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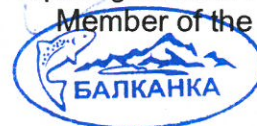
“Balkanka” Association, Sofia, Bulgaria  
*“Nature has all the time in the world, we do not”.*

**COMPLAINT**  
**TO**  
**THE IMPLEMENTATION COMMITTEE OF THE ESPOO**  
**CONVENTION**  
**CONCERNING FAILURE TO COMPLY WITH THE CONVENTION**



**Representative for this complaint:**

  
dipl.eng. Dimitar Koumanov,  
Member of the board



Sofia, Bulgaria  
10.02.2019

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**ACRONYMS:**

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

## **I. IDENTITY AND CONTACT DETAILS**

### **1. Name of complainant:**

“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:**

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### **3.5. Town: Sofia**

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### **3.8. E-mail: [dkoumanov@abv.bg](mailto:dkoumanov@abv.bg)**

## **4. Correspondence from the Committee can be sent to the complainant**

## **5. Parties and public bodies alleged not to have complied with the Convention:**

The Bulgarian Ministry of Environment and Waters (MOEW) in complicity with the Ministry Of Environment of Serbia (MOES).

## II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF UNION LAW

### A. General description

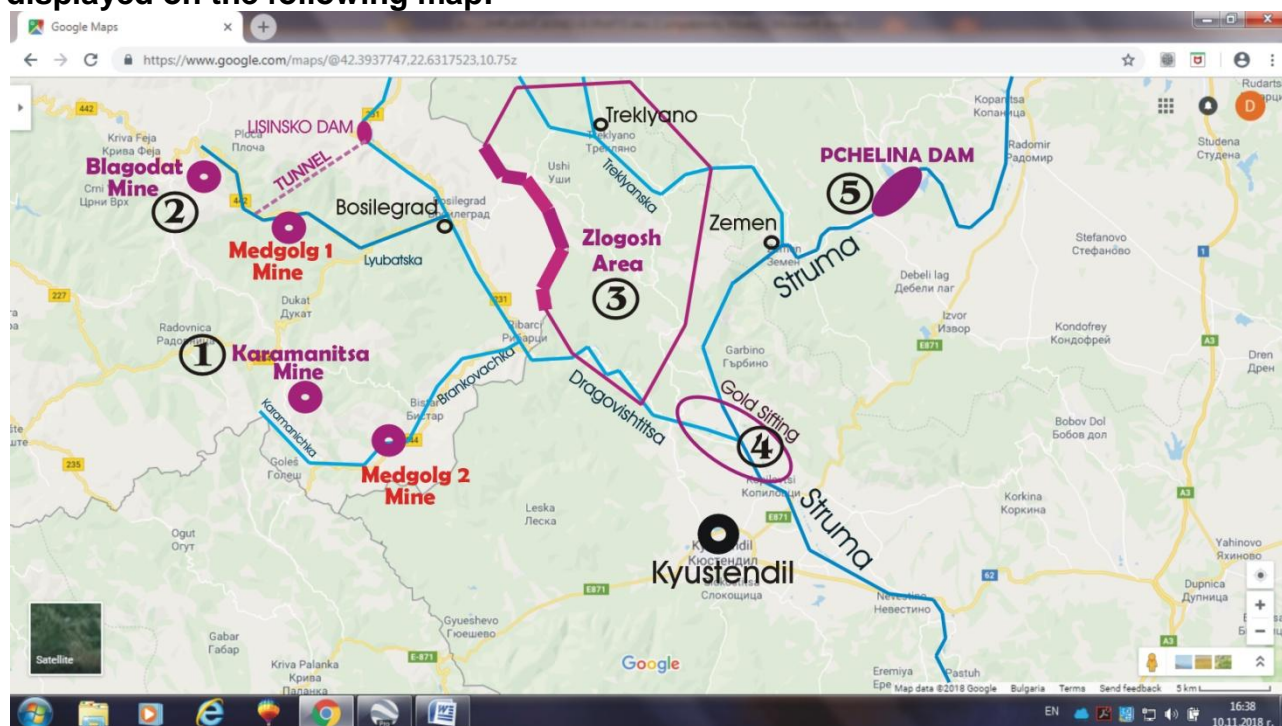
This document holds evidence concerning the ecocatastrophe taking place in the region of Bosilegrad Municipality in Serbia and the Municipalities of Kyustendil and Zemen in Bulgaria. It is happening due to mining activities not properly assessed for their environmental impacts in Serbia, with no mitigation 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 biggest matter of concern.

