

To:
**MINISTRY OF REGIONAL DEVELOPMENT AND
PUBLIC WORKS**
Republic of BULGARIA

Attention: The Minister of Regional Development and Public Works

About: definition of the term solar collector (Art. 93. from Ordinance №7/22.12.2003 by MRDPW – *Promulgated: State Gazette issue #3/13th of January 2004, Amended: State Gazette issue #10/28th of January 2005, Amended: State Gazette issue #11/1st of February 2005, Amended: State Gazette issue #51/21st of June 2005, Amended: State Gazette issue #.63/2nd of August 2005*)

and: assessment of minimum capacity as per Art. 6 (5) of Ordinance № 1/30.07.2003 on the Nomenclature of the Types of Constructions by MRDPW (*Promulgated: State Gazette, issue# 72/15th of August 2003*)

Dear Mr. Gagauzov,

I am addressing you, in your capacity of a person, authorized by law by virtue of Art. 18(1) of the Final Provisions of the Law on Territory Planning (LTP), to ask for an interpretation of a term, listed in the regulations of LTP. The term is ‘solar collector’ as in Art. 93 of Ordinance №7/22.12.2003 by MRDPW. The general meaning of the term provides an opportunity for free interpretations by officers of the state administration, thus posing an insurmountable administrative obstacle to the use of RES (Renewable Energy Sources), solar power in particular.

The intention and willingness of citizens and economic operators in Bulgaria to use solar energy as a source of energy is manifested through the purchase and installation of technical devices (appliances), which transform such energy into usable power. Devices are installed on top of roofs, on terraces, facades, verandahs of private buildings.

During recent years, the number and variety of technical devices for transformation of solar energy grow constantly, in terms of both functionality and efficiency, beginning from ‘a shallow black-bottomed tray, filled with water’ and ‘a barrel painted in black, placed on the roof’, to end with ‘evacuated tube collectors’ and ‘photovoltaic modules’.

The importance of RES is priority for all of us, having in mind the energy crisis, the shortage of fossil fuels, the global warming and all other political and economical issues. The European Union encourages the development and use of Renewable Energy Sources (RES):

- *Decision of the European council* from 09.01.2007 for control over global warming, by European leaders set objectives to the use of RES.
- *Decision of the European Commission* from 10.01.2007 – an energy package and a ‘RES Road Map’ are developed.
- *Directive 2001/77/EO* of the European Union (still in force). It is a key element in the formation of the legislative framework on the production of electrical energy from RES in the EU. A specific feature of the regulations of the EU directives is that they are mandatory to the member states, including Bulgaria. The directive treats the problems of the administrative procedures (Clause 6) as well. It requires that national authorities revise their existing legislative and regulatory frameworks (including interpretation of terms) and reduce the regulatory and non-regulatory barriers, in order to simplify the application procedures for use of RES, as well as to provide objective, transparent and **non-discriminative** rules and the full recognition of the specific features of different installations. There is an emphasis on ‘administration procedures

and/or other procedures, related to the construction and use of devices and installations for transformation of RES'. The directive in Art. 2, item a contains precise definition of 'renewable energy sources' and includes 'solar power'.

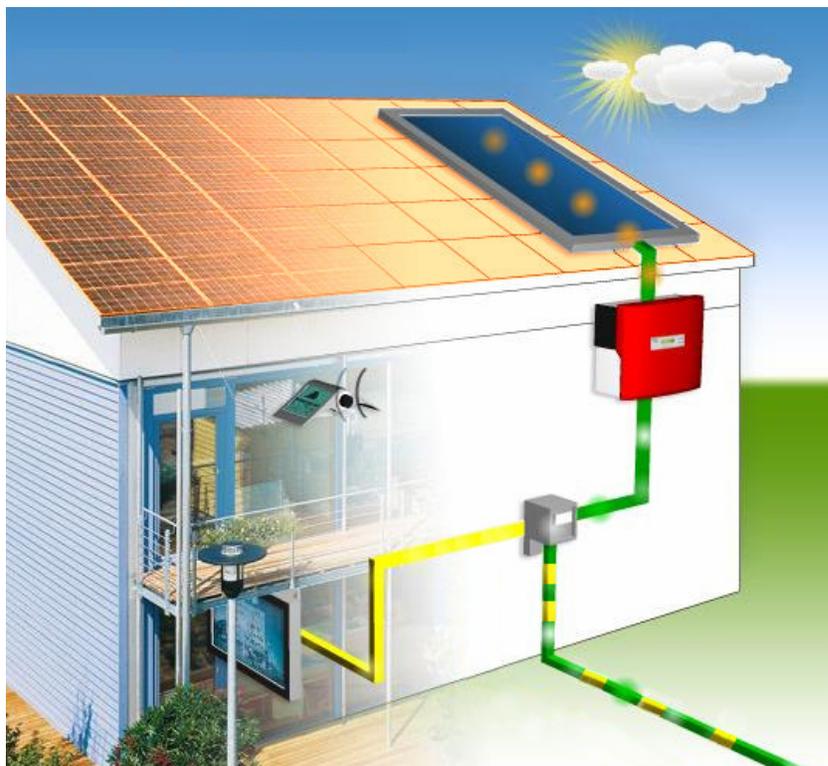
Solar power in particular is a universally recognized RES and it shall not be subject to interpretation. It consists of light, radiation etc. electromagnetic emissions of the visible and invisible spectra. Those emissions are captured by the so called 'solar collectors', and if transformed efficiently and adequately usable energy like heat, electricity or a combination of both can be produced.

