



„БАЛКАНКА”
www.balkanka.bg

“Balkanka” Association, Sofia, Bulgaria
“Nature has all the time in the world, we do not”.

COMPLAINT
TO
THE COMMISSION OF THE EUROPEAN COMMUNITIES
CONCERNING FAILURE TO COMPLY WITH COMMUNITY LAW
APPENDIX 8



Representative for this complaint:


dipl. Eng. Dimiter Koumanov,
Member of the board


Sofia, Bulgaria
16.11.2018

Contents:	Page
<i>I. IDENTITY AND CONTACT DETAILS</i>	004
<u><i>II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF UNION LAW</i></u>	
A. General description	005
1. The Ecocatastrophe in Bosilegrad - Serbia	006
2. The Pchelina HPP case - Bulgaria	009
3. The Zlogosh mining area - Bulgaria	011
4. Gold sifting along Struma River - Bulgaria	012
5. General conclusion	012
B. Union laws (e.g. Treaties, regulations, directives, decisions) or principles underpinning Union law that we believe to have been breached by the authorities of the country	015
C. Does the EU country concerned receive EU funding relating to the issue that prompted this complaint, or may it receive such funding in the future?	015
<i>III. LIST OF DOCUMENTS / EVIDENCE</i>	015
<i>IV. APPEALS/LEGAL ACTIONS/ OTHER ACTIONS</i>	015
<i>V. CONFIDENTIALITY – DATA PROTECTION</i>	016
<i>VI. AIM OF THE COMPLAINT</i>	016

ACRONYMS:

MOEW	- Ministry Of Environment and Waters of Bulgaria
MOES	- Ministry Of Environment of Serbia
RIEW	- Regional Inspectorate/s of Environment and Waters
RBD	- River Basin Directorate/s
WARBD	- West Aegean River Basin Directorate
WA	- Water Act
EIA	- Environmental Impact Assessment
AA	- Appropriate Assessment
RBMP	- River Basin Management Plan
HPP	- Hydropower Plant

I. IDENTITY AND CONTACT DETAILS

1. Name:

“Balkanka” Association, Sofia, Bulgaria

2. Sector / field of activity and location(s) where active:

“Balkanka” Association is a non-profit, non-governmental organization, registered in Bulgaria for action in public benefit, on 07 August 2013, company file 203/2013 of the Sofia City Court, UIC 176566443. The main objectives of “Balkanka” are protection and conservation of river biodiversity, with a focus on conservation and restoration of indigenous Balkan brown trout /*Salmo trutta*/ populations in Bulgarian rivers.

3. ADDRESS OR REGISTERED OFFICE

3.1. Surname and forename of complainant:

Ivan Pandukov, Chairman of the board

3.2. Where appropriate, represented by:

Dipl.eng. Dimiter Koumanov, member of the board

3.3. Nationality:

Bulgarian

3.4. Address:

Petko Todorov blvd, bl.8, en.D, app.87

3.5. Town: Sofia

3.6. Post code: 1408

3.7. Country: Bulgaria

3.8. Mobile telephone:

+359 887 931 241

3.8. E-mail: dkoumanov@abv.bg

4. Correspondence from the Commission can be sent to the complainant

5. Member State or public bodies alleged by the complainant not to have complied with Community law:

The Bulgarian Ministry of Environment and Waters (MOEW) and the BG West Aegean River Basin Directorate, in complicity with the Ministry Of Environment of Serbia (MOES).

