to Hay and Wincott', *Political Studies*, 46 (5), 958-962.
- Hall, P. and Taylor, R.** (1996) 'Political Science and the Three New Institutionalisms', *Political Studies*, 44 (5), 936-957.
- Hall, P.** (1993) 'Policy Paradigms, Social Learning and the State', *Comparative Politics* 25 (3): 275-96.

- Hall, P.** (1986) *Governing the Economy: The Politics of State Intervention in Britain and France*, New York: Oxford University Press.
- Hanf, K. and Scharpf, F.** (eds) (1978) *Interorganizational Policy Making: Limits to Coordination and Central Control*, London and Beverly Hills: Sage Publications.
- Haverland, M.** (2007) 'Methodology', in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Haverland, M.** (2005) 'Does the EU Cause Domestic Developments? The Problem of Case Selection in Europeanization Research', *European Integration Online Papers*, 9(2), 14 January 2005.
- Haverland, M.** (2000) 'National Adaptation to European Integration: the Importance of Institutional Veto Points', *Journal of Public Policy*, 20 (1), 83-103.
- Hay, C.** (2007) 'Does Ontology Trump Epistemology: Notes on the Directional Dependence of Ontology and Epistemology in Political Analysis', *Politics*, 27 (2), 115-118.
- Hay, C.** (2002) *Political Analysis A Critical Introduction*, Palgrave.
- Hay, C. and Wincott, D.** (1998) 'Structure, Agency and Historical Institutionalism', *Political Studies*, 46 (5), 951-957.
- Héritier, A.** (eds) (2001) *Differential Europe: the European Union Impact on National Policymaking*, Lanham, Md., Oxford: Rowman & Littlefield.
- Héritier, A.** (1996) 'The Accommodation of Diversity in European Policy-making and Its Outcomes: Regulatory Policy as a Patchwork', *Journal of European Public Policy*, 3 (2), 149-67.
- Herodes, M., Adelle, C. and Pallemarts, M.** (2007) 'Environmental Policy Integration at the EU Level', *EPIGOV* a literature review, Berlin: Ecologic.
- Hertin, J., Jacob, K. and Volkery, A.** (2008) 'Policy Appraisal', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Hervey, T.** (1998) *European Social Law and Policy*, Longman.
- Hodder, I.** (2000) 'The Interpretation of Documents and Material Culture', in Denzin, N. and Lincoln, Y. (eds), *Handbook of Qualitative Research*, Sage Publications, Inc.
- Holder, J.** (1997) *The Impact of EC Environmental Law in the United Kingdom*, John Wiley & Sons.
- Homeyer, I. and Knoblauch, D.** (2008) 'Environmental Policy Integration and Multi-level Governance', *EPIGOV* state of the art report, Berlin: Ecologic.
- Homeyer, I.** (2007) 'EPI at National Level', *EPIGOV* state of the art report, Berlin: Ecologic.

- Homeyer, I.** (2006) 'Environmental Policy Integration and Modes of Governance', *EPIGOV* state of the art report, Berlin: Ecologic.
- Homeyer, I.** (2005) 'Differential Effects of Enlargement on EU Environmental Governance', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.
- Hooghe, L. and Marks, G.** (2004) 'Contrasting Visions of Multi-level Governance', in I. Bache and M. Flinders (eds), *Multi-level Governance*, Oxford University Press.
- Hopkin, J.** (2002) 'Comparative Methods' in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.
- Hughes, J., Sasse, G. and Gordon, C.** (2004) 'Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government', *JCMS*, 42 (3), 523-51.
- Jackson, C.** (2006) *Britain's Waste; the Lessons We Can Learn from Europe*, Culverlands Press.
- Jacob, K., Volkery, A. and Lenschow, A.** (2008) 'Instruments for Environmental Policy Integration in 30 OECD Countries', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Jacob, K. and Volkery, A.** (2004) 'Institutions and Instruments for Government Self-Regulation: Environmental Policy Integration in a Cross-Country Perspective', *Journal of Comparative Policy Analysis: Research and Practice*, 6 (3), 291-309.
- Jans, J.** (2000) *European Environmental Law*, Groningen: Europa Law Publishers.
- Jehlička, P. and Tickle, A.** (2005) 'Environmental Implications of Eastern Enlargement: The End of Progressive EU Environmental Policy?', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.
- John, P.** (2002) 'Quantitative Methods', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.
- Jordan, A. and Lenschow, A.** (eds) (2008) *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Jordan, A. and Lenschow, A.** (2008a) 'Integrating the Environment for Sustainable Development: an Introduction', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.

- Jordan, A. and Lenschow, A.** (2008b) ‘Environmental Policy Integration: an Innovation in Environmental Policy?’, in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Jordan, A., Schout, A. and Unfried, M.** (2008) ‘The European Union’, in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Jordan, A. and Schout, A.** (2006) *The Coordination of the European Union. Exploring the Capacities of Networked Governance*, Oxford University Press.
- Jordan, A.** (2006) ‘Environmental Policy’, in I. Bache and A. Jordan (eds), *The Europeanization of British Politics*, Basingstoke: Palgrave Macmillan.
- Jordan, A.** (2004) ‘The United Kingdom: from Policy “Taking” to Policy “Shaping”’, in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Jordan, A. and Liefferink, D.** (eds) (2004) *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Jordan, A. and Liefferink, D.** (2004a) ‘The Europeanization of National Environmental Policy’, in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Jordan, A. and Liefferink, D.** (2004b) ‘Europeanization and Convergence. Comparative Conclusions’, in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Jordan, A.** (1999) ‘The Implementation of EU Environmental Policy; a Policy Problem without a Political Solution?’, *Environment and Planning C: Government and Policy*, 17, 69-90.
- Jupille, J.** (2006) ‘Knowing Europe: Metatheory and Methodology in European Union Studies’, in M. Cini, M. and K. Bourne (eds), *Advances in European Union Studies*, Palgrave Macmillan.
- Kaczorowska, A.** (2009) *European Union Law*, Routledge-Cavendish.
- Kelsen, H.** (2005) *General Theory of Law and State*, Transaction Publishers U.S.
- Klaus, J., Volkery, A. and Lenschow, A.** (2008) ‘Instruments for Environmental Policy Integration in 30 OECD Countries’, in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.

- Knill, C. and Liefferink, D.** (2007) *Environmental Politics in the European Union: Policy-making, Implementation and Patterns of Multi-level Governance (Issues in Environmental Politics)*, Manchester University Press.
- Knill, C.** (2006) 'Implementation', in J. Richardson (ed.), *European Union: Power and Policy-making*, 3rd edn, Routledge: London.
- Knill, C.** (2001) *The Europeanization of National Administrations: Patterns of Institutional Change and Persistence*, Cambridge: Cambridge University Press.
- Knill, C. and Lenschow, A.** (2001) 'Adjusting to EU Environmental Policy: Change and Persistence of Domestic Administrations', in M. Cowles, J. Caporaso and T. Risse (eds), *Transforming Europe: Europeanization and Domestic Change*, Ithaca and London: Cornell University Press.
- Knill, C. and Lenschow, A.** (eds) (2000) *Implementing EU Environmental Policy: New Approaches to an Old Problem*, Manchester University Press
- Kochenov, D.** (2005) 'EU Enlargement Law: History and Recent Developments: Treaty – Custom Concubinage?' *European Integration Online Papers*, 9(6), 14 April 2005.
- Krämer, L.** (2007) *EC Environmental Law*, 6th edn, London Sweet & Maxwell.
- Krämer, L.** (2006) 'Statistics on Environmental Judgements by the EC Court of Justice', *Journal of Environmental Law*, 18(3), 407-421.
- Krämer, L.** (2005) 'EU Enlargement and the Environment: Six Challenges', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.
- Krämer, L.** (2005a) 'The Dispersion of Authority in the European Union and Its Impact of Environmental Legislation', in F. Wijen, K. Zoeteman and J. Pieters (eds), *A Handbook of Globalization and Environmental Policy*, Cheltenham: Edward Elgar.
- Krämer, L.** (1996) 'Public Interest Litigation in Environmental Matters before the European Courts', *Journal of Environmental Law*, 8(1), 1-18.
- Krasner, S.** (1984) 'Approaches to the State. Alternative Conceptions and Historical Dynamics', *Comparative Politics*, 16 (2), 223-246.
- Krippendorff, K.** (2004) *Content Analysis: an Introduction to Its Methodology*, London: SAGE.
- Kružiková, E.** (2005) 'EU Accession and Legal Change: Accomplishments and Challenges in the Czech Case', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the Environment. Institutional Change and Environmental Policy in Central and Eastern Europe*, Routledge.

- Ladrech, R.** (1994) 'Europeanization of Domestic Politics and Institutions: The Case of France', *JCMS*, 32 (1), 69-88.
- Lafferty, W. and Hovden, E.** (2003) 'Environmental Policy Integration: Towards an Analytical Framework', *Environmental Politics*, 12 (3), 1-22.
- Lee, M.** (2008) 'The Environmental Implications of the Lisbon Treaty', *Environmental Law Review*, 10 (2), 131-138.
- Lee, S. and Fox, M.** (1991) *Learning Legal Skills*, Blackstone Press Limited.
- Lenschow, A.** (2007) 'The Modes of EPI in Theory and Practice', *EPIGOV* paper, Berlin: Ecologic.
- Lenschow, A.** (2006) 'Europeanization', in J. Richardson (ed.), *European Union: Power and Policy Making*, 3rd edn, Routledge: London.
- Lenschow, A.** (2005) 'Environmental Policy. Contending Dynamics of Policy Change' in H. Wallace, W. Wallace and M. Pollack (eds), *Policy-making in the European Union*. Oxford. Oxford University Press.
- Lenschow, A.** (2002) 'New Regulatory Approaches in 'Greening' EU Policies', *European Law Journal*, 8(1), 19-37.
- Lenschow, A.** (ed.) (2002a) *Environmental Policy Integration. Greening Sectoral Policies in Europe*. Earthscan.
- Lenschow, A.** (2002b) 'Greening the European Union: An Introduction', in A. Lenschow (ed.), *Environmental Policy Integration. Greening Sectoral Policies in Europe*. Earthscan.
- Lenschow, A.** (2002c) 'Dynamics in a Multilevel Polity: Greening the EU Regional and Cohesion Funds', in A. Lenschow (ed.), *Environmental Policy Integration. Greening Sectoral Policies in Europe*. Earthscan.
- Levi, M.** (1997) 'A Model, a Method, and a Map: Rational Choice in Comparative and Historical Analysis', in M. I. Lichbach and A. S. Zuckerman (eds), *Comparative Politics: Rationality, Culture and Structure*, Cambridge: Cambridge University Press.
- Liefferink, D. and Jordan, A.** (2004a) 'Europeanization and Policy Convergence', in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Liefferink, D. and Jordan, A.** (2004) 'Measuring Europeanization and Policy Convergence. National Baseline Conditions', in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.

- Lowndes, V.** (2002) 'Institutionalism', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.
- Macrory, R.** (1999) 'The Amsterdam Treaty: an Environmental Perspective', in D. O'Keefe and P. Twomey (eds), *Legal Issues of the Amsterdam Treaty*, Oxford: Hart Publishing.
- Macrory, R. and Purdy, R.** (1997) 'The Enforcement of EC Environmental Law Against Member States', in J. Holder (ed.), *The Impact of EC Environmental Law in the United Kingdom*, John Wiley & Sons.
- March, J.** (ed.) (2008) *Explorations in Organizations*, Stanford: Stanford University Press.
- March, J. and Olsen, J.** (2005) 'Elaborating the "New Institutionalism"', Working Paper No 11, Oslo: Arena.
- March, J. and Olsen, J.** (2004) 'The Logic of Appropriateness', Working Paper No 9, Oslo: Arena
- March, J. and Olsen, J.** (1984) 'The New Institutionalism: Organizational Factors in Political Life', *The American Political Science Review*, 78 (3), 734-749.
- Marek, D. and Baun, M.** (2008) 'Conclusion', in M. Baun and D. Marek (eds), *EU Cohesion Policy After Enlargement*, Palgrave Macmillan
- Marinov, V., Bahloul, H. and Slay, B.** (2006) 'Structural Funds in the New Member States: Lessons Learned', *Development and Transition*, 4, 5-7.
- Marks, G. and Hooghe, L.** (2004) 'Contrasting Visions of Multi-level Governance', in I. Bache and M. Flinders (eds), *Multi-level Governance*, Oxford University Press.
- Marsh, D. and Stoker, G.** (eds) (2002) *Theory and Methods in Political Science*, Palgrave Macmillan.
- Marsh, D. and Furlong, P.** (2002) 'A Skin, not a Sweater: Ontology and Epistemology in Political Science', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.
- Medarova-Bergström, K.** (2008) 'Ecological Assessments for Regional Development in Bulgaria: Implications for Environmental Policy Integration', Conference Paper, Brussels.
- Medarova-Bergström, K., Steger, T. and Paulsen, A.** (2007) 'The Case of EPI in Central and Eastern Europe', *EPIGOV* paper, Berlin: Ecologic.
- Miles, M. B.** (1979) 'Qualitative Data as an Attractive Nuisance', *Administrative Science Quarterly*, 24, 590-601.

- Moravcsik, A.** (1994) 'Why the European Community Strengthens the State: Domestic Politics and International Cooperation', *Center for European Studies Working Paper 52*, Cambridge MA: Center for European Studies, Harvard University.
- Naumova, S.** (1999) 'Socio-Legal Problems of the Ecological Legislation', *Legal Thought*, 1 (in Bulgarian).
- Nilsson, M., Eklund, M. and Tyskeng, S.** (2009) 'Environmental Integration and Policy Implementation: Competing Governance Modes in Waste Management Decision-Making', *Environment and Planning C: Government and Policy*, 27, 1-18.
- Nollkaemper, A.** (2002) 'Three Conceptions of the Integration Principle in International Environmental Law', in A. Lenschow (ed.), *Environmental Policy Integration. Greening Sectoral Policies in Europe*, Earthscan.
- North, D.** (1990) *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.
- Nykvist, B.** (2008) 'EPI in Multi-level Governance', *EPIGOV* a literature review, Berlin: Ecologic.
- Offe, C., Elster, J. and Preuss, U.** (1998) *Institutional Design in Post-communist Societies: Rebuilding the Ship at Sea*, Cambridge: Cambridge University Press.
- Offe, C.** (1996) 'Designing Institutions in East European Transitions', in R. E. Goodin (ed.), *The Theory of Institutional Design*, Cambridge University Press.
- Olsen, J.** (2008) 'Explorations in Institutions and Logics of Appropriateness: an Introductory Essay', in J. March (ed.), *Explorations in Organizations*, Stanford: Stanford University Press.
- Olsen, J.** (2002) 'The Many Faces of Europeanization', *JCMS*, 40(5), 921-952.
- Örücü, E.** (2002) 'Law as Transposition', *International and Comparative Law Quarterly*, 51, 205-223.
- Paraskevopoulos, C., Getimis, P. and Rees, N.** (2006) *Adapting to EU Multi-level Governance: Regional and Environmental Policies in Cohesion and CEE Countries*, Ashgate.
- Paraskevopoulos, C.** (2006) 'EU Enlargement and Multi-Level Governance in European Public Policy-Making: Actors, Institutions and Learning', in C. Paraskevopoulos, P. Getimis and N. Rees (eds), *Adapting to EU Multi-level Governance: Regional and Environmental Policies in Cohesion and CEE Countries*, Ashgate.
- Pavlínek, P. and Pickles, J.** (2005) 'Environmental Pasts / Environmental Futures in Post-Socialist Europe', in J. Carmin and S. VanDeveer (eds), *EU Enlargement and the*

Environment. Institutional Change and Environmental Policy in Central and Eastern Europe, Routledge.

Penchev, G. (1992) 'Dumpsites, Infections, Laws...Some Legal Problems Related to Solid Waste in Residential Areas', *Ekospekter*, 2-3, 10 (in Bulgarian).

Peters, B. (1999) *Institutional Theory in Political Science: The 'New Institutionalism'*, Pinter.

Peters, B. (1998) 'The New Institutionalism and Administrative Reform: Examining Alternative Models', *Estudio*, Working Paper 1998/113, June 1998.

Pierson, P. (2000) 'Increasing Returns, Path Dependence, and the Study of Politics', *The American Political Science Review*, 94(2), 251-267.

Pierson, P. (1996) 'The Path to European Integration: A Historical Institutional Analysis', *Comparative Political Studies*, 29 (2), 123-163.

Pollack, M. (2008) 'The New Institutionalisms and European Integration', *Webpapers on Constitutionalism & Governance beyond the State*, No1, 2008.

Radaelli, C. (2003) 'The Europeanization of Public Policy', in K. Featherstone and C. Radaelli (eds), *The Politics of Europeanization*, Oxford University Press.

Read, M. and Marsh, D. (2002) 'Combining Quantitative and Qualitative Methods', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.

Rhodes, R. (1995) 'The Institutional Approach', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, London Macmillan.

Richardson, D. (1997) 'The Politics of Sustainable Development', in S. Baker *et al* (eds), *The Politics of Sustainable Development*, Routledge, London.

Riffe, D., Lacy, S. and Fico, F. (eds) (1998) *Analyzing Media Messages: Using Quantitative Content Analysis in Research*, Mahwah, NJ/London: Lawrence Erlbaum Associates.

Risse, T., Cowles, M. and Caporaso, J. (2001) 'Europeanization and Domestic Change: Introduction', in M. Cowles, J. Caporaso and T. Risse (eds), *Transforming Europe: Europeanization and Domestic Change*, Ithaca and London: Cornell University Press.

Roberts, P. (2001) 'Incorporating the Environment into Structural Funds Regional Programmes: Evolution, Current Developments and Future Prospects', *European Environment*, 11, 64 - 74.

Sanders, D. (2002) 'Behaviouralism', in D. Marsh and G. Stoker (eds), *Theory and Methods in Political Science*, Palgrave Macmillan.

- Sandholtz, W.** (1996) 'Membership Matters: Limits to the Functionalist Approach to European Institutions', *Journal of Common Market Studies*, 34 (3), 403-429.
- Salter, M. and Mason, J.** (2007) *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research*, Pearson Education Limited.
- Scharpf, F.** (1978) 'Interorganizational Policy Studies: Issues, Concepts and Perspectives', in K. Hanf and F. Scharpf (eds), *Interorganizational Policy Making. Limits to Coordination and Central Control*, SAGE Publications.
- Schimmelfennig, F.** (2006) 'The Process of Enlargement. Problems, Interests and Norms', in J. Richardson (ed.), *European Union: Power and Policy-making*, 3rd edn, Routledge: London.
- Schimmelfennig, F. and Sedelmeier, U.** (eds) (2006) *The Europeanization of Central and Eastern Europe*, Cornell UP.
- Schout, A. and Jordan, A.** (2008) 'Administrative Instruments', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Schumacher, T.** (2001) 'The Environmental Integration Clause in Article 6 of the EU Treaty: Prioritising Environmental Protection', *Environmental Law Review*, 29.
- Scott, J. and Holder, J.** (2006) 'Law and New Environmental Governance in the European Union', in J. Scott and G. De Búrca (eds), *Law and new governance in the EU and the US*, Oxford: Hart.
- Scott, J.** (2002) 'Law and Environmental Governance in the EU', *International Comparative Law Quarterly*, 51 (4), 996-1006.
- Scott, J. and Trubek, M.** (2002) 'Mind the Gap: Law and New Approaches to Governance in the European Union', *European Law Journal*, 8 (1), 1-18.
- Scott, J.** (1998) *EC Environmental Law*, London: Longman.
- Scott, J.** (1994) *Development Dilemmas in the European Community: Rethinking Regional Development Policy*, Open University Press.
- Scully R.** (2005) 'Rational Institutionalism and Liberal Intergovernmentalism', in M. Cini and K. Bourne (eds), *Advances in European Union Studies*, Palgrave Macmillan.
- Sedelmeier, U.** (2008) 'After Conditionality: Post-accession Compliance with EU Law in East Central Europe', *Journal of European Public Policy*, 15 (6), 806-825.
- Sgobbi, A.** (2007) 'EPI at National Level', *EPIGOV* a literature review, Berlin: Ecologic.

- Sheate, W.** (1997) 'From Environmental Impact Assessment to Strategic Environmental Assessment: Sustainability and Decision-making', in J. Holder (ed.), *The Impact of EC Environmental Law in the United Kingdom*, Chancery Law Publishing.
- Slaughter Burley, A.** (1993) 'International Law and International Relations Theory: A Dual Agenda', *American Journal of International Law*, 87 (2), 205-239.
- Stake, R.** (2000) 'Case Studies', in Denzin, N. and Lincoln, Y. (eds), *Handbook of Qualitative Research*, Sage Publications, Inc.
- Steunenberg, B. and Toshkov, D.** (2009) 'Comparing Transposition in the 27 Member States of the EU: the Impact of Discretion and Legal Fit', *Journal of European Public Policy*, 16 (7), 951-970.
- Steunenberg, B.** (2006) 'Turning Swift Policy-making into Deadlock and Delay. National Policy Coordination and the Transposition of EU Directives', *European Union Politics*, 7(3), 293-319.
- Steurer, R.** (2008) 'Sustainable Development Strategies', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Sverdrup, U.** (2007) 'Implementation', in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Tanchev, E. and Belov, M.** (2008) 'The Republic of Bulgaria', in C. Kortmann, J. Fleuren and W. Voermans (eds), *Constitutional Law of 2 EU Member States: Bulgaria and Romania. The 2007 Enlargement*, Kluwer BV.
- Tashev, T.** (1999) *The Ministers of Bulgaria 1879 – 1999*, Sofia: Prof Marin Drinov (in Bulgarian).
- Thelen, K. and Steinmo, S.** (1992) 'Historical Institutionalism in Comparative Politics', in S. Steinmo, K. Thelen and F. Longstreth (eds), *Structuring politics: Historical Institutionalism in Comparative Analysis*, Cambridge University Press.
- Tromans, S.** (2001) 'EC Waste Law - A Complete Mess', *Journal of Environmental Law*, 13 (2), 133-156.
- Tsebelis, G.** (1995) 'Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism', *British Journal of Political Science*, 25 (3), 289-325.
- Vachudova, M.** (2009) 'Corruption and Compliance in the EU's Post-Communist Members and Candidates', *Journal of Common Market Studies*, 47, 43-62.
- Van Evera, S.** (1997) *Guide to Methods for Students of Political Science*. Cornell.

- Van Maanen, J. and Kolb, D.** (1985) 'The Professional Apprentice: Observations on Fieldwork Roles in Two Organizational Settings', *Research in the Sociology of Organizations*, 4, 1-33.
- Vasilis, M., Getimis, P. and Paraskevopoulos, C.** (2006) 'Europeanization of Policy-Making and Domestic Governance Structures in Environmental (Waste Management) Policy: Cohesion and CEE Countries', in C. Paraskevopoulos, P. Getimis and N. Rees (eds), *Adapting to EU Multi-level Governance: Regional and Environmental Policies in Cohesion and CEE Countries*, Ashgate.
- Vick, D. W.** (2004) 'Interdisciplinarity and the Discipline of Law', *Journal of Law and Society*, 31 (2), 163-193.
- Vink, M. and Graziano, P.** (2007) 'Challenges of a New Research Agenda', in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*, Basingstoke: Palgrave Macmillan.
- Wallace, H.** (2000) 'Europeanization and Globalization', *New Political Economy*, 5 (3), 269-282.
- Watson, M., Bulkeley, H. and Hudson, R.** (2008) 'Unpicking Environmental Policy Integration: Tales from Waste Management', *Environment and Planning C: Government and Policy*, 26(3), 481-498.
- Weale, A.** (2008) 'Foreword', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Weale, A. and Williams, A.** (1992) 'Between Economy and Ecology? The Single Market and the Integration of Environmental Policy', *Environmental Politics*, 1 (4), 45-64.
- Wiener, A.** (2005) 'Constructivism and Sociological Institutionalism', in M. Cini and K. Bourne (eds), *Advances in European Union Studies*, Palgrave Macmillan.
- Williams, P.** (2005) *Waste Treatment and Disposal*, John Wiley & Sons, Ltd.
- Wilkinson, D., Benson, D. and Jordan, A.** (2008) 'Green Budgeting', in A. Jordan and A. Lenschow (eds), *Innovation in Environmental Policy? Integrating the Environment for Sustainability*, Edward Elgar.
- Wilkinson, D.** (2007) 'Environmental Policy Integration at EU Level', *EPIGOV* state of the art report, Berlin: Ecologic.
- Wurzel, R.** (2004) 'From Environmental Leadership to Partial Mismatch', in A. Jordan and D. Liefferink (eds), *Environmental Policy in Europe: The Europeanization of National Environmental Policy*, London: Routledge.
- Yin, R.** (2003) *Case Study Research*, SAGE Publications.

Zetter, J. (1997) 'Environmental Impact Assessment: Has It Had an Impact', in J. Holder (ed.), *The Impact of EC Environmental Law in the United Kingdom*, Chancery Law Publishing.