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

### IMPORTANT:

This is a complaint concerning infringements of the Espoo Convention committed by Bulgarian and Serbian environmental authorities as far as the transboundary impact of the Karamanica mine in Serbia is concerned. However, there is a huge number of other active and future industrial activities in the area concerned. We will describe them here in brief and will discuss them in the final conclusion, because cumulative effects must also be taken into consideration, regardless of the fact that it is only the impact of the Karamanica mine in Serbia this document is focused on.

**All present and future industrial activities in the area concerned 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/NEWEcoCatastrophe\\_Kyustendil.jpg](https://dams.reki.bg/uploads/Docs/Files/NEWEcoCatastrophe_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" /Podvirovi/ Mine in Serbia.

It is a **Pb-Zn-Cu** /lead-zinc-copper/ extraction and processing mine set into operation about two years ago without any kind of EIA, without a tailings pond. Detailed description can be found in the next section of this document.

**2. The "Blagodot" 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 and/or any kind of EIA 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. The following video shows what it actually looks like:

<https://www.youtube.com/watch?v=uz7DINKrz4w&feature=youtu.be>

### 5. The Pchelina Hydropower plant in Bulgaria.

The new Pchelina HPP, set into operation three years ago, is discharging the toxic deposits, accumulated in the old Pchelina dam during socialist times from the industrial activities in the cities of Pernik and Radomir, Bulgaria. During our field visits the situation always looks like this - watch the pictures & videos to see the blue river:

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

This particular undertaking should be taken into consideration 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.

### 6. The Medgold 1 and 2 gold mines in Serbia.

The future Medgold mines are marked on the above map in red text without numbering.

**Medgold 1** is the Lyubata project - 570 square kilometers of exploration area. Full description can be found here:

<https://medgoldresources.com/crnook-archive/>

**Medgold 2** is the Tlumino project - 192 square kilometers of exploration area. Full description can be found here:

<https://medgoldresources.com/tlumino/>

We have no knowledge on the impacts of the Lyubata project gold exploration activities. The Tlumino project is a few kilometers down the Karamanicka River below the Karamanica Zink-Lead-Copper Mine and we have evidence on the devastating impact caused to the drinking water sources in Tlumino project area by the drilling for the search for gold. A year and a half after exploration started, Arsenic contents in the drinking water of the Donje Tlumino village reach 129 micrograms per liter, which is nearly 13 times over the limit. Here are the official results for the samples we tested in a licensed laboratory:

[https://dams.reki.bg/uploads/Docs/Files/Drinking\\_Tlumina\\_Rupska\\_2018.jpg](https://dams.reki.bg/uploads/Docs/Files/Drinking_Tlumina_Rupska_2018.jpg)

**It should also be noted that only along the Karamanicka Rivers in Serbia there are three small HPPs in operation and another three under construction. Here**

is a video showing the nearest to the Karamanica Mine intake of a new plant, which is still under construction:

<https://www.youtube.com/watch?v=1BCVGP5juUs>

In the entire Bosilegrad Municipality area **35** new HPP were authorized and can possibly 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 penstocks very soon and the rivers' 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.

## B. The Karamanica Mine:

Here are a few very short videos shot at the Karamanicka - Brankovachka River below the Karamanica mine to start with:

The full beauty of the flotation factory and the waste deposits dumped in the area:

[https://www.youtube.com/watch?v=5pWrF\\_yTe5k](https://www.youtube.com/watch?v=5pWrF_yTe5k)

The "water" discharged into the small gully shot 50 meters below the flotation area:

<https://www.youtube.com/watch?v=6BH3BaH84Ak>

The water running in the river two kilometers downriver below the mine:

[https://www.youtube.com/watch?v=c76c\\_jFSNYE](https://www.youtube.com/watch?v=c76c_jFSNYE)

We visited the area together with reporters from the most popular NOVA TV broadcast - "Gospodari na efira" and they took water samples from the spot shown in the third video in front of our eyes. Tested in a licensed laboratory here in BG these samples showed **lead contents of 2.32mg/l, i.e. 46 times over the limit of 0.05mg/l.**

For proof watch the following official TV footage at 4:25 minutes from the start - it shows the official results:

<https://www.youtube.com/watch?v=DS24JZIOs0o>

For the last two months we have carried out our own study, including tests of water and silt samples, taken from the small gully right below the Karamanica mine, as well as testing water samples taken from the Karamanichka River three kilometers up its confluence with the main Dragovishtitsa River.