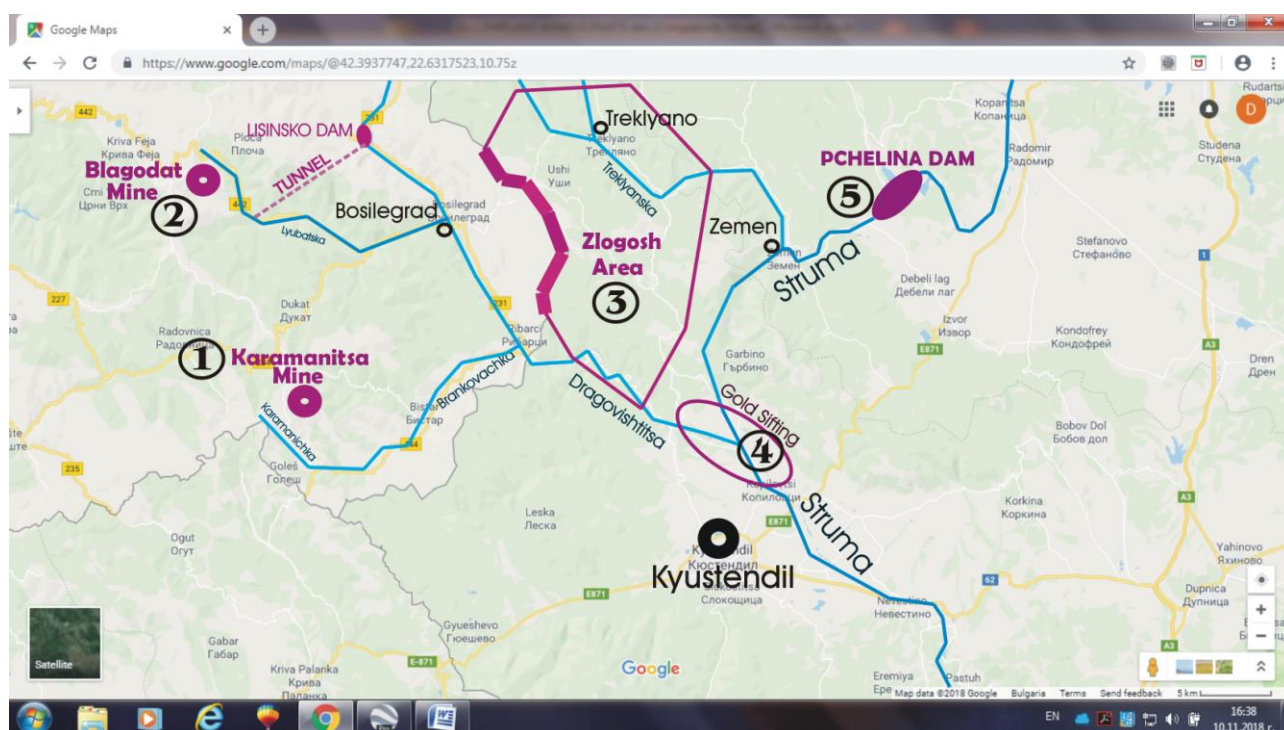
II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF UNION LAW

A. General description

This document holds evidence concerning the ecocatastrophe taking place in the region of Bosilegrad Municipality in Serbia and the Municipalities of Kyustendil and Zemen in Bulgaria. It is happening due to mining activities not properly assessed for their environmental impacts in Serbia, with no mitigation measures undertaken to reduce these impacts, and due to hydropower in Bulgaria that has already caused total destruction of the Struma River below the Pchelina dam near the city of Zemen. The whole river ecosystem affected falls within the boundaries of several Natura 2000 Habitats Directive sites in Bulgaria, but in this particular case environment is not the thing that matters most, it is the human health that actually is the matter of concern.

It is most worrying as well that there are intentions of the Bulgarian Government for future exploitation of another metal ore mine in the same region that will cause additional new problems.

All the specified industrial activities are displayed on the following map:



To be enlarged and studied in detail the map can be downloaded from here:
https://dams.reki.bg/uploads/Docs/Files/EcoCatastrophe_Kyustendil.jpg

The map shows the names of the cities, the names of the affected rivers, as well as the present and future industrial activities in the area - the big polluters are in **magenta** color. These undertakings are:

1. The "Karamanica" Mine in Serbia.

It is a **Pb-Zn** /lead-zinc/ extraction and processing open mine set into operation about two years ago without an EIA, without a tailings pond.

2. The "Blagodat" Mine in Serbia, also referred to as the "Grot" mine in some new sources.

It is a **Pb-Zn-Ag** /lead-zinc-silver/ extraction and processing mine, with no tailings pond. This is an old mine - Initially established in 1908-1914 and restarted in 1974 - in operation up to this day.

3. The "Zlogosh" Mining Area in Bulgaria. Recently the Bulgarian Ministry of Energy and the Ministry of Environment and Waters issued a permit for the area to be explored in search of metal ores. Please note that the thicker line outlining the area coincides with the border line between Bulgaria and Serbia uphill over Bosilegrad in Serbia.

4. Gold sifting along the Dragovishtitsa and Struma Rivers in Bulgaria. This one is totally illegal with no official permits at all. It operates with several mobile sifting platforms belonging to different "investors". The material is excavated from plots along the rivers and the wastewater is directly discharged back into the riverbed.

5. The Pchelina Hydropower plant in Bulgaria.

This case was fully described in Appendix 3 to our original Complaint - Fact No84 with additional data in Appendix 6, but we will repeat it shortly here again in the context of cumulative impacts on the entire river system in the area concerned, because the Pchelina HPP is another big polluter due to the polluted water in the dam.