EU and International Documents:

Commission Decision 2006/929/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime C(2006) 6570 final [2006] OJ L 354/58

Commission Decision 2001/118/EC of 16 January 2001 amending Decision 2000/532/EC as regards the list of wastes (notified under document number C(2001) 108) [2001] OJ L 47/1

Commission Decision 2001/119/EC of 22 January 2001 amending Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (Text with EEA relevance) (notified under document number C(2001) 106) [2001] OJ L 47/32

Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document number C(2000) 1147) [2000] OJ L 226/3

Commission Decision 76/431/EEC of 21 April 1976 setting up a Committee on Waste Management [1976] OJ L 115/73

Commission, Environmental Policy Review 2008, COM(2009) 304 - Not published in the Official Journal

Commission, Environmental Policy Review 2007, COM(2008) 409 final- Not published in the Official Journal

Commission Guide to the Approximation of European Union Environmental Legislation (1997), Brussels, available at: <http://ec.europa.eu/environment/archives/guide/preface.htm> (Date of reference 20.04.2010)

Commission Opinion of 22 February 2005 on the applications for accession to the European Union by the Republic of Bulgaria and Romania, Brussels, 18.04.2005, COM(2005) 55 final/2

Commission Opinion on Bulgaria's Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11

Commission Staff Working Document, Statistical Annex. Annexes I to III, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final, COM (2010) 538 - Not published in the Official Journal

Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 27th Annual Report on Monitoring the Application of EU Law (2009), Brussels, SEC(2010) 1143 final - Not published in the Official Journal

Commission Staff Working Document, Situation in the Different Sectors, Accompanying Document to the Report from the Commission, 26th Annual Report on Monitoring the Application of Community Law (2008), Brussels, SEC(2009) 1684/2 – Not published in the Official Journal

Commission Staff Working Document, Accompanying the 25th Annual Report on Monitoring the Application of Community Law (2007), Situation in the Different Sectors, Brussels, SEC(2008) 2854, COM(2008) 777 final

Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2006, Brussels, 7 November 2007, SEC (2007) 1467, COM(2007) 685 final

Commission Staff Working Document, Progress report on the European Union Sustainable Development Strategy 2007, Brussels, 17 October 2007, SEC(2007) 1416 - Not Published in the Official Journal

Commission Staff Working Document Impact Assessment on the Thematic Strategy on the Prevention and Recycling of Waste and Immediate Implementing Measures, 21 December 2005, SEC(2005)1681 – Not Published in the Official Journal

Commission Staff Working Document, Annex to the Report from the Commission, Annual Report of the Instrument for Structural Policy for Pre-accession (ISPA) 2004, Brussels, 1 December 2005, SEC(2005) 1552, COM(2005) 612 final

Commission Working Document, Integrating Environmental Considerations into Other Policy Areas - a Stocktaking of the Cardiff Process, Brussels, 01.06.2004, COM(2004) 394, Official Journal C 49 of 28 February 2006

Communication from the Commission Europe 2020. A Strategy for Smart, Sustainable and Inclusive Growth, Brussels, 03.03.2010, COM (2010) 2020 final

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementing European Community Environmental Law, Brussels, 18.11.2008, COM (2008) 773 final - Not published in the Official Journal

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Mid-term Review of the Sixth Community Environment Action Programme, Brussels, 30.04.2007, COM(2007) 225 final - Official Journal C 181 of 03.08.2007

Communication from the Commission: Application of Article 228 of the EC Treaty, SEC(2005)1658 - Not published in the Official Journal

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Taking Sustainable Use of Resources forward: A Thematic Strategy on the prevention and recycling of waste from 21 December 2005, COM(2005) 666 - Not published in the Official Journal

Communication from the Commission to the Council and the European Parliament, Roadmaps for Bulgaria and Romania, Brussels, 13.11.2002, COM(2002) 624 final

Communication from the Commission A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (Commission's proposal to the Gothenburg European Council), Brussels, 15 May 2001, COM(2001)264 final - Not published in the Official Journal

Communication from the Commission to the European Council of 27 May 1998 on a Partnership for Integration: a Strategy for Integrating the Environment into EU policies (Cardiff- June 1998), COM(1998) 333 - Not published in the Official Journal

Communication from the Commission on Implementing Community Environmental Law from October 1996, COM(1996) 500 final - Not published in the Official Journal

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, Cohesion Policy and the Environment, Brussels, 22.11.1995, COM(95) 509 - Not published in the Official Journal

Communication from the Commission to the Council and to the Parliament 'A Community Strategy for Waste Management, Brussels, 18 September 1989, SEC(89) 934 final - Not published in the Official Journal

Communication, First Communication of the Commission about the Community's Policy on the Environment, Brussels, 22 July 1971, SEC(71) 2616 final

Conclusions, Informal Ministerial Meeting between Ms Wallström and the Ministers of the Environment of the candidate countries, Brussels, 21.01.2003

Council Framework Decision 2003/80/JHA of 27 January 2003 on the protection of the environment through criminal law [2003] OJ L 29/55

Council Decision 2001/573/EC of 23 July 2001 amending Commission Decision 2000/532/EC as regards the list of wastes [2001] OJ L 203/18

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [1999] OJ L 182/1

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [1998] OJ L 330/32

Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [1996] OJ L257/26

Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [1991] OJ L 377/20

Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste [1991] OJ L 078

Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants [1989] OJ L 203/50

Council Directive 89/428/EEC of 21 June 1989 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry [1989] OJ L 201/56

Council Directive 88/609/EEC of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants [1988] OJ L 336/1

Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directives 97/11/EC, 2003/35/EC, 2009/31/EC [1985] OJ L 175/40, [1997] OJ L 073/5, [2003] OJ L 156/17, [2009] OJ L 140/114

Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste [1984] OJ L 326/31

Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption [1980] OJ L 229/11

Council Directive 79/409/EEC on the protection of birds and their habitat [1979] OJ L 103/1

Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste [1978] OJ L 84/43

Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry, [1978] OJ L 54/19

Council Directive 75/442/EEC of 15 July 1975 on waste [1975] OJ L194/39

Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils [1975] OJ L 194/23

Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [1976] OJ 196/1

Council Directive 66/45/Euratom of 27 October 1966 amending the Directives stipulating the basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations[1966] OJ 216/3693

Council Directive 59/221 laying down the basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations [1959] OJ 011/0221

Decision 1600/2002/EC of The European Parliament and of The Council of 22 July 2002 Laying Down the Sixth Community Environment Action Programme [2002] OJ L 242/1

Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment, Official Journal C 112 of 20.12.1973

Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 [2009] OJ L 140/114

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [2008] OJ L 312/3

Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [2008] OJ L24/8

Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2006] OJ L 114/9

Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC [2006] OJ L 102/15

Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts [2004] OJ L 134/114

Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC [2003] OJ L 156/17

Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC [2003] OJ L 41/26

Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants [2001] OJ L 309/1

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197/30

Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste [2000] OJ L 332/91

Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste [1994] OJ L 365/10

European Council, Göteborg Presidency Conclusions, 15 and 16 June 2001, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en1.pdf (Date of reference 18.09.2009)

European Council, Lisbon Presidency Conclusions, 23 and 24 March 2000, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00100-r1.en0.htm (Date of reference 18.09.2009)

European Council, Helsinki Presidency Conclusions, 10 and 11 December 1999, available at: http://www.europarl.europa.eu/summits/hel1_en.htm (Date of reference 08.10.2010)

European Council, Cardiff Presidency Conclusions, 15 and 16 June 1998, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/54315.pdf (Date of reference 16.02.2011)

European Council, Luxembourg Presidency Conclusions, 12 and 13 December 1997, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0008.htm (Date of reference 18.09.2010)

European Council, Madrid Presidency Conclusions, 15 and 16 December 1995, available at: http://www.europarl.europa.eu/summits/mad1_en.htm (Date of reference 18.09.2010)

European Council, Essen Presidency Conclusions, 9 and 10 December 1994, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00300-1.EN4.htm (Date of reference 18.09.2010)

European Council, Copenhagen Presidency Conclusions, 21 and 22 June 1993, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/93/3&format=HTML&aged=1&language=EN&guiLanguage=en> (Date of reference 18.09.2010)

Eurostat (2011), News Release, Environment in the EU 27, Recycling Accounted for a Quarter of Municipal Waste Treated in 2009, available at: http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/8-08032011-AP/EN/8-08032011-AP-EN.PDF (Date of reference 09.03.2011)

Eurostat (2008), Methodologies and Working Papers, Statistical Regions for the EFTA Countries and the Candidate Countries 2008, available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-RA-07-023 (Date of reference 06.05.2010)

Eurostat (2007), Methodologies and Working Papers, Regions in the European Union, Nomenclature of Territorial Units for Statistics NUTS 2006 / EU – 27, available at: http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-RA-07-020 (Date of reference 06.05.2010)

Letter 4, Letter from the European Commission President José Manuel Barroso to the Bulgarian Prime-Minister Boiko Borisov, Brussels, 05.11.2010, available at: <http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0212&n=964&g=> (Date of reference 25.12.2010)

Letter 3, Letter from the Director-General of Directorate-General Regional Policy Dirk Ahner to the Deputy Prime Minister and Minister of Finance Simeon Djankov, Subject

‘State of Implementation of the Cohesion Policy in Bulgaria’, Brussels, 08.01.2010, available at: http://www.moew.government.bg/recent_doc/ns/ns/2010/link3.pdf (Date of reference 07.12.2010) (Details of correspondents as of 2010)

Letter 2, Letter from the Director of Directorate ‘Investments in Bulgaria, Cyprus, Greece, Romania and IPA/ISPA’ Jean-Marie Seyler to the Minister of Environment and Water Dzhevdet Chakarov, Subject ‘Allegations for conflict of interest in the tender for the water infrastructure project in Dulovo and corrective measures for the selected water projects under the Operational Programme Environment 2007-2013’, Brussels, 26.06.2009, available at: http://www.moew.government.bg/recent_doc/ns/ns/2010/link2.pdf (Date of reference 07.12.2010) (Details of correspondents as of 2009)

Letter 1, Letter from the Director of Directorate ‘Investments in Bulgaria, Cyprus, Greece, Romania and IPA/ISPA’ Jean-Marie Seyler to the Executive Director of the ‘Audit of European Union Funds’ Directorate Rayka Ontzova, Subject ‘Abuse of Negotiated Procedures in the Environment Sector’, Brussels, 23.02.2009, available at: http://www.moew.government.bg/recent_doc/ns/ns/2010/link1.pdf (Date of reference 07.12.2010) (Details of correspondents as of 2009)

Paper, White Paper Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union, Brussels, 03.05.1995, COM(95) 163 final

Practical Guide to Contract Procedures for EU External Actions, Brussels, available at: http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/index_en.htm (Date of reference 31.12.2010)

Press release (2009), Waste management: Commission Calls for Better Implementation of EU waste law by Member States, Brussels, 20.11.2009, IP/09/1795, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1795> (Date of reference 19.04.2010)

REC (2008), Investing in the Environment as a Way to Stimulate Economic Growth and Employment. How Environmental Projects Contribute to Achieving Lisbon Agenda Goals, Szentendre: Regional Environmental Centre, available at: <http://ec.europa.eu/environment/integration/pdf/LisbonReport.pdf> (Date of reference 24.04.2010)

REC (2003), Environmental Financing in Central and Eastern Europe (1996 – 2001), Szentendre: Regional Environmental Centre, available at:

<http://archive.rec.org/REC/Programs/SofiaInitiatives/Enviro.Finance.in.CEE.pdf> (Date of reference 24.04.2010)

REC (2000), Applicant Countries' Contribution to the 6th Environmental Action Programme, Budapest: Regional Environmental Centre, available at: <http://www.rec.org/REC/Programs/6thEAP/> (Date of reference 14.04.2010)

REC (1996), Approximation of European Union Environmental Legislation. Case Studies of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic and Slovenia, Budapest, January / February 1996, available at: <http://archive.rec.org/REC/Publications/EUlaw/cover.html> (Date of reference 23.01.2010)

Regulation (EC) No 176/2008 of the European Parliament and of the Council of 20 February 2008 amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of Bulgaria and Romania to the European Union [2008] OJ L061/1

Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1

Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) [2007] OJ L149/1

Regulation (EC) No 105/2007 of 1 February 2007 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS) [2007] OJ L39/1

Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1

Regulation (EC) No 1367/2006 of 6 September 2006 of the European Parliament and the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community Institutions and Bodies [2006] OJ L 264/13

Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82

Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94 [2006] OJL210/79

Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Funds, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJ L 210/25

Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 [2006] OJL210/1

Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste [2006] OJ L 190/1-98

Regulation (EC) No 1888/2005 of the European Parliament and of the Council of 26 October 2005 amending Regulation (EC) No 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union [2005] OJ L309/1

Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) [2003] OJ L154/1

Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organizations in a Community eco-management and audit scheme (EMAS) [2001] OJ L 114/1.

Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for Environment (LIFE) [2000] OJ L 192/1

Regulation (EC) No 1783/1999 of the European Parliament and of the Council of 12 July 1999 on the European Regional Development Fund [1999] OJL213/1

Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73

Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1999] OJL161/1

Regulation (EC) No 1264/1999 of 21 June 1999 amending Regulation (EC) No 1164/94 establishing a Cohesion Fund [1999] OJL161/57

Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period [1999] OJL161/87

Regulation (EC) No 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships [1998] OJ L85/1

Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1994] OJL130/1

Regulation (EEC) No 2081/93 of 20 July 1993 amending Regulation (EEC) No 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L193/5

Regulation (EEC) No 2082/93 of 20 July 1993 amending Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L 193/20

Regulation (EEC) No 2083/93 of 20 July 1993 amending Regulation (EEC) No 4254/88 laying down provisions for implementing Regulation (EEC) No 2052/898 as regards the European Regional Development Fund [1993] OJ L 193/34

Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme [1993] OJ L168/1

Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument [1993] OJ L 79/74

Regulation (EEC) No 259/93 of 1 February on the supervision and control of shipments of waste within, into and out of the European Community [1993] OJ L 030/1

Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network [1990] OJ L 120/1

Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to the Republic of Hungary and the Polish People's Republic [1989] OJ L375/11

Regulation (EEC) No 4254/88 of 19 December 1988, laying down provisions for implementing Regulation laying down provisions (EEC) No 2052/88 as regards the European Regional Development Fund [1988] OJ L374/15

Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the

European Investment Bank and the other existing financial instruments [1988] OJ L374/1

Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L185/9

Regulation 3955/87 on the conditions governing imports of agricultural products originating in third countries following the Chernobyl accident [1987] OJ L371/14

Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund [1984] OJ L169/1

Regulation (EEC) No 214/79 of 6 February 1979 amending Regulation (EEC) No 724/75 establishing a European Regional Development Fund [1979] OJ L75/1;

Regulation (EEC) No 724/75 of 18 March 1975 establishing a European Regional Development Fund [1975] OJ L73/1

Report, 27th Annual Report from the Commission on Monitoring the Application of EU Law (2009), Brussels, 1.10.2010, COM (2010) 538 – final – Not published in the Official Journal

Report, 26th Annual Report from the Commission on Monitoring the Application of Community Law (2008), Brussels, 15.12.2009, COM (2009) 675 - final– Not published in the Official Journal

Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Community Waste Legislation Directive 2006/12/EC on waste, Directive 91/689/EEC on hazardous waste, Directive 75/439/EEC on waste oils, Directive 86/278/EEC on sewage sludge, Directive 94/62/EC on packaging and packaging waste, Directive 1999/31/EC on the landfill of waste and Directive 2002/96/EC on waste electrical and electronic equipment for the period 2004 – 2006, Brussels, 20.11.2009, COM(2009) 633 final – Not published in the Official Journal

Report, Special Report from the Budget Control Committee of the European Parliament on the Status of Implementation of EU Funds in Bulgaria as of 31 July 2009, Brussels, 16.10.2009, available in Bulgarian at: <http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 06.09.2010)

Report, COWI, Study Concerning the Report on the Application and Effectiveness of the EIA Directive, European Commission, DG ENV, June 2009

Report, IEEP and Ecologic, A Report on the Implementation of Directive 1999/31/EC on the Landfill of Waste, May 2009

Report, COWI, Study Concerning the Report on the Application and Effectiveness of the SEA Directive (2001/42/EC), European Commission, DG ENV, January 2009

Report, EEA (European Environment Agency) (2009), Territorial Cohesion. Analysis of Environmental Aspects of the EU Cohesion Policy in Selected Countries, EEA technical report, No 10/2009, Copenhagen.

Report, EEA (European Environmental Agency) Report No 5/2008 Greenhouse gas emission trends and projections in Europe 2008, available at the official EEA web-site http://reports.eea.europa.eu/eea_report_2008_5/en (Date of reference 05.12.2008)

Report, 25th Annual Report from the Commission on Monitoring the Application of Community Law (2007), COM (2008) 777/4

Report, 24th Annual Report from the Commission on Monitoring the Application of Community Law (2006), COM (2007) 398 final

Report, COWI, Follow-up Study on the Implementation of Directive 1999/31/EC on the landfill of waste in EU-25, European Commission, DG ENV, June 2007

Report, Statistics of Judicial Activity of the Court of Justice 2007, available at <http://curia.europa.eu/en/instit/presentationfr/index.htm> (Date of reference 05.12.2008)

Report from the Commission to the Council and the European Parliament on the Implementation of the Community Waste Legislation Directive 75/442/EEC on waste, Directive 91/689/EEC on hazardous waste, Directive 75/439/EEC on waste oils, Directive 86/278/EEC on sewage sludge, Directive 94/62/EC on packaging and packaging waste and Directive 1999/31/EC on the landfill of waste for the period 2001-2003, COM(2006) 406 final

Report, EEA (European Environment Agency) (2005a), Environmental Policy Integration in Europe: State of Play and an Evaluation Framework, EEA technical report, No 2/2005, Copenhagen

Report, EEA (European Environment Agency) (2005b), Environmental Policy Integration in Europe: Administrative Culture and Practices, EEA technical report, No 5/2005, Copenhagen

Report from the Commission to the European Parliament and the Council on the Application and Effectiveness of the EIA Directive (Directive 85/337/EEC as amended by Directive 97/11/EC), How successful are the Member States in implementing the EIA Directive, COM(2003) 334 final - Not published in the Official Journal

Report, Ecotec Research and Consulting (2001), The Benefits of Compliance with the Environmental *Acquis*, Contract B7-8110/2000/159960MAR/HI, Brussels

Report, DG Environment Contract: Environmental Policy in the Candidate Countries and Their Preparations for Accession. Administrative Capacity for Implementation and Enforcement of EU Environmental Policy in the 13 Candidate Countries, Contract B7-8110/2000/159960MAR/HI, Brussels

Report, Commission of the European Communities, The Implementation of the Reform of the Structural Funds in 1993: Fifth Annual Report, Luxembourg, 20.03.1995, COM(95) 30 – final – Not published in the Official Journal

Report, European Court of Auditors, Special report No 3/92 concerning the environment together with the Commission's replies [1992] OJ C245/1

Report, Commission of the European Communities, Annual Report on the Implementation of the Reform of the Structural Funds (1989), Brussels, 15.11.1990, COM(90)516 - final

Report, Commission of the European Communities, Report on the Regional Problems in the Enlarged Community, Brussels, 03.05.1973, COM(73) 550 - final– Not published in the Official Journal

Report from the European Commission, Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 20.07.2010, COM(2010) 400 final

Report from the European Commission, Interim Report from the European Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.03.2010, COM(2010) 112 final

Report from the European Commission, Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 22.07.2009, COM(2009) 402 final

Report from the European Commission, Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 12.02.2009, COM(2009) 69 final

Report from the European Commission, Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.07.2008, COM(2008) 495 final

Report from the European Commission, Report from the Commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria, Brussels, 23.07.2008, COM(2008) 496 final

Report from the European Commission, Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 04.02.2008, COM(2008) 63 final

Report from the European Commission, Communication from the Commission to the Council and the European Parliament, Report on Bulgaria's progress on accompanying measures following Accession, Brussels, 27.06.2007

Report from the European Commission, Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final

Report from the European Commission, Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final

Report from the European Commission, Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005

Report from the European Commission, 2004 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final

Report from the European Commission, 2003 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 05.11.2003

Report from the European Commission, 2002 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 09.10.2002, COM(2002) 700 final

Report from the European Commission, 2001 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 13.11.2001, SEC(2001) 1744

Report from the European Commission, 2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 08.11.2000

Report from the European Commission, 1999 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 13.10.1999

Report from the European Commission, Regular report on from the Commission on Bulgaria's Progress Towards Accession, Brussels, 04.11.1998

Review of the EU Sustainable Development Strategy (EU SDS) – Renewed Strategy, Brussels, 26 June 2006

Single European Act, OJ L 169 of 29.06.1987

Seventh Annual Survey on the Implementation and Enforcement of Community Environmental Law 2005, SEC(2006) 1143

Treaty Establishing the European Economic Community and Related Instruments (Not Available in the Official Journal) available at: http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_eec_en.htm (Date of reference 17.09.2009)

Treaty Establishing a Constitution for Europe, OJ C 310/1 of 16.12.2004

Treaty of Amsterdam, OJ C 340 of 10.11.1997

Treaty on European Union (Maastricht Treaty), OJ C 191 of 29.07.1992

Treaty of Lisbon, OJ C 306/01 of 13.12.2007

Treaty of Nice, OJ C 80 of 10.03.2001

United Nations (2007), Municipal Environmental Investments in South-Eastern Europe: 2001 – 2005 submitted by Serbia and the Regional Environmental Centre for Central and Eastern Europe through the Ad Hoc Working Group of Senior Officials, Sixth Ministerial Conference ‘Environment for Europe’, Belgrade, 10-12 October 2006, available at: <http://www.rec.org/publication.php?id=121> (Date of reference 29.04.2010)

United Nations (2000), Environmental Performance Reviews. Bulgaria. Second Review, United Nations, New York and Geneva, 2000, available at: <http://www.unep.or.jp/ietc/publications/techpublications/techpub-15/3-7EuropeEast/7-ref.asp> (Date of reference 06.08.2009)

Cases of the Court of Justice of the European Union (chronological order)

Case 26/62 *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 3

Case 6/64 *Falminio Costa v. ENEL* [1964] ECR 585, 593

Case 148/78 *Ratti* [1979] ECR 1629

Joined Cases 30/81 and 34/81 *Commission v Italy* [1981] ECR 3379

Case 69/81 *Commission v Belgium* [1982] ECR 163

Case 240/83 *Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)* [1985] ECR 531

Joined Cases 372/85 and 374/85 *Ministère public v Oscar Traen and others. References for a preliminary ruling: Rechtbank van eerste aanleg Brugge-Belgium* [1987] ECR 2141

Case C-62/88 *Greece v Council (Chernobyl I case)* [1990] ECR I-1527

Case C-300/89 *Commission v Council* [1991] ECR I – 2867

Case C-337/89 *Commission v UK* [1992] ECR I-6103

Case C-2/90 *Commission v Belgium* [1992] ECR I-4431

Case C-155/91 *Commission v Council* [1993] ECR I - 939

Case C-405/92 *Etablissements Armand Mondiet & Armement Islais* [1993] ECT I-6133

Case C-236/92 *Comitato di Coordinamento per la Difesa della Cavana v Regione Lombardia* [1994] ECR I-483

Case C-187/93 *Parliament v Council* [1994] ECR I-2857

Case T-461/93 *An Taisce & WWF v Commission* [1994] ECR II-733

Case 431/92 *Commission of the European Communities v Germany* [1995] ECR I-2189

Case T-585/93 *Stitching Greenpeace Council (Greenpeace International) and Others v Commission* [1995] ECR II-2205

Case C-325/94p *An Taisce & WWF v Commission* [1996] ECR I-3727

Case C-72/95 *Kraajveld* [1996] ECR I-5403

Case C-304/94 *Euro Tombesi* [1997] ECR I-3561

Case C-321/95P *Stitching Greenpeace Council (Greenpeace International) and Others v Commission* [1998] ECR I-1651

Case C-126/96 *Inter-Environnement Wallonie v Regione Wallone* [1998] Env LR 625

Case C-435/97 *WWF* [1999] ECR I-5613

Case C-387/97 *Commission v Greece* [2000] ECR I-5047

Case C-474/99 *Commission of the European Communities v Kingdom of Spain* [2002] ECR I-5293

Case C-9/00 *Palin Granit Oy* [2002] ECR I-3533

Case C-278/01 *Commission v Spain* [2003] ECR I-14141

Case C-447/03 *Commission v Italy* [2003] OJ C 19/6

Case C-375/02 *Commission v Italy* [2004] OJ C 262/5

Case C-383/02 *Commission v Italy* [2004] OJ C 262/6

Case C-494/01 *Commission v Ireland* [2005] ECR I-3331

Case C-304/02 *Commission v France* [2005] ECR I-6263

Case C-62/03 *Commission v United Kingdom* [2005] OJ C 45/5

Case C-270/03 *Commission v Italy* [2005] ECR I-5233

Case C-502/03 *Commission v Greece* [2005] OJ C 296/4

Case C-516/03 *Commission v Italy* [2005] OJ C 45/9

Case C-157/04 *Commission v Spain* [2005] OJ C 171/4

Case C-361/05 *Commission v Spain* [2007] ECR I-71

Case C-135/05 *Commission v Italy* [2007] ECR I-3475

Case C-194/05 *Commission v Italy* [2007] ECR I-11661

Case C-263/05 *Commission v Italy* [2007] ECR I-11745
Case C-423/05 *Commission v France* [2007] ECR I-47
Case C-82/06 *Commission v Italy* [2007] ECR I-83
Case C-523/06 *Commission v Finland* [2007] ECR I-135
Case C-90/07 *Commission v Belgium* [2007] ECR I-98
Case C-121/07 *Commission v France* [2008] ECR I-9159
Case C-286/08 *Commission v Greece* [2009] ECR I-142
Case C-188/08 *Commission v Ireland* [2009] ECR I-172
Case C-120/09 *Commission v Belgium* [2010] OJ C 51/18
Case C-259/09 *Commission v United Kingdom* [2010] OJ C 80/7

Bulgarian Documents:

Accession Partnership, Council Decision 2003/396/EC of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2003] OJL 145 / 1

Accession Partnership, Council Decision of 28 January 2002 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2002] OJL 44/1

Accession Partnership, Council Decision 1999/857/EC of 6 December 1999 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1999] OJL335 / 48

Accession Partnership, Council Decision 98/266/EC of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1998] OJL 121/36

Agreement, Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part – Protocol 1 on textile and clothing products – Protocol 2 on ECSC products – Protocol 3 on trade between Bulgaria and the Community in processed agricultural products not covered by Annex II to the EEC Treaty – Protocol 4 concerning the definition of the concept of originating products and methods of administrative cooperation – Protocol 5 on specific provisions relating to trade between Bulgaria, of the one part, and Spain and Portugal, of the other part – Protocol 6 on mutual assistance in customs matters – Protocol 7 on concessions with annual limits –

Protocol 8 on transboundary watercourses – Final Act – Joint Declarations [1994] OJL 358/3

Agreement between the European Economic Community and the People's Republic of Bulgaria on Trade and Commercial and Economic Cooperation, Brussels, 09.05.1990

Bill for the amendment of Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, submitted to the 41st National Assembly of the Republic of Bulgaria by MP Dzhevdet Chakarov on 23.09.2009 and rejected on 4.02.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/bills> (Date of reference 04.09.2010)

Bill for the amendment of Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, submitted to the 40th National Assembly of the Republic of Bulgaria by the Council of Ministers on 19.05.2009 available in Bulgarian at <http://www.parliament.bg/bg/archive/2/3/166> (Date of reference 04.09.2010)

Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007

Constitution of the People's Republic of Bulgaria 18 May 1971 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=6> (Date of reference 20.09.2010)

Constitution of the People's Republic of Bulgaria from 6 December 1947 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=5> (Date of reference 20.09.2010)

Constitution of the Bulgarian Principality adopted on 16 April 1879 available at: <http://www.parliament.bg/?page=history&lng=bg&hid=4> (Date of reference 20.09.2010)

Decision of the Bulgarian Grand National Assembly on the willingness of the Republic of Bulgaria to become a member of the European Community prom. SG 03/11.01.1991

Decree No 209 of 20 August 2009 on financing the construction of the regional waste management systems, the regional facilities for preliminary treatment of household waste and the closure of municipal landfills prom. SG 68/25.08.2009

Decree No 121 of the Council of Ministers laying down the provisions for awarding of grants under the operational programmes finance by the Structural Funds and the Cohesion Fund of the European Union prom. SG 45/08.06.2007, title amended SG 44/11.06.2010

Decree No 153 of the Council of Ministers for the collection, transportation, storage and disposal of hazardous waste prom. SG 70/17.08.1993

Environmental Protection Act promulgated SG 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.08.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.11.2005, SG 30/11.04.2006, SG 65/ 11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.04.2007, SG 41/22.05.2007, SG 89/06.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010, SG 61/06.08.2010

Environmental Protection Act promulgated SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002

Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Kardjali Regional Waste Management Centre in Bulgaria, Measure No 2003/BG/16/P/PE/ 019, Brussels, 16.12.2003

Financing Memorandum Agreed between the European Commission and the Republic of Bulgaria Concerning the Grant of Assistance from the Instrument for Structural Policies for Pre-accession to the Following Measure: Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol in Bulgaria, Measure No 2000/BG/16/P/PE/ 002, Brussels, 18.12.2000

Guidelines for the Development of Conditioning Plans for Existing Landfill Sites in Compliance with the Legal Requirements adopted by Order No RD-1242 of 24.11.2004 of the Minister of Environment and Water

Information Note in Relation to the Review of the Implementation of the Operational Programmes presented in a Letter from the Director-General of Directorate-General Regional Policy Dirk Ahner to the Deputy Prime Minister and Minister of Finance Simeon Djankov on the 'State of Implementation of the Cohesion Policy in Bulgaria' from 08.01.2010, available at: http://www.moew.government.bg/recent_doc/ns/ns/2010/link_info_site_ahner.doc (Date of reference 07.12.2010)

Law on Regional Development promulgated SG 50/30.05.2008 amended SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009

Law on Public Procurement promulgated SG 28/06.04.2004 amended SG 53/22.06.2004, SG 31/08.04.2005, SG 34/19.04.2005, SG 105/29.12.2005, SG 18/28.02.2006, SG 33/21.04.2006, SG 37/05.05.2006, SG 79/29.09.2006, SG 59/20.07.2007, SG 94/31.10.2008, SG 98/14.11.2008, SG 102/28.11.2008, SG 24/31.03.2009, SG 82/16.10.2009, SG 52/09.07.2010, SG 54/16.07.2010, SG 97/10.12.2010, SG 98/14.12.2010, SG 99/17.12.2010

Law on the Limitation of the Harmful Impact of Waste on the Environment promulgated SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002

Law on the Territorial Organization and Settlement promulgated SG 29/10.04.1973 undergoing a number of amendments until 1998 and repealed SG 124/27.10.1998

Law on the Protection of Air, Waters and Soil from Pollution promulgated SG 84/29.10.1963. It underwent many amendments including an amendment changing its title into Law on the Prevention of Soil Pollution as of 1996, SG 45/1996, SG 67/1999

Local Taxes and Fees Act promulgated SG 117/10.12.1997 amended SG 71/23.06.1998, SG 83/21.07.1998, SG 105/08.09.1998, SG 153/23.12.1998, SG 103/30.11.1999, SG 34/25.04.2000, SG 102/15.12.2000, SG 109/18.12.2001, SG 28/19.03.2002, SG 45/30.04.2002, SG 56/07.06.2002, SG 119/27.12.2002, SG 84/23.09.2003, SG 112/ 23.12.2003, SG 6/23.01.2004, SG 18/05.03.2004, SG 36/30.04.2004, SG 70/10.08.2004, SG 106/03.12.2004, SG 87/01.11.2005, SG 94/25.11.2005, SG 100/13.12.2005, SG 103/23.12.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 36/02 May 2006, SG 105/22.12.2006, SG 55/06.07.2007, SG 110/21.12.2007, SG 70/08.08.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 41/02.06.2009, SG 95/01.12.2009, SG 98/14.12.2010

Minutes 14, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia,

13.10.2010 available in
<http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno/ID/1836>
(Date of reference 07.12.2010)

Minutes 13, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 09.06.2010 available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno> (Date of reference 07.12.2010)

Minutes 12, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 21.04.2010 available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno> (Date of reference 07.12.2010)

Minutes 11, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 31.03.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 10, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 25.03.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 9, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 24.03.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 8, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 21.01.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 7, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 20.01.2010 available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno> (Date of reference 07.12.2010)

Minutes 6, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 14.01.2010, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 5, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 29.10.2009, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 4, Work session of the Environment and Water Committee of the 41st National Assembly of the Republic of Bulgaria, Sofia, 15.10.2009, available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/234/steno> (Date of reference 07.12.2010)

Minutes 3, Work session of the Committee on European Affairs and Oversight of the European Funds of the 41st National Assembly of the Republic of Bulgaria, Sofia, 01.10.2009 available in Bulgarian at <http://www.parliament.bg/bg/parliamentarycommittees/members/240/steno> (Date of reference 07.12.2010)

