

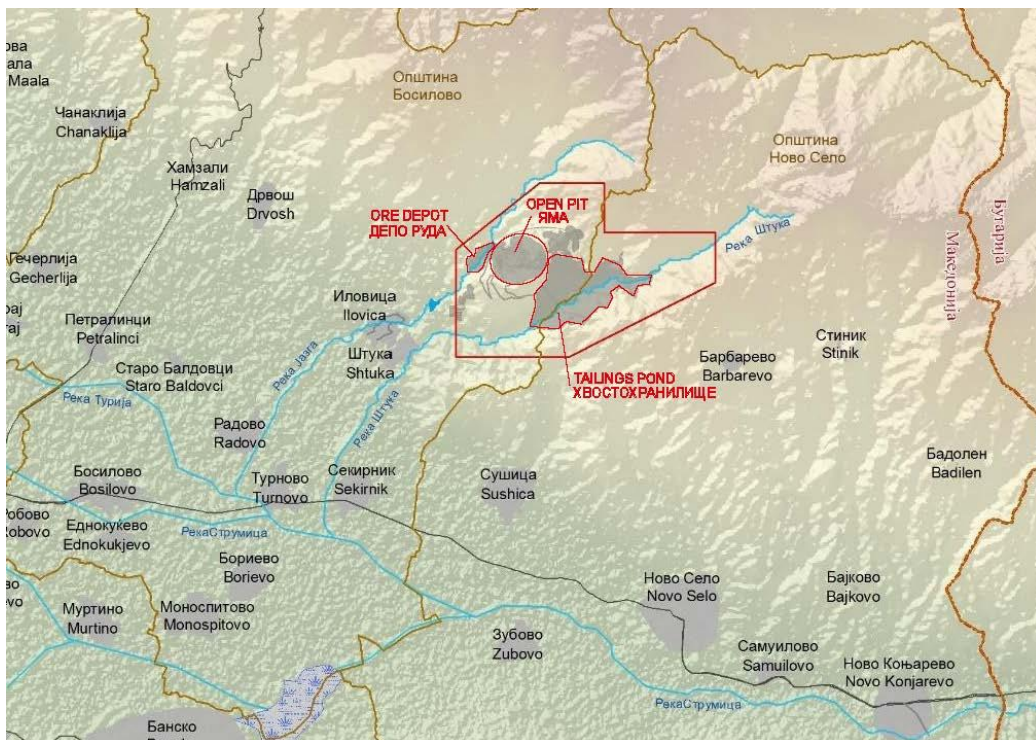
“Balkanka” Association, Sofia, Bulgaria  
“Nature has all the time in the world, we do not”.

# COMPLAINT

## TO

### THE IMPLEMENTATION COMMITTEE OF THE ESPOO CONVENTION

### CONCERNING FAILURE TO COMPLY WITH THE CONVENTION



**Representative for this complaint:**

dipl.eng. Dimiter Koumanov,  
Member of the board

Sofia, Bulgaria  
19.07.2023

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**ACRONYMS:**

<b>MOEW</b>	- Ministry Of Environment and Waters of Bulgaria
<b>MOENM</b>	- Ministry Of Environment of North Macedonia
<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

## **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:**

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](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 Ministry Of Environment of North Macedonia (MOENM) in complicity with the Bulgarian Ministry of Environment and Waters (MOEW).

## **II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF THE CONVENTION**

### **A. General description**

This document holds evidence concerning the forthcoming ecocatastrophe, due to the development of the **Gold - Copper mine "Ilovitsa - Shtuka"** soon to be set into operation close to the villages of Ilovitsa and Shtuka, Strumitsa Municipality in North Macedonia, adjacent to the border between Bulgaria and North Macedonia.

A few years ago, after a number of severe local protests in the Strumitsa Municipality it was declared by the North Macedonian authorities that this mine will never be developed. Nevertheless, it is an undertaking the Bulgarian authorities are pretty well aware of, but there were no contacts between both parties concerned to deal with the transboundary issues arising from the activity, regardless of the fact that the environmental procedures in North Macedonia were nearly completed back then.