Here are the results:

[https://dams.reki.bg/uploads/Docs/Files/REKA\\_KARAMANICHKA.pdf](https://dams.reki.bg/uploads/Docs/Files/REKA_KARAMANICHKA.pdf)

The results show huge amount of all kind of metals, both in the silt and in the water taken from the gully, way over the limits. Our experts say that the silt can be processed again and whoever does it will get immediately rich. It obviously is a very old primitive technology applied in that Karamanitsa mine, to leave so many metals in the waste deposits.

More important is that the tests of the water downriver - three kilometers above the spot where Karamanichka River flows into Dragovishtitsa River - show no contents exceeding the limits and everything seems normal. But then - where do the poisonous contaminants go?

The reason is that the Karamanichka River sinks during low water into the grounds at some point around three kilometers below the mine and then, few kilometers downriver it emerges again on the surface filtrated and purified.

Here is a video taken at the section where the river is dry:

<https://www.youtube.com/watch?v=8MfC0qowZX4&feature=youtu.be>

But this actually is a bigger problem, because it means that the groundwater body is contaminated. During high water part of the Karamanicka River runs on the surface but then it is diluted to some extent.

This is the reason why Dragovishtitsa River in Bulgaria still shows contaminants inside the limits according to the monitoring carried out by WARBD. Yet again, nobody has ever checked the status of the groundwater body, because our authorities are afraid to find the truth - they are in full complicity with the Serbs.

However, it should always be recalled that there are three HPP in operation and another three future HPPs under construction on the Karamanichka River, thus the river will run only in pipelines very soon, not able to sink into the grounds and it wouldn't be filtrated anymore. That is why we wonder - which will be better for the drinking water sources in Bulgaria, many of which are on the same groundwater body, located in the terraces of Dragovishtitsa and Struma Rivers. All the possibly affected drinking water sources are shown on the following map:

[https://dams.reki.bg/uploads/Docs/Files/ZLOGOSH\\_DRINKING.pdf](https://dams.reki.bg/uploads/Docs/Files/ZLOGOSH_DRINKING.pdf)

The map is also showing the Natura 2000 Habitats Directive sites in Bulgaria waiting for the poisonous substances to come along...

The map shows that all the drinking water sources of the Treklyano municipality are located inside the future gold exploration area Zlogosh in BG. It is important to notice that in the Zlogosh area there is a huge amount of Arsenic discovered, as well as a lot of Mercury in the rocks. Arsenic reaches 397grams per ton of rock material, according to the following geological research of the Sofia University:

[https://dams.reki.bg/uploads/Docs/Files/ZLOGOSH\\_Ann\\_SU\\_2010\\_107-126.pdf](https://dams.reki.bg/uploads/Docs/Files/ZLOGOSH_Ann_SU_2010_107-126.pdf)

**This information about the existence of Arsenic and Mercury in the area is very important for two reasons.**

**First**, it comes to explain the contamination of the drinking water sources of the Donje Tlumino village near the border in Serbia during the Medgold exploration project, because the whole region is full of Arsenic contents in the rock formations.

**Second**, it tells us exactly what is going to happen to all the nearby drinking sources, including those of Bosilegrad, during the drilling search for gold in the Zlogosh area in Bulgaria, taking into account what happened to the Tlumino drinking water sources during the same drilling for gold, described in the previous section.

#### **Note**

From now on we will discuss only the actions taken or not taken by both Bulgarian and Serbian authorities in the case of the described Karamanica mine, leading to huge infringements of the Espoo Convention and the additional decisions of the parties.

### **C. Actions by the Serbian Ministry of Environment**

On **June 29th 2016** the Serbian Ministry of Environment has sent official Notification under their Ref.No 353-02-1533/2016 to the Bulgarian MOEW concerning the Karamanitsa mine. This letter is in strict compliance with the Espoo convention and with all additional Decisions of the parties to the Convention. The document can be found in the following link:

[https://www.moew.government.bg/static/media/ups/tiny/filebase/Industry/EIA/2016/Notifikatsia\\_Serbia\\_exp\\_pilot\\_facility.pdf](https://www.moew.government.bg/static/media/ups/tiny/filebase/Industry/EIA/2016/Notifikatsia_Serbia_exp_pilot_facility.pdf)

It is required from the Bulgarian MOEW to respond in six weeks as well as to provide the State of origin - Serbia with the necessary feedback information as required by Decision I/4 of the parties to the Espoo Convention.