Minutes 2, Work session of the Committee on European Affairs of the 40th National Assembly of the Republic of Bulgaria, Sofia, 21.05.2009, available in Bulgarian at <http://www.parliament.bg/?page=ns&lng=bg&nsid=5&action=show&Type=cmStan&SType=show&gid=171&id=1378> (Date of reference 04.09.2010)

Minutes 1, Meeting of the Deputy Prime Minister Meglena Plugchieva with European Commission officials in relation to the Sofia household waste project which is to be co-financed by the European Union, Sofia, 04.07.2008, available in Bulgarian at http://www.capital.bg/getatt.php?filename=o_543918.pdf (Date of reference 07.12.2010)

Minutes of Meetings, Ninth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 08.12.2010, Sandanski, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Eighth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Pomorie, 15.06.2010, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Seventh Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.11.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Sixth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 27.05.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Fifth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 24.03.2009, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Fourth Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Plovdiv, 25.11.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Third Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 03.06.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, Second Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 28.02.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

Minutes of Meetings, First Meeting of the Monitoring Committee of Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, Sofia, 16.01.2008, available in Bulgarian at <http://ope.moew.government.bg/en/minutes-committee> (Date of reference 07.12.2010)

National Report on the State and Protection of the Environment 2008, Sofia, 2010, available at http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Report on the State and Protection of the Environment 2007, Sofia, available at http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Report on the State and Protection of the Environment of the Republic of Bulgaria 2006, Sofia, available at: http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Report on the State and Protection of the Environment of the Republic of Bulgaria 2005, Sofia, available at: http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Report on the State and Protection of the Environment of the Republic of Bulgaria 2004, Sofia, available at: http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Report on the State and Protection of the Environment 2003, Sofia, 2004, available at: http://nfp-bg.eionet.eu.int/bul/Output/N_Reports/index.html (Date of reference 04.10.2010)

National Strategic Plan for the Gradual Reduction of Biodegradable Waste Going to Landfills 2010-2020, Sofia, 2010

National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001

National Waste Management Programme (2009-2013), Sofia, 09.01.2009

National Waste Management Programme (2003-2007), revision and extension of the Action Plan through 2008, Sofia, 13.02.2008

National Waste Management Programme (2003-2007), Sofia, 11.12.2003

National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998

Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007

OP “Environment 2007-2013”, Annual Report 2009 Operational Programme “Environment 2007-2013”, Sofia, 15.06.2010, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

OP “Environment 2007-2013”, Annual Report 2008 Operational Programme “Environment 2007-2013”, Sofia, 27.05.2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

OP “Environment 2007-2013”, Annual Report 2007 Operational Programme “Environment 2007-2013”, Sofia, 03.06.2008, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

OP “Environment 2007-2013”, Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, Sofia,

14.04.2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.08.2009)

OP “Environment 2007-2013”, Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, Sofia, November 2009, available at: <http://ope.moew.government.bg/> (Date of reference 07.12.2010)

Programme for the Activity of the Ministry of Environment and Water July - December 2010, Sofia, June 2010, available in Bulgarian at: http://www.bsbd.org/UserFiles/File/Programa_MOSV_za_MC.pdf (Date of reference 07.12.2010)

Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003

Regulation No 14 from 15th November 2010 on the procedure and methods for estimating the financial security and using the accumulated funds for the purposes of closure and after-care of the landfill sites issued by the Ministry of Environment and Water and the Ministry of Finance prom. SG 93/26.11.2010

Regulation on the terms and procedure for the issue of integrated permits prom. SG 80/09.10.2009

Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery prom. SG 83/24.09.2004

Regulation No 7 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Agriculture and Forests, Minister of Health prom. SG 81/17.09.2004

Regulation on the terms, procedure and methods for environmental assessment of plans and programmes prom. SG 57/02.07.2004 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for environmental assessment of plans and programmes’, SG 29/16.04.2010

Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for carrying out environmental impact assessment’, SG 80/09.10.2009, SG 29/16.04.2010. Translation into English available at: http://www.moew.government.bg/index_e.html (Date of reference 25.08.2010)

Regulation No 2 of 5 of March 2003 on the terms and conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments prom. SG 24/14.03.2003

Regulation No 13 on the conditions and requirements for construction and operation of landfills issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998

Regulation No 12 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998

Regulation No 11 on the conditions and requirements for the construction and exploitation of facilities and installations for the disposal of household waste issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998

Regulation No 4 on environmental impact assessment prom. SG 84/22.07.1998 amended SG 68/03.08.2001

Regulation setting out rules for the implementation of the Law on the Territorial Organization and Settlement adopted by the means of a Decree No 31 of the Council of Ministers prom. SG 62/07.08.1973

Regulation on cleaning of residential areas adopted by the Council of Ministers prom. SG 79/11.10.1966

Regulation setting out rules for the implementation of the Law on the Protection of Air, Waters and Soil from Pollution adopted by the means of a Decree No 45 of the Council of Ministers from the 24 September 1964 prom. SG 80/09.10.1964 amended SG 09/31.01.1978

Report, Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010, available at:
<http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

Report, Annual Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2009, Sofia, February 2010, available at:
<http://www.parliament.bg/bg/parliamentarycommittees/members/240/documents> (Date of reference 04.09.2010)

Report, Report from the Bulgarian National Audit Office on the Results of an Audit of Measure ISPA 2003/BG/16/P/PE/019 ‘Kardjali Regional Waste Management Centre’ at the Ministry of Environment and Water for the period 01.01.2007 – 30.06.2009, Sofia, 05.11.2009, available in Bulgarian at: [http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane\[1\].doc](http://www.bulnao.government.bg/files/_bg/dokl.41-Kardj-za-izprashtane[1].doc) (Date of reference 07.12.2010)

Report, Report on the State of Projects at High Risk in Terms of Completion within the Timeframe of the Financial Memoranda financed under ISPA/Cohesion Fund (Regulation 1164/94), Sofia, October 2009, available in Bulgarian at: http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/01_Executive_Summary_of_Report.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/09_Report_Kardjaly.doc; http://www.moew.government.bg/recent_doc/ispa/10_risky_projects/03_Report_5_landfills.doc (Date of reference 07.12.2010)

Report, Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 ‘Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol’ at the Ministry of Environment and Water, ‘EU Funds for Environment’ Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007, available in Bulgarian at: <http://www.bulnao.government.bg/index.php?p=18> (Date of reference 07.12.2010)

Resolution of the National Assembly from 21.05.1997 prom. SG 41/23.05.1997

Resolution No 173 of the National Assembly prom. SG 14/16.02.1990

Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011

State of Environment Yearbook 1990, Sofia, 1991

State of Environment Yearbook 1991, Sofia, 1992

State of Environment Yearbook 1992, Sofia, 1993

State of Environment Yearbook 1993, Sofia, 1994

State of Environment Yearbook 1994, Sofia, 1995

State of Environment Yearbook 1995, Sofia, 1996

State of Environment Yearbook 1996, Sofia, 1997

State of Environment Yearbook 1997, Sofia, 1999

State of Environment Yearbook 1998, Sofia, 2000

State of Environment Yearbook 1999, Sofia, 2001

State of Environment Yearbook 2000, Sofia, 2001

State of Environment Yearbook 2001, Sofia, 2002

State of Environment Yearbook 2002, Sofia, 2003

Strategy, ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003

Treaty of Accession of Bulgaria and Romania to the European Union, Official Journal L 157/48 of 21.06.2005

Appendices

Appendix I

Date	Number	Title	Action
21.03.2007	2007/2091	Climate change: reports pursuant to Art. 3 (1) of Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol [2004] OJ L	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
17.10.2007	2007/0236	Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment [1991] OJ L 377	Closing of the case
	2007/0253	Air: Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants [2001] OJ L 309	Closing of the case
	2007/0276	Air: Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air [2004] OJ L 23/3	Closing of the case
	2007/2092	Climate change: reports pursuant to Art. 3 (1) of Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol [2004] OJ L 49	Closing of the case
	2007/2155	Climate change: Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol [2004] OJ L 49	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2007/2321	Waste: bad application of Article 4 and Article 5 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2006] OJ L 114 /9	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
11.12.2007	2007/0277	Air: Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005 amending Directive 1999/32/EC [2005] OJ L 191/59	Closing of the case
31.01.2008	2007/0281	Council Directive 2006/105/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania [2006] OJ L 363	Closing of the case
	2007/0718	Liability: Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage [2004] OJ L 143	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
	2007/2216	Nature: non-conformity with Council Directive of 2 April 1979 on the conservation of wild birds [1979] OJ L 103	Closing of the case
	2007/2217	Nature: non-conformity with Council Directive 92/43 of 21 May 1992 on the conservation of natural habitats and wild fauna and flora [1992] OJ L	Closing of the case
06.05.2008	2008/2067	Air – permits under the IPPC Directive, Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [2008] OJ L 24/8	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
06.06.2008	2007/4850	Nature: bad application of Article 4 of Council Directive of 2 April 1979 on the conservation of wild birds [1979] OJ L 103	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
26.06.2008	2007/0718	Liability: Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental	Closing of the case

		damage [2004] OJ L 143	
18.09.2008	2007/2155	Climate change: Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol [2004] OJ L 49	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
	2008/0372	Water: Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC [2006] OJ L 64/37	Closing of the case
	2008/2052	Impact: non-conformity with Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2001] OJ L 197	Closing of the case
27.11.2008	2007/2321	Waste: bad application of Article 4 and Article 5 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste [2006] OJ L 114 /9	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
	2008/0373	Waste: Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC [2006] OJ L 102/15	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
	2008/2067	Air – permits under the IPPC Directive, Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control [2008] OJ L 24/8	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
29.01.2009	2007/2155	Climate change: Decision 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol [2004] OJ L 49	Closing of the case
19.03.2009	2008/0734	Waste - Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC entered into force on 26 September 2006	Closing of the case
14.05.2009	2008/0373	Waste: Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC [2006] OJ L 102/15	Closing of the case
	2009/2067	Climate Change - Bad Application – Missing Information in Annual Reports of the MS on Their Greenhouse Gas Emissions	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2009/2093	Seveso - Non-Conformity with Council Directive 96/82/EC of 9 December 1996 On the Control Of Major-Accident Hazards Involving Dangerous Substances	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2009/2115	Impact - Non-Conformity with Council Directive 85/337/EEC of 27 June 1985 on the Assessment of the Effects of Certain Public and Private Projects on the Environment	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
25.06.2009	2009/2135	Air - Air Quality - So2 Exceedances	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
08.10.2009	2008/2046	Nature - Bad Application of Directive 92/43/EEC as Interpreted by ECJ in Ruling on Case C-117/03 (Dragaggi) and Ruling On Case 244/05 (Naturschutz Bund)	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2008/4354	Nature - Bad Application of Directive 79/409/EEC on the conservation of Wild Birds and Directive 92/43/EC on the Conservation of Natural Habitats and Wild Flora and Fauna	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2009/2115	Impact - Non-Conformity with Council Directive 85/337/EEC Of 27 June 1985 on the Assessment of the Effects of Certain Public and Private Projects on the Environment	Closing of the case
	2009/4423	Nature - Non-Conformity of the National Legislation With	Letter of formal

		Article 6(3) of Directive 92/43/EC on Conservation Natural Habitats and Wild Flora and Fauna	notice Art.258 TFEU(ex-226 TEC) and press communication
	2009/4424	Impact - Bad Application of Article 5(1), 8 and 9(1) of Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment as well as Article 6(3) and 7 of Directive 92/43	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
29.10.2009	2008/4461	Nature - Authorisation of Plans/Projects in Ibas/Spas in Breach of Article 4(4) of Directive 79/409/EEC or Article 6(2) to (4) in Conjunction With Article 7 of Directive 92/43/EEC	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2007/2321	Waste - Bad Application of Article 4 And Article 5 of Directive 2006/12/EC	Referral to Court Art. 258 TFEU (ex-226 TEC)
	2009/2256	Water - Non-Conformity with Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
20.11.2009	2009/2259	Water - Non-Conformity with Council Directive 98/83/EC of 3 November 1998 on the Quality of Water Intended for Human Consumption	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
	2009/2301	Nature - Ski Resorts in Rila Mountain	Letter of formal notice Art.258 TFEU(ex-226 TEC) and press communication
28.01.2010	2009/0313	Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)	Reasoned opinion (Art.258 TFEU, ex-Art. 226 TEC)
	2008/2067	Air – Permits under the IPPC Directive	Closing of the case
18.03.2010	2008/4461	Nature – Authorisation of plans/projects in inbas/spas in breach of Art. 4 (4) of Directive 2009/147/EC or Art. 6(2) to (4) in conjunction with Art. 7 of Directive 92/43/EEC	Supplementary Reasoned Opinion art.258 (ex 226) and press communication
	2009/2135	Air – air quality – SO ₂ exceedances	Reasoned Opinion art.258 (ex 226)
05.05.2010	2009/0313	Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)	Closing of the case
24.06.2010	2010/0017	Water - Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Text with EEA relevance)	Reasoned Opinion art.258 (ex 226)
30.09.2010	2010/0017	Water - Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Text with EEA relevance)	Closing of the case
	2010/0435	Air – air quality – Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe	Closing of the case
28.10.2010	2010/0436	Chemicals – Directive 2009/107/EC of the European Parliament and of the Council of 16 September 2009 amending Directive 98/8/EC concerning the placing of biocidal products on the market as regards the extension of certain time periods	Closing of the case
24.11.2010	2009/2093	Seveso - Non-Conformity with Council Directive 96/82/EC of 9 December 1996 on the Control of Major-Accident Hazards Involving Dangerous Substances	Closing of the case

COMMISSION DECISIONS

Letter of formal notice art.258 (ex 226)
Supplementary Letter of formal notice art.258 (ex 226)
Reasoned Opinion art.258 (ex 226)
Supplementary Reasoned Opinion art.258 (ex 226)
Referral to court 258 (ex 226)
Letter of formal notice art.260 (ex 228)
Supplementary letter of formal notice art.260 (ex 228)
Referral to court 260 (ex 228)
Penalty payment - lump sum
Withdrawal
Closing of the case
Press communication

Table 1

Source: Author's compilation from
http://ec.europa.eu/community_law/infringements/infringements_decisions_en.htm
(Date of reference 30.11.2010)

Year of reform / Programming period	Instrument	Key reference to environmental protection, environmental policy integration or sustainable development
1975	Regulation (EEC) No 724/75 of the Council of 18 March 1975 establishing a European Regional Development Fund [1975] OJ L73/1	No references to environmental protection, environmental policy integration or sustainable development
1979	Council Regulation (EEC) No 214/79 of 6 February 1979 amending Regulation (EEC) No 724/75 establishing a European Regional Development Fund [1979] OJ L75/1	No references to environmental protection, environmental policy integration or sustainable development
1984	Council Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund [1984] OJ L169/1	No references to environmental protection, environmental policy integration or sustainable development
1988	Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L185/9	<p>whereas Fund operations must be consistent with Community policies, inter alia as regards rules of competition, the award of public contracts and environmental protection</p> <p>Art. 3 (3d): assistance from the EAGGF Guidance Section shall be aimed at 'helping to develop the social fabric of rural areas, to safeguard the environment...</p> <p>Art. 7 Compatibility and checks: 1. Measures financed by the Structural Funds or receiving assistance from the EIB or from another existing financial instrument shall be in keeping with the provisions of the Treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning the rules on competition, the award of public contracts and environmental protection.</p> <p>Art.8 (5)</p>
	Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1988] OJ L374/1	Art.4 (2) indent 5
	Council Regulation (EEC) No 4254/88 of 19 December 1988, laying down provisions for implementing Regulation laying down provisions (EEC) No 2052/88 as regards the European Regional Development Fund [1988] OJ L374/15	Art. 1 f: EDRF shall participate in financing 'productive investment and investment in infrastructure aimed at environmental protection where such investment is linked regional development.'
1994 - 1999	Council Regulation (EEC) No 2081/93 of 20 July 1993 amending Regulation (EEC) No 2052/88 on the	Whereas Regulation (EEC) No 792/93 (8) introduces a temporary cohesion financial instrument through which the Community makes a financial contribution to projects

	<p>tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L193/5</p>	<p>relating to the environment and to the trans-European transport infrastructure network in Greece, Spain, Ireland and Portugal, provided that each of those countries has a convergence programme which has been examined by the Council designed to avoid an excessive public sector deficit</p> <p>Whereas the principles and goals of sustainable development are set out in the Community programme of policy and action in relation to the environment and sustainable development as referred to in the Council Regulation of 1 February 1993 (9); whereas Community policy in the field of the environment is designed to ensure a high level of protection while taking account of the variety of situations in the various regions of the Community; whereas the requirements of environmental protection should form part of the definition and implementation of other Community policies; whereas the Member States should therefore supply, in the plans submitted under Objectives 1, 2 and 5 (b), an appraisal of the state of the environment and the environmental impact of the operations envisaged, in accordance with the provisions of Community law in force, as well as the steps they have taken to associate their environmental authorities with the preparation and implementation of the plans</p> <p>Art. 3 (3d)</p> <p>Art. 7: Compatibility and checks 1. Measures financed by the Structural Funds or receiving assistance from the EIB or from another existing financial instrument shall be in conformity with the provisions of the Treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning the rules on competition, the award of public contracts and environmental protection</p> <p>Art. 8 (4 third indent): an appraisal of the environmental situation of the region concerned and an evaluation of the environmental impact of the strategy and operations referred to above in terms of sustainable development in agreement with the provisions of Community law in force; the arrangements made to associate the competent environmental authorities designated by the Member State in the preparation and implementation of the operations envisaged in the plan and to ensure compliance with Community environmental rules</p> <p>Art. 9 (8 third indent)</p> <p>Art. 11a (2 fourth indent)</p> <p>Art. 11a (5 third indent)</p>
	<p>Council Regulation (EEC) No 2082/93 of 20 July 1993 amending Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1993] OJ L 193/20</p>	<p>Whereas there should be greater transparency in the implementation of structural assistance; whereas, to that end, care should be taken to ensure compliance with Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (7)</p> <p>Art. 8 (3 sixth indent)</p> <p>Art. 31 (1): Reports ‘the coordination of assistance provided by the Funds between themselves and with the assistance granted by the EIB and the other existing financial instruments,’ ‘- the results of the appraisal, monitoring and evaluation referred to in Articles 25 and 26 indicating any changes made to measures, and an evaluation of the compatibility of Fund assistance with Community policies, including those on environmental protection, competition and public procurement,’</p>
	<p>Council Regulation (EEC) No 2083/93 of 20 July 1993</p>	<p>Whereas Art. 3 (1) of Regulation (EEC) No 2052/88, in the regions concerned by Objective 1, extends the scope of the European</p>

	<p>amending Regulation (EEC) No 4254/88 laying down provisions for implementing Regulation (EEC) No 2052/898 as regards the European Regional Development Fund [1993] OJ L 193/34</p>	<p>Regional Development Fund (ERDF) to investment in the field of education and health; whereas the contribution of ERDF assistance, as part of its regional development role, to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures as well as to the establishment of more favourable environmental conditions, particularly in the Objective 1 regions;</p> <p>Whereas the principles and objectives of sustainable development are set out in the Community programme of policy and action in relation to the environment and sustainable development as laid down in the Council resolution of 1 February 1993 (10);</p> <p>Art. 1 f: 'productive investment and investment in infrastructure aimed at environmental protection, in accordance with the principles of sustainable development, where such investment is linked to regional development;'</p>
	<p>Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument [1993] OJ L 79/74</p>	<p>Art. 1: 'Definition and scope A cohesion financial instrument (hereinafter referred to as 'the financial instrument') is hereby established, whereby the Community shall provide financial contributions to projects in the fields of the environment and trans-European transport infrastructure networks in those Member States which have a per capita GNP of less than 90 per cent of the Community average measured according to purchasing power parities, viz. Greece, Spain, Ireland and Portugal, each of which shall have a convergence programme examined by the Council and designed to avoid an excessive government deficit'.</p> <p>Art. 2 Eligible projects: The financial instrument may provide assistance for: - environmental projects contributing to the achievement of the objectives of Article 130r of the Treaty, including projects resulting from action taken pursuant to Article 130s of the Treaty,</p> <p>Art. 6: Coordination and compatibility with Community policies 1. Projects financed by the financial instrument shall be in conformity with the provisions of the Treaty, with the instruments adopted pursuant thereto and with Community policies, including those concerning environmental protection, transport, competition and the award of public contracts.</p> <p>Art. 8 (2): An appropriate balance shall be ensured between projects in the fields of environment and of transport infrastructure. (3) Applications for assistance in accordance with Article 2 shall be submitted by the beneficiary Member State. Projects, including groups of related projects, shall be of a sufficient scale to have a significant impact in the fields of environmental protection or in the improvement of trans-European transport infrastructure networks. (5 third indent) : - the contribution which projects can make to the implementation of Community policies on the environment and trans-European networks,</p> <p>Annex II (5): Assessment of the compatibility of the operations of the financial instrument with Community policies including those concerning environmental protection, transport, competition and the award of public contracts.</p>
	<p>Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1994] OJL130/1</p>	<p>Whereas Article 130r of the Treaty defines the objectives and principles of the Community in the field of the environment; whereas the Community may contribute, through the Cohesion Fund, to actions designed to achieve those objectives;</p> <p>Whereas a suitable balance must be struck between financing for transport infrastructure projects and financing the environmental projects;</p> <p>Whereas assistance from the Cohesion Fund must be consistent with Community policies, including environmental protection, transport, trans-European networks, competition and the award of public</p>

		<p>contracts; whereas environmental protection includes the assessment of environmental impact;</p> <p>Art.2 (1): scope, fields of environment and trans-European transport infrastructure networks in Member States</p> <p>Art.3 (1) Eligible measures</p> <p>Art. 8 Coordination and compatibility with Community policies: 1. Projects financed by the Fund shall be in keeping with the provisions of the Treaties, with the instruments adopted pursuant thereto and with Community policies, including those concerning environmental protection, transport, trans-European networks, competition and the award of public contracts.</p> <p>Art. 10 (2), (3): suitable balance between projects in the field of environment and projects related to transport infrastructure</p> <p>Art. 10 (4): Applications shall contain the following information: the body responsible for implementation, the nature of the investment and a description thereof, its costs and location, including, where applicable, an indication of projects of common interest situated on the same transport axis, the timetable for implementation of the work, a cost-benefit analysis, including the direct and indirect effects on employment, information enabling possible impact on the environment to be assessed, information on public contracts, the financing plan including, where possible, information on the economic viability of the project, and the total financing the Member State is seeking from the Fund and any other Community source.</p> <p>Art. 13 (3), (4): Appraisal, monitoring and evaluation: 4. During the implementation of projects and after their completion, the Commission and the beneficiary Member States shall evaluate the manner in which they have been carried out and the potential and actual impact of their implementation in order to assess whether the original objectives can be, or have been, achieved. This evaluation shall, <i>inter alia</i>, address, the environmental impact of the projects, in compliance with the existing Community rules'</p> <p>Annex II, Art. B: <i>Ex-ante</i> evaluation: 1. The Commission shall examine applications for assistance to verify in particular the administrative and financial mechanisms are adequate for the effective implementation of the project; 2. Pursuant to Article 13(3), the Commission shall appraise projects to determine their anticipated impact in terms of the objectives of the Fund, quantified using appropriate indicators. The beneficiary Member States shall provide all necessary information, as set out in Article 10 (4), including the results of feasibility studies and <i>ex-ante</i> appraisals, to make this appraisal as effective as possible.</p>
1999 – 2006	<p>Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1999] OJL161/1</p>	<p>Art.2 (5): The Commission and the Member States shall ensure that the operations of the Funds are consistent with other Community policies and operations...and the incorporation of the requirements of environmental protection into the definition and implementation of the operations of the Funds.</p> <p>Art.8</p> <p>Art. 12 Compatibility: Operations financed by the Funds or receiving assistance from the EIB or from another financial instrument shall be in conformity with the provisions of the Treaty, with instruments adopted under it and with Community policies and actions, including the rules on...environmental protection...</p> <p>Art. 19</p> <p>Art.26 Approval and implementation: 1. During the implementation of assistance, where a Member State or managing authority envisages the Funds contributing to a major project, it shall inform the Commission in advance and provide the following information:...(g)</p>

		<p>information allowing and evaluation to be made of the environmental impact...and compliance with the Community rules on the environment; 2. The Commission shall appraise the project...in the light of the following factors: ...(c) the result of the evaluation of the impact on the environment</p> <p>Art. 29; Art. 36;</p> <p>Art. 39: possibility to suspend or withdraw funding</p> <p>Art. 41 <i>Ex-ante</i> evaluation: 2. The <i>ex-ante</i> evaluation shall take into account amongst other things, the situation in terms of...the environment; 2b. An <i>ex-ante</i> evaluation of the environmental situation of the region concerned, in particular of those environmental sectors which will presumably be considerably affected by the assistance; the arrangements to integrate the environmental dimension into the assistance and how far they fit in with existing short- and long-term national, regional and local objectives (e.g. environmental management plans); the arrangements for ensuring compliance with the Community rules on the environment. ..</p>
	<p>Regulation (EC) No 1783/1999 of the European Parliament and of the Council of 12 July 1999 on the European Regional Development Fund [1999] OJL213/1</p>	<p>Art. 2(2e)</p>
	<p>Council Regulation (EC) No 1264/1999 of 21 June 1999 amending Regulation (EC) No 1164/94 establishing a Cohesion Fund [1999] OJL161/57</p> <p>Council Regulation (EC) No 1265/1999 of 21 June 1999 amending Annex II to Regulation (EC) No 1164/94 establishing a Cohesion Fund [1999] OJL161/62</p>	<p>Annex II, Art. B: <i>Ex-ante</i> evaluation 2... The beneficiary Member States shall provide all necessary information, as set out in Article 10 (4), including the results of feasibility studies and <i>ex-ante</i> appraisals. In order to make this appraisal as effective as possible, Member States shall also provide the results of the environmental impact assessment in conformity with the Community legislation, and their consistency with a general or transport strategy at administrative unit or sector level, and, where appropriate: - an indication of the possible alternatives that were not chosen, and, - the links between projects of common interest located along the same transport corridor.</p>
	<p>Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession [1999] OJ L 161/73</p>	<p>Whereas the Community assistance under ISPA should facilitate the implementation by the applicant countries of the <i>acquis communautaire</i> in the field of the environment and contribute to sustainable development in these countries;</p> <p>Art.1 (1), (2)</p> <p>Art.2 (2a): The Community shall provide assistance under ISPA in the light of the objectives mentioned in Article 1 for the following: (a) environmental measures enabling the beneficiary countries to comply with the requirements of Community environmental law and with the objectives of the Accession Partnerships;</p> <p>Art.2 (3): A balance shall be struck between measures in the field of environment and measures relating to transport infrastructure</p> <p>Art.5 (1): Measures financed by the Community under ISPA shall comply with the provision set out in the Europe Agreements, including the implementing rules for the application of the provisions on State aids, and shall contribute to the achievement of Community policies, particularly those concerning environmental protection and improvement...</p> <p>Art. 7: Appraisal and approval of measures</p> <p>Annex I: Content of applications (Art. 7(3) (a)) 5. Assessment of the environmental impact similar to the assessment provided for in Council Directive 85/337/EEC of 27 June on the assessment of the effects of certain public and private projects on the environment;</p>