Both parties concerned acted as if the mine is not only 20 kilometers away from the border, measured along the water courses of the Strumitsa river and its tributaries. At the same time the large scale, cyanide-based open pit gold mine became famous across Europe and everybody knows about it, except for the affected parties Bulgaria and Greece. Here is a special statement on the matter from the European Greens as an example:

<https://europeangreens.eu/athens2012/balkan-gold-rush-year-2012-tragedy-making>

**At the same time the water body "BG4ST400R072 Strumeshnitsa River from the N. Macedonian border to the confluence with Struma River" is in bad chemical and bad ecological status** according to the actual in Bulgaria West Aegean River Basin Management plan:

[https://wabd.bg/docs/plans/ST/RBMP\\_STII.pdf](https://wabd.bg/docs/plans/ST/RBMP_STII.pdf)

To avoid any misunderstanding it should be noted that in North Macedonia the river is called *Strumitsa*, while in Bulgaria the same river is called *Strumeshnitsa*.

Both Strumeshnitsa and Struma Rivers are running in Bulgaria through Natura 2000 Habitats Directive Site Rupite-Strumeshnitsa BG0001023 (SCI), and then Struma enters Greece to reach the Greek National Park "Kerkini" some 25 kilometers away from the Bulgarian border.

However, 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.

Therefore it should also be underlined that both in North Macedonia and in Bulgaria the waters of the Strumeshnitsa River are used for irrigation and there are at least six protected groundwater sources of drinking water, located in its terraces, supplying drinking water to the municipality of Petrich in Bulgaria.

Following the announcement few years ago that all procedures in North Macedonia are cancelled for good, local people in North Macedonia have remained calm, assured that there will be no mine to threaten their way of living in the rural region they happen to live in. The people in the affected Bulgarian region hardly even knew anything about the threat, because no action in a transboundary context was ever taken.

But it is the usual tactics of all mining companies in the corrupt Balkan region - to wait a few years for the dust to settle and then to try again. In the meantime all the competent state authorities are being engaged in various corruption schemes to embrace the project when the proper time comes, and this is exactly what has happened in the last year.

The devastating impact of the mine will be thoroughly discussed and proven in the next section. In brief the infringement of the Espoo Convention is hidden behind the fact that the mining activity falls under No14 in the list in APPENDIX I of the Convention and in breach of Convention article 2, during the current EIA procedure in North

Macedonia the affected Bulgarian party was not informed and, therefore, no public consultations were held in the affected country region in Bulgaria.

Close to the Bulgarian border the Struma River flows into the National Park Kerkini lake in Greece and the Greek party was not informed in line with the Convention either.

In fact, in the EIA report approved by the North Macedonian environmental authorities, there is not a word about the potential transboundary impact whatsoever.

## **B. The Gold - Copper mine "Ilovitsa - Shtuka":**

The source of information in this section is taken from the EIA report from **2016**, taken from the Euromax Resources - the developer's web site for the project:

<https://www.euromaxresources.com/operations/ilovica-shtuka-macedonia/>

First of all it should be noted that the local EIA report the developer is so proud of is **7 /seven/** years old. We believe there is no need for us to explain the meaning of this fact. As for the contents and the quality of the report, here are just a few citations:

### **pages 11-12**

*The project will include an open pit mine, two areas with ancillary facilities and warehouses, tailings facility where mine waste will be deposited and an oxide ore depot. The mine will be developed as a surface mine, from where the ore will be extracted and crushed, then transported by conveyor belt to the mineral processing plant. The crushed ore will undergo flotation to remove minerals containing copper and gold. For the final product, **leaching** of the gold shall be used.*