The above letter of the Serbs has reached Bulgarian MOEW on **August 22th 2017**? 500 kilometers in Europe were taken for 23 days in the Internet Era, which leads to the conclusion that there is some problem with the motorways across the region, regardless of the fact that the notification was sent via e-mail too.

Therefore we find that the Serbian party has fully complied with Decision I/4 of the parties to the Espoo convention as far as information from the country of origin is concerned.

It is article 2 of the Convention the Serbs have breached, because the Karamanica mine was authorized and started extraction, processing and flotation of Lead-Zinc-Copper ores without any kind of EIA at all - here is the official proof, holding a statement of the Geological Inspectorate in Serbia - see the third page:

[https://dams.reki.bg/uploads/Docs/Files/STATEMENT\\_MOES\\_EIA\\_KARAMANICA.pdf](https://dams.reki.bg/uploads/Docs/Files/STATEMENT_MOES_EIA_KARAMANICA.pdf)

Moreover, waste waters from the flotation are directly dumped into the river, tributary to the transboundary Dragovishtitsa River. Cumulative effects together with several hydropower plants on the same affected river were not assessed at all, not to speak about the implementation of any kind of mitigation measures.

#### **D. Actions by the Bulgarian Ministry of Environment**

The Bulgarian minister of Environment and waters in 2016 - at the time when the Serbian notification came - Ivelina Vassileva, managed to issue an answer on **October 11th 2017** - MOEW No 99-00-161/11.10.2017:

[https://www.moew.government.bg/static/media/ups/tiny/TP/resppilot\\_installation\\_Karamanitsa-bg.pdf](https://www.moew.government.bg/static/media/ups/tiny/TP/resppilot_installation_Karamanitsa-bg.pdf)

Note that this letter is in bad, illiterate Bulgarian language too. We have no clue when did it reach the Serbian party. What matters most is that the response deadline of 42 days was exceeded with 7 or with 30 days depending on which date the counting starts - June 29th or August 22th, because the Serbs will count their date - June 29th of course, and this is only normal.

**And most importantly - the answer of MOEW doesn't hold the feedback information** as required by the Serbs acc. to Decision I/4 of the parties to the Espoo Convention.

**The above means that for the Karamanica mine the BG MOEW has breached the rules, untying Serbian's hands to do whatever they wish, and that is exactly what they did!**

**The final step** in the Drama was taken this year by Bulgarian minister Neno Dimov by sending another letter to the Serbs, pretending to be concerned over the issue. This letter can be found here, this time in English:

[https://www.moew.government.bg/static/media/ups/tiny/EO\\_OVOS/2018/Letter\\_2\\_Karamanitsa-en.pdf](https://www.moew.government.bg/static/media/ups/tiny/EO_OVOS/2018/Letter_2_Karamanitsa-en.pdf)

The letter holds a silly question to the Serbs about the status of Dragovishtitsa River above the border, which is no different than the status below the border, and not a single word about the status of the groundwater body and the drinking water sources.

It is also required by minister Dimov that the Serbian party provides MOEW *with the information and documentation under Art.3, Para.5 of the Convention*.

Well, all that *information and documentation* was submitted by the Serbs in their first letter from 2016 and it hangs on our ministry's internet site! Good for our minister, who is just pretending to be active, but is actually doing his best to sweep the case under the carpet.



## Important

In several media interviews our minister shared with the public that the monitoring of Dragovishtitsa River in Bulgaria, carried out by WARBD on a regular basis, shows no pollution over the limits, which will still be true, until those three new HPPs on Karamanicka River start operation. But he said absolutely nothing about the status of the groundwater body, neither for the drinking water sources.

Moreover, many times he declared that for "pilot projects", such as the Karamanitsa Mine, there is derogation for two years under the Espoo Convention before the transboundary EIA procedure starts. We are not able to find such derogation in the Convention or in the additional Decisions of the Parties.