		<p>...10. (environmental measures) information on the place and priority of the measure within the national environmental strategy as laid down in the national programme for the adoption of the <i>acquis communautaire</i>;</p> <p>Annex II: Appraisal of measures (Art.7 (3) (b) and (4) 4. The contribution which measures make to the implementation of Community policy on the environment and the result of the environmental impact assessment referred to in Annex I;</p> <p>Annex IV: Monitoring and <i>ex-post</i> evaluation (Art.11 (F)) ...this evaluation will, <i>inter alia</i>, address the contribution made by measures to the implementation of Community policies on the environment...and they will also assess the environmental impact of measures</p> <p>Annex V: Annual report from the Commission (Art. 12) The annual report is to provide information on the following: 3. assessment of the compatibility of operations of Community assistance under ISPA with Community policies, including those concerning environmental protection</p>
	<p>Council Regulation (EC) No 2257/2004 of 20 December 2004 amending Regulations (EEC) No 3906/89, (EC) No 1267/1999, (EC) No 1268/1999 and (EC) No 2666/2000, to take into account of Croatia's candidate status [2004] OJL389/1</p>	<p>Art.2</p>
2007 - 2013	<p>Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 [2006] OJL210/25</p>	<p>Art. 3 Objectives</p> <p>Art. 9 Complementarity, consistency, coordination and compliance: 2. The Commission and the Member States shall ensure that assistance from the Funds is consistent with the activities, policies and priorities of the Community and complementary to other financial instruments of the Community; (5) Operations financed by the Funds shall comply with the provisions of the Treaty and of acts adopted under it (respect of EU legislation is envisaged even if environment is not specifically mentioned)</p> <p>Art. 11 Partnership: 1...Each Member States shall designate the most representative partners at national, regional and local level and in the economic, social, environmental or other spheres...taking into account of the need to promote sustainable development through the integration of environmental protection and improvement requirements</p> <p>Art. 17 Sustainable development: The objectives of the Funds shall be pursued in the framework of sustainable development and the Community promotion of the goal of protecting and improving the environment as set out in Article 6 of the Treaty</p> <p>Art. 34</p> <p>Art. 40 Information submitted to the Commission: The Member State or the managing authority shall provide the Commission with the following information on major projects: (...) (f) an analysis of the environmental impact;</p> <p>Art. 44; Art. 45; Art. 46;</p> <p>Art. 47 General provisions: 1. Evaluations shall aim to improve the quality, effectiveness and consistency of the assistance from the Funds and the strategy and implementation of operational programmes with respect to the specific structural problems affecting the Member States and regions concerned, while taking account of</p>

	the objective of sustainable development and of the relevant Community legislation concerning environmental impact and strategic environmental assessment. Art. 52; Art. 55; Art. 60; Art. 61; Art. 65a
Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 [2006] OJL210/1	Art.2 Art. 4 (4): including investments connected with...waste management Art.5; Art.6
Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1	Annex XXI ‘Major project request for confirmation of assistance under Articles 39 to 41 of Regulation (EC) No 1083/2006 European Regional Development Fund/Cohesion Funds. Infrastructure Investment’ to Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Funds and the Cohesion Fund and of Regulation (EC) 1080/2006 of the European Parliament and the Council on the European Regional Development Fund [2006] OJ L 371/1; Part F ‘Analysis of the Environmental Impact’ (F.5), Part I ‘Compatibility with Community Policy and law’
Council Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94 [2006] OJL210/79	Art.2 Scope of assistance: 1. Assistance from the Fund shall be given to actions in the following areas, ensuring an appropriate balance, and according to the investment and infrastructure needs specific to each Member State receiving assistance:... (b) the environment within the priorities assigned to the Community environmental protection policy under the policy and action programme on the environment. In this context, the Fund may also intervene in areas related to sustainable development...
Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) [2006] OJ L 210/82	Art. 10 In line with principles and rules laid down in Council Regulation (EC) No 1083/2006 , Regulation (EC) No 1080/2006 , Council Regulation (EC) No 1084/2006
Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) [2007] OJ L 170/1	Assistance granted under the IPA Regulation should be in conformity with Community policies and actions in the field of external assistance. Art. 3: The objectives of pre-accession assistance shall be pursued in the framework of sustainable development and the Community promotion of the goal of protecting and improving environment Art. 64 (k) Art. 109: ‘...taking account of the objective of sustainable development and of the relevant Community legislation concerning environmental impact and strategic environmental assessment’ Art.147 b: The regional development component may support operations under the following priorities...(b) environmental measures related to waste management... Art. 157 (4f) Major projects under the regional development component: an analysis of the environmental impact Art. 192

Table 2

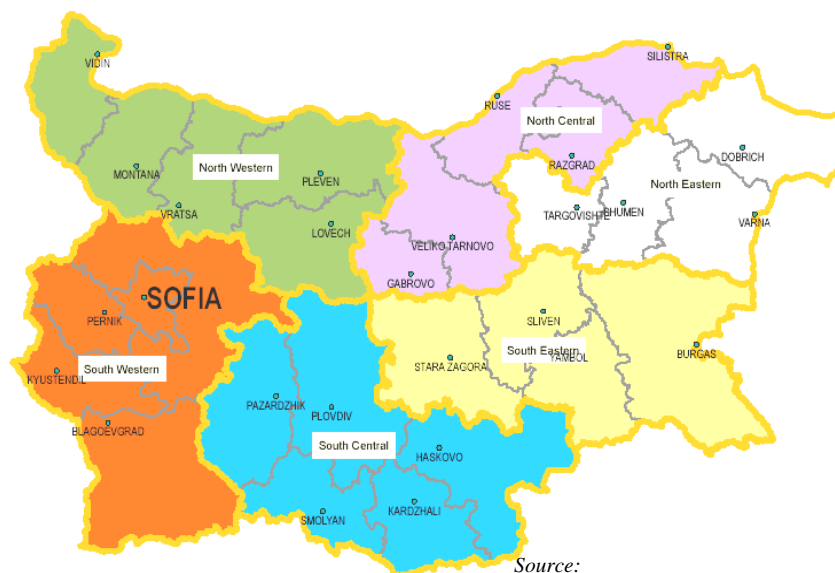
Source: Author’s compilation (on the basis of primary and secondary sources quoted in the bibliography)

Appendix II

Appendix II.1



Basic State Profile



Map 1

Source:

http://www.mrrb.government.bg/index.php?lang=bg&do=reg_bg&type=67&id=1 (Date of reference 10 September 2010)

Location: the Balkan Peninsula in the South-Eastern part of the European continent, bordering the Danube and Romania to the north, the Black Sea – to the east, Greece and Turkey – to the south and FYROM and Serbia to the west

Territory: 110 994 km²

Population: 7 563 710 (as of 31.12.2009),⁷⁰³ urban population: 5 401 214

Capital: Sofia

Territorial-administrative organization: 2 NUTS level 1 regions, 6 NUTS level 2 regions, 28 NUTS level 3 regions (*oblasti*), 264 LAU 1 (municipalities, i.e. *obshtini*), 5329 LAU 2 (populated areas)⁷⁰⁴

According to the Constitution of the Republic of Bulgaria,⁷⁰⁵ Art. 136 the municipality is the ‘basic administrative territorial unit at the level of which self-government shall be practiced’. Art. 142 stipulates that ‘the region shall be an administrative territorial unit for the conduct of a regional policy, the implementation of state governance on a local

⁷⁰³ See the website of the National Statistical Institute <http://www.nsi.bg/otrasal.php?otr=19&a1=376&a2=377&a3=378#cont> (Date of reference 18.09.2010)

⁷⁰⁴ See http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-RA-07-020 (Date of reference 06.05.2010) and Law on Regional Development prom. SG 50/30.05.2008 amended SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009

⁷⁰⁵ See Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007

level, and the ensuring the concurrence of national and local interests'. A NUTS level 3 region encompasses between 10 and 11 municipalities.

History (quote from Commission Opinion on Bulgaria's Application for Membership of the European Union, Brussels, 15.07.1997, DOC/97/11, p. 7-8):

'The existence of a Bulgarian state goes back to 681, and Bulgaria has contributed significantly to the evolution of Slavonic culture. It gained independence from the Ottoman Empire in 1878, and until 1946 was a constitutional monarchy. Bulgaria participated in the First Balkan War of 1912 against the Ottoman Empire; and in the Second the following year, in which the country lost a considerable part of its territory. Bulgaria sided with Germany during the First World War and lost further land in its aftermath; and again for much of the Second World War, though it successfully resisted the deportation of Jews from its territory. In 1944, Bulgaria joined the Allied Powers. In 1946 Bulgaria's pre-war borders were reconfirmed.

After the War, Bulgaria was briefly occupied by Soviet troops. In September 1946, following a referendum, the monarchy was abolished and a People's Republic declared. By 1947 the Communist Party had fully established its control. In 1956 Todor Zhivkov came to power, and was to rule the country for over thirty years. A highly centralised economic policy gave priority to nationalised industry, resulting in a rapid rise in industry's share in the economy. In agriculture, collectivisation was imposed and cooperatives were reorganised into larger agro-industrial complexes. From the 1970s onwards economic growth slowed; by the second half of the 1980s it came to a standstill.

In November 1989 communist rule in Bulgaria collapsed. The transition to democracy, inspired by similar developments in other former communist countries, was sudden and peaceful. Todor Zhivkov was removed from office and an interim government led the country to its first free elections since the War. Since then, Bulgarian political life has seen repeated changes of government and a significant degree of polarisation, but also respect for the constitutional order and a virtual absence of violence.'

EU Member State: since 1 January 2007



Institutionalization of the Ministry of Environment and Water

Government (period)	Prime Minister/s	Environmentally-related Governmental Body
9 July 1971 - 17 June 1976; 7 June 1976 - 18 June 1981	Stanko Todorov (BKP)	<p>Ministry of Forestry and Environmental Protection established (Note: the National Bureau of Forestry being presented by this Ministry for the period 1971-1976 was responsible for private and public forests and had operated since 1879 within various institutional configurations. From 1976 to 1981 its functions were taken over by a Ministry of Forestry and Woodland Industry which substituted the Ministry of Forestry and Environmental Protection (1971-1976) and lost its relatedness to environmental protection suggested by the previous label)</p> <p>Minister was Stamen Stamenov from the Bulgarian Communist Party (BKP)</p> <p>By force of a Decree No 873/19.06.1976 of the State Council, the Ministry of Forestry and Environmental Protection transferred its engagement with environmental protection to a newly established Committee for the Protection of the Natural Environment attached to the Council of Ministers. Ministerial order No 126/19.06.1976 specified the objectives, the human resource and the structural organization of this Committee. Its aims related to (1) organization and coordination of measures for the development of a regulatory system for environmental protection; (2) coordination and control of the national environmental protection programme; (3) Coordination and Control of the activities ensuring the rational utilization of natural resources; (4) applying specialized control over environmental protection</p> <p>Ministerial Decree No 89/29.10.1976 outlined the committee's tasks and functions.</p>
18 June 1981 - 24 March 1986	Grisha Filipov (until 24 March 1986) (BKP)	<p>Committee for the Protection of the Natural Environment</p> <p>On the basis of Decision of the Political Bureau of the Central Committee of the Bulgarian Communist Party from the 4 January 1984 the Chairman of the Committee for the Protection of the Natural Environment was deprived of his Ministerial rank within the Council of Ministers;</p> <p>Consecutive Chairmen were Georgi Pavlov/Nikolai Dulgerov from the Bulgarian Communist Party</p>
24 March 1986 – 19 June 1986; 19 June 1986 – 3 February 1990	Georgi Atanasov (BKP)	<p>Ministry of Environment established for the 1st time</p> <p>Resolution No 173 of the National Assembly promulgated in State Gazette 14 / 16.02.1990 transforms the Committee for the Protection of the Natural Environment into Ministry of Environment</p> <p>Minister was Alexander Alexandrov from the Bulgarian Socialist Party (BSP)</p>
8 February 1990 – 22 September 1990	Andrey Lukanov (BKP/BSP)	<p>Ministry of Environment</p> <p>Minister was Alexander Alexandrov from the Bulgarian Socialist Party (BSP)</p>
22 September 1990 – 19 December 1990	Andrey Lukanov (BSP)	<p>Ministry of Environment (the Government comprised of experts who were members of the Bulgarian Socialist Party (BSP), Bulgarian Agricultural People's Alliance (BZNS) and the Union of Democratic Forces (SDS))</p> <p>Minister was Dimitar Vodenicharov (independent / non-party politician)</p>
20 December 1990 – 7 November 1991	Dimitar Popov (independent/non-party politician)	<p>Ministry of Environment</p> <p>Minister was Dimitar Vodenicharov (independent / non-party politician)</p>
8 November 1991 – 29 December 1992	Filip Dimitrov (SDS)	<p>Ministry of Environment</p> <p>Minister was Valentin Vasilev (SDS)</p>
30 December 1992 – 17	Luben Berov (independent/non-	<p>Ministry of Environment (the Government comprised of experts supported by the Bulgarian Socialist Party and the Movement for Rights</p>

October 1994	party politician)	and Freedoms (DPS)) Minister was Valentin Bosevski (independent/non-party politician)
17 October 1994 – 24 January 1995	Reneta Indzhova (independent/non-party politician)	Ministry of Environment (the Government was appointed by the President Zhelio Zhelev) Minister was Valentin Bosevski (independent/non-party politician)
25 January 1995 – 11 February 1997	Zhan Videnov (BSP)	Ministry of Environment (the Government comprised of members of the following coalition: Bulgarian Socialist Party (BSP), Bulgarian Agricultural People's Alliance (BZNS) 'Alexander Stamboliiski', Political Club 'Ecoglasnot' and politically independent experts) Minister was Georgi Dimitrov Georgiev (Political Club 'Ecoglasnost')
12 February 1997 – 20 May 1997	Stefan Sofianski (SDS)	Ministry of Environment (the Government was appointed by the President Peter Stoyanov) Minister was Ivan Filipov (independent / non-party politician)
21 May 1997 – 24 July 2001	Ivan Kostov (SDS)	Ministry of Environment (the Government comprised a coalition of the Union of Democratic Forces (SDS), Bulgarian Agricultural People's Alliance (BZNS) 'People's Union' and the Democratic Party) Minister was Evdokia Maneva (SDS) By Resolution of the National Assembly from 21.05.1997 promulgated in State Gazette 41 / 23.05.1997 the Ministry of Environment was renamed into Ministry of Environment and Water
24 July 2001 – 17 August 2005	Simeon Saksgoburggotski (NDSV)	Ministry of Environment and Water (the Government comprised a coalition of the National Movement Simeon Vtori (NDSV) and the Movement for Rights and Freedoms (DPS)) Minister was Dolores Arsenova (National Movement Simeon Vtori (NDSV))
17 August 2005 – 27 July 2009	Sergey Stanishev (BSP)	Ministry of Environment and Water (the Government included the so-called 'triple' coalition with a 8:5:3 distribution of Ministerial seats among the Bulgarian Socialist Party (BSP), the National Movement Simeon Vtori (NDSV) and the Movement for Rights and Freedoms (DPS), respectively) Minister was Dzhevdet Chakarov (DPS)
27 July 2009 - ongoing	Boyko Borisov (GERB)	Ministry of Environment and Water Minister is Nona Karadzova (Citizens for European Development of Bulgaria (GERB))

Table 1

Source: Author's compilation from <http://www.moew.government.bg/index.html>, <http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0034&n=7&g=/> (Date of reference 21 July 2010) and Tashev, T. (1999) *The Ministers of Bulgaria 1879 – 1999*, Sofia: Prof Marin Drinov



Chronology of EU – Bulgarian relations

<i>Period</i>	<i>Key Measures and Documents</i>	
	<i>Legal Document</i>	<i>Policy document / measure / event</i>
9 August 1988		Diplomatic relations established between Bulgaria and the European Economic Community
9 May 1990	Agreement between the European Economic Community and the People's Republic of Bulgaria on Trade and Commercial and Economic Cooperation signed	The PHARE Programme opened for Bulgaria
1 November 1990	The Agreement on Trade and Commercial and Economic Cooperation came into force	
22 December 1990	The Bulgarian Grand National Assembly adopted a decision on the willingness of the Republic of Bulgaria to become a member of the European Community prom. SG 03/11.01.1991	
1 October 1991		The European Council decided to authorize the European Commission to start preliminary talks with Bulgaria for signing Europe Agreement
13 July 1991	Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007	
17 September 1991	Law on the Local Self-Government and Administration prom. SG 77/17.09.1991 amended SG 24/14.03.1995, SG 49/30.05.1995, SG 65/21.07.1995, etc. with latest amendments from SG 15/23.02.2010	
18 October 1991	Environmental Protection Act prom. SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002	
8 March 1993	The Europe Agreement for Bulgaria and the Provisional Agreement on Trade and Related Matters [1994] OJL 358/3 signed (the Bulgarian Parliament ratified the texts of the Europe Agreement and the Provisional Agreement on Trade and Related Matters on 15 April 1993)	
6 August 1993	Decree No 153 of the Council of Ministers for the collection, transportation, storage and disposal of hazardous waste prom. SG 70/17.08.1993	
21 and 22 June 1993		The European Council in Copenhagen defined the political and economic criteria to be met by countries willing to join the EU
31 December 1993	The Provisional Agreement on Trade and Related Matters became effective (replacing the Trade and Cooperation Agreement). The 1990 Convention on Trade and Commercial and Economic Cooperation was suspended in its business part	
March 1994		First meeting of the Joint Bulgaria - EU Committee was held. Sub-committees on approximation of legislation, competition, agriculture, transport, and

		customs cooperation were set up within the Committee
24 November 1994		Bulgaria and the other associated countries were invited to join EU declarations on foreign policy and security matters.
9-10 December 1994		The European Council in Essen adopted a Strategy on Preparing the Associated CEE Countries for EU accession
1 February 1995	The Europe Agreement (Association Agreement) [1994] OJL 358/3 for Bulgaria came into force	
3 May 1995		White Paper, Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union, Brussels, 03.05.1995, COM(95) 163 final
20 May 1995	Additional Protocol to the Europe Agreement on Trade in Textile Products between the European Community and the Republic of Bulgaria [1997] OJL 127/2	
29 May 1995		First meeting of the Bulgaria - EU Association Council was held in Brussels. Bulgaria strategy for EU integration, regional stability, and the free movement of Bulgarian nationals to EU Member States and the Schengen group were discussed
14 July 1995	Law on the Administrative-Territorial Organization prom. SG 63/14.07.1995 amended SG 51/14.06.1996, SG 27/10.03.1998, SG 33/24.03.1998, SG 154/28.12.1998, SG 10/05.02.1999, SG 69/03.08.1999, SG 57/14.07.2000, SG 67/29.07.2003, SG 80/09.09.2003, SG 46/03.06.2005, SG 63/03.08.2007, SG 36/04.04.2008	
6 – 8 September 1995		A Joint Bulgaria - EU Parliamentary Committee was set up in Sofia. The political and the social and economic situation in Bulgaria, Bulgaria - EU trade and economic relations, cooperation in the field of justice and home affairs, the PHARE Programme performance, the political situation in South and Central Europe were discussed
December 1995	The Bulgarian Government adopted a decision to apply for EU membership	Bulgaria applied for EU membership (application presented to the European Council in Madrid)
14 December 1995	The Bulgarian Parliament adopted a resolution for official application of Bulgaria for EU membership	
15 July 1997		The European Commission opinion on Bulgaria's application for membership was published within Agenda 2000. The Republic of Bulgaria was assessed as a candidate country, which was not sufficiently prepared to start negotiations for accession
18 September 1997	Law on the Limitation of the Harmful Impact of Waste on the Environment prom. SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002	
December 1997	Local Taxes and Fees Act prom. SG 117/10.12.1997 amended SG 71/23.06.1998,	

	SG 83/21.07.1998, SG 105/08.09.1998, SG 153/23.12.1998, SG 103/30.11.1999, SG 34/25.04.2000, SG 102/15.12.2000, SG 109/18.12.2001, SG 28/19.03.2002, SG 45/30.04.2002, SG 56/07.06.2002, SG 119/27.12.2002, SG 84/23.09.2003, SG 112/ 23.12.2003, SG 6/23.01.2004, SG 18/05.03.2004, SG 36/30.04.2004, SG 70/10.08.2004, SG 106/03.12.2004, SG 87/01.11.2005, SG 94/25.11.2005, SG 100/13.12.2005, SG 103/23.12.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 36/02 May 2006, SG 105/22.12.2006, SG 55/06.07.2007, SG 110/21.12.2007, SG 70/08.08.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 41/02.06.2009, SG 95/01.12.2009, SG 98/14.12.2010	
12-13 December 1997		The European Council in Luxembourg decided to start negotiations for accession with Slovenia, Hungary, Poland, Estonia, the Czech Republic and Cyprus. Along with that the Council decided to accelerate the preparation for negotiations with Bulgaria, Latvia, Lithuania, Slovakia and Romania by starting a screening of the legislation.
18 March 1998		National Waste Management Programme (1999 – 2002) adopted by the Council of Ministers
23 March 1998		The Council of Ministers of the Republic of Bulgaria adopted a National Strategy on Bulgaria's Accession to EU.
30 March 1998	Accession Partnership, Council Decision 98/266/EC of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1998] OJL 121/36	
27 April 1998		Screening began
May 1998		National Programme for the Adoption of the <i>Acquis</i> adopted and presented to the European Commission
07 July 1998	Regulation No 4 on environmental impact assessment prom. SG 84/22.07.1998 amended SG 68/03.08.2001	
4 November 1998		The European Commission published the first regular reports on the 1998 progress of the candidate countries towards membership. First regular report on Bulgaria , i.e. Regular report on from the Commission on Bulgaria's Progress Towards Accession, Brussels, 04.11.1998
6 November 1998	Regulation No 11 on the conditions and requirements for the construction and exploitation of facilities and installations for the disposal of household waste issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998	
6 November 1998	Regulation No 12 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and	

	Public Works, Minister of Health prom. SG 152/22.12.1998	
6 November 1998	Regulation No 13 on the conditions and requirements for construction and operation of landfills issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998	
May 1999		An updated version of the National Programme for the Adoption of the <i>Acquis</i> was prepared (first version was presented to the European Commission in March 1998)
July 1999		Screening of Chapter 'Environment' (Ch. 22) concluded
13 October 1999		The second European Commission regular reports on candidate countries' progress were published. Second regular report on Bulgaria, i.e. 1999 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 13.10.1999
10 December 1999		The European Council in Helsinki decided to start negotiations with Bulgaria, Latvia, Lithuania, Slovakia, Romania and Malta.
6 December 1999	The Council of Ministers of EU decided to update the Accession Partnership for Bulgaria, Council Decision 1999/857/EC of 6 December 1999 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1999] OJL335 / 48	
1999	Law on Regional Development (repealed in 2008)	
January 2000		The Council of Ministers of the Republic of Bulgaria appointed the Chief Negotiator of Bulgaria, the core team for negotiations and set up work groups according to negotiations' chapters.
15 February 2000		The First Intergovernmental Conference on Bulgaria's accession launched the negotiations for EU membership.
28 March 2000		The first work meeting at deputy level was held. Bulgaria presented negotiations' positions on 8 chapters.
27 April 2000		An updated version of the National Programme for the Adoption of the <i>Acquis</i> adopted
8 November 2000		2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 08.11.2000
20 June 2001		National Strategy for the Environment and Action Plan 2000-2006
02 July 2001		National Programme for the Adoption of the <i>Acquis</i> updated version submitted
27 July 2001		Opening Chapter 'Environment' (Ch.22)
13 November 2001		2001 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 13.11.2001, SEC(2001) 1744
28 November 2001		Opening Chapter 'Regional Policy and Coordination of Structural Instruments'

		(Ch.21)
28 January 2002	Accession Partnership, Council Decision of 28 January 2002 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2002] OJL 44/1	
25 September 2002	Environmental Protection Act prom. SG. 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.09.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.08.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010	
9 October 2002		The Commission's regular reports were published, recommending the accession of 10 new Member States. Bulgaria was recognized as a "functioning market economy". The European Commission expressed its support for Bulgaria's accession to the EU in 2007. 2002 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 09.10.2002, COM(2002) 700 final
By the end of 2002		All negotiation chapters opened
13 November 2002		Roadmaps for Bulgaria and Romania, Communication from the Commission to the Council and the European Parliament, Roadmaps for Bulgaria and Romania, Brussels, 13.11.2002, COM(2002) 624 final
December 2002		The European Council in Copenhagen expressed its supports for Bulgaria and Romania in their efforts to achieve the objective of membership in 2007 and adopted roadmaps for both countries
14 March 2003	Regulation No 2 of 5 of March 2003 on the terms and conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments prom. SG 24/14.03.2003 – now repealed	
18 March 2003	Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into 'Regulation on the terms and procedure for carrying out environmental impact assessment', SG 80/09.10.2009, SG 29/16.04.2010. Translation into English available at: http://www.moew.government.bg/index_e.html (Date of reference 25.08.2010)	Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003
19 May 2003	Accession Partnership, Council Decision 2003/396/EC of 19 May 2003 on the principles,	

	priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2003] OJL 145 / 1	
30 June 2003		Provisional closure of Chapter 'Environment' (Ch. 22)
30 September 2003	Waste Management Act prom. SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 80/03.10.2006, SG 53/30.06.2007, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011	
October 2003		Environmental Strategy for the Purposes of ISPA
05 November 2003		2003 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 05.11.2003
December 2003		The European Council in Brussels states: "Welcoming Bulgaria and Romania in January 2007 as members of the Union, if they are ready, is the common objective of the Union of 25..... Bulgaria and Romania should continue energetically their preparations and make further progress on the ground, so that the accession negotiations can be brought to a successful conclusion in 2004 on the basis of own merits, and the Accession Treaty can be signed as soon as possible in 2005."
11 December 2003		National Waste Management Programme (2003-2007) adopted
4 June 2004		Provisional closure of Chapter 'Regional Policy and Coordination of Structural Instruments' (Ch.21)
15 June 2004		Bulgaria completed the Accession Negotiations on all 31 chapters (chapters provisionally closed)
01 July 2004	Regulation on the terms, procedure and methods for environmental assessment of plans and programmes prom. SG 57/02.07.2004 amended SG 03/10.01.2006 with title changed into 'Regulation on the terms and procedure for environmental assessment of plans and programmes', SG 29/16.04.2010	
17 September 2004	Regulation No 7 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Agriculture and Forests, Minister of Health prom. SG 81/17.09.2004	
24 September 2004	Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery prom. SG 83/24.09.2004	
6 October 2004		2004 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final Communication from the Commission

		to the Council and to the European Parliament, Strategy Paper of the European Commission on progress in the enlargement process, Brussels, 06.10.2004, COM(2004) 657 final
17 December 2004		End of negotiations The European Council confirmed the conclusion of accession negotiations with Bulgaria and accordingly looked forward to welcoming it as a member from January 2007
February 2005		Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union
13 April 2005		The European Parliament gave its assent to the Accession Treaty. The report for Bulgaria was passed with 534 votes in favour and 88 against (69 abstentions)
18 April 2005		Commission Opinion of 22 February 2005 on the applications for accession to the European Union by the Republic of Bulgaria and Romania, Brussels, 18.04.2005, COM(2005) 55 final/2
25 April 2005	Bulgaria Signed the Accession Treaty (in Luxembourg), Official Journal L 157/48 of 21.06.2005	
11 May 2005	Bulgarian Parliament ratified the Accession Treaty	
25 October 2005		Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final
21 December 2005		National Development Plan of the Republic of Bulgaria 2007-2013
2005		National Regional Development Strategy of the Republic of Bulgaria for the period 2005 – 2015
16 May 2006		Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final
May 2006		National Strategy for Integrated Infrastructural Development of the Republic of Bulgaria and an Operational Implementation Plan for the period 2006 – 2015 (Environmental Protection Related Infrastructure)
26 September 2006		European Commission recommended 1 January 2007 as accession date Communication from the Commission Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania
13 December 2006	Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime C (2006) 6570 final [2006] OJ L 354/58	
01 January 2007		Bulgaria joined the EU
February 2007		National Reform Programme 2007 – 2009
31 May 2007	Decree No 121 of the Council of Ministers laying down the provisions for awarding of grants under the operational programmes finance by the Structural Funds and the	

	Cohesion Fund of the European Union prom. SG 45/08.06.2007, title amended SG 44/11.06.2010	
20 June 2007		National Strategic Reference Framework (2007-2013) approved
27 June 2007		Communication from the Commission to the Council and the European Parliament, Report on Bulgaria's progress on accompanying measures following Accession, Brussels, 27.06.2007
07 November 2007		Operational Programme 'Environment 2007-2013' approved by the European Commission
2007		Provisional Sustainable Development Strategy
04 February 2008		Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 04.02.2008, COM(2008) 63 final
13 February 2008		National Waste Management Programme (2003-2007), revision and extension of the Action Plan for 2008
30 May 2008	Law on Regional Development prom. SG 50/30.05.2008 amended SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009	
03 June 2008		Annual Report 2007 Operational Programme "Environment 2007-2013" approved by the Monitoring Committee
23 July 2008		Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.07.2008, COM(2008) 495 final Report from the Commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria, Brussels, 23.07.2008, COM(2008) 496 final
09 January 2009		National Waste Management Programme (2009 – 2013) adopted
12 February 2009		Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 12.02.2009, COM(2009) 69 final
14 April 2009		Development of the Waste Management Infrastructure with the Assistance of Operational Programme "Environment 2007-2013"
15 May 2009		National Environmental Strategy 2009-2018 and Action Plan
27 May 2009		Annual Report 2008 Operational Programme "Environment 2007-2013"
22 July 2009		Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 22.07.2009, COM(2009) 402 final

20 August 2009	Decree No 209 of 20 August 2009 on financing the construction of the regional waste management systems, the regional facilities for preliminary treatment of household waste and the closure of municipal landfills prom. SG 68/25.08.2009	
16 October 2009		Special Report from the Budget Control Committee of the European Parliament on the Status of Implementation of EU Funds in Bulgaria as of 31 July 2009, Brussels, 16.10.2009
03 November 2009		Government Programme on European Development of Bulgaria 2009 – 2013
November 2009		Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, revision
February 2010		Annual Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2009
23 March 2010		Interim Report from the European Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.03.2010, COM(2010) 112 final
15 June 2010 (published online in the last week of September 2010)		Annual Report 2009 Operational Programme “Environment 2007-2013”
June 2010		Programme for the Activity of the Ministry of Environment and Water July - December 2010 Sofia, June 2010
30 June 2010		National Report on the State of Environmental Protection in the Republic of Bulgaria 2008
19 July 2010		Performance Report of the Ministry of Environment and Water July 2009 - July 2010
20 July 2010		Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 20.07.2010, COM(2010) 400 final
28 July 2010 (in force)		National Strategic Plan for the Gradual Reduction of Biodegradable Waste Going to Landfills 2010-2020
July 2010		Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010
November 2010/December 2011	Regulation No 14 from 15th November 2010 on the procedure and methods for estimating the financial security and using the accumulated funds for the purposes of closure and after-care of the landfill sites issued by the Ministry of Environment and Water and the Ministry of Finance prom. SG 93/26.11.2010, in force from 01.01.2011	