It should also be noted that only along the Brankovachka-Karamanichka Rivers in Serbia there are three small HPPs in operation and another three under construction. In the entire Bosilegrad Municipality area 27 new HPP will be built and set into operation in the nearest future.

Thus the entire river system in the Bosilegrad area will be running only in the pipelines very soon and its self cleaning ability will be absolutely compromised. It means that the toxic discharges from the "Karamanica" and "Blagodat" mines will be directly flowing without any treatment into Dragovishtitsa River up the Bulgarian border. We have no pictures of the existing hydro plants, but there is evidence enough on them and they can be observed in Google Earth as well.

1. The Ecocatastrophe in Bosilegrad - Serbia

On October 1st 2018 a meeting, organized by local NGOs, was held in Bosilegrad with the participation of the Bulgarian Consul in Nish/Serbia/ - Edvin Sugarev. Deputy Minister of Environment of Bulgaria Krassimir Jivkov also attended the conference, while representatives from the Ministry of Environment of Serbia /MOES/ were not present. Full video record of the conference can be watched in the following video:

<https://www.youtube.com/watch?v=FY3pyNFyOUk>

Local people fully described the situation showing many pictures of their cursed poisoned rivers.

The **Karamanica Mine** /No1 on the overall map/ was approved for operation by MOES without an EIA on its implications on the environment. It is also processing lead-zinc ores without a tailings pond. For proof - watch what Botyo Hristov is saying at 1 hour 10 minutes from the start of the above video. It was also confirmed by the Bulgarian Consul at the start.

Proof about the polluted rivers in the area affected by the Karamanitsa mine can be found in the pictures uploaded here:

<http://gallery.balkanka.bg/s/users/pitcha/Karamanichka/>

Shot on October 7th and November 10th 2018, these pictures show the blue color of Karamanichka River below the mine. Here is just one picture:



It looks like a real healthy river, doesn't it?

The Blagodat/Grot mine /No2 on the overall map/ is in operation since 1974, up to this moment. It has no tailings pond either. Flotation factory discharges the waste waters directly into Crna reka River, which is a tributary of Lyubatska River. Here is a photo of the Crna reka during low water:



In the village of Gorna Lyubata the Luibatska River is caught and diverted through a tunnel into the Lisinsko ezero dam. Here are two photos of the water catchment in Gorna Lyubata village:



Water runs over the barrage only during spring time and Lyubatska River stays gunpowder dry in the rest of the time. The Lisinsko ezero dam finally serves as a tailings pond without any kind of waterproof insulation let alone any other protection measures or water treatment. Most of the water in this dam is pumped to another dam - Vlasinsko ezero and some small part is released into Bojichka River that goes to Bosilegrad. Local people say that every three to four years the Lisinsko ezero dam gets partially emptied into the Bojichka River.

Thus all the surface water bodies in the entire area are poisoned by the Blagodat mine. As for the groundwaters - can there be any hope for a good status of the groundwater body in the area affected and then - what about the health status of the people living in the area?

The health status of local people in Bosilegrad is described by Dr.Valentin Yanev at 1 hour 54 minutes from the start of the first video. According to Dr. Yanev, cases of cancer disease have increased significantly in the region of Bosilegrad in the last years which was confirmed by local people too.

Another source of information concerning both "Karamanica" and "Blagodat/Grot" Mines can be found in the following link:

<https://www.srbijadanas.net/wp-content/uploads/2013/01/SerbiaOreDeposits.pdf> **BLAGODAT MINE**

On page 29-30 of this document about the "Blagodat" mine we read the following:

Environment

The ore content in sulfides (Pb, Zn and Iron) generate acid and dissolved metals during oxidation. Mine waters draining such deposit are acidic and metal-rich due to the lack of acid-neutralizing capacity of the altered igneous host rock and the lack of reactivity of the calc-silicate minerals of the gangue. Acid generation and drainage can affect both surface and groundwater.

Presence of As that can be released into the environment by arsenopyrite when oxydized.

No information related to mine waste deposits as well as to tailings which are potential sources of contaminants in the form of particulates and dissolved metals.

Mine waste deposits can be observed in Google Earth all over the hills surrounding the Blagodat mine. Here they are:



...and what gets into the rivers and after every rainfall is not so hard to imagine.

In the above link **the Karamanica Mine** is described on page 114 as not working, but it is in operation now.