IN A FEW WORDS, EU member states (including Bulgaria) **ENCOURAGE** the use of RES (including solar power) through the following measures:

1. Simplified administration.
2. Financial assistance.

Regrettably, right now in Bulgaria this is not the case. This is proven by the very regulation and the actually received financial incentives for installation, or the preferential prices for the produced energy, or the tax relieves. I turned out that those exist only formally. Which means that those are listed in special Laws, but can not be put to practice due to the extremely difficult administration, resulting from other Laws.

At this point in Bulgaria, the purchase and installation of several photovoltaic modules on the roof of an existing building is considered as a **CONSTRUCTION of category three** by virtue of LTP. In this case, these are devices of small capacity (50W to 150W each) used in family homes, offices and small companies. There is no ban on their use, but its stultified by administrative obstacles, as those are given the same status as a CONSTRUCTION of category three, with all obligations and costs entailed for design, permissions, supervision and legalization, which exceed twice the price of the devices. Time for installation might take more than half an year until the requirements of all LTP regulations and the Ordinances on design and construction are met.



At present, technical devices for collection of solar power are called ‘solar collectors’ as it is generally accepted as well as listed in Art. 93. (1) of Ordinance №7 by MRDPW. However, during the past several years, the term ‘solar collector’ gained popularity in the meaning of ‘a technical device for heating through transformation of solar power’, i.e. the result of the transformation of energy is emphasized instead of the fact that solar power is used. When the point is a Renewable Energy Source (RES) we shall not concentrate on the power obtained, but on the source which is used (natural energy).

By the specification of the term ‘solar collector’ in Art. 93 of Ordinance №7 from 2003, and the interpretations of the administration, the remaining types of devices for usage of solar power are being **DISCRIMINATED** like, for instance, the solar panels which transform solar power into electrical energy, using the photovoltaic effect. However, the outer appearance of the devices is **THE SAME**. It is hard for the consumer to distinguish which is which without careful examination.



It appears that before the Laws of the republic of Bulgaria, those devices are fundamentally different. However, this is a matter of mistaken terminology and wrong emphasis on the type of the effect energy, which originates from the transformation of solar energy. For that reason, photovoltaic modules are very hard and costly to legalize, as installation entails expenses for design, construction documents and approval, which make the use of photovoltaic modules pointless. However, if not legalized under the above procedure, the modules can not be used, so the consumer can not be stimulated with the ‘preferential price’. Therefore, this is a case of apparent discrimination within the regulations of the Republic of Bulgaria.

Such situation is wrong and ridiculous. In such a way, the goals, tasks and philosophy of the Law for RES are being twisted. The situation also contradicts to the intentions of the Government and the goals of the EU in the field of Renewable Energy Sources as well.

It is impossible for LTP and the related ordinances to be all-embracing, but it is possible to interpret those by **Letters of Interpretation TO THE BENEFIT OF THE SOCIETY** and in accord to the goals of the EU as well as the Republic of Bulgaria.

EXAMPLES for possible interpretation in addition to Art. 93. (1) of Ordinance №7 of MRDPW:
‘a solar collector’ is a technical device for transformation of solar power.
OR
‘a solar collector’ is a technical device for transformation of solar power into thermal and/or electrical energy.

Probably the first example is more adequate, bearing in mind that in near future a different kind of technical device of solar type, for instance such transforming solar power into mechanical or kinetic energy might be developed.

Providing such a definition, you will give to citizens (and companies) the opportunity to purchase and install (on top of the roof, on the terrace, on the wall etc.) solar collectors of any type. Technical advance is far ahead of legislation. ROOF TILES (or panels) with special, energy-producing coating ('solar tiles' or 'roof solar panels') are already available on the market. There are also flat water-heating roof panels. Those have been created in compliance to the strategy of EU and Bulgaria for the use of RES (solar power in particular).

