



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate E – Compliance, Governance & Support to Member States
ENV.E.3 – Environmental Compliance – Enforcement

Brussels
ENV.E.3/ARK

Dimiter Koumanov,
Member of the Board,
Balkanka Association,
Sofia, Bulgaria

By email only: dkoumanov@abv.bg

Subject: Your letter of 6 February 2023, ref. Ares(2023)987947

Dear Mr Koumanov,

Thank you for your letter of 6 February 2023, received by e-mail and addressed to a number of recipients in the Commission of the EU, including the President who has asked me to reply on their behalf.

In your letter, which you specify is a ‘notification’ and not a complaint, you mention a number of issues you have raised with the Commission in the past years but mostly refer to the Yadenitsa dam project. You also ask the Commission not to register your current submission as a complaint or otherwise, and not to reply unless the problems you raise are effectively resolved. You claim that there has been no result from the Commission action in the form of infringement proceedings and express discontent in that regard.

I would like to start by reiterating that the Commission services highly appreciate that you regularly provide information related to possible breach of EU environmental legislation in Bulgaria. I can assure you that this information is useful and is used by us in our contacts with the Bulgarian authorities. As for the Yadenitsa dam project, I can confirm once again that the Commission services are closely following the developments and will not hesitate to act should the authorities proceed with the project without ensuring compliance with the applicable EU legislation.

Whilst I can understand your wish that the Commission could resolve problems in Member States by acting on every potential wrong step taken by the national authorities, there are objective and legal limitations to Commission powers.

I would like to also recall that the general aim of the infringement procedures launched by the Commission, including following complaints, is to ensure that Member State laws are compliant with EU law and correctly applied. The submission of a complaint to the

Commission may thus not resolve a specific situation, or may take long before a problem is resolved.

Furthermore, as we have informed you on several occasions, in view of the high number of complaints received every year by the Commission in general and by DG Environment in particular, the Commission has adopted a strategic approach to ensure that each infringement procedure has the widest possible impact on important EU policy objectives and that its resolution positively influences other cases of bad application of EU law. In its 2017 Communication *EU Law: Better results through better application*,¹ the Commission explained its current approach to complaints and prioritised the categories of cases on which it would be focusing. The Communication explains that certain categories of cases, in particular individual cases of incorrect application not raising issues of wider principle, where there is insufficient evidence of a general practice, of a problem of compliance of national legislation with EU law or of a systematic failure to comply with EU law will no longer be followed up at Commission level.

I trust that this information is of assistance to you.

Yours sincerely

(e-signed)

Paul Speight
Head of Unit

¹ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0119(01)&from=EN).