Table 1

Source: Author's compilation on the basis of the information from the following websites http://www.mfa.bg/brussels-eu/index.php?option=com_content&task=view&id=5198&Itemid=478 (Date of reference 15.10.2009); <http://www.moew.government.bg/> (Date of reference 21.10.2009); http://ec.europa.eu/enlargement/archives/enlargement_process/future_prospects/negotiations/eu10_bulgaria_romania/index_en.htm (Date of reference 15.10.2009); http://ec.europa.eu/enlargement/archives/bulgaria/key_events_en.htm (Date of reference 16.10.2009); www.parliament.bg (Date of reference 09.09.2010) as well as from the national and EU documents presented in the bibliography



Trends and conclusions found in key EU documents on Bulgarian progress in the areas of environmental protection and waste management

Date	Document	Key environment/waste-related clauses
9 May 1990 (1 November 1990 in force)	Agreement between the European Economic Community and the People's Republic of Bulgaria on Trade and Commercial and Economic Cooperation signed	In Art. 21 (2) it is envisaged that 'the Contracting Parties shall make efforts to encourage and promote economic cooperation in areas of mutual interest, in particular in the following sectors: - environmental protection including protection from water and air pollution and industrial accidents, and the management of natural resources' (in the context of economic cooperation)
8 March 1993 (1 February 1995 into force)	The Europe Agreement (Association Agreement) for Bulgaria [1994] OJL 358/3	<p>Chapter III focuses on 'Approximation of Laws' and places the environment among the other areas of legal approximation. In particular Art. 69 The Parties recognize that an important condition for Bulgaria's economic integration into the Community is the approximation of Bulgaria's existing and future legislation to that of the Community. Bulgaria shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community.</p> <p>Art. 70 The approximation of laws shall extend to the following areas in particular: customs law, company law, banking law, company accounts and taxes, intellectual property, protection of workers at the workplace, financial services, rules on competition, protection of health and life of humans, animals and plants, consumer protection, indirect taxation, technical rules and standards, nuclear law and regulation, transport and the environment.</p> <p>Title VI 'Economic Cooperation' and Art. 72 include environmental policy integration provisions '[P]olicies and other measures will be designed to bring about economic and social development of Bulgaria and will be guided by the principle of sustainable development. These policies should ensure that environmental considerations are also fully incorporated from the outset and that they are linked to the requirements of harmonious social development.'</p> <p>Art. 81 is dedicated to 'Environment' and includes a paragraph on 'waste reduction, recycling and safe disposal, implementation of the Basel Convention' (again in the context of economic cooperation). Cooperation is planned to take place through harmonization of laws (Community standards) regulations standards, norms and methodology, environmental impact studies (among others)</p>
3 May 1995	White Paper, Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union, Brussels, 03.05.1995, COM(95) 163 final	<p>'The Treaty itself represents a careful balance between different objectives and policies with the result that no part of the "<i>acquis communautaire</i>" can be separated in practice from the rest. The Treaty expressly underlines this interdependence, for example in Article 130r which provides that environmental protection requirements must be integrated into the definition and implementation of other Community policies. Eventual accession negotiations with the CEECs will cover the entire body of Community legislation. Work to approximate legislation across the board is therefore important. The Europe agreements already provide for approximation and identify a large number of areas, including competition policy, environmental protection, social policy and consumer protection, for particular attention.' (p. 18)</p> <p>'Similar considerations apply to legislation concerning the environment. Environment policy and the internal market are mutually supportive. The Treaty aims at sustainable growth and high levels of environmental protection and provides that</p>

		<p>environmental requirements be integrated into the definition and implementation of other policies. An integrated approach to allow a more sustainable path of social and economic development is not only vital for the environment itself but also for the long-term success of the internal market.’ (p. 19)</p> <p>‘The overall picture on legislation concerning the environment is very uneven and the associated countries are acutely conscious of the likely costs of bringing their levels of protection up to those of the Community. In some cases, however, including on specific products, their preparatory work on new legislation is relatively well advanced.’(p. 28)</p>
15 July 1997	Commission Opinion on Bulgaria’s Application for Membership of the European Union, Brussels, 15.07.1997	<p>‘The Europe Agreement stipulates that Bulgarian development policies shall be guided by the principle of sustainable development and should fully incorporate environmental considerations. It also identifies environment as a priority for bilateral co-operation, as well as an area for approximation of legislation to that of the Community.’ (p. 94)</p> <p>‘Waste is an area of major concern: waste management practices are elementary, especially for disposal activities, and incineration is not regulated.’ (p. 94)</p> <p>‘Legislation, including regulations on Environmental Impact Assessment remains inadequate.’ (p.95)</p> <p>‘Apart from the area of hazardous waste for which some regulations exist, there is no coherent national policy or legislation for waste management. There is no official control of waste management practices and no specific legislation on incineration of waste. Not all types of waste are listed in a recently drafted waste law.’ (p. 95)</p> <p>‘...[t]he level of approximation is still low in most areas, including air and water quality, waste management, chemical substances, radiation protection and nature protection. Regulations on Environmental Impact Assessment need to be further developed, as recent amendments have substantially weakened its impact. Particular attention should be given to the quick transposition of framework directives dealing with air, waste, water and the Integrated Pollution Prevention Control directive (IPPC), as well as the establishment of financing strategies for legislation in the water, air and waste sectors requiring major investments.’ (p. 95)</p> <p>‘Considerable efforts will also be necessary to build the administrative capacity that will allow the country to fully adopt, implement and enforce EC legislation.’ (p. 95)</p> <p>‘However, effective compliance with a number of pieces of legislation requiring a sustained high level of investment and considerable administrative effort (e.g. urban waste water treatment, drinking water, aspects of waste management and air pollution legislation) could be achieved only in the very long term.’ (p. 96)</p> <p>‘Because EC environmental policy, involves the integration of environmental protection into EC sectoral policies the administrative requirement is potentially very wide, affecting many bodies not normally associated with environmental protection. However, the main responsibility lies with environment ministries and various subsidiary bodies.’ (p. 116)</p> <p>‘For the environment, very important efforts will be needed including massive investment and strengthening of administrative capacity to enforce legislation. Full compliance with the <i>acquis</i> could be expected only in the very long term and would require increased levels of public expenditure.’ (p. 121)</p>
30 March 1998	Accession Partnership,	Short-term priorities in the field of environment: ‘continue

	<p>Council Decision 98/266/EC of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1998] OJL 121/36</p>	<p>transposition of framework and horizontal legislation, establishment of implementation of detailed approximation programmes and implementation strategies related to individual acts. Planning and commencement of implementation of these programmes and strategies.’</p> <p>Medium-term priorities in the field of environment: ‘including the development of monitoring and implementation control structures and capacities, continuous planning and implementation of approximation programmes related to individual legal acts. A particular emphasis should be given to air pollution, the waste and water sectors including its institutional requirements. Environmental protection requirements and the need for sustainable development must be integrated into the definition and implementation of national, sectoral policies.’</p>
<p>4 November 1998</p>	<p>Regular report on from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 04.11.1998</p>	<p>‘Progress in transposition and implementation has been made in waste and air sectors with the adoption of a new Waste Management Act, although the implementing provisions still need to be adopted. Some implementing regulations have been adopted on air quality standards, emission limit values on stationary sources, and air pollution from industrial plants. The necessary implementing regulations for the new Waste Management Act still need to be adopted.’ (p. 34)</p> <p>‘In order to meet the priorities set out in the Accession Partnership further efforts are needed to develop framework legislation, specifically in the water and waste sector. There are ambitious plans for transposition and their implementation will suffer from the serious lack of staff within the Ministry of Environment and Waters. Full implementation will require a more realistic time frame than foreseen by Bulgaria.’ (p.35)</p> <p>‘In addition to increased large scale investments, in cooperation with international financial institutions based on enhanced economic recovery, Bulgaria needs to strengthen the administrative capacity of the relevant institutions, including monitoring laboratories and implementation and enforcement structures...Further sustained efforts are needed relating to municipal waste management...’ (p. 35)</p> <p>‘Lack of qualified administrative personnel, as well as lack of a thorough evaluation of the administrative costs for the adoption and implementation of the <i>acquis</i> are problems that need to be addressed...Bulgaria needs to strengthen administrative capacity in these institutions, including monitoring laboratories and implementation and enforcement structures. There is the need to encourage the improvement of the co-ordination between inspectorates.’ (p. 44)</p>
<p>13 October 1999</p>	<p>1999 Regular Report from the Commission on Bulgaria’s Progress Towards Accession, Brussels, 13.10.1999</p>	<p>‘Concerning horizontal legislation, a new regulation on environmental impact assessment (EIA) has been adopted in 1998 but is not fully in compliance with the EU requirements. The capacity for preparation and evaluation of EIAs needs to be reinforced.’ (p. 47)</p> <p>‘Progress in transposition and implementation has been made in waste sector and in the development of the capacity to implement the legislation, especially at the local level. Regulations on the requirements for sites for waste treatment installations, conditions for waste treatments, reporting for waste management activities, procedure for issuing permits for transit transportation of wastes, classification of wastes have been adopted.’ (p. 47)</p> <p>‘Bulgaria’s still needs (<i>error from the document</i>) to adopt an environmental strategy on how EU legislation requirements will be implemented. One of the vital issues when implementing the environmental <i>acquis</i> is to have a good estimate of the related costs. Bulgaria has not yet established a detailed financing plan estimating the costs over time.’ (p. 48)</p>

		<p>'The capacity for the implementation of this legislation is however weak and needs to be addressed. Monitoring structures need to be modernised. The main difficulty in the environmental sector remains the lack of large-scale investments. The overall strategy for the environment needs to be adopted and sectoral strategies need to be prepared for the identification of investment projects, in particular for <i>ISPA</i>. Sustainable development principles need to be integrated into the definition and implementation of other sectoral policies. Further progress should be made in the preparation of Environmental Impact Assessments and information to the public.' (p. 48)</p> <p>'A clear mechanism for monitoring at the regional level and control in general on the approximation process should be developed. The necessary structures and skills for self-assessment and monitoring the application of the legislation have not been adequately developed and the regional structures of the Ministry would need a serious reinforcement. There are not enough developed capabilities to make financial/economic evaluations and plans. More training is required in the preparation and assessment of environmental impact assessments, especially at regional level.' (p. 66)</p>
6 December 1999	Accession Partnership, Council Decision 1999/857/EC of 6 December 1999 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Bulgaria [1999] OJL335 / 48	<p>Short-term priorities in the field of environment: '- continue transposition of framework legislation in the water, air and waste sectors; - prepare and implement detailed directive-specific approximation programmes; - strengthen implementation structures, particularly at the regional level; - develop a plan for financing investments (directive-specific), based on estimations of costs of alignment and realistic sources of public and private finance year-by-year; - complete transposition and enforce the environmental impact assessment directive.' (OJL335 / 51)</p> <p>Medium-term priorities in the field of environment: 'complete transposition and implementation of framework and sectoral legislation according to pre-defined timetable; - integrate sustainable development principles into the definition and implementation of all other sectoral policies.' (OJL335 / 53)</p>
8 November 2000	2000 Regular Report from the Commission on Bulgaria's Progress Towards Accession, Brussels, 08.11.2000	<p>'Progress has been made towards meeting the short-term Accession Partnership priority to continue transposition of framework legislation in the water, air and waste sectors, prepare and implement detailed directive specific approximation programmes; strengthen implementation structures, particularly at the regional level.' (p. 71)</p> <p>A National Waste Management programme adopted</p> <p>'Concerning horizontal legislation, an amendment to the Bulgarian Regulation on non-mandatory environmental impact assessments was adopted in December 1999. Further legal changes will be needed to fully transpose EC requirements on environmental impact assessments.' (p. 71)</p> <p>'Work on waste management has continued but gaps remain in Bulgarian legislation as concerns the definition of waste and waste hierarchy. The infrastructure for disposal and recovery of hazardous waste needs to be further developed.' (p. 71)</p> <p>'Bulgaria has made progress in transposing the EC environmental <i>acquis</i>. However, the Ability of the Ministry of Environment and Water to develop and promote policy and strategies is still weak.' (p. 73)</p> <p>'Further progress is necessary in the field of waste.' (p. 73)</p> <p>'The level of transposition of EC environmental directives of a horizontal character also needs to be improved' (p. 73)</p>

		<p>'Implementation of legislation adopted remains a problem. Investments remain limited. The structures needed for monitoring the enforcement of legislation are not yet adequate...' (p. 73)</p> <p>'Progress has been made in the development of investment programmes for waste and waste water, but more work is needed on financing plans.' (p. 73)</p> <p>'Also, as mentioned last year, the principle of sustainable development needs to be integrated into other sectoral policies.' (p. 73)</p> <p>'Bulgaria has made progress to continue transposition of framework legislation in the water, air and waste sectors. Bulgaria needs to strengthen the administrative capacity of the Ministry of Environment and Water and further work is needed to strengthen implementation structures, particularly at the regional level. Progress has been made to complete transposition and enforce the Environmental Impact Assessment Directive with an amendment to the Regulation on the environmental impact assessment on activities that are not subject to mandatory EIA in December 1999. However this legislation does not fully transpose the requirements of the EC directive on EIA. Capacity to implement the requirements of the EIA Regulation according to EC practice has improved. This priority has been partially met.' (p. 92)</p> <p>On <i>ISPA</i>: 'In the years 2000-2002, the indicative annual financial allocations for Bulgaria are € 100 million from PHARE, € 52 million from SAPARD, and <i>between € 83 and 125 million from ISPA.</i>' (p. 8)</p> <p>'Implementation of the <i>ISPA</i> project will follow the same institutional framework as for the PHARE programme, with the National Fund at the Ministry of Finance being in charge of the overall financial management and a number of Implementing Agencies responsible for the technical implementation.' (p. 11)</p> <p>'Concerning PHARE and <i>ISPA</i> Bulgaria has further developed the National Development Plan and <i>ISPA</i> strategies for environment and transport have been drafted. Some progress has been made to adopt the legal, administrative and budgetary framework to programme and manage ISPA and SAPARD funds. Inter-ministerial co-ordination at national and regional levels remains a problem.' (p. 93)</p>
13 November 2001	2001 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 13.11.2001, SEC(2001) 1744	<p>'[S]ignificant progress in terms of transposition of the EC environmental <i>acquis</i>. Implementation and cost of alignment remain, however, challenges...Efforts have been maintained towards the integration of the environment into other policies, notably at local level.' (p. 76)</p> <p>'In the field of horizontal legislation, no progress has been made in the reporting period, as the delay in the adoption of the new Environmental Protection Act, designed to improve compliance with a number of EC directives, has postponed the transposition of the <i>acquis</i> on environmental impact assessment and access to environmental information.' (p. 76)</p> <p>'In the area of waste, harmonisation of legislation continued with the adoption of new Regulations on batteries and accumulators, waste oils and sewage sludge.' (p. 76)</p> <p>'Whilst it is difficult to give a precise figure on investment and expenditure on environment, there has been an increase in funding from the national budget, national environmental protection fund and other sources (e.g. municipalities, donor</p>

		<p>funding and private investors). The total amount is over 2.0 per cent of GDP for 1999.’ (p. 77)</p> <p>‘Bulgaria has reached a fairly good level of alignment with the <i>acquis</i>. Efforts will however continue to need strengthening, in particular in relation to transposition of the <i>acquis</i> on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management and radiation protection.’ (p. 77)</p> <p>‘Achieving full implementation continues to be a challenge.’ (p. 77)</p> <p>The national programmes for investments that have been finalised to date must be followed by concrete results on the ground. Further progress is needed, however, regarding transposition and implementation, in particular as regards landfill and incineration of waste.</p> <p>‘The Ministry of the Environment needs to be strengthened. Administrative capacity at local level also remains a matter of concern. Implementation of environmental policy is entrusted to the regions and municipalities, a level at which there are still major weaknesses.’ (p. 77)</p> <p>‘Bulgaria should pay increasing attention to the integration of environmental protection requirements into the definition and implementation of all other sectoral policies with a view to promoting sustainable development.’ (p. 77)</p> <p>‘Bulgaria has continued transposition of framework legislation in the water, air and waste sectors. Further emphasis is needed to prepare and implement detailed directive specific approximation programmes. Bulgaria has made progress to strengthen the administrative capacity of the Ministry of Environment and Water but further work is needed to strengthen implementation structures, particularly at the regional level. Adoption of amendments to complete transposition and enforce the Environmental Impact Assessment Directive have been postponed which is regrettable. Some progress has been made but this priority has been partially met. (p. 101)’</p> <p>On ISPA: ‘In the case of the environment the main priorities are the water sector (drinking water supply and wastewater treatment), solid waste management, and air pollution. Administrative structures and procedures have now been put in place by the Bulgarian authorities for the implementation of <i>ISPA</i> projects. The whole of the available ISPA allocation for Bulgaria (€104 million) was committed in 2000, helping to support the following projects: Sofia airport reconstruction and extension, transit roads rehabilitation (sections on main trans-European corridors), urban wastewater treatment plants at Stara Zagora and Dimitrograd, and six regional household waste disposal sites at Montana, Rousse, Pernik, Sevlievo, Silistra and Sozopol.’ (p. 12)</p>
28 January 2002	Accession Partnership, Council Decision of 28 January 2002 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2002] OJL 44/1	<p>Priorities in the field of environment: ‘- continue transposition of the <i>acquis</i> with particular emphasis on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management and radiation protection;- continue implementation of the <i>acquis</i> with particular emphasis on environmental impact assessment, air quality, waste management, water quality, nature protection, industrial pollution control and risk management, and radiation protection; continue preparation and development of directive-specific implementation plans, including financing plans, with particular emphasis on waste management (including waste</p>

		<p>management plans), water quality and nature protection, and start implementation; - continue strengthening administrative, monitoring and enforcement capacity at national and regional levels. Particular attention should be given to the strengthening of the Ministry of Environment and Water as well as regional inspectorates in relation to waste management and nature protection; - continue integration of environmental protection requirements into the definition and implementation of all other sectoral policies with a view to promoting sustainable development.’ (OJL44 / 9)</p>
<p>9 October 2002</p>	<p>2002 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 09.10.2002, COM(2002) 700 final</p>	<p>‘Since the last Regular Report, Bulgaria has continued its progress in terms of transposition of the EC environmental <i>acquis</i> as well as preparing for implementation of legislation. However, implementation, together with the need for increased administrative capacity and the cost of alignment, remains a major challenge.’ (p. 102)</p> <p>‘Some progress in the integration of the environment into other policies has been made in areas such as agriculture and transport, but generally the use of sustainable development approaches remains limited in other areas of economic interest. For example, the recent energy strategy (see chapter 14: energy) whilst placing emphasis on energy efficiency, incorporates the environmental aspects in a limited and inconsistent way. (p. 102)’</p> <p>‘In the field of horizontal legislation, the Environmental Protection Act was adopted in September 2002. This provides the necessary legislative framework for further progress on environmental impact assessment’ (p. 102)</p> <p>In the area of waste management, a regulation on end-of-life vehicles was adopted. (p. 102)</p> <p>‘As regards administrative capacity, governmental bodies remain understaffed.’ (p. 103)</p> <p>‘In relation to legislative alignment, Bulgaria has achieved a generally good level and efforts should continue to prepare legislation in all areas, in particular as regards environmental impact assessment, waste management’ (p.103)</p> <p>‘Now that the delays in the adoption of the Environmental Protection Act have been overcome and the Act adopted, there should be no further barriers to adoption of implementing legislation. Preparatory work is underway to complete legislative alignment and with a view to preparing implementation of the <i>acquis</i>.’ (p. 103)</p> <p>‘Achieving full implementation still poses a major challenge for Bulgaria and will take significant time and effort. Bulgaria should concentrate resources into the preparation of detailed directive-specific implementation plans together with financing strategies, taking account of available resources and institutional strengthening, and into further elaborating mechanisms to monitor effective implementation. Close attention needs to be paid to the implementation of the <i>acquis</i> in all sectors, particularly as regards waste management (drafting of management plans, strengthening the administrative capacity, notably at local level, and setting up the necessary infrastructure, including upgrading of landfills)’ (p. 103)</p> <p>‘This includes the need for enhanced co-ordination with other ministries, notably in the case of investments in infrastructure and nature protection where sound and complete environmental impact assessments must be prepared’ (p. 103)</p> <p>‘The principle of integration requires continuous attention both at national and at Community level. Bulgaria needs to continue integrating environmental protection requirements into the</p>

		<p>definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector. In this respect, the inter-ministerial co-ordination on issues related to the environment remains very weak.’(p. 104)</p> <p>‘Bulgaria’s administrative capacity to implement the <i>acquis</i> requires close attention. In particular, regional inspectorates and municipalities need to be further strengthened. Staff resources remain limited and awareness of the requirements of EC environmental rules needs to be further improved.’ (p. 104)</p> <p>‘Significant investments are needed to ensure the implementation of the environment <i>acquis</i>. Bulgaria should focus on planning, identification and availability of financial resources. The existing limitations as to the use of the National Environment Protection Fund, merged this year into the State budget, should not hamper public co-financing. In addition, the management of support funds, including <i>ISPA</i>, should be further improved.’ (p. 104)</p> <p>‘Bulgaria has achieved a generally good level of legislative alignment but full implementation still poses a major challenge.’ (p. 104)</p> <p>‘Negotiations on this chapter continue.’ (p. 104)</p> <p>‘Bulgaria should now focus its efforts in particular on environmental impact assessment, waste management...’(p. 104)</p> <p>‘Implementation and enforcement of the <i>acquis</i> in this area continue to constitute a major challenge for the future, in particular because of the need to increase administrative capacity, especially at regional and local level.’ (p. 104)</p> <p>‘Bulgaria needs to focus on investments, and on reinforcing administrative capacity and implementation within all environment sectors, while continuing progress with transposition.’ (p. 105)</p> <p>‘Bulgaria still needs to make sustained efforts to develop sufficient administrative and judicial capacity to implement and enforce the <i>acquis</i>. As well as continuing horizontal reform of the public administration, it needs to focus in particular on developing the capacity to be part of the internal market and to apply the <i>acquis</i> in areas such as agriculture, environment and regional policy. Further efforts are also required to establish the necessary administrative capacity to ensure the sound and efficient management of EC funds.’ (p. 126)</p> <p>‘Although steps have been taken in integrating environmental protection requirements into all sectoral policies, continuing attention to this is needed at both national and local level. Overall, Accession Partnership priorities in the area of the environment have been met to a limited extent. Implementation of the measures under the Action Plan is largely on track.’ (p. 139)</p> <p>On <i>ISPA</i>: ‘Technical assistance from <i>ISPA</i> is available for all preparatory stages of projects, including technical, financial and economic feasibility studies, and environmental assessments.’ (p. 16)</p>
13 November 2002	Communication from the Commission to the Council and the European Parliament, Roadmaps for Bulgaria and Romania, Brussels, 13.11.2002, COM(2002) 624 final	<p>‘Bulgaria should now focus its efforts in particular on environmental impact assessment, waste management...Implementation and enforcement of the <i>acquis</i> in this area continue to constitute a major challenge for the future, in particular because of the need to increase administrative capacity, especially at regional and local level.’ (p. 18)</p> <p>‘Bulgaria needs to focus on investments, and on reinforcing administrative capacity and implementation within all</p>

		<p>environment sectors, while continuing progress with transposition. Negotiations on this chapter are underway.’ (p. 18)</p> <p>Steps: Short term - ‘Improve administrative capacity to implement the <i>acquis</i>, in particular through further strengthening of regional inspectorates and municipalities. Reinforce staffing of the Ministry and other public bodies. Ensure adequate training and staff development plans.’ (p. 18)</p> <p>‘Adopt secondary legislation to ensure full transposition of environmental impact assessment and access to information Directives. Ensure that the environmental <i>acquis</i>, particularly the Environmental Impact Assessment Directive, is properly implemented in preparing large-scale infrastructure projects.’ (p. 18)</p> <p>‘Continue transposition of legislation in all remaining areas, in particular waste management...’(p 18)</p> <p>‘Continue integrating environmental protection requirements into the definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector. Improve inter-ministerial co-ordination on environmental issues.’ (p. 18)</p> <p>Medium term: - ‘Close attention needs to be paid to progressive implementation of the <i>acquis</i> in all sectors, particularly as regards waste management...Pursue transposition further.’ (p. 19)</p> <p>‘Enhance the administrative structures necessary for the full implementation of the <i>acquis</i> in all sectors, particularly as regards waste management...’(p. 19)</p> <p>By accession: ‘Ensure full transposition of the environment <i>acquis</i> and implementation in line with negotiations commitments with the EU.’ (p. 19)</p>
19 May 2003	<p>Accession Partnership, Council Decision 2003/396/EC of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria [2003] OJL 145 / 1</p>	<p>‘Update the overall assessment of the situation in the environment sector, including regarding the transposition of the <i>acquis</i>, in order to identify gaps to be filled in.’</p> <p>‘Continue transposition of the <i>acquis</i>, including implementing legislation, with particular emphasis on environmental impact assessment, access to information, waste management...’</p> <p>‘Develop implementation plans, together with financing strategies, to outline the steps needed to ensure full implementation of the <i>acquis</i> in the medium and longer term; these plans should take into account all available resources and institutional training and further elaborate mechanisms to monitor effective implementation, with particular emphasis on air quality, waste management...Focus on planning, identification and availability of financial resources to prepare for the significant investments needed to ensure implementation of the <i>acquis</i>. Ensure the involvement of stakeholders in the planning phase of implementation.’</p> <p>‘Continue implementation of the <i>acquis</i> with particular emphasis on access to information, air quality, waste management...Ensure that the environmental <i>acquis</i>, particularly the Environmental Impact Assessment Directive, is properly implemented in preparing large-scale infrastructure projects.’</p> <p>‘Ensure and reinforce the administrative structures necessary for the full implementation, monitoring and enforcement of the <i>acquis</i>, in particular through further strengthening of regional inspectorates, municipalities and other public bodies at the local level, with an emphasis on...waste management. Reinforce staffing of the Ministry and other public bodies. Ensure adequate</p>

		<p>training and staff development plans.’</p> <p>‘Continue integration of environmental protection requirements into the definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector. Improve interministerial coordination on environmental issues.’</p> <p>Under ‘Regional policy and coordination of structural instruments’: ‘Further adopt legislation which ensures compatibility of operations financed by the Structural Funds and Cohesion Fund with Community policies and legislation...on the award of public contracts, on environmental protection...’ (OJL145 / 15-16)</p>
05 November 2003	2003 Regular Report on Bulgaria’s Progress Towards Accession, Brussels, 05.11.2003	<p>‘Some progress on the integration of environmental protection into other policies could be recorded in certain areas, such as agriculture and transport, but progress remains weak in other sectors, such as energy.’</p> <p>‘In the field of horizontal legislation, the Environmental Protection Act adopted in September 2002 provides the necessary legislative framework for further progress on environmental impact assessment and access to information. It was supplemented by implementing legislation on the conditions for carrying out environmental impact assessments in respect of investment proposals, on a public register of experts, and on the integration of environmental impact assessments into national, regional, local and urban development plans and programmes.’</p> <p>‘In the area of waste management, good progress on legal alignment has been made with the adoption in September of the law on waste management. The National Waste Management Programme needs to be updated for the period 2003-2007. Implementation plans have been prepared for packaging and packaging waste, for landfill of waste, and for end-of-life vehicles.’</p> <p>‘As regards administrative capacity, noticeable efforts have been made to increase staffing levels in government bodies.’</p> <p>‘As regards waste management, Bulgaria should focus efforts and resources on the adoption of an updated waste management programme for the years 2003-2007, and on the setting-up of waste collection systems and recovery and disposal facilities.’</p> <p>‘Inter-ministerial co-ordination has improved, notably in the case of investments in infrastructure and nature protection, where sound and complete environmental impact assessments must be prepared. These should be enhanced.’</p> <p>‘The principle of integration requires continuous attention both at national and at Community level. Bulgaria needs to continue integrating environmental protection requirements into the definition and implementation of all other sectoral policies so as to promote sustainable development, including in the energy sector. In this respect, inter-ministerial co-ordination on issues related to the environment needs further strengthening.’</p> <p>‘Bulgaria’s administrative capacity to implement the <i>acquis</i> has required close attention, and the Government has taken important decisions with a view to strengthening government bodies at regional and central levels. Further actions to improve the qualification of existing and newly recruited staff should be developed. These should be matched by actions at the local level, notably in municipalities, where staff and financial resources remain limited and awareness of the requirements of EC environmental rules remains weak. Considerable investments need to be secured, also in the medium term, to ensure implementation of the environmental <i>acquis</i>. Bulgaria should</p>