Another scientific source of information about the pollution in the area can be found here:

http://nardus.mpn.gov.rs/handle/123456789/2657?fbclid=IwAR12ydXcYG3a3tRAJN_t h-LYdmwQJF4fngpY8vSqVgHVmeWS344Q04Gv7os

There is a link to a dissertation work of Dr. *Bozidar Dokic* on the impacts of the Blagodot /Grot Mine, on page 176 of which the following statement can be found:

page 176

In Serbian:

Гвожђе је континуирано и у великим концентрацијама присутно у земљишту (табела 44). Иако спада у есенцијалне елементе, постоје докази о канцерогености његових једињења. Гвожђе испољава токсични ефект у јетри, респираторном, ендокрином, нервном и кардиоваскуларном систему. Недостатак гвожђа доводи до анемије, а превисоке концентрације до обољења хемохроматозе (Мандић, 2010).

Translated in English the above means:

Iron is continuous and in high concentrations present in the soil (Table 44). Although it falls into essential elements, there is evidence of the carcinogenicity of its compounds. Iron exhibits a toxic effect in the liver, respiratory, endocrine, nervous and cardiovascular systems. Lack of iron leads to anemia, and too high a concentration leads to the disease of hemochromatosis (Mandić, 2010).

IMPORTANT:

Down the border with Serbia the Dragovishtsa River falls within the boundaries of Natura 2000 **Karshalevo BG 0000294** Habitats Directive site in Bulgaria. The site once hosted priority Habitat types - for instance **91E0**, as well as priority species - like the Stone crayfish /*Austroptamobius torrentium*/ and other species listed in Annex II of Council Directive 92/43/EEC of 21 May 1992.

At the meeting in Bosilegrad Bulgarian deputy Minister of Environment Krassimir Jivkov stated that there was no consultation between Bulgarian and Serbian authorities on the transboundary issues caused by the new Karamanica Mine at all. No wonder - there was not even an EIA carried out by the Serbian authorities either. Thus the polluted waters from both Karamanica and Blagodot mines are reaching Bulgarian border without official consent of the Bulgarian authorities.

But what matters most is the fact that Bosilegrad area is inhabited mainly by ethnic Bulgarians, which the Serbian Government has obviously sentenced to physical extinction together with the ethnic Serbs, carelessly poisoning all surface and groundwater bodies, while the BG Government is only watching, not following its obligations in accordance with the relevant UN Conventions & EU legislation. Additional proof on the matter can be found in the end of the following interview of the Bulgarian National Radio with local activists from Bosilegrad: https://www.glaspress.rs/BN_INREVIEW_BE/

2. The Pchelina HPP case - Bulgaria

The Pchelina dam is shown on the map on page 3 of this document and is marked with **No5**.

The case was initially described in section B. on page 9 of the following document:

https://dams.reki.bg/uploads/Docs/Files/EU_COMPLAINT_ANNEX_3_DRAFT4.pdf

It was brought to the attention of DG Environment on 03.10.2016. The new Pchelina HPP is discharging toxic deposits, accumulated in the Pchelina dam during socialist times from the industrial activities in the cities of Pernik and Radomir, Bulgaria.

One year later, during another field visit of ours, the situation was looking like this - watch the pictures & videos to see:

<https://dams.reki.bg/0492-dam/2017-09-29>

The videos display the blue color of the river, but pitifully the stench in the area cannot be felt. And there are the villages of Lobosh, Jablyano and the city of Zemen breathing the stench and a few old people in the village of Lobosh stated that no state authority is paying attention, maybe because the owner of the HPP is a former deputy minister of the environment and waters in BG. So much for the cleanness of the air DG Environment has opened an infringement procedure against Bulgaria for breach of the EU regulations. And those poor people will suffer the procedure penalties when they come, instead of the MOEW officials breathing the conditioned air in their cozy cabinets!

And the aquatic life in the Struma River is destroyed, there is nowhere for the wild and the domestic animals do drink water from, the water is not suitable for irrigation purposes, for bathing..., fishing & hunting are also dead and the poor people will pay the price of the infringement procedure, instead of the state officials, while the Pchelina HPP keeps working?

And for two years now DG Environment is doing nothing on the matter...