During the second protest held this year by local people in Bosilegrad, there was a counter protest, organized by the mayor who has ordered all the municipality staff to get out on the street, together with a few mining workers and the management of the mines. Mayor held a speech in which he underlined that acc. to the Serbian and the Bulgarian ministers of environment - There Is No Problem Whatsoever! And he was right as far as Bulgarian minister is concerned, because he's lying all the time that there is no problem.

**So, should the Implementation Committee of the Espoo Convention decide to open a case file against Bulgaria and Serbia, the Secretariat should be prepared to hear from both parties the following:**

1. There is no ecological problem at all in the area of Bosilegrad and all the monitoring results are due to a chain of natural processes, which is a huge lie.
2. Acc. to the honorable Bulgarian minister there is no problem at all too, which is true - according to him there is no problem at all.
3. In 2016 the Serbian state has complied strictly with the requirements of the additional Decisions of the parties to the Espoo Convention, which is also true.
4. It is the Bulgarian party that has breached the Convention by missing the deadline and by not providing the necessary feedback information. This is also true.
5. For "Pilot Projects" there is two years derogation in the Convention before the EIA procedure starts, which represents another lie of our minister, because it's senseless! For two years those proud Serbian investors, supported by our honorable minister, can actually kill the whole planet!

It is so obvious that our minister has done everything possible to weaken everyone else's position in the discussion with the Serbs, except for the Serbs themselves! Is he Bulgarian, this guy?

**However, it should always be recalled** that it is the European citizens' health on both sides of the border involved, as many of the ethnic Bulgarians above the border are Bulgarian citizens too, and at the same time the Dragovishtitsa River falls right below the border within the boundaries of the European Natura 2000 Network site, hosting priority habitats and priority species listed in Annex II of the European Habitats Directive.

**Obviously we are facing now a direct attack from the Serbian party in complicity with the Bulgarian MOEW towards the most important values of the European Union itself - human health and environmental protection.**

## **E. Infringements of the Espoo Convention and the additional Decisions of the Parties to the Convention**

**The Serbian party** has authorized the **Lead - Zinc - Copper mine "Podvirovi" at the village of Karamanica**, Bosilegrad Municipality, to start extraction, processing and flotation of Lead-Zinc-Copper ores without any kind of EIA at all - neither transboundary, nor internal. Mitigation measures of any kind were not implemented and the waste waters from the flotation are directly dumped into the river, tributary to the transboundary

Dragovishtitsa River. Cumulative effects of this mine, together with three operational and three future hydropower plants on the same affected river were not taken into consideration either. Public consultations with the interested local communities on both sides of the border were not conducted at all - local people got to know about the mine when their river got so dirty that their domestic animals refused to drink the water from it.

**We find that in this way the Serbian party has breached the Espoo Convention article 2, paragraphs 1, 2, 3 and 6.**

**The Bulgarian party** has not reacted to the Notification of the Serbian party within the time-frame required by the Serbs and didn't provide the party of origin with the necessary feedback information in accordance with Decision I/4 of the Parties to the Convention.

**We find that in this way the Bulgarian party has breached the Espoo Convention article 3, paragraphs 3 and 6, as well as Decision I/4 of the Parties to the Convention.**

### **III. CONCLUSION**

**Ladies and gentlemen,**

Here we have to get back to all the other present and future industrial activities in the transboundary Bosilegrad - Kyustendil area. All existing undertakings were authorized by both Bulgarian and Serbian authorities without any kind of EIA, neither transboundary, nor internal. This leads to the conclusion that both Bulgarian and Serbian environmental authorities have adopted their own bilateral convention on how to fully disregard all environmental protection rules and that each party will not cause any problems to the other party until the entire border region gets fully poisoned.

Actually, it is now so obvious that both parties are now competing with each other on who will manage to kill nature and to chase away the local people first. Why are they doing this? Because the other name of the mining business in the region is Corruption.

Therefore we hope that the Implementation Committee of the Espoo Convention will take the necessary measures to stop both perpetrators in a timely manner, otherwise they will not rest until total destruction of the entire Bosilegrad - Kyustendil region becomes fact. To our view, an independent from both parties EIA, carried out by an international team of experts, is the only way to find a reasonable solution, having in mind that the management of the Karamanica Mine declares in the Serbian media intentions to increase its processing and flotation capacity ten times in the nearest future...


**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:

Sofia, Bulgaria  
10.02.2019

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