		<p>focus on the planning, identification and availability of financial resources. Steps must be taken to ensure that the reorganisation of administrative structures, i.e. the creation of a new enterprise replacing the National Environment Protection Fund, does not hamper public co-financing. In addition, the management of support funds, including <i>ISPA</i>, should continue to be enhanced.’</p> <p>‘Bulgaria has achieved a generally good level of legislative alignment, but full implementation and the availability of budgetary resources still pose a major challenge, although Bulgaria has started to take measures to improve its administrative capacities. The cost of alignment still poses a major challenge...Negotiations on this chapter have been provisionally closed. Transitional arrangements until 2011 for the sulphur content of liquid fuels, until 2009 for emissions of volatile organic compounds from the storage and distribution of petrol, until 2011 for the recovery and recycling of packaging waste, until 2014 for the landfilling of certain liquid wastes, until 2009 for certain shipments of waste, until 2011 for IPPC (in respect of certain existing installations), until 2014 for urban waste water, and until 2014 for large combustion plants have been agreed. Bulgaria is generally meeting the commitments it has made in the accession negotiations in this field.’ (p. 94-97)</p> <p>‘Bulgaria has reached a good level of alignment of the environmental <i>acquis</i> and has developed directive-specific implementation plans and financing strategies. The continuous efforts to develop administrative capacities, notably at local level, and further elaborate mechanisms to monitor effective implementation should be maintained. Implementation remains a major challenge, as is the need for increased administrative capacity and the cost of alignment.’ (p. 119, 123)</p> <p>‘As well as continuing horizontal reform of the public administration, it needs to focus in particular on developing the capacity to be part of the internal market and to apply the <i>acquis</i> in areas such as agriculture, environment and regional policy. Continued efforts are required to establish the necessary administrative capacity to ensure the sound and efficient management of EU funds.’ (p. 120, 124)</p> <p>On ‘Regional policy and coordination of structural instruments’: ‘Bulgaria has made some progress with regard to preparations for the implementation of Structural and Cohesion Funds, notably with institutional structures and programming. Considerable efforts are still needed to develop, consolidate or complete institutional structures and to bring administrative capacity (including staffing and training) and procedures up to the level required. Priority should also be given to the introduction of efficient and fully transparent procurement and financial management and control systems as well as to monitoring and evaluation systems and to the strengthening of inter-ministerial co-ordination.’ (p. 119)</p> <p>‘As regards the compatibility of operations by the Structural (and Cohesion) Funds with Community policies and legislation, work has to progress to ensure that the newly transposed legislation is adequately implemented. Bulgaria must give particular attention to public procurement issues in relation to future implementation of Structural and Cohesion Funds, and must draw on experience from implementing the pre-accession instruments in order to determine the appropriate designation of responsibilities and overall control and supervision of procedures.’ (p. 92)</p> <p>On <i>ISPA</i>: ‘Implementation of <i>ISPA</i> projects in Bulgaria is progressing slowly, reflecting the size and complexity of the projects and the limited capacities of some of the implementing agencies...’</p>
--	--	---

		<p>'Six environmental projects...approved in 2002.'</p> <p>'The full allocation for Bulgaria was committed in 2000 and 2001 (€ 104 million and € 106.8 million respectively), but there was a small shortfall in 2002 as a result of late and relatively weak applications for assistance, especially in the environment sector.'</p> <p>(p. 10)</p> <p>'Work has now started on arrangements for the extended decentralisation of PHARE and <i>ISPA</i> implementation (EDIS).'</p> <p>(p. 114)</p>
<p>06 October 2004</p>	<p>2004 Regular Report on Bulgaria's Progress Towards Accession, Brussels, 06.10.2004, COM(2004) 657 final</p>	<p>'Some progress can be noted concerning the integration of environmental issues into other policies, although more attention is needed for areas such as energy, transport and large infrastructure projects. In the field of horizontal legislation, legislation on strategic environmental impact assessment was adopted. Progress can also be registered as regards implementation. A competent authority for strategic environmental impact assessment was appointed, and recruiting and training of additional staff at central and regional level took place. A considerable number of EIA related decisions were issued.'</p> <p>(p. 110)</p> <p>'Some progress was made in the area of waste management, in relation to packaging and packaging waste, and through the updating of the national waste management programme. Closing and reconstruction of existing landfills and the establishment of new ones is ongoing. Some steps have been taken regarding waste separation and processing of hazardous waste.'</p> <p>(p. 110)</p> <p>'In the field of horizontal legislation, transposition of Community rules on environmental impact assessment still needs to be completed.'</p> <p>(p. 111)</p> <p>'In the field of waste management, some delays have occurred in transposition, in particular concerning landfills...'</p> <p>(p. 111)</p> <p>'With regard to enforcement, the necessary procedures and management systems are in place, but there is a need to strengthen administrative capacity at regional and municipal level and to ensure coordination between authorities in the implementation of the national waste management plan. Waste collection systems and facilities for recovery and disposal need to be set up and enhanced. In this context, particular attention should be paid to the issue of hazardous waste.'</p> <p>(p. 111)</p> <p>'Bulgaria needs to continue integrating environmental protection requirements into the definition and implementation of all other sectoral policies, and to promote sustainable development.'</p> <p>(p. 112)</p> <p>'Special attention should also be paid to human and financial resources needs at local level. There is also a need to establish a clear definition of responsibilities and adequate procedures for cooperation and coordination between the administrative structures at national, regional and local level. Bulgaria needs to make continued efforts to ensure that sufficient budgetary resources are allocated to the field of environment in order to finalise preparations for accession, including the strengthening of administrative capacity. Considerable investments need to be secured, including in the medium term, to ensure implementation of the environment <i>acquis</i>.'</p> <p>(p. 112)</p> <p>'It has started to implement strategies for enforcing the environment <i>acquis</i>, but full implementation still poses a major challenge, including in terms of investment.'</p> <p>(p. 113)</p> <p>'Bulgaria is meeting the majority of the commitments and</p>

		<p>requirements arising from accession negotiations for this chapter. However, some delays have occurred in legal alignment in the waste management sector.’ (p. 113)</p> <p>On ‘Regional policy and coordination of structural instruments’: ‘It is essential that Member States respect Community legislation in general, for example in the areas of public procurement, competition and environment, when selecting and implementing projects, and have the necessary institutional structures in place to ensure implementation in a sound and cost-effective manner from the point of view of both management and financial control.’ (p. 107)</p> <p>‘Bulgaria must give particular attention to ensuring future compliance with other Community policies and legislation as required by the Structural Funds Regulations, especially in the fields of public procurement, environment and competition.’ (p. 108)</p> <p>‘In order to be ready for membership, attention should be paid to completing the transposition process concerning certain aspects of horizontal legislation, air quality, waste management...Particular attention must be paid to the implementation of legislation in the sectors of air quality, waste management (hazardous waste)...and the issuing of integrated permits. Establishment of the necessary implementation structures needs to be completed, including further strengthening of the administrative capacities at national, regional and local levels. Adequate investment and financing plans must be developed and implemented. On the whole, the continuation of the progress made to improve administrative capacity, an adequate allocation of resources and the full and timely completion of the planned remaining legislative alignment should allow addressing the bulk of issues covered by this chapter and ensure the enforcement of the rules.’ (p. 113)</p> <p>‘With regard to the environment, Bulgaria has achieved a reasonable degree of alignment with the <i>acquis</i> and the necessary administrative structures are in place. However, further strengthening of the enforcement authorities notably at regional and local level is required as well as the provision of adequate financial resources for State and private sector investment.’ (p. 138)</p> <p>On <i>ISPA</i>: ‘For the years 2000-2004, total financial assistance to Bulgaria amounts to around €178 million annually from Phare, €57.6 million from SAPARD, and between €93 and €127 million from <i>ISPA</i>.’ (p. 7)</p> <p>‘Four environment projects relating to the water sector and one relating to a regional waste management centre were approved in 2003.’ (p. 10)</p> <p>‘Implementation of <i>ISPA</i> projects in Bulgaria is progressing but the rate of progress has been slow, reflecting the size and complexity of the projects and the limited capacity of some of the implementing agencies.’ (p. 10)</p>
February 2005	Report from the European Commission, Report on the Results of the Negotiations on the Accession of Bulgaria and Romania to the European Union, Brussels, 02.2005	<p>Chapter 22 ‘Environment’ Transitional arrangements due to financial challenges</p> <p>‘Given the volume of the environment <i>acquis</i>, the agreed transitional arrangements are exceptional. Their potential transboundary impact is limited. They do not lead to significant distortions of competition. The transitional arrangements include detailed legally binding intermediate targets. This ensures a controlled implementation during the entire transition period. The targets will be recorded in the Accession Treaty. The scope of transitional arrangements is, wherever possible, specified through</p>

		<p>lists of individual installations. The transitional arrangements are backed up by detailed financing strategies.’ (p. 18)</p> <p>Landfill Directive: As regards municipal waste full implementation will be gradually achieved in Romania by July 2017 in accordance with intermediate targets (July 2009 for current Member States); Romania has additional time until the end of 2013 and Bulgaria until end 2014 for land filling of certain non-hazardous liquid wastes, as the waste quantities in question are large and time is required to adjust technologies to treat such wastes. Nevertheless, intermediate targets have been set to ensure gradual reduction of such land filling. The general requirements under the waste framework directives will apply as from accession.’ (p. 18)</p> <p>Chapter 21 ‘Regional policy and coordination of structural instruments’: no transitional periods; negotiations focused on administrative capacity, eligibility and financial allocations (p. 16)</p> <p>Chapter 31 ‘Other’ On ISPA: Implementation and management of pre-accession funds in the new Member States: ‘Provisions in the Accession Treaty will establish the rules for the implementation, after accession, of the three pre-accession funds PHARE, ISPA and SAPARD.’ (p. 24)</p>
18 April 2005	Commission Opinion of 22 February 2005 on the applications for accession to the European Union by the Republic of Bulgaria and Romania, Brussels, 18.04.2005, COM(2005) 55 final/2	No specific ref. to negotiation chapters, eg. Chapter 21 or 22
25 April 2005	Treaty of Accession of Bulgaria and Romania to the European Union, Official Journal L 157/48 of 21.06.2005 (ratified by the Bulgarian Parliament on 11 May 2005)	<p>Protocol Concerning the Conditions and Arrangements for Admission of the Republic of Bulgaria and of Romania to the European Union</p> <p>Art. 19 on transitional measures listed in Annexes VI and VII to the Protocol applicable to Bulgaria and Romania respectively</p> <p>Art. 36 safeguard measures</p> <p>Art. 37 safeguard clause</p> <p>Art. 38 possibility for postponing the date of accession with one year until 1 January 2008</p> <p>Treaty of Accession, Protocol, Annex VI, List Referred to in Article 19 of the Protocol: Bulgaria</p> <p>B. 3.</p> <p>‘By way of derogation from Article 5(3)(a) and (b) and Annex I, point 2, second indent to Directive 1999/31/EC and without prejudice to Article 6(c)(ii) of the Directive and Council Directive 75/442/EEC on waste 11(1), the requirements for liquid, corrosive and oxidising waste, and as regards prevention of surface water entering into the landfilled waste shall not apply to 14 existing facilities until 31 December 2014.’</p> <p>Gradual reduction of waste landfilled in these 14 facilities foreseen (p. 34)</p>
25 October 2005	Bulgaria 2005 Comprehensive Monitoring Report, Brussels, 25.10.2005, COM(2005) 534 final	<p>‘Horizontal legislation is largely in place and is in line with the <i>acquis</i>, with the recent adoption of the amendments to the Framework Environmental Protection Act.’ (p. 59)</p> <p>Further strengthening of administrative capacities needed particularly at regional and local levels / ‘For both the Environmental Impact Assessment (EIA) and the Strategic Environmental Assessment (SEA), specific training is still essential.’ (p. 59)</p> <p>‘As regards waste management, legislation is basically in place and is in line with the <i>acquis</i>...’ (p. 59)</p>

		<p>'It is imperative that substantially more efforts are made' with regard to improving administrative capacities at regional and local levels (p. 60)</p> <p>'Regarding the enforcement of the Waste Framework and Hazardous Waste Directives, an integrated network of disposal installations requires further development.' (p. 60)</p> <p>On 'Regional policy and coordination of structural instruments': Regulations – do not require transposition Implementation is responsibility of the Member States 'It is essential that Member States respect Community legislation in general, for example in the areas of public procurement, competition and the environment, when selecting and implementing projects, and have the necessary institutional structures in place to ensure implementation in a sound and cost-effective manner from the point of view of both management and financial control.' (p. 57)</p> <p>'Full implementation of the legislative framework at all levels is also still hampered by limited administrative capacity and the lack of guidance documentation for those who need to implement the legislation. In this context, the weakness by the Bulgarian authorities to implement procurement legislation and procedures effectively is of particular concern.' (p. 57)</p> <p>'Some Managing Authorities, the Intermediate Bodies and bodies at regional and local levels are as yet ill-prepared for their future role under the Structural Funds.' (p. 57)</p> <p>'Weaknesses notably in administrative capacity are a serious concern, in particular as regards the level and skills of staff in the Managing Authorities and Intermediate Bodies.' (p. 57)</p> <p>'The capacity for co-financing, notably at local and regional levels, is a matter of concern.' (p. 57)</p> <p>'[f]ull and efficient participation of some partners is limited due to their lack of knowledge and capacity with regard to the Structural Funds. A more effective inter- ministerial and cross-sectoral coordination is necessary.' (p. 58)</p> <p>'Substantial structural weaknesses in this area in the context of the management of the pre-accession funds are raising serious concerns regarding Bulgaria's capacity to manage the Structural Funds and the Cohesion Fund in a sound and efficient way. Therefore financial management and control functions need to be strengthened in a timely manner. An early testing of procedures, as well as the development of relevant administrative capacity, needs to be ensured across all Operational Programmes. Additionality should be verified before relevant programming documents are finalised.' (p. 58)</p> <p>On <i>ISPA</i>: 'Bulgaria needs to speed up accreditation for the PHARE- and <i>ISPA</i>-related Extended Decentralised Implementation System as a matter of urgency by significantly increasing management and control capacity. (p. 73)</p>
16 May 2006	Commission Staff Working Document, Bulgaria May 2006 Monitoring Report, Brussels, 16.05.2006, COM(2006) 214 final	<p>'Further efforts are needed with regard to the implementation of legislation transposing the Environmental Impact Assessment and the Strategic Environmental Assessment Directives both at national and regional levels. Preparations need to be stepped up.' (p. 33)</p> <p>'Waste management legislation is in line with the <i>acquis</i>.' (p. 33)</p> <p>'Inadequate attention is paid to recruiting additional specially trained staff for implementation of the waste management</p>

		<p>legislation, particularly at regional and local levels. Further implementing steps are required regarding the Waste Framework and Hazardous Waste Directives. Preparations need to be stepped up, in particular for the development of an integrated network of disposal installations.’ (p. 33)</p> <p>‘Administrative capacity still needs to be further increased...with particular attention to the regional and local environmental authorities and the inspectorates.’ (p. 34)</p> <p>On ‘Regional policy and coordination of structural instruments’: Capacity-building needed</p> <p>‘Strong, efficient coordination of preparation and implementation of financial management and control systems is lacking. Implementation of the control system for public procurement still needs further strengthening in the light of the implementation of ISPA and PHARE cohesion projects. Preparations in this area need to be stepped up.’ (p. 32)</p> <p>On ISPA: ‘Implementation of the control system for public procurement still needs further strengthening in the light of the implementation of ISPA and PHARE cohesion projects. Preparations in this area need to be stepped up.’ (p. 33)</p> <p>‘...Bulgaria has accumulated substantial delays with Extended Decentralised Implementation System (EDIS) accreditation for both the PHARE and the ISPA programmes. The timetables included in the relevant action plans for EDIS accreditation, which envisage final accreditation by the end of June 2006, have not been adhered to for the intermediate steps, and there are serious risks that the process will not be completed by the end of 2006, with substantial consequences involving the loss of large amounts of pre-accession funding. This also casts doubts over Bulgaria’s capacity properly to control future Structural Funds expenditure. Urgent action is now needed in this area.’ (p. 40) This remains an area of serious concern (p. 41)</p> <p>‘Increased efforts are also needed for: ... programming, monitoring and procurement capacity for regional policy; horizontal environmental legislation, water quality, integrated pollution prevention and control, waste management’ (p. 41)</p>
27 June 2007	Communication from the Commission to the Council and the European Parliament, Report on Bulgaria's progress on accompanying measures following Accession, Brussels, 27.06.2007	No specific ref. to environmental/ waste <i>acquis</i> (eg. information on fight against corruption)
04 February 2008	Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 04.02.2008, COM(2008) 63 final	No specific ref. to environmental/ waste <i>acquis</i> (eg. information on fight against corruption)
23 July 2008	Report from the Commission to the European Parliament and the Council on Progress in Bulgaria	No specific ref. to environmental/ waste <i>acquis</i> (eg. information on fight against corruption) ‘That is why, for the time being, the Commission considers support to be a more effective than sanctions and will not invoke

	<p>under the Co-operation and Verification Mechanism, Brussels, 23.07.2008, COM(2008) 495 final</p>	<p>the safeguard provisions set out in the Accession Treaty. However, it is clear that there will be a need to maintain the Co-operation and Verification Mechanism for some time to come. The February report under the Cooperation and Verification Mechanism highlighted the significant amounts of assistance Bulgaria has received in recent years from Members States and the Commission in either financial terms or technical expertise. This assistance has not always delivered expected results and there is a growing sense of frustration amongst Member States who have offered support, because of lack of transparency and results in their dealings with the Bulgarian administration and poor results. It is important to reinvigorate the reform process, putting assistance to better use. All sides have to make a renewed effort to help Bulgaria succeed. (p. 6)</p>
<p>23 July 2008</p>	<p>Report from the Commission to the European Parliament and the Council on the Management of EU-funds in Bulgaria, Brussels, 23.07.2008, COM(2008) 496 final</p>	<p>No specific ref. to environmental/<i>waste acquis</i> / environment mentioned in relation to the discussion on EU funds management (including pre-accession assistance, and <i>ISPA</i> in particular)</p> <p>‘Bulgaria is experiencing difficulties in many of these programmes and has to demonstrate that sound financial management structures are in place and operating effectively. Administrative capacity is weak. Beyond that, there have been serious allegations of irregularities as well as suspicions of fraud and conflicts of interest in the award of contracts. Investigations by the EU anti-fraud office, OLAF, into the management of EU funds by the Bulgarian authorities have led to the temporary suspension of pre-accession funds and the freezing of payments under various other financial instruments.’ (p. 2)</p> <p>‘The situation is serious’ (p. 3)</p> <p>‘While many Member States have experienced difficulties with the timely implementation of the Trans-European Network and environment infrastructure investments, Bulgaria is particularly slow. To date only 18 per cent (€156 million of the available funding €879 million) has been absorbed for these projects, which were started under the ISPA pre-accession instrument but are now being finalised under the Cohesion Fund rules.’ (p. 4)</p> <p>Corruption allegations / conflict of interest cases in the road sector Compliance assessment process (Structural Funds)</p> <p>‘There are also instances of judicial proceedings which had been opened but, subsequently closed without justification, frustrating further investigation by OLAF. In addition, OLAF has been faced with instances of breaches of confidentiality, improper transmission and leaks of confidential information. There is strong suspicion of the involvement of organized crime.’ (p. 9)</p> <p>‘Bulgaria is not able to reap the full benefits of this assistance because of critical weaknesses in administrative and judicial capacity, be it at local, regional or central level. The Bulgarian public administration suffers from a high turnover of staff, unattractive salaries which create opportunities for corruption, and outdated, centralized procedures. In particular hesitation to use enforcement powers to remedy irregularities and fraud by immediate recoveries or other protective measures and the de facto non-independence of the national audit authority and implementing agencies give rise to serious concern. The lack of accountability and transparency in public procurement when tendering EU funds is a grave problem. High level corruption and organised crime exacerbates these problems of general weakness in administrative and judicial capacity. As highlighted in all reports of the Commission on the Cooperation and Verification Mechanism including the one adopted alongside this Communication, continued commitment and results in the fight against corruption and organised crime is needed. It impacts directly on Bulgaria's administrative capacity and hence its ability to ensure the sound management and efficient delivery of EU funds. Bulgaria needs not only to enhance substantially its</p>

		administrative capacity but also drastically curb opportunities for high level corruption and effectively fight organized crime.’ (p. 9-10)
12 February 2009	Interim Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 12.02.2009, COM(2009) 69 final	No specific ref. to environmental/ waste acquis (eg. information on fight against corruption)
22 July 2009	Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 22.07.2009, COM(2009) 402 final	No specific ref. to environmental/ waste acquis (eg. information on fight against corruption)
23 March 2010	Interim Report from the European Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 23.03.2010, COM(2010) 112 final	No specific ref. to environmental/ waste acquis (eg. information on fight against corruption)
20 July 2010	Report from the Commission to the European Parliament and the Council on Progress in Bulgaria under the Co-operation and Verification Mechanism, Brussels, 20.07.2010, COM(2010) 400 final	No specific ref. to environmental/ waste acquis (eg. information on fight against corruption)

Table 1

Source: Author’s compilation on the basis of EU legal and policy documents presented in the bibliography under ‘EU documents’

Emphasis added: ‘**waste**’, ‘**landfill**’, ‘**ISPA**’



Waste Management Act

Limitation of the Harmful Impact of Waste on the Environment Act prom. SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002	
Waste Management Act promulgated SG 86/30.09.2003	
amended SG 70/10.08.2004	In relation to the Law of Health promulgated SG 70/10.08.2004 In Art. 95 the words '[T]he Director of the Inspectorate of Hygiene and Epidemiology' are substituted by '[T]he Director of Regional Inspection for Preservation and Control of the Public Health (RIPCPH), the word 'sanitary' is replaced by 'health'
amended SG 77/27.09.2005	In relation to the Environmental Protection Act promulgated SG 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.08.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.11.2005, SG 30/11.04.2006, SG 65/ 11.08.2006, SG 82/10.10.2006, SG 99/8.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.04.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/4.04.2008, SG 52/6.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010, SG 61/6.08.2010 The amendments are mostly related to provisions on waste treatment and transport (eg. Art. 11 (2.1) and (2.2) on targets for recycling and recovery of packaging waste; Art. 12; Art. 24, programmes and financing (eg. Art.30 (2), (new 8)), licensing procedures for waste operations /registration documents for waste-related operations (eg. Art. 37, Art. 38, Art. 39, Art. 50, Art. 51, Art. 54, etc.), licensing for recovery operations (eg. Art. 64 (2.1) and (2.2)), import, export and transit of waste, administrative violations and sanctions (eg. Art. 104a, Art. 106 (new 4, 5), Art. 108 (new 2.6 mixing hazardous and non-hazardous waste)), etc.
amended SG 87/1.11.2005	In relation to the Law on Veterinary and Medicinal Activity promulgated SG 87/01.11.2005
amended SG 88/4.11.2005	In relation to the Telecommunications Act (promulgated SG 88/07.10.2003 amended and suppl. SG 19/2005, SG 77/2005, SG 88, 95, 99, 105/2005, SG 29, 34, 51, 59, 82/2006, repealed SG 41/2007)
amended SG 95/29.11.2005	In relation to the Law on Measurements promulgated SG 46/7.05.2002
amended SG 105/29.12.2005	In relation to the Tax Insurance Procedure Code promulgated SG 105/29.12.2005
amended SG 30/11.04.2006	In relation to the Code of Administrative Procedure promulgated SG 30/11.04.2006
amended SG 34/25.04.2006	In relation to the Commercial Register Law promulgated SG 34/25.04.2006
amended SG 63/4.08.2006	In relation to the Law on Value Added Tax promulgated SG 63/4.08.2006
amended SG 36/4.04.2008	In relation to the Law on Fishing and Aquacultures promulgated SG 41/24.04.2001 which has undergone a number of amendments, amendment SG 36/4.04.2008 is relevant to the Waste Management Act
amended SG 70/8.08.2008	In relation to the Law of the Underground Resources promulgated SG 23/12.03.1999 which has undergone a number of amendments, amendment SG 70/8.08.2008 is relevant to the Waste Management Act
amended SG 105/9.12.2008	In relation to the Environmental Protection Act promulgated SG 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.08.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/4.11.2005, SG 95/29.11.2005, SG 105/29.11.2005, SG 30/11.04.2006, SG 65/ 11.08.2006, SG 82/10.10.2006, SG 99/8.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.04.2007, SG 41/22.05.2007, SG 89/6.11.2007, SG 36/4.04.2008, SG 52/6.06.2008, SG 105/9.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010, SG 61/6.08.2010 The relevant to the Waste Management Act amendments concern waste treatment and transport (eg. Art. 12 new paragraph 6, later amended SG 41/1.06.2010; Art. 16.2, later amended SG 41/1.06.2010; Art. 19a new on the establishment of municipal associations sharing a regional landfill, later amended SG 41/1.06.2010), information (eg. Art. 27 (4), (5), (6 later amended SG 41/1.06.2010), programmes and financing (eg. Art. 28 new paragraph 4 on National Waste Management programme determining municipal participation in waste regions, that are regions incorporating municipalities

	which share a regional landfill); Art. 29 new paragraph 4, later amended SG 41/1.06.2010; Art. 30 (1) later amended SG 41/1.06.2010), licensing procedures for waste operations /registration documents for waste-related operations (eg. Art. 38, later amended SG 41/1.06.2010; Art. 39, later amended SG 41/1.06.2010; Art. 46 (1) and Art. 50, later amended SG 41/1.06.2010), waste transport (new Section Va Shipments of waste, Art. 91a new, repealed SG 41/1.06.2010)
19.05.2009	Amendment bill withdrawn available in Bulgarian at http://www.parliament.bg/bg/archive/2/3/166 (Date of reference 04.09.2010)
23.09.2009	Amendment bill to the Waste Management Act rejected by Parliament on 04.02.2010
amended SG 82/16.10.2009	In relation to Law on Tourism promulgated SG 56/7.06.2002 which has undergone a number of amendments, amendment SG 82/16.10.2009 is relevant to the Waste Management Act
amended SG 95/1.12.2009	In relation to the Water Act promulgated SG 67/27.07.1999 which has undergone a number of amendments, amendment SG 95/1.12.2009 is relevant to the Waste Management Act A new Art. 13a (regulating the establishment of waste treatment sites in proximity to waster zones) is introduced into the Waste Management Act.
06.01.2010	Amendment bill to the Waste Management Act enacted by Parliament on 19 May 2010 promulgated SG 41/1.06.2010
amended SG 41/1.06.2010	The amending act contains a sizeable number of amendments to the text of the Waste Management Act organized in 117 paragraphs. Some of the most significant amendments are presented below: In Chapter three. Waste Treatment and Transport: Art. 12 – amendments on licensing Art. 16 – supplementing/new clauses on obligations of mayors/municipal councils, for instance new paragraphs organizing separate collection of hazardous waste (paragraph 11), providing public information (paragraph 12), ensuring the implementation of measures envisaged in the National Waste Management Programme (paragraph 13), cleaning waste from municipal roads (paragraph 15) Art. 16a, b, c new in relation to mayors’ obligations and road owners’ obligations in line with the Traffic Law Art. 17 – amendments concerning the obligations of the mayor either individually or in cooperation with the other mayors from the regional association to contract and provide for the development of feasibility studies on the construction of a new treatment facility no later than three years before the existing landfill reaches the limits of its capacity Art. 19a was introduced by the 105/2008 amendment to the Waste Management Act. Its scope is now substantially extended to include more specific provisions on the establishment of regional waste management systems (in line with Art. 28 (4)), ownership over the regional landfill and/or other waste treatment facilities among others. Art. 19b new outlines the procedure for the establishment of a regional association of municipalities, membership in the association, legal status, managing institutions. Paragraph 9 stipulates that the municipalities would be able to obtain financing for waste management projects from European funds, state budget, the Enterprise for Management of Environmental Protection Activities attached to the Ministry of Environment and Water or other national public sources of financing only after the establishment of a regional association. Paragraph 11 states that a municipality which refuses to participate, causes delay, obstructs the establishment or operation of a regional association and/or of a regional waste management system, has to pay damages and opportunity costs to the other municipalities from the respective region. Art. 19c new introduces provisions on the rules of procedure of the General assembly of the regional association, membership, participation of regional (NUTS level 3) governors, etc. Art. 19d new covers the competences of the General assembly (eg. election of a chairperson, admission of new members to the regional association, making decisions on waste treatment facilities, structure and development of the regional waste management system, procurement procedures for supplies and works on the components of the regional waste management system, procedures for the selection of an operator/operators of the regional waste management system, etc.), voting rules, issuing/publishing decisions, etc. Art. 19e new discusses the term of office of the chairperson (it should concur with the mayor mandate) and their voting rights Art. 19f new lists the competences of the chairperson Art. 23 (2), (3) new allows the Council of Ministers, on the basis of a proposition by the Minister of Environment and Water, to issue a permission for the utilization of 10 per cent of the remaining capacity of an operating landfill or of another regional facility for the treatment of household waste towards meeting the needs of other regions in case of a motivated and immediate necessity related to the national