Anyway, since the Struma River below the Pchelina dam is running through the Natura 2000 Habitats Directive site **Zemen BG0001012**, which once hosted priority habitat types and priority species, and the Investment Plan /IP/ of Pchelina HPP was approved without an Appropriate Assessment in the first place, and as far as MOEW did not assess the damage when we reported the pollution in the autumn of 2016, someone else had to do that - the Museum of Natural Sciences /MNS/ at the Bulgarian Academy of Sciences. The following Study is a scientific proof holding full description of the devastating impact on the Natura 2000 site's conservation objectives:

<https://dams.reki.bg/uploads/Docs/Files/Pchelina-Struma%20FINAL.pdf>

There is a recommendation in the end that the HPP should cease operation - see the top lines on page 14 please.

That happened in the end of 2016 and we are in the end of 2018 now and the river is running in deeper shades of blue today and smells many times worse! But it doesn't run full time, because the HPP uses 8 /eight/ cubic meters per second and then it needs to stop working from time to time in order for the dam to be filled again to the top - the effect is called *hydropeaking*. Here are two pictures of one and the same river section:



When the HPP is working



When the HPP doesn't work

This is happening in a Natura 2000 Habitats Directive site without an EIA/AA, remember?

3. The "Zlogosh" Mining Area in Bulgaria.

This area is displayed on the map on page 3 of this document and is marked with **No3**. It covers around 200 square kilometers of land. Nearly half of the area falls within the boundaries of Natura 2000 **Zemen BG0001012** Habitats Directive site.

Both the Dragovishtitsa and Treklyanska river systems that will be affected fall entirely into Natura 2000 Habitats Directive sites, hosting priority habitat types and priority species again.

Recently the Bulgarian Ministry of Energy and the Ministry of Environment and Waters have given permission for the area to be explored in search of metal ores. Most probably the search will be for gold, as there were a few old small gold mines along the Dragovishtitsa River once before.

Our experience so far has proven devastating impacts to the surface and ground water bodies in Bulgaria of every metal ores processing mine. There are numerous cases of poisoned drinking water sources that we know of, which will force us to initiate a special Complaint edition on the drinking water problems in Bulgaria we will be happy to lodge with DG ENV very soon.

Here is just another picture of a river with white stones and white muddy water below another copper mine - Elatsite in the Stara planina Mountain in Bulgaria:



We must remind that the thicker magenta line outlining the Zlogosh mining area on the map on page 3 coincides with the border line between Bulgaria and Serbia uphill and over Bosilegrad in Serbia. This only means that the drinking groundwater sources to the East of Bosilegrad will also be set at risk even during the drilling for the geological survey. The same has happened in some villages in the case of the Trun Gold Mine - after some 27 000 meters of drilling through the rocks containing Uranium in the area - higher Alfa activity and Uranium contents exceeding the limits were found in some of the drinking water sources in the Municipality of Trun.

This only means that the Serbs will be poisoning all water bodies on the Eastside of Bosilegrad, and we are now preparing ourselves to do the same on the Westside of the city, in an area where people are suffering all kind of health problems and diseases caused by poisoned waters and polluted air. Some nice neighbors we are, aren't we?

We will very soon get full information on the mineralization available in the whole Zlogosh area. So far the source we managed to find is the following document:

Tanya Kazulova-Stankova. GOLD-BEARING MINERALIZATION IN PENKJOVCI THRUST, NEXT TO DOBRI DOL VILLAGE, KJUSTENDIL'S REGION

According to this article the **arsenic contents** in the western part of the Penkjavci Thrust /i.e. right in the heart of the future mining area/ reach the maximum of **397 g/t** - this is written on page 115 of the article. It is many times more than all kind of metal contents put together. Then there is a huge potential risk for the groundwater body to be contaminated even during the drilling for the geological survey.

Another issue of a great importance is that at the moment the only natural river running still intact and pure in the whole area is the Treklyanska River /see the map on page 3 again, please/. The Struma River is poisoned and completely dead below the Pchelina Dam in Bulgaria; the higher sections of Dragovishtitsa River are poisoned by the Serbs and it is only a matter of time for the poisonous substances to reach the Bulgarian border, in case they didn't come already.

Therefore, it is only the Treklyanska River that still supports some life in the entire river system in the area. It flows into the Struma River right in front of the city of Zemen. This city has an old nonoperational Waste Water Treatment Station and the Struma River smells bad below the city, but there is still some life in it after the confluence with Treklyanska, because the Treklyanska River brings fresh water. Once Treklyanska gets poisoned by the future Zlogosh mine, not only the aquatic species will be killed for good, but no other wild or domestic animal will stay alive in the whole region.