Despite the type of the produced energy (thermal or electrical), all kinds of solar collectors are technical devices for transformation of solar energy into another type of energy. This gives you the grounds to open wide the doors to the opportunity of impetuous spread of all kinds of solar energy transforming devices in our everyday life, with a single sentence interpretation.

Mr. Gagauzov, you are the only person authorized to solve this problem. The major Law on construction, installation of devices, repair works etc. is the LTP and the related Ordinances. The rest of the legislation is geared to the LTP. MRDPW is the only competent authority when it comes to the installation of technical devices on facades, roofs, terraces, etc.

The use of the installed devices is within the capacity of other ministries, however, the major problem results from the term in Art. 93(1) of the Ordinance №7 of LTP, which is used as a basis for considerations and interpretations by the rest of the Ministries, Regulatory and Administrative authorities.

The Ministry of Economy and Energy states that in Ordinance №7 by MRDPW '**THERE IS NO LEGAL DEFINITION of the term 'solar collector'**' (letter dated 12.08.2008, signed by Mr. Krasimir Stoyanov – Directorate for Energy Efficiency and Environmental Protection), thus redirecting us to the regulations on CONSTRUCTION of category three. He just has his own opinion and abides by law.

At present, the administrative order for the installation of **1 solar collector, size 150cm/50cm, weight 3kg, capacity 150 watts** (photovoltaic type) is directly subjected to the norms below:

- CONSTRUCTION of category three (Ordinance № 1 for the Nomenclature of the Types of Constructions) out of 6 possible categories.
- OBJECT for production of electrical energy (Art. 127. Ordinance 14 from 2005) – just like NPP Kozlodui.
- Energy Object (general notion of heavy regulation)
- Power Plant (in the category of capacity up to 25MW) – just like TPP Maritsa-East.

Even if an enthusiast is firmly determined to place a 'solar collector' (photovoltaic type) on top of his roof or terrace and, in due form, to meet at a hundred percent the requirements of the Law, He **WILL NOT BE CAPABLE** to do so, because, in order to fulfill his goal he shall provide the relevant 'construction documentation':

- He shall obtain an 'Investment Research on Solar Radiation' (authorized company)
- He shall obtain a 'Design Permit' (ridiculous and pointless)
- He shall obtain an 'Investment Project' (pointless and costly)
- He shall obtain a 'Project Design' (pointless and costly)
- He shall obtain a 'Draft Design' (pointless and costly)
- He shall obtain a 'Cadastral Map' with the place for installation marked on it (absurd)
- He shall obtain a 'Statement' by RIE/MEW on the permissibility of the installation (a difficult and costly procedure)

- He shall obtain a ‘Statement’ by the Fire and Accident Safety Services on the permissibility of the installation (pointless)
- He shall obtain a ‘Design Approval’ by the Chief Architect and the Commission (ridiculous and absurd)
- He shall hire Technical Surveillance Officer to control the installation (ridiculous, pointless and costly)
- He shall obtain a ‘Construction Permit’ (ridiculous, pointless and costly)
- He shall convene a commission to ascertain the stages of construction - (Act Form 14, Act Form 15, Act Form 16 etc.)
- He shall obtain an ‘Exploitation Permit’ (... after the Approval Commission!)

Not to mention the requirements of Ordinance №6 on the Incorporation of Producers of Electrical Energy, which treats a panel on the roof and TPP Maritsa-East as the very same thing. Let alone the outright boycott by all Electricity Distribution Companies towards anyone who dares to install several photovoltaic modules on the roof and to request incorporation to the Electricity Distribution Network.

I suppose that you understand the ABSURD situation in which people, who decide to do something environmentally friendly are put. I also guess that you understand the dead-lock legislation creates. Yet another paradox is the fact that if tomorrow someone installed on his own terrace such a ‘solar collector’, the Directorate for National Construction Control shall remove it as an ‘illegal construction’. Otherwise, they will be breaking the law by the non-execution of their duties and the Director will be fined.

After I stumbled upon reality and got to know the existing practices, I found out that my problem is not an isolated case. It appeared, that many people have been damaged in the same way by the administrative and interpretative chaos (for reference: the Internet). There is also an incentive for the issue of a petition on the situation, for the purpose of presentation of the problem to the attention of the competent authorities in the Republic of Bulgaria and the EU.

I am perfectly aware that in order to fix the administrative chaos for the purpose of fast and efficient assimilation of RES, a thorough reconsideration of the Law on RES, the LTP, The Energy Law, Ordinance №6 on the Incorporation of Producers of Electrical Energy and many other ordinances is necessary. However, this requires time and resources. You, on the other hand, have the authority to ease the existing situation considerably, by the alternation of a single sentence, thus contributing to the ecological future of our (yours as well) children and grand-children.

I am asking you to treat the above issue not as an isolated case, but in full awareness of its importance.

Sincerely:
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Sofia
 25.02.2009