	<p>objectives as set by the National Waste Management Programme. This would apply to landfills and/or facilities constructed with more than 50 per cent co-financing by the state budget/other national/international sources.</p> <p>In Chapter four. Management of Waste-related Activities</p> <p>Change of title of Section 1 from 'Information' to 'Information and Public Registers'</p> <p>Art. 26, Art. 26a new, Art. 27 – amendments/new provisions on public registers and reporting</p> <p>In Section 2. Programmes and Financing:</p> <p>Art. 29 (4) refers to Waste Management Programmes as provided by paragraph 1 and not to regional waste management programmes thus changing the wording of the 105/2008 amendment</p> <p>In Chapter five. Licensing and Control of Waste-related Activities</p> <p>Art. 37, Art. 38, Art. 39, Art. 40, Art. 41, Art. 42, Art. 44, Art. 45, Art. 46, Art. 50, Art. 51, Art. 52, Art. 53– amendments/or new more specific provisions on licensing/registration documents; also amendments on licensing of commercial activity with waste from ferrous and non-ferrous metals (Section 3), licensing of recovery organizations (Section 4)</p> <p>New Section IV a on 'Financing of waste disposal through landfill' in force from 01.01.2011 relates to financial security on landfill closure and after-care</p> <p>Change of title of Section 5 from 'Import, export and transit of waste' to 'Trans-frontier Shipments of Waste' in line with Regulation (EC) No 1013/2006 of 14 June 2006 on shipments of waste [2006] OJ L 190/1-98 (Section 5a, Art. 91a repealed)</p> <p>In Section VI. Waste Management Control significant number of amendments introducing detail and precision to the legal text</p> <p>In Chapter six. Compulsory Administrative Measures and Punitive Administrative Provisions</p> <p>For eg. Art 102a. Art. 102 b new cover measures in relation to violations of Regulation (EC) No 1013/2006. Section 2 of the chapter on 'Administrative violations and penalties' introduces amendments on financial penalties imposed on natural/legal persons, for instance Art. 104b (2) new envisages that a mayor who does not fulfil their obligation of summoning first general assembly of the regional association within the required timeframe in line with Art. 19b is penalized by a fine ranging from 5000 to 10 000 leva. Art. 107 provides that s sole proprietor or a legal person who admits landfilling of waste which has not been treated beforehand, does not correspond to the landfill class and/or does not meet waste admission criteria is penalized by a fine between 7000 and 20 000 leva. According to Art. 116a a municipal mayor who does not take action in line with Art. 17 or does not comply with the legally determined deadline for starting preparation, construction, closure and aftercare operations of the landfill site and of other waste (household and/or construction) treatment facilities has to pay a fine amounting to 20 000 leva. Reference to the relevant EU Directives is newly introduced into the Supplementary Provisions of the Waste Management Act .</p>
02.07.2010	Amendment bill to the Waste Management Act enacted by Parliament on 29 July 2010 promulgated SG 63/13.08.2010
amended SG 63/13.08.2010	The amendment is aimed at correcting technical inconsistencies in the legal text in relation to Art. 51, 52 and 114
amended SG 98/14.12.2010	In relation to the Health Law promulgated SG 70/2004 which has undergone a number of amendments, amendment SG 98/14.12.2010 is relevant to the Waste Management Act

Table 1

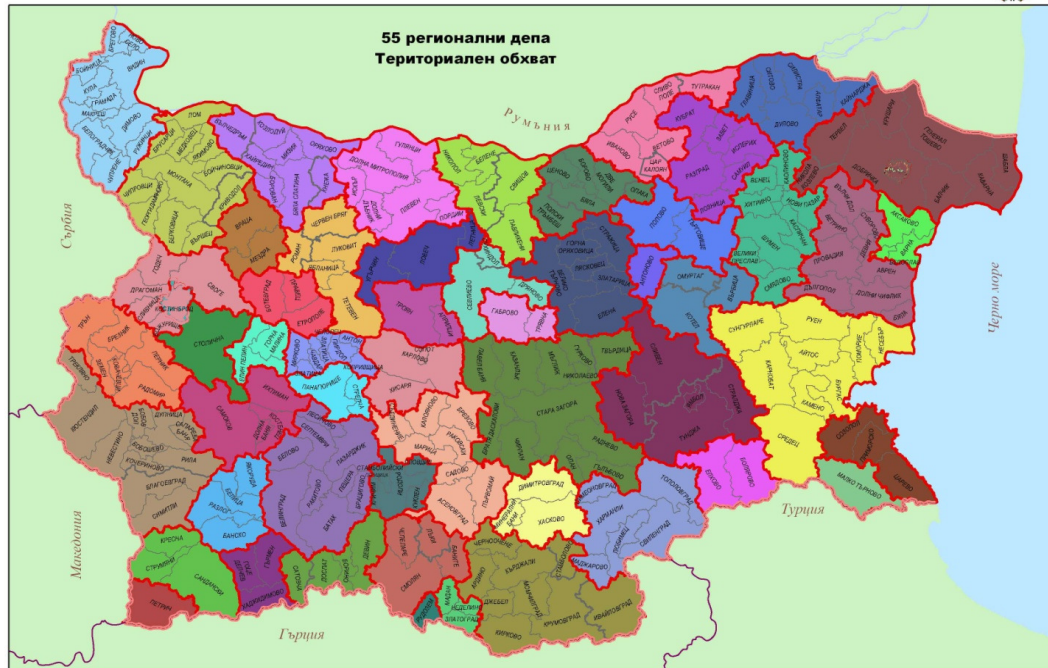
Source: Author's compilation from *State Gazette*
<http://dv.parliament.bg/DVWeb/index.faces> and
<http://www.parliament.bg/?page=app&lng=bg&aid=4&action=show&lid=2810> (Date of reference 30 August 2010)



‘Waste Regions’

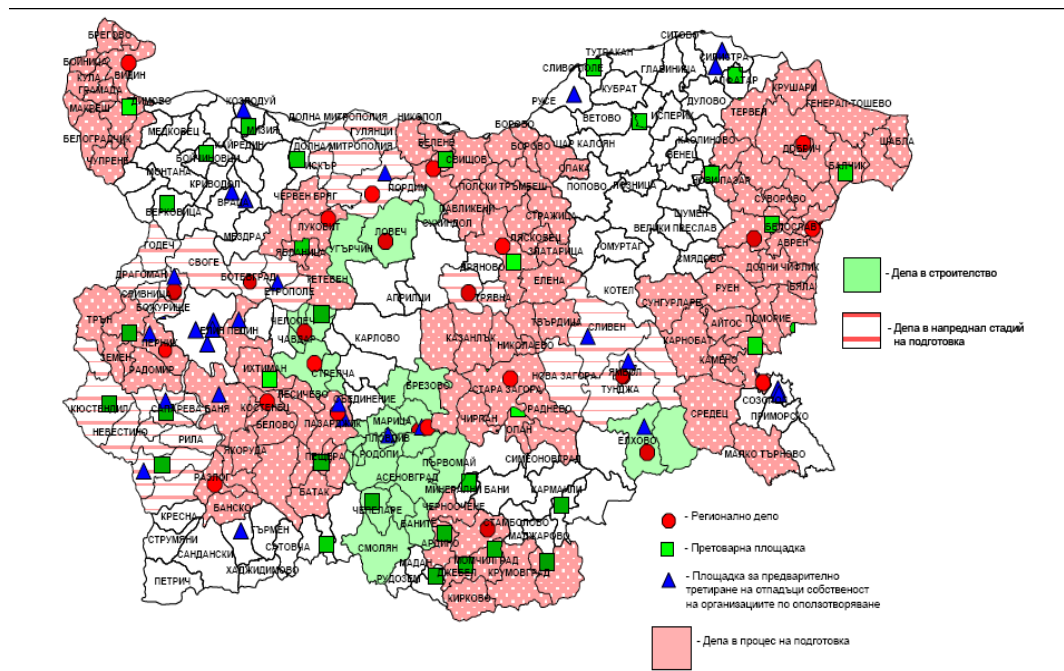


Национално сдружение на общините в Република България



Map 1

Source: National Association of Municipalities in the Republic of Bulgaria, See <http://www.namrb.org/?lang=2>



Map 2

Source: National Waste Management Programme 2009 – 2013 (Bulgaria)

NUTS level 1 regions	NUTS level 2 regions	NUTS level 3 regions (in Bulgaria Regions or <i>Oblasti</i>)	LAU level 1 (in Bulgaria Municipalities or <i>Obštini</i>)	Waste regions			
NORTH AND SOUTH-EAST BULGARIA	North-Western (Severozapaden)	5	Vidin	11	Belogradchik	Vidin (covers 11 municipalities all of them forming NUTS level 3 region Vidin)	Belogradchik
			Boinica	Boinica			
			Bregovo	Bregovo			
			Chuprene	Chuprene			
			Dimovo	Dimovo			
			Gramada	Gramada			
			Kula	Kula			
			Makresh	Makresh			
			Novo selo	Novo selo			
			Ruzhintsi	Ruzhintsi			
			Vidin	Vidin			
			Montana	11	Berkovica	MONTANA (covers 11 municipalities, 1 of them <i>Krivodol</i> belongs to Vratsa region whilst municipality Vulchedrym falling within the scope of Montana NUTS 3 region sends its waste to another waste region (Oryahovo) located in the territory of Vratsa NUTS level 3 region. Installations for separation and composting need to be developed within the 2009-2013 programming period.)	Berkovica
			Boichinovtsi	Boichinovtsi			
			Brusarci	Brusarci			
			Chiprovtsi	Chiprovtsi			
			Georgi Damyanovo	Georgi Damyanovo			
			Lom	Lom			
			Medkovets	Medkovets			
			Montana	Montana			
			Vulchedrym	Varshets			
			Varshets	Yakimovo			
			Yakimovo	<i>Krivodol</i>			
			Vratsa	10	Vratsa	<i>Vratsa</i> (covers 2 municipalities from Vratsa region)	Vratsa
			Mezdra	Mezdra			
			Oryahovo	<i>Oryahovo</i> (covers 6 municipalities from Vratsa NUTS 3 region, 1 municipality (<i>Vulchedrym</i>) from Montana NUTS 3 region and 1 municipality (<i>Knezha</i>) from Pleven NUTS 3 region. These are 8 municipalities altogether)	Oryahovo		
			Kozloduy		Kozloduy		
			Krivodol		Borovan		
Borovan	Mizia						
Mizia	Hayredin						
Hayredin	Byala Slatina						
Roman	<i>Vulchedrym</i>						
Byala Slatina	<i>Knezha</i>						
Pleven	11	Pleven	Pleven (covers 6 municipalities from Pleven NUTS level 3 region)	Pleven			
Iskar	Iskar						
Dolni Dabnik	Dolni Dabnik						
Gulyantsi	Gulyantsi						
Dolna Mitropoliya	Dolna Mitropoliya						
Pordim	Pordim						
Levski	Levski (covers 3 municipalities from Pleven NUTS 3 region and 2 municipalities from Veliko Tarnovo NUTS level 3 region (<i>Svishtov</i> , <i>Pavlikeni</i>) located within the scope of the North-Central NUTS level 2 region. These are 5 municipalities	Levski					
Belene		Belene					
Nikopol		Nikopol					
Knezha		<i>Svishtov</i>					
Cherven bryag		<i>Pavlikeni</i>					

					altogether)	
		Lovech	8	Troyan	TROYAN (2 municipalities)	Troyan
				Apriltsi		Apriltsi
				Lukovit	Lukovit (covers 3 municipalities from	Lukovit
				Yablanitsa	Lovech NUTS 3 region, 1	Yablanitsa
				Teteven	municipality from Pleven NUTS 3 region, 1	Teteven
					municipality from Vratsa NUTS 3 region)	<i>Cherven bryag</i>
						<i>Roman</i>
				Lovech	Lovech (3 municipalities)	Lovech
				Letnitsa		Letnitsa
				Ugarchin		Ugarchin
		Veliko Tarnovo	10	Veliko Tarnovo	Veliko Tarnovo	Veliko Tarnovo
				Elena		Elena
				Zlataritsa		Zlataritsa
				Lyaskovets		Lyaskovets
				Gorna Oryahovitsa		Gorna Oryahovitsa
				Strazhitsa		Strazhitsa
				Polski Trambesh	(Municipality <i>Polski Trambesh</i> is sending waste to Byala waste region/in Ruse NUTS level 3 region; municipality <i>Suhindol</i> sends waste to Sevlievo waste region in Gabrovo NUTS level 3 region; municipalities <i>Pavlikeni</i> and <i>Svishtov</i> are sending waste to Levski waste region in Pleven NUTS level 3 region)	
				Suhindol		
				Pavlikeni		
				Svishtov		
		Gabrovo	4	Gabrovo	Gabrovo (2 municipalities)	Gabrovo
				Tryavna		Tryavna
				Sevlievo	SEVLIEVO (2 municipalities from Gabrovo NUTS level 3 region and 1 municipality (<i>Suhindol</i>) from Veliko Tarnovo NUTS level 3 region)	Sevlievo
				Dryanovo		Dryanovo
						<i>Suhindol</i>
		Ruse	8	Byala	Byala (2 municipalities from Ruse NUTS level 3 region, 1 municipality from Veliko Tarnovo NUTS level 3, 1 municipality from Turgovishte NUTS level 3 region located within the scope of the North-Eastern NUTS level 2 region)	Byala
				Borovo		Borovo
				Dve mogili		Dve mogili
				Tsenovo		Tsenovo
						<i>Polski Trambesh</i>
						<i>Opaka</i>
				Ruse	Ruse (4 municipalities from Ruse NUTS level 3 region and 1 municipality from Silistra NUTS level 3 region)	Ruse
				Slivo pole		Slivo pole
				Vetovo		Vetovo
				Ivanovo		Ivanovo
						<i>Tutrakan</i>
		Razgrad	7	Razgrad	RAZGRAD (7 municipalities from Razgrad NUTS level	Razgrad
				Isperih		Isperih
				Kubrat		Kubrat

North-Central
(Severen
Centralen)

5

North-Eastern (Severoiztochen)	4	Silistra	7	Loznica	3 region. Installations for separation and composting need to be developed within the 2009-2013 programming period.	Loznica	
				Zavet		Zavet	
				Samuil		Samuil	
				Tsar Kaloyan		Tsar Kaloyan	
				Silistra		SILISTRA (6 municipalities from Silistra NUTS level 3 region. Installations for separation and composting need to be developed within the 2009-2013 programming period)	Silistra
				Glavinica			Glavinica
				Dulovo			Dulovo
	Kaynardzha	Kaynardzha					
	Alfatar	Alfatar					
	Sitovo	Sitovo					
	4	Varna	12	Varna	Varna	Varna	
				Aksakovo	Varna Aksakovo	Aksakovo	
				Beloslav		Beloslav	
				Provadiya	Provadiya	Provadiya	
				Avren		Avren	
				Byala		Byala	
				Vetrino		Vetrino	
				Valchi dol		Valchi dol	
				Devnya		Devnya	
				Dolni Chiflik		Dolni Chiflik	
Dalgopol					Dalgopol		
Suvorovo					Suvorovo		
4				Dobrich	8	Dobrich	Dobrich (8 municipality from Dobrich NUTS level 3 region and 1 municipality (<i>Nikola Kozlevo</i>) from Shumen NUTS level 3 region) Dobrich (Bogdan)
	Dobrich - rural	Dobrich - rural					
	Balchik	Balchik					
	General Toshevo	General Toshevo					
	Kavarna	Kavarna					
	Krushari	Krushari					
	Tervel	Tervel					
	Shabla	Shabla <i>Nikola Kozlevo</i>					
4	Shumen	10	Shumen	Shumen (8 municipalities from Shumen NUTS level 3 region; 1 municipality (<i>Nikola Kozlevo</i>) is sending waste to Dobrich waste region/NUTS level 3 region, and 1 municipality (<i>Varbica</i>) is sending waste to Omurtag waste region located on the territory of Turgovishte NUTS level 3 region. Installations for separation and composting need to be developed within the 2009-2013 programming period)	Shumen		
			Veliki Preslav		Veliki Preslav		
			Venets		Venets		
			Smyadovo		Smyadovo		
			Kaspichan		Kaspichan		
			Novi Pazar		Novi Pazar		
			Kaolinovo		Kaolinovo		
			Hitrino		Hitrino		
4	Turgovishte	5	Omurtag	OMURTAG (1 municipality from Turgovishte NUTS level, 1 municipality (<i>Kotel</i>) from Sliven NUTS level 3 region (situated within South-Eastern NUTS level 2 region) and 1 municipality (<i>Varbica</i>) from	Omurtag		
			<i>Kotel</i>		<i>Kotel</i>		
			<i>Varbica</i>		<i>Varbica</i>		

South-Eastern (Yugoiztochen)					Shumen NUTS level 3 region are sending waste to Omurtag waste region. These are 3 municipalities altogether)				
				Antonovo	ANTONOVO	Antonovo			
				Turgovishte	<i>Turgovishte</i>	Turgovishte			
				Popovo		Popovo			
					Opaka	(Municipality <i>Opaka</i> is sending waste to Byala waste region in Ruse NUTS level 3 region)			
	Burgas	13		Burgas	Burgas	Burgas			
				Sredets		Sredets			
				Kameno		Kameno			
				Nesebar		Nesebar			
				Pomorie		Pomorie			
				Aytos		Aytos			
				Ruen		Ruen			
				Karnobat		Karnobat			
				Sungulare		Sungulare			
				Sozopol	SOZOPOL	Sozopol			
				Primorsko		Primorsko			
				Tsarevo		Tsarevo			
				Malko Tarnovo	Malko Tarnovo	Malko Tarnovo			
				Sliven	4		Kotel	No waste region	No waste region
							Nova Zagora	Municipality of <i>Kotel</i> sends waste to Omurtag waste region in Turgovishte NUTS level 3 region (in North-Eastern NUTS level 2 region respectively). Municipalities of <i>Nova Zagora</i> and <i>Sliven</i> send waste to Yambol waste region in Yambol NUTS level 3 region. Municipality of <i>Tvarditsa</i> sends waste to Stara Zagora waste region in Stara Zagora NUTS level 3 region.	
Sliven									
Tvarditsa									
Yambol	5		Yambol	Yambol (covers 3 municipalities from Yambol NUTS level 3 region and 2 municipalities from Sliven NUTS level 3 region (<i>Nova Zagora</i> and <i>Sliven</i>). These are 5 municipalities altogether)	Yambol				
			Tundzha		Tundzha				
			Straldzha		Straldzha				
					<i>Nova Zagora</i>				
					<i>Sliven</i>				
			Elhovo	Elhovo	Elhovo				
			Bolyarovo		Bolyarovo				
Stara Zagora	11		Stara Zagora	Stara Zagora (11 municipalities from Stara Zagora NUTS level 3 region and 1 municipality (<i>Tvarditsa</i>) from Sliven NUTS level 3 region)	Stara Zagora				
			Gurkovo		Gurkovo				
			Galabovo		Galabovo				
			Kazanlak		Kazanlak				
			Maglzh		Maglzh				
			Nikolaevo		Nikolaevo				
			Opan		Opan				
			Pavel banya		Pavel banya				
			Radnevo		Radnevo				
			Bratya Daskalovi		Bratya Daskalovi				
Chirpan	Chirpan	Chirpan							

SOUTH-WEST AND SOUTH-CENTRAL BULGARIA	South-Western (Yugozapaden)	5	Sofia-city	1	Sofia Capital (Stolichna Obshtina)	Sofia (Capital / Stolichna Obshtina) <u>Sofia (Suhodol)</u>	<i>Tvarditsa</i> Sofia (Capital / Stolichna Obshtina)
			Sofia	22	Botevgrad	Botevgrad	Botevgrad
					Etropole	Etropole	Etropole
					Pravets	Pravets	Pravets
					Kostenets	Kostenets	Kostenets
					Ihtiman	Ihtiman	Ihtiman
					Samokov	Samokov	Samokov
					Dolna banya	Dolna banya	Dolna banya
					Kostinbrod	Kostinbrod	Kostinbrod
					Svoge	Svoge	Svoge
					Slivnitsa	Slivnitsa	Slivnitsa
					Bozhurishte	Bozhurishte	Bozhurishte
					Godech	Godech	Godech
					Dragoman	Dragoman	Dragoman
					Gorna Malina	GORNA MALINA	Gorna Malina
					Elin Pelin	Elin Pelin	Elin Pelin
					Zlatitsa	Zlatitsa	Zlatitsa
					Pirdop	Pirdop	Pirdop
			Chelopech	Chelopech	Chelopech		
			Chavdar	Chavdar	Chavdar		
			Mirkovo	Mirkovo	Mirkovo		
			Anton	Anton	Anton		
			Koprivshtica	Koprivshtica	Koprivshtica		
			Blagoevgrad	14	Razlog	Razlog	Razlog
					Bansko	Bansko	Bansko
Belitsa	Belitsa	Belitsa					
Yakoruda	Yakoruda	Yakoruda					
Petrich	Petrich	Petrich					
Sandanski	Sandanski	Sandanski					
Strumyani	Strumyani	Strumyani					
Kresna	Kresna	Kresna					
Goce Delchev	Goce Delchev	Goce Delchev					
Garmen	Garmen	Garmen					
Hadzhidimovo	Hadzhidimovo	Hadzhidimovo					
Simitli	Municipalities <i>Simitli</i> and <i>Blagoevgrad</i> send waste to Kocherinovo waste region in Kyustendil NUTS level 3 region. Municipality <i>Satovcha</i> sends waste to Dospat waste region in Smolyan NUTS level 3 region (located in the South-Central NUTS level 2 region)						
Blagoevgrad							
Satovcha							
Pernik	6	Pernik	Pernik	Pernik			
		Zemen	Zemen	Zemen			
		Tran	Tran	Tran			
		Kovachevtsi	Kovachevtsi	Kovachevtsi			
		Breznik	Breznik	Breznik			
		Radomir	Radomir	Radomir			
Kyustendil	9	Kocherinovo	Kocherinovo (9 municipalities from Kyustendil NUTS level 3 region and 2 municipalities (<i>Blagoevgrad</i> and <i>Simitli</i>) from Blagoevgrad NUTS level 3 region. These are 11 municipalities altogether)	Kocherinovo			
		Kyustendil	Kyustendil	Kyustendil			
		Bobov dol	Bobov dol	Bobov dol			
		Boboshevo	Boboshevo	Boboshevo			
		Dupnitsa	Dupnitsa	Dupnitsa			
		Nevestino	Nevestino	Nevestino			
		Rila	Rila	Rila			
		Treklyano	Treklyano	Treklyano			
		Sapareva banya	Sapareva banya	Sapareva banya			
	<i>Blagoevgrad Simitli</i>						
South-Central (Yuzhen)	5	Plovdiv	18	Plovdiv	Plovdiv Shishma	<u>Plovdi</u> <u>Tsalapi</u>	Plovdiv
				Rodopi	Rodopi	Rodopi	

Centralen)				Stamboliiski	ntsi (14 municipalities from Plovdiv NUTS level 3 region)	tsa	Stamboliiski	
				Maritsa			Maritsa	
				Kaloyanovo			Kaloyanovo	
				Asenovgrad			Asenovgrad	
				Brezovo			Brezovo	
				Krichim			Krichim	
				Kuklen			Kuklen	
				Perushtica			Perushtica	
				Pyrvomai			Pyrvomai	
				Rakovski			Rakovski	
				Sadovo			Sadovo	
				Syedinenie			Syedinenie	
				Lyki			Municipality of <i>Lyki</i> sends waste to Smolyan waste region in Smolyan NUTS level 3 region	
				Karlovo			KARLOVO	Karlovo
				Hisarya	Hisarya			
				Sopot	Sopot			
				Haskovo	11	Haskovo	Haskovo	Haskovo
						Mineralni bani		Mineralni bani
						Dimitrovgrad		Dimitrovgrad
						Harmanli	Harmanli	Harmanli
						Simeonovgrad		Simeonovgrad
						Lyubimec		Lyubimec
						Svilengrad		Svilengrad
						Stambolovo		Stambolovo
						Madzharovo		Madzharovo
						Topolovgrad	Municipality of <i>Ivaylovgrad</i> sends waste to Kurdzhali waste region in Kurdzhali NUTS level 3 region	Topolovgrad
						Ivaylovgrad		
				Pazardzhik	11	Pazardzhik	Pazardzhik	Pazardzhik
						Peshtera		Peshtera
						Belovo		Belovo
						Lesichevo		Lesichevo
						Bratsigovo		Bratsigovo
						Velingrad		Velingrad
						Batak		Batak
						Rakitovo		Rakitovo
						Septemvri		Septemvri
						Panagyurishte		Panagyurishte
						Strelcha	Strelcha	
				Smolyan	10	Smolyan	Smolyan (3 municipalities from Smolyan NUTS level 3 region and 1 municipality from Plovdiv NUTS level 3 region)	Smolyan
						Chepelare		Chepelare
						Banite		Banite <i>Lyki</i>
						Madan	Madan	Madan
						Zlatograd		Zlatograd
Nedelino	Nedelino							
Rudozem	RUDOZEM	Rudozem						
Dospat	DOSPAT (3 municipalities from Smolyan NUTS level 3 region and 1 municipality (<i>Satovcha</i>) from Blagoevgrad NUTS level 3 region (located in the South-Western NUTS level 2 region))	Dospat						
Borino		Borino						
Devin		Devin						
		<i>Satovcha</i>						

			Kurdzhali	7	Kurdzhali Ardino Dzhebel Kirkovo Krumovgrad Momchilgrad Chernoochene	Kurdzhali (7 municipalities from Kurdzhali NUTS level 3 region and 1 municipality (<i>Ivaylovgrad</i>) from Haskovo NUTS level 3 region)	Kurdzhali Ardino Dzhebel Kirkovo Krumovgrad Momchilgrad Chernoochene <i>Ivaylovgrad</i>
2	6	28		264	GROUP 1 - 12 Group 2 - 11 Group 3 - 6 Group - 23 Group - 4 ALL here 56	264	

Table 1

Source: Author's compilation from <http://www.nsi.bg/nmm>, <http://www.namrb.org/?act=cms&id=33>, <http://lex.bg/bg/laws/ldoc/2135589285>, http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts_nom_enclature/local_administrative_units (Date of reference 27 August 2010) and National Waste Management Programme 2009 – 2013 (Bulgaria)

Explanation of the Table content:

Municipality – from another NUTS 3 region

GROUP 1 LANDFILL – compliant regional landfill/with sufficient capacity for the 2009 – 2013 programming period. These are SOZOPOL, MONTANA, SILISTRA, SEVLIEVO, TROYAN, KARLOVO, RAZGRAD, RUDUZEM, GORNA MALINA, OMURTAG, ANTONOVO, DOSPAT

Group 2 Landfill – existing regional landfill in compliance with the regulatory requirements but lacking long-term capacity and needs to be developed further within the 2009-2013 programming period. This group includes the following landfills: *Petrich, Sandanski, Goce Delchev, Vratsa, Shumen, Harmanli, Turgovishte, Madan, Haskovo, Oryahovo, Ruse*

Group 3 Landfill – regional landfill which is currently under construction and is financed either nationally (**Lovech, Elhovo, Plovdiv-Shishmantsi, Smolyan, Zlatitsa**) or through ISPA (**Kurdzhali**)

Group 4 Landfill - regional landfill in preparation to be constructed (Gabrovo, Kostinbrod, Botevgrad, Yambol, Burgas, Dobrich, Provadiya, Kocherinovo, Pazardzhik, Plevan, Vidin, Levski, Byala, Pernik, Veliko Tarnovo, Varna, Stara Zagora, Lukovit, Kostenets, Razlog, Panagyurishte, Malko Tarnovo, Sofia Capital (Stolichna Obshtina))

Group 5 Landfills - landfill which will be closed (Plovdiv – Tsalapitsa, Dobrich (Bogdan), Sofia (Suhodol), Varna (Aksakovo))