4. Gold sifting along the Dragovishtitsa and Struma Rivers in Bulgaria.

Marked with No4 on the general map on page 3, it is totally illegal with no official permits at all. It operates with several mobile sifting platforms belonging to different "investors". The material is excavated from plots along the Struma and Dragovishtitsa riverbanks and the muddy wastewater is directly discharged back into the riverbeds.

For some reason the proud "investors" are untouchable by MOEW. That reason is unknown to us, but the fact is that the Struma River runs muddy in the area all the time throughout the year and the state authorities are doing nothing once again.

The proud "investors" are digging everywhere they can, sometimes in private plots without permission, turning the whole area into a moon landscape. Here is a short video taken in 2017 for proof:

<https://www.youtube.com/watch?v=UguMaeG2PU>

As for the Struma River running always muddy, watch the following video, shot on November 4th 2018 in the area concerned:

<https://www.youtube.com/watch?v=co7NT7JDd0Y&feature=youtu.be>

This video was shot during low water after a three months long heavy draught and there is no other reason for the muddy water and the river in the area always runs like this. In the light of the previous problematic issues it may not look too big a problem to someone - for example to MOEW, but in the light of the cumulative impacts we will discuss in the next section, it seems quite big enough to us.

5. General conclusion

Except for the last case, each of the other problems described is bad enough itself and presents huge violation of the relevant legal framework, as far as mining is usually not of an overriding public interest, it is not of priority importance to the environment, neither it is beneficial to human health and public safety, but on the contrary. Yet, for the region of Bulgaria all the areas affected fall within the boundaries of Natura 2000 Habitats Directive sites hosting priority habitat types and priority species. The same habitats and species were present once on the other side of the border with Serbia of course.

Especially in the Bosilegrad case where people are suffering huge raise of cancer diseases, at this very moment the situation is really scary and looks irreversible.

BUT what about the cumulative effects?

Here they are:

1. At the moment there are cumulative huge negative impacts on the **Dragovishtitsa River** at the border between Bulgaria and Serbia, due to the Karamanica and the Blagodat/Grot mines in Serbia. After the border, the **Dragovishtitsa River** will also be adversely affected additionally by the future Zlogosh mine, the area of which covers part of the river.
2. There will be cumulative huge negative impacts on the **Bosilegrad municipality** drinking groundwater sources, due to the future Zlogosh mine in Bulgaria and the Blagodat mine in Serbia.
3. There will be cumulative huge negative impacts on the biodiversity in **Zemen municipality** in Bulgaria, due to the future Zlogosh mine together with the Pchelina HPP. Both undertakings will poison every surface water body in the area. The future Zlogosh mine may also adversely affect the groundwater body in the area, together with the Treklyano and Zemen drinking water sources. This is happening right now everywhere else in the mining regions of Bulgaria, due to bad planning, operation and control.
4. There will be cumulative huge negative impacts on the biodiversity and river status caused by the crazy small hydropower development on both sides of the border, but especially in Serbia, together with all pollutants described. **27 new plants** in a small municipality like Bosilegrad, while in Bulgaria there is only one operational derivation type of HPP in the whole area concerned - the Dragovishtitsa HPP. This will totally compromise the rivers' self cleaning ability and the hydropower lakes will turn into series of poisonous swamps, only to increase the devastating impacts! Why do these Serbians not learn from the Bulgarian experience, bad as it is?
5. There will be unimaginable cumulative negative impacts on the biodiversity in **Kyustendil municipality**, where all the above impacts are coming together at the confluence of Dragovishtitsa and Struma, where a few "small" gold sifting undertakings will add some sustainable "value" to the problem.

BUT then again - what about any hope of future development of the entire region, based on agriculture, livestock breeding, river related tourism, fishing, hunting... The losers' list is endless and the final sentence is too obvious. The Kyustendil region in Bulgaria is also famous as the Orchard of Bulgaria, which it obviously will no longer be...

It is the new BG Minister of environment and waters Neno Dimov's intention to reduce the Natura 2000 sites' coverage in Bulgaria significantly - he declares that in every interview in every media since he became in charge. And every week there is the news of another poisoned BG river in the media, and the state authorities are running afterwards just to declare another *unknown perpetrator*... It is just the same situation with the gold sifting along the Struma River described here

With such a minister it is no wonder - the guy is striving to reduce the biodiversity in our country and in the end he will manage to succeed. And next time when all the rivers in the region are studied, they will show that he was right - there will be nothing to protect there anymore!

This comes also to explain why our authorities are doing their best of nothing for the issues in Bosilegrad too - they actually want to see the Dragovishtitsa River and all life in it destroyed, despite some promises of deputy minister Jivkov, made at the meeting in Bosilegrad and forgotten right on the way back to the border.