### **Notes:**

1. There is no other type of leaching in this case, but the good old cyanide leaching. This is not clearly stated in the report for obvious reasons.
2. According to the maps in the report /see the front page here or page 17 in the report/ the tailings pond will be located in the Shtuka River riverbed, and the river itself will be redirected in a channel to pass by the tailings pond. What will happen during heavy rainfall when the tailings pond is full, remains unclear.
3. To be enlarged and studied in detail the map can be downloaded from here: [https://dams.reki.bg/uploads/Docs/Files/ILOVITSA\\_MAP.jpg](https://dams.reki.bg/uploads/Docs/Files/ILOVITSA_MAP.jpg)
4. Again acc. to the maps, the oxide ore depot will be placed in the Yazga River riverbed where bacterial leaching will take place, the heavy metals will be dissolved in the sulfuric acid that is formed and will flow together down the river. These are natural processes and there is no way for them to be prevented and stopped.

### **pages 19-20**

*The construction of the oxide ore depot will begin between the 3rd and 5th year of operation. Due to the lack of detailed information, the EIA assumes that the maximum amount of oxide ore (5 million tons) will be stored from the 3rd year until the end of operation. Oxide ore will be removed from the depot and processed at the PMS plant during the last two years of operation.*

### **Notes:**

1. There is no data for the duration of the concession available, but it will surely take several decades. Even if it's true that the oxide ore will be removed from the riverbed some day, it will stay there for a very long period of time and the impact will be devastating - all the waters running below the depot will be heavily polluted.
2. The statement that the oxide ore will be removed in the end of operation is in large contradiction with another statement on page 34 which says "...the oxide ore depot is



not proposed as part of the project and impacts on water quality in the r. Yazga and "Ilovitsa" dam have been avoided." Obviously this last statement is a lie.

**page 24**

Observations during the drilling show surface erosion/degradation of the granite at the bottom of the tailings pond which has numerous cracks. Filtration values were higher than those in the surface deposit. The decomposed and cracked granite top surface at the base of the tailings pond forms a small aquifer that is hydraulically connected to the Shtuka River.

.....  
The groundwater under the two villages of Ilovitsa and Shtuka is at a relatively shallow depth. The water depth is closely related to the proximity of the Yazga and Shtuka rivers

.....  
The results of the study of the existing conditions show that the Yazga River insignificantly loses water into the groundwater system downstream from the proposed open pit mine. In the Shtuka river valley there is a complex system of interaction between underground and surface water. Monitoring shows surface water flow losses of about 30% in the proposed area of the tailings facility. Surface water runoff downstream after the tailings pond increases due to the inflow of surface water into the alluvial gravel.

The Yazga River is used for water supply in the Ilovitsa village for household needs (except for drinking), and for irrigation of the fields and gardens.

**page 25**

**The Shtuka River**

Water is used for household needs (including drinking), as well as for irrigation of plots and gardens.

**page 26**

**Sediments**

Only the gauging station located upstream from the proposed mine meets IFC guidelines for total suspended solids. **Other locations do not meet IFC guidelines, possibly related to the exploration activities.**

.....  
The results of the chemical analysis of sediments from the Yazga and Stuka rivers show that aluminum and iron are the most common elements in the river sediments. Major ion concentrations such as Al, Ca, K, Mg and Fe were higher in samples taken in the Yazga River catchment than in the Shtuka River catchment. **Copper, iron and sulfur showed increased values at a measurement point near the mining field (in the Yazga River catchment). The lead also showed increased value at this location, with values twice as high as the recorded elsewhere.**

**page 33**

**Groundwater**

**Yazga River**

**Initial water quality impact modeling showed major impacts associated with the oxide ore depot and with the overflow of the pond that will be formed in the open pit. Both will result in a decrease in pH value (ie. more acidic water than in the existing conditions) and in an increase in the level of metals and other parameters analyzed (including zinc, sulfate, arsenic, cadmium, copper, iron, nickel, lead, aluminum, manganese and selenium...**

**...the oxide ore deposit is not proposed as part of the project and impacts on water quality in the Yazga River and the "Ilovitsa" dam have been avoided.**

**NOTE:**

The last underlined statement is a huge lie - the oxide ore depot will stay in the Yazga riverbed for several decades. See comment No2 in the notes on page 5 of this document, related to page 19-20 of the report!