Interviewees-BG⁷⁰⁶

Interviewee	Position ⁷⁰⁷	Date of interview	Type of interview
Interviewee-EU 1	MEP	14.03.2009	Telephone interview
Interviewee-BG 1	Official, DG Enl, B.3, ex-Country Coordinator Bulgaria Ch.21	21.04.2009	Unstructured
Interviewee-BG 2	Official, DG Regio, D.3 'Financial Engineering'	21.04.2009	Semi-structured
Interviewee-BG 3	Official, DG Regio, I.2 'Bulgaria'	22.04.2009	Semi-structured
Interviewee-BG 4	Official, DG Regio, I.2 'Bulgaria'	22.04.2009	Semi-structured
Interviewee-BG 5	Official, DG Env, D.3 'Cohesion Policy & Environmental Assessments (EIA/SEA)'	22.04.2009	Semi-structured
Interviewee-BG 6	Official, DG Regio, F.3, ex-Head of Unit I.2 'Bulgaria'	23.04.2009	Semi-structured
Interviewee-BG 7	Official, DG Env, E.3 'Enlargement&Neighbouring Countries'	24.04.2009	Semi-structured
Interviewee-BG 8	Counsellor Cohesion policy, Permanent Representation of Bulgaria to the EU	27.04.2009	Semi-structured
Interviewee-BG 9	Counsellor, Environment, Permanent Representation of Bulgaria to the EU	29.04.2009	Semi-structured
Interviewee-BG 10	Official, DG Env, G.4 'Sustainable Production & Consumption'	29.04.2009	Semi-structured
Interviewee-BG 11	Official, DG Regio, I.4 ex-programme manager on Bulgaria in unit I.2	30.04.2009	Semi-structured
Interviewee-BG 12	Deputy-Mayor, Ruse Municipality	18.05.2009	Unstructured
Interviewee-BG 13	Director of EU Funds for Environment Directorate, Ministry of Environment and Water	27.05.2009	Semi-structured
Interviewee-BG 14	At the time of the interview a Senior expert, Cohesion Policy for Environment Directorate, Ministry of Environment and Water At the time of writing (December 2010) Head of EOP Managing Authority	28.05.2009	Semi-structured
Interviewee-BG 15	Expert, Waste Management Directorate, Municipal and Construction Waste Management Department, Ministry of Environment and Water	28.05.2009	Semi-structured
Interviewee-BG 16	Director of 'Environment' Directorate, Ruse Municipality	12 and 15.06.2009	Semi-structured
Interviewee-BG 17	Director of 'Environment' Directorate, Sofia Municipality (on behalf of Maria Boyadzhiska, Deputy-Mayor 'Green Systems, Environment and Land Use', Sofia Municipality)	28.07.2009	Semi-structured
Interviewee-BG 18	Lawyer, National Association of Municipalities in the Republic of Bulgaria	28.07.2009	Semi-structured
Interviewee-BG 19	Expert, EU Funds for Environment Directorate, Ministry of Environment and Water	28.07.2009 and 27.08.2009	Unstructured
Interviewee-BG 20	Project coordinator 'Institutional	27.08.2009	Unstructured

706

Interviewees (both in Brussels and Bulgaria) addressed in relation to the case of Bulgaria

707

Note: Institutional framework/allocation of interviewees' responsibilities are valid for the field work period only as they have undergone significant changes since then, for instance there have been changes in the institutional architecture of DG Environment, as well as within the Bulgarian Ministry of Environment and Water. Details are given here as a way of indicating the interviewees' field of expertise and institutional engagement.

	strengthening for preparation and implementation of projects under ISPA/ “SCF in the environmental sector” – Europe Aid/ 119883/ D/ SV/ BG’		
Interviewee-BG 21	Expert, EU Funds for Environment Directorate, Ministry of Environment and Water	27.08.2009	Semi-structured
Interviewee-BG 22	Head of the Division JASPERS Solid Waste and Energy	31.08.2009	Telephone interview
Interviewee-BG 23	Ex-Deputy-Mayor	03.09.2010	Unstructured
Interviewee-BG 24	Official, DG Regio, I.4 in charge of the portfolio of Croatia	23.04.2009	Semi-structured

Table 1

Source: Field work May – October 2009, September 2010



Photos



Source: Internet source from March 2008
Place: Ruse (old and new landfill)



Source: Photo taken during an observation mission in North Bulgaria (Ruse) in July 2010
Place: Ruse



Source: Internet source, *Dnevnik (online)* from 2009
Place: Bulgaria



Source: A sequence of photos taken during an observation mission in South Bulgaria (Kurdzhali) in July 2009
Place: Kurdzhali



Source: Internet source, *Dnevnik (online)* from 2009
Place: Bulgaria



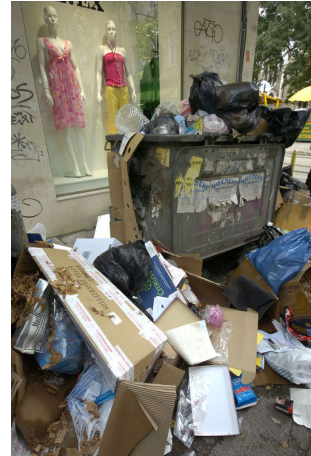
Source: <http://www.sozopol.bg/ecologiq/ecologiq>
(Date of reference 10 July 2009)
Place: Sozopol



Source: A sequence of photos taken during an observation mission in North-East Bulgaria (Silistra) in August 2009
Place: Silistra



Source: Internet source, *Dnevnik (online)* from 2008
Place: Sofia (waste collection and temporary waste storage)





Source: Antoni Popov, published in *Dnevnik (online)* from 23.08.2010; <http://www.dnevnik.bg/> (Date of reference 08.07.2010)
Place: Sofia



Source: Internet source, *Dnevnik (online)* from 2009
Place: Varna



Source: Photos taken by the author in January 2008
Place: Ruse



Note on Translation of Legal and Administrative Acts

English	Bulgarian / Български език
Constitution of the Republic of Bulgaria prom. SG 56/13.07.1991 amended SG 85/26.09.2003, SG 18/25.02.2005, SG 27/31.03.2006, SG 78/26.09.2006 - Constitutional Court Judgment No.7/2006, SG 12/06.02.2007	Конституция на Република България обн. ДВ 56/13.07.1991, изм. и доп. 85/26.09.2003, ДВ 18/25.02.2005, ДВ 27/31.03.2006, ДВ 78/26.09.2006 – Решение No 7 на Конституционния Съд от 2006 г., ДВ 12/06.02.2007
Constitution of the People's Republic of Bulgaria 18 May 1971	Конституция на Народна Република България, 18.05.1971
Constitution of the People's Republic of Bulgaria from 6 December 1947	Конституция на Народна Република България, 06.12.1947
Constitution of the Bulgarian Principality adopted on 16 April 1879	Конституция на Българското Княжество, 16.04.1879
Decision of the Bulgarian Grand National Assembly on the willingness of the Republic of Bulgaria to become a member of the European Community prom. SG 03/11.01.1991	Решение на Българското Велико Народно Събрание относно желанието на България за членство в Европейската Общност обн. ДВ 03/11.01.1991
Decree No 209 of 20 August 2009 on financing the construction of the regional waste management systems, the regional facilities for preliminary treatment of household waste and the closure of municipal landfills prom. SG 68/25.08.2009	Постановление No 209 от 20 август 2009 г. за осигуряване на финансиране за изграждането на регионални системи за управление на битовите отпадъци, на регионалните съоръжения за предварително третиране на битовите отпадъци и за закриването на общински депа за битови отпадъци обн. ДВ 68/25.08.2009
Decree No 121 of the Council of Ministers laying down the provisions for awarding of grants under the operational programmes finance by the Structural Funds and the Cohesion Fund of the European Union prom. SG 45/08.06.2007, title amended SG 44/11.06.2010	Постановление No 121 от 31 май 2007 г. за определяне на реда за предоставяне на безвъзмездна финансова помощ по оперативните програми, съфинансирани от Структурните фондове и Кохезионния фонд на Европейския съюз обн. ДВ 45/08.06.2007, загл. изм. ДВ 44/11.06.2010
Decree No 153 of the Council of Ministers for the collection, transportation, storage and disposal of hazardous waste prom. SG 70/17.08.1993	Постановление No 153 за събирането, превозването, съхранението и обезвреждането на опасни отпадъци обн. ДВ 70/17.08.1993
Environmental Protection Act promulgated SG 91/25.09.2002 amended SG 98/18.10.2002, SG 86/30.09.2003, SG 70/10.08.2004, SG 74/13.09.2005, SG 77/27.09.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.11.2005, SG 30/11.04.2006, SG 65/11.08.2006, SG 82/10.10.2006, SG 99/08.12.2006, SG 102/19.12.2006, SG 105/22.12.2006, SG 31/13.04.2007, SG 41/22.05.2007, SG 89/06.11.2007, SG 36/04.04.2008, SG 52/06.06.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 32/28.04.2009, SG 35/12.05.2009, SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009, SG 103/29.12.2009, SG 46/18.06.2010, SG 61/06.08.2010	Закон за опазване на околната среда обн. ДВ 91/25.09.2002 изм. и доп. ДВ 98/18.10.2002, ДВ 86/30.09.2003, ДВ 70/10.08.2004, ДВ 74/13.09.2005, ДВ 77/27.09.2005, ДВ 88/04.11.2005, ДВ 95/29.11.2005, ДВ 105/29.11.2005, ДВ 30/11.04.2006, ДВ 65/11.08.2006, ДВ 82/10.10.2006, ДВ 99/08.12.2006, ДВ 102/19.12.2006, ДВ 105/22.12.2006, ДВ 31/13.04.2007, ДВ 41/22.05.2007, ДВ 89/06.11.2007, ДВ 36/04.04.2008, ДВ 52/06.06.2008, ДВ 105/09.12.2008, ДВ 12/13.02.2009, ДВ 19/13.03.2009, ДВ 32/28.04.2009, ДВ 35/12.05.2009, ДВ 47/23.06.2009, ДВ 82/16.10.2009, ДВ 93/24.11.2009, ДВ 103/29.12.2009, ДВ 46/18.06.2010, ДВ 61/06.08.2010
Environmental Protection Act promulgated SG 86/18.10.1991 amended SG 90/1991, SG 90/1992, SG 100/1992, SG 31 and 63/1995, SG 13/1997, SG 85/1997, SG 86/1997, SG 62/1998, SG 12 and 67/1999, SG 26, 27, 28/2000, SG 01 and 26/2001, repealed SG 91/2002	Закон за опазване на околната среда обн. ДВ 86/18.10.1991 изм. и доп. ДВ 90/1991, ДВ 90/1992, ДВ 100/1992, ДВ 31 и 63/1995, ДВ 13/1997, ДВ 85/1997, ДВ 86/1997, ДВ 62/1998, ДВ 12 и 67/1999, ДВ 26, 27, 28/2000, ДВ 01 и 26/2001, отг. ДВ 91/2002
Guidelines for the Development of Conditioning Plans for Existing Landfill Sites in Compliance with the Legal Requirements adopted by Order No RD-1242 of 24.11.2004 of the Minister of Environment and Water	Указания за разработване на планове за привеждане на съществуващите депа за отпадъци в съответствие с нормативните изисквания утвърдени със Заповед No РД-1242 от 24.11.2004 на Министъра на околната среда и

	водите
Law on Regional Development promulgated SG 50/30.05.2008 amended SG 47/23.06.2009, SG 82/16.10.2009, SG 93/24.11.2009	Закон за регионалното развитие обн. ДВ 50/30.05.2008 изм. и доп. ДВ 47/23.06.2009, ДВ 82/16.10.2009, ДВ 93/24.11.2009
Law on the Limitation of the Harmful Impact of Waste on the Environment promulgated SG 86/30.09.1997 amended SG 56/22.06.1999, SG 27/31.03.2000, SG 28/4.04.2000, SG 91/25.09.2002	Закон за ограничаване на вредното въздействие на отпадъците върху околната среда обн. ДВ 86/30.09.1997 изм. и доп. ДВ 56/22.06.1999, ДВ 27/31.03.2000, ДВ 28/4.04.2000, ДВ 91/25.09.2002
Law on the Territorial Organization and Settlement promulgated SG 29/10.04.1973 undergoing a number of amendments until 1998 and repealed SG 124/27.10.1998	Закон за териториалното и селищното устройство обн. ДВ 29/10.04.1973, изменян многократно в периода до 1998 и отменен с ДВ 124/27.10.1998
Law on the Protection of Air, Waters and Soil from Pollution promulgated SG 84/29.10.1963. It underwent many amendments including an amendment changing its title into Law on the Prevention of Soil Pollution as of 1996, SG 45/1996, SG 67/1999	Закон за опазване на въздуха, водите и почвата от замърсяване обн. ДВ 84/29.10.1963, изменян многократно като изменението от 1996, ДВ 45/1996 променя и наименованието му на Закон за опазване на почвата от замърсяване, ДВ 67/1999
Local Taxes and Fees Act promulgated SG 117/10.12.1997 amended SG 71/23.06.1998, SG 83/21.07.1998, SG 105/08.09.1998, SG 153/23.12.1998, SG 103/30.11.1999, SG 34/25.04.2000, SG 102/15.12.2000, SG 109/18.12.2001, SG 28/19.03.2002, SG 45/30.04.2002, SG 56/07.06.2002, SG 119/27.12.2002, SG 84/23.09.2003, SG 112/ 23.12.2003, SG 6/23.01.2004, SG 18/05.03.2004, SG 36/30.04.2004, SG 70/10.08.2004, SG 106/03.12.2004, SG 87/01.11.2005, SG 94/25.11.2005, SG 100/13.12.2005, SG 103/23.12.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 36/02 May 2006, SG 105/22.12.2006, SG 55/06.07.2007, SG 110/21.12.2007, SG 70/08.08.2008, SG 105/09.12.2008, SG 12/13.02.2009, SG 19/13.03.2009, SG 41/02.06.2009, SG 95/01.12.2009, SG 98/14.12.2010	Закон за местните данъци и такси обн. ДВ 117/10.12.1997 изм. и доп. ДВ 71/23.06.1998, ДВ 83/21.07.1998, ДВ 105/08.09.1998, ДВ 153/23.12.1998, ДВ 103/30.11.1999, ДВ 34/25.04.2000, ДВ 102/15.12.2000, ДВ 109/18.12.2001, ДВ 28/19.03.2002, ДВ 45/30.04.2002, ДВ 56/07.06.2002, ДВ 119/27.12.2002, ДВ 84/23.09.2003, ДВ 112/ 23.12.2003, ДВ 6/23.01.2004, ДВ 18/05.03.2004, ДВ 36/30.04.2004, ДВ 70/10.08.2004, ДВ 106/03.12.2004, ДВ 87/01.11.2005, ДВ 94/25.11.2005, ДВ 100/13.12.2005, ДВ 103/23.12.2005, ДВ 105/29.12.2005, ДВ 30/11.04.2006, ДВ 36/02 May 2006, ДВ 105/22.12.2006, ДВ55/06.07.2007, ДВ110/21.12.2007, ДВ 70/08.08.2008, ДВ 105/09.12.2008, ДВ 12/13.02.2009, ДВ 19/13.03.2009, ДВ 41/02.06.2009, ДВ 95/01.12.2009, ДВ 98/14.12.2010
National Report on the State and Protection of the Environment 2008, Sofia, 2010	Национален доклад за състоянието и опазването на околната среда 2008, София, 2010
National Report on the State and Protection of the Environment 2007, Sofia	Национален доклад за състоянието и опазването на околната среда 2007, София
National Report on the State and Protection of the Environment of the Republic of Bulgaria 2006, Sofia	Национален доклад за състоянието и опазването на околната среда на Република България 2006, София
National Report on the State and Protection of the Environment of the Republic of Bulgaria 2005	Национален доклад за състоянието и опазването на околната среда на Република България 2005, София
National Report on the State and Protection of the Environment of the Republic of Bulgaria 2004, Sofia	Национален доклад за състоянието и опазването на околната среда на Република България 2004, София
National Report on the State and Protection of the Environment 2003, Sofia, 2004	Национален доклад за състоянието и опазването на околната среда 2003, София, 2004
National Strategic Plan for the Gradual Reduction of Biodegradable Waste Going to Landfills 2010-2020, Sofia, 2010	Национален стратегически план за поетапно намаляване на количествата на биоразградимите отпадъци, предназначени за депониране 2010-2020, София, 2010
National Strategy for the Environment and Action Plan 2000-2006, Sofia, 20.06.2001	Национална стратегия за околната среда и национален план за действие 2000 – 2006, София, 20.06.2001
National Waste Management Programme (2009-2013), Sofia, 09.01.2009	Национална програма за управление на дейностите по отпадъците (2009 – 2013), София, 09.01.2009
National Waste Management Programme (2003-2007), revision and extension of the Action Plan through 2008, Sofia, 13.02.2008	Национална програма за управление на дейностите по отпадъците (2003 – 2007), актуализация и продължаване на плана за действие през 2008 г., София, 13.02.2008
National Waste Management Programme (2003-2007), Sofia, 11.12.2003	Национална програма за управление на дейностите по отпадъците (2003 – 2007), София,

	11.12.2003
National Waste Management Programme (1999 – 2002), Sofia, 18.03.1998	Национална програма за управление на дейностите по отпадъците (1999 – 2002), София, 18.03.1998
Operational Programme “Environment 2007-2013” of the Republic of Bulgaria, 2007BG161PO005, Sofia, 2007	Оперативна програма ‘Околна среда 2007-2013’ на Република България, 2007BG161PO005, София, 2007
OP “Environment 2007-2013”, Annual Report 2009 Operational Programme “Environment 2007-2013”, Sofia, 15.06.2010	ОПОС 2007-2013, Годишен доклад 2009, Оперативна програма ‘Околна среда 2007-2013’, София, 15.06.2010
OP “Environment 2007-2013”, Annual Report 2008 Operational Programme “Environment 2007-2013”, Sofia, 27.05.2009	ОПОС 2007-2013, Годишен доклад 2008, Оперативна програма ‘Околна среда 2007-2013’, София, 27.05.2009
OP “Environment 2007-2013”, Annual Report 2007 Operational Programme “Environment 2007-2013”, Sofia, 03.06.2008	ОПОС 2007-2013, Годишен доклад 2007, Оперативна програма ‘Околна среда 2007-2013’, София, 03.06.2008
OP “Environment 2007-2013”, Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, Sofia, 14.04.2009	ОПОС 2007-2013, Развитие на инфраструктурата за управление на отпадъци с подкрепата на Оперативна програма ‘Околна среда 2007-2013’, София, 14.04.2009
OP “Environment 2007-2013”, Mechanism for Development of the Waste Management Infrastructure with the Assistance of Operational Programme “Environment 2007-2013”, Sofia, November 2009	ОПОС 2007-2013, Механизъм за развитие на инфраструктурата за управление на отпадъци с подкрепата на Оперативна програма ‘Околна среда 2007-2013’, София, Ноември 2009
Programme for the Activity of the Ministry of Environment and Water July - December 2010, Sofia, June 2010	Програма за дейността на Министерството на околната среда и водите юли-декември 2010, София, юни 2010
Programme for the Implementation of Directive 1999/31/EC on the landfill of waste, Sofia, March 2003	Програма за прилагане на директива 1999/31/ЕС за депониране на отпадъците, София, март 2003
Regulation No 14 from 15th November 2010 on the procedure and methods for estimating the financial security and using the accumulated funds for the purposes of closure and after-care of the landfill sites issued by the Ministry of Environment and Water and the Ministry of Finance prom. SG 93/26.11.2010	Наредба No 14 от 15 ноември 2010 г. за реда и начина за изчисляване на размера на отчисленията и разходване на събраните средства за дейностите по закриване и следексплоатационни грижи на площадките на депата за отпадъци, издадена от Министерството на околната среда и водите и Министерството на финансите, обн. ДВ 93/26.11.2010
Regulation No 8 on the conditions and requirements for construction and operation of landfills and other facilities and installations for waste disposal and recovery prom. SG 83/24.09.2004	Наредба No 8 за условията и изискванията за изграждане и експлоатация на депа и на други съоръжения и инсталации за оползотворяване и обезвреждане на отпадъци обн. ДВ 83/24.09.2004
Regulation No 7 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Agriculture and Forests, Minister of Health prom. SG 81/17.09.2004	Наредба No 7 за изискванията, на които трябва да отговарят площадките за разполагане на съоръжения за третиране на отпадъци, издадена от Министъра на околната среда и водите, Министъра на регионалното развитие и благоустройството, Министъра на земеделието и горите и Министъра на здравеопазването обн. ДВ 81/17.09.2004
Regulation on the terms and procedure for the issue of integrated permits prom. SG 80/09.10.2009	Наредба за условията и реда за издаване на комплексни разрешителни обн. ДВ 80/09.10.2009
Regulation on the terms, procedure and methods for environmental assessment of plans and programmes prom. SG 57/02.07.2004 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for environmental assessment of plans and programmes’, SG 29/16.04.2010	Наредба за условията, реда и методите за извършване на екологична оценка на планове и програми обн. ДВ 57/02.07.2004 изм. и доп. ДВ 03/10.01.2006 с промяна на наименованието както следва ‘Наредба за условията и реда за извършване на екологична оценка на планове и програми, ДВ 29/16.04.2010
Regulation on the terms and procedure for carrying out environmental impact assessment of investment proposals for construction, activities and technologies prom. SG 25/18.03.2003 amended SG 03/10.01.2006 with title changed into ‘Regulation on the terms and procedure for carrying out environmental impact assessment’, SG 80/09.10.2009, SG 29/16.04.2010	Наредба за условията и реда за извършване на оценка на въздействието върху околната среда на инвестиционни предложения за строителство, дейности и технологии обн. ДВ 25/18.03.2003 изм. и доп. ДВ 03/10.01.2006 с промяна на наименованието както следва ‘Наредба за условията и реда за извършване на оценка на въздействието върху околната среда’, ДВ 80/09.10.2009, ДВ 29/16.04.2010
Regulation No 2 of 5 of March 2003 on the terms and	Наредба No 2 от 5 март 2003 г. за реда за

conditions for carrying out environmental assessment of national, regional and district development plans and programmes, urban development plans and their amendments prom. SG 24/14.03.2003	извършване на оценка на въздействието върху околната среда на националните, регионалните и областните планове и програми за развитие, устройствените планове и техните изменения обн. ДВ 24/14.03.2003
Regulation No 13 on the conditions and requirements for construction and operation of landfills issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998	Наредба No 13 за условията и изискванията за изграждане и експлоатация на депа за отпадъци, издадена от Министъра на околната среда и водите, Министъра на регионалното развитие и благоустройството, Министъра на здравеопазването обн. ДВ 152/22.12.1998
Regulation No 12 on the requirements for sites accommodating waste treatment facilities issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998	Наредба No 12 за изискванията, на които трябва да отговарят площадките за разполагане на съоръжения за третиране на отпадъци обн. ДВ 152/22.12.1998
Regulation No 11 on the conditions and requirements for the construction and exploitation of facilities and installations for the disposal of household waste issued by the Minister of Environment and Water, Minister of Regional Development and Public Works, Minister of Health prom. SG 152/22.12.1998	Наредба No 11 за условията и изискванията за изграждане и експлоатация на съоръжения и инсталации за обезвреждане на битови отпадъци обн. ДВ 152/22.12.1998
Regulation No 4 on environmental impact assessment prom. SG 84/22.07.1998 amended SG 68/03.08.2001	Наредба No 4 за оценка въздействието върху околната среда обн. ДВ 84/22.07.1998 изм. и доп. ДВ 68/03.08.2001
Regulation setting out rules for the implementation of the Law on the Territorial Organization and Settlement adopted by the means of a Decree No 31 of the Council of Ministers prom. SG 62/07.08.1973	Правилник за приложение на Закона за териториалното и селищното устройство, приет с ПМС No 31 на Министерски съвет обн. ДВ 62/07.08.1973
Regulation on cleaning of residential areas adopted by the Council of Ministers prom. SG 79/11.10.1966	Правилник за чистотата на населените места, приет от Министерски съвет обн. ДВ 79/11.10.1966
Regulation setting out rules for the implementation of the Law on the Protection of Air, Waters and Soil from Pollution adopted by the means of a Decree No 45 of the Council of Ministers from the 24 September 1964 prom. SG 80/09.10.1964 amended SG 09/31.01.1978	Правилник за приложение на Закона за опазване на въздуха, водите и почвата от замърсяване, приет с ПМС No 45 на Министерски съвет от 24 септември 1964 обн. ДВ 80/09.10.1964 изм. и доп. ДВ 09/31.01.1978
Report, Interim Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2010, Sofia, July 2010	Междинен доклад за усвояването на средствата от Европейския съюз в Република България за 2010 г. от Комисията по европейските въпроси и контрол на европейските фондове, София, юли 2010
Report, Annual Report from the Committee on European Affairs and Oversight of the European Funds on the Absorption of EU Funds in Bulgaria for 2009, Sofia, February 2010	Годишен доклад за усвояването на средствата от Европейския съюз в Република България за 2009 г. от Комисията по европейските въпроси и контрол на европейските фондове, София, февруари 2010
Report, Report on the State of Projects at High Risk in Terms of Completion within the Timeframe of the Financial Memoranda financed under ISPA/Cohesion Fund (Regulation 1164/94), Sofia, October 2009	Доклад относно състоянието на проектите с висок риск за завършване на изпълнението в сроковете на финансовите меморандуми, финансирани от ИСПА/Кохезионен фонд (1164/94), София, октомври 2009
Report, Report from the Bulgarian National Audit Office on the Results of an Audit of Measure ISPA 2003/BG/16/P/PE/019 'Kardjali Regional Waste Management Centre' at the Ministry of Environment and Water for the period 01.01.2007 – 30.06.2009, Sofia, 05.11.2009	Доклад на Сметната палата на Република България за резултатите от извършен одит на ИСПА мярка 2003/BG/16/P/PE/019 'Регионален център за управление на отпадъците – гр. Кърджали' в Министерство на околната среда и водите, за периода от 01.01.2007 г. до 30.06.2009 г., София, 05.11.2009
Report, Report from the Bulgarian National Audit Office on the Results of an Audit of Measure 2000/BG/16/P/PE/002 'Set of 6 Regional Waste Disposal Sites Located in Montana, Ruse, Pernik, Sevlievo, Silistra and Sozopol' at the Ministry of Environment and Water, 'EU Funds for Environment' Directorate for the period 18.12.2000 – 30.06.2006, Sofia, 01.02.2007	Доклад на Сметната палата на Република България за резултатите от извършен одит на мярка 2000/BG/16/P/PE/002 'Пакет от шест регионални сметища за отпадъчни продукти, разположени в Монтана, Русе, Перник, Севлиево, Силистра и Созопол' в Министерство на околната среда и водите, Дирекция 'Фондове на Европейския съюз за околна среда' за периода от 18.12.2000 г. до 30.06.2006 г., София,

	01.02.2007
Resolution of the National Assembly from 21.05.1997 prom. SG 41/23.05.1997	Решение на Народното Събрание от 21.05.1997 обн. ДВ 41/23.05.1997
Resolution No 173 of the National Assembly prom. SG 14/16.02.1990	Решение No 173 на Народното събрание обн. ДВ 14/16.02.1990
Waste Management Act promulgated SG 86/30.09.2003 amended SG 70/10.08.2004, SG 77/27.09.2005, SG 87/01.11.2005, SG 88/04.11.2005, SG 95/29.11.2005, SG 105/29.12.2005, SG 30/11.04.2006, SG 34/25.04.2006, SG 63/04.08.2006, SG 36/04.04.2008, SG 70/08.08.2008, SG 105/09.12.2008, SG 82/16.10.2009, SG 95/01.12.2009, SG 41/01.06.2010, SG 63/13.08.2010, SG 98/14.12.2010, SG 8/25.01.2011	Закон за управление на отпадъците обн. ДВ 86/30.09.2003 изм. и доп. ДВ 70/10.08.2004, ДВ 77/27.09.2005, ДВ 87/01.11.2005, ДВ 88/04.11.2005, ДВ 95/29.11.2005, ДВ 105/29.12.2005, ДВ 30/11.04.2006, ДВ 34/25.04.2006, ДВ 63/04.08.2006, ДВ 36/04.04.2008, ДВ 70/08.08.2008, ДВ 105/09.12.2008, ДВ 82/16.10.2009, ДВ 95/01.12.2009, ДВ 41/01.06.2010, ДВ 63/13.08.2010, ДВ 98/14.12.2010, ДВ 8/25.01.2011
State of Environment Yearbook 1990, Sofia, 1991	Годишник за състоянието на околната среда 1990, София, 1991
State of Environment Yearbook 1991, Sofia, 1992	Годишник за състоянието на околната среда 1991, София, 1992
State of Environment Yearbook 1992, Sofia, 1993	Годишник за състоянието на околната среда 1992, София, 1993
State of Environment Yearbook 1993, Sofia, 1994	Годишник за състоянието на околната среда 1993, София, 1994
State of Environment Yearbook 1994, Sofia, 1995	Годишник за състоянието на околната среда 1994, София, 1995
State of Environment Yearbook 1995, Sofia, 1996	Годишник за състоянието на околната среда 1995, София, 1996
State of Environment Yearbook 1996, Sofia, 1997	Годишник за състоянието на околната среда 1996, София, 1997
State of Environment Yearbook 1997, Sofia, 1999	Годишник за състоянието на околната среда 1997, София, 1999
State of Environment Yearbook 1998, Sofia, 2000	Годишник за състоянието на околната среда 1998, София, 2000
State of Environment Yearbook 1999, Sofia, 2001	Годишник за състоянието на околната среда 1999, София, 2001
State of Environment Yearbook 2000, Sofia, 2001	Годишник за състоянието на околната среда 2000, София, 2001
State of Environment Yearbook 2001, Sofia, 2002	Годишник за състоянието на околната среда 2001, София, 2002
State of Environment Yearbook 2002, Sofia, 2003	Годишник за състоянието на околната среда 2002, София, 2003
Strategy, ISPA Strategy for Environment, issued by the Ministry of Environment and Water of the Republic of Bulgaria, Sofia, October 2003	Стратегия по околна среда за целите на инструмента ИСПА, изготвена от Министерството на околната среда и водите, София, октомври 2003

Table 1

Source: Author's compilation