Anyway, in line with the relevant UN Conventions on the transboundary issues, the BG Government authorities must have taken the necessary steps at least to protect

our own citizens, but they are doing nothing of the kind. In this way they would have protected the Serbian citizens from their own government too.

There is one simple reason for that - at the time when the Trun Gold Mine was about to be developed /see Appendix 4 to our original Complaint please/ the Serbian Ministry agreed to this mine without transboundary assessment of its implications and the BG authorities are now paying back the favor.

Between Bulgaria - Serbia - Macedonia there are other transboundary issues of the same importance which are constantly neglected by all three parties. Thus, in the border regions there is a competition going on, on who will manage to kill environment and local people first disregarding all environmental laws and people's health protection principles.

Therefore, this document should not be considered as a Complaint against Serbian authorities, not that Serbia as EU candidate should not transpose EU legislation in its legal framework and implement it accordingly. In this context we find that during the accession process of Serbia in the EU, Serbian officials should be warned by DG Environment that the European values must be adopted by each candidate state before accession takes place, otherwise these values will never be adopted afterwards.

It is a Complaint against Bulgarian authorities for doing nothing to protect our people and environment, as it is required by the UN Conventions and the relevant EU Directives.

We find that, by not fulfilling their duties in line with the regulatory EU framework, Bulgarian authorities have breached the **EU WFD** basic principles (23) & (35) as well as the relevant text in the preamble of the **Habitats Directive**, as follows:

Whereas, in the European territory of the Member States, natural habitats are continuing to deteriorate and an increasing number of wild species are seriously threatened; whereas given that the threatened habitats and species form part of the Community's natural heritage and the threats to them are often of a transboundary nature, it is necessary to take measures at Community level in order to conserve them;

Furthermore, we also find that both Bulgaria and Serbia have breached together the **EU SEA Directive**. Serbian Ministry of Environment didn't even carry out an EIA procedure for the Karamanica mine where metal ores are being processed without a tailings pond!

At the same time all spatial development plans of the municipalities on both sides of the border involved must have been subject to transboundary consultations in accordance with SEA Directive preamble paragraphs (7), (17) as well as article 7 of the same directive. Such consultations were not carried out according to the statement of BG deputy minister at the conference in Bosilegrad. Nevertheless, they must have been required by the Bulgarian state and, in the case of Serbian refusal - there are other legal steps that had to be undertaken by the Bulgarian state to protect its own people and environment.

Instead, each party is doing whatever it likes, breaching every possible law, and the people living in the border areas are left between Scylla and Charybdis, without a single hope for their future. As already mentioned - there is a competition between both state's officials on who will kill the local people first.

Therefore, now the real question is - can we expect some urgent action on behalf of DG Environment of the European Commission?
We hope to see that soon.

B. Union laws (e.g. Treaties, regulations, directives, decisions) or principles underpinning Union law that we believe to have been breached by the authorities of the country

- **Treaty on the Functioning of the European Union**

- **Article 191**

- (ex Article 174 TEC)

- 2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and 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.

- **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:
- **Directive 2000/60/EC** of the European Parliament and of the Council establishing a framework for Community action in the field of water policy
- **Council Directive 92/43/EEC of 21 May 1992** on the conservation of natural habitats and of wild fauna and flora
- **DIRECTIVE 2011/92/EU** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the assessment of the effects of certain public and private projects on the environment
- **DIRECTIVE 2014/52/EU** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment
- **The UN Convention on the protection and use of transboundary water courses and international lakes**, approved by Council Decision 95/308/EC(15) and all succeeding agreements on its application.
- **The UN Convention on Environmental Impact Assessment in a Transboundary Context** (Espoo Convention)

C. Does the EU country concerned receive EU funding relating to the issue that prompted your complaint, or may it receive such funding in future?

Yes, a lot of it. We are not sure about Serbia, but Bulgaria receives a lot of EU funding for environmental protection which usually gets split in different corruption schemes, but DG Environment is pretty well aware of the fact. The European Commission should quit financing the corruption in Bulgaria until we turn into a normal law abiding EU Member State!

III. LIST OF DOCUMENTS / EVIDENCE

All the evidence concerning described infringements is included where appropriate in the document above in the form of links to pictures, videos and documents.

IV. APPEALS/LEGAL ACTIONS/ OTHER ACTIONS

All the actions we have taken insofar are described in the previous complaints.

We have tried to contact EU Institutions to request help on the same issues eight times already - one original complaint and seven consecutive appendixes so far.

We were kindly informed that all these documents are transferred to **EU Pilot application under reference EUP(2017)9183**, therefore we hope that this new appendix No8 will be transferred to the application under the same reference too.

We do not believe that SOLVIT is better placed to deal with this problem.

V. CONFIDENTIALITY – DATA PROTECTION

We authorize the Commission to disclose the identity of Balkanka Association and/or the identity of our representative in its contacts with the Bulgarian state authorities, against which we are lodging this complaint.

Moreover, we will be proud if the Commission decides to disclose the identity of Balkanka Association to the Serbian state authorities, should the Commission decide to contact them and warn them. It is just about time for the Serbian state to get to know about us!

Furthermore, we have sent copies of all our previous complaints to MOEW, so they are pretty well aware of our actions. Having nothing to hide, we will send a copy of this document too. In due course we will send a copy to the Serbian Ministry of Environment as well.

VI. AIM OF THE COMPLAINT

Ladies and gentlemen,

In the original Complaint and the following appendixes the aim was thoroughly described. We shall not repeat that once again.

But if you've read the document carefully, how does it sound? Does it sound like some state authority both in Bulgaria and Serbia is putting any effort to prevent deterioration of the surface water bodies' status? What do the pictures & videos display - healthy rivers in good condition? They are all dead, those rivers are, you know!

And all the industrial activities described were approved WITHOUT an EIA/AA, let alone a SEA for the transboundary issues of any general regional development plan, in the outskirts of the European Union! This is the European tradition across these territories, inspired by the indifferent attitude of the European Commission, and even financially supported by the same European Union through both EBRD and EIB, as it is for example with small hydropower development in the whole Balkan region, in result of which we will all end up with no running river in the Balkans in the next one or two years.

It has been more than three years now since our first Complaint was prepared and lodged with DG Environment. And we started fighting against the killing of our rivers two years earlier. So for five years we are witnessing the fact that our state officials are pretty well aware of all problems and do nothing to resolve them. On the contrary - they're doing everything they can to serve the interests of a small bunch of politically connected individuals to gain unlawful profit destroying river after river and then to split the cash with those who have the political power of the day to help them gain that profit.

And, obviously, in Serbia the situation is several times worse.

Therefore we expect from DG environment urgent action in this case!

Serbian state must be warned that the Karamanica and the Blagodan Mines must be properly assessed for their transboundary impacts and cumulative effects on the environment and human health by an independent team of foreign experts, and all kind of mitigation measures possible must be undertaken! Until then, the new Karamanica Mine must be closed!

The team of experts must really be independent, because when experts are getting paid by developers, they always prove that everything will be OK, otherwise they won't get paid!

Serbian state must also be warned that wild hydropower development which is taking place not only in the region of Bosilegrad, but in the whole Serbian territory at the moment, is in breach of the relevant environmental & water EU Directives and it makes no sense at all, otherwise it would have been developed in the old Socialist times. If small hydro on the Balkans is to follow the relevant EU requirements on the E-flow, it will produce electricity only in the springtime when no one needs electricity, and in springtime hydropower generation will only need to be balanced /wasted/ to prevent the power system from exploding. The Serbians must learn from our Bulgarian experience over the hydropower issues and those 27 hydro enterprises in Bosilegrad must be blocked!

Bulgarian state must be warned to avoid authorization and to terminate all active procedures for the Zlogosh mine and the Pchelina HPP must be closed immediately for scientifically proven destruction of a Natura 2000 Habitats Directive site! This is a crime acc. to the Bulgarian Criminal Code and it is still ongoing with the support of MOEW.

Otherwise DG Environment may throw the EU Water Framework Directive and the SEA & Habitats Directives in the trash.

This will leave so many people on both sides of the border between Bulgaria & Serbia with no hope at all, and together we will fight - even with the EU, if we have to. After all, it is the EU we have to thank to for all that devastating hydropower craziness across the Balkans!

Finally, except for the environment and human health, what about sustainable tourism and local rural development when all the rivers in the area are dead? We hope that DG ENV will find some answer to this question and will take action, rather earlier than some ten years later, as the DG ENV usually does.

Thank you all for your kind understanding and cooperation.

"Nature has all the time in the world, we do not".

Place, date and signature of complainant/representative:

Representative for this complaint:

/dipl. eng. Dimitar Koumanov/
Member of the board

Sofia, Bulgaria
16.11.2018