#### *Stuka River*

*Changes in water quality include a decrease in pH value (more acidic water) and increased concentrations of metals and other parameters (including zinc, aluminum, arsenic, copper, iron, nitrate, sulfate, WAD [poorly acid-soluble metal and cyanide complexes], selenium, manganese, cadmium).*

#### **NOTE:**

Cyanide complexes have nowhere to come from, except from the processed ore cyanide leaching...

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

**The North Macedonian party** is about to authorize the **Gold-Copper mine "Ilovitsa - Shtuka"**, Strumitsa Municipality, to start extraction, processing and flotation of Gold-Copper ores without any kind of EIA in a transboundary context.

Public consultations with the interested local communities on both sides of the border in line with article 2 of the Convention were not conducted at all - local people in Bulgaria got to know about the mine only from the social media in internet. To the deception of the public few years ago it was announced that the project's implementation is cancelled, only to be revived in the last year without any official announcement shared with the affected parties - Bulgaria and Greece.

**We find that in this way the North Macedonian party has breached the Espoo Convention article 2, paragraphs 1 - 7.**

**The Bulgarian party** has not reacted to the news at all. The EIA report for the mine was completed in 2016 and there was not a single step from the affected party to try to contact the party of origin ever since.

**We find that in this way the Bulgarian party has breached the very meaning of the Espoo Convention, hiding the huge risk from our own people.** If this devastating mine starts operation the way it is proposed according to the EIA report, without an EIA in a transboundary context and without the voice of the affected local Bulgarian people being heard, what do we have such a beautiful Convention for? The "competent" Bulgarian authorities are acting in complicity with their kind in North Macedonia for sure. In the most corrupt region in Europe this is no surprise to anyone at all.

### **III. CONCLUSION**

**Ladies and gentlemen,**

First it should be recalled that the water body **BG4ST400R072 Strumeshnitsa River from the N. Macedonian border to the confluence with Struma River** is in **bad chemical status** according to the actual for the moment West Aegean River Basin Management plan in Bulgaria. The water of this river is used for irrigation nevertheless, and there is a number of drinking groundwater sources in its terraces for the Petrich municipality.

From the EIA report for the mine it becomes clear that we will have an open pit gold-copper mine that will cause a devastating impact on the wellbeing of the local people on both sides of the Bulgarian - Macedonian border.

The impact is likely to reach Greece according to our Bulgarian experience with the same type of mines developed during the old Socialist times and abandoned rapidly thereafter. One example is the Topolnitsa River below the old Medet Copper mine, where even flies don't fly over the water for seventy kilometers downriver and nobody in the villages along the river is using the water for anything. Tap water in the village of Poibrene some 70 kilometers away from the Medet mine, taken from the wells in the terraces of the Topolnitsa River is not used even for irrigation purposes because the plants die from the water in no more than a day... Further pollution is blocked by the deep Topolnitsa dam, which plays the role of tailings pond, a role that in our case will be played by the shallow Kerkini Lake in Greece.

Open pit mining in cracked rock formations, combined with cyanide leaching, with the poisonous substances stored in a tailings pond the base rocks of which are heavily cracked, with 5 million tones of oxide ore directly dumped into the Yazga riverbed for decades, in an area with direct contact between the ground and the surface water bodies... and the poisonous soup as a result of all these good intentions will flow into a river in bad chemical status...? Then - how about the objectives laid down in the good old EU Water Framework Directive?

North Macedonia has applied for accession in the EU and the EU itself is party to the Espoo Convention too!

Therefore we do not have an explanation how is it possible for such an old and obsolete type of a metal mine - a dead horse from the middle of the 20th century - to be developed in modern times' Europe with all its beautiful Directives, concerning the protection of the surface and groundwater bodies, the access to drinking water, the EIA and SEA Directives, the mining waste Directive etc. etc.

By the way, although the named directives are included in the list in section 1.3.4.1 and elsewhere in the report, there is not a word about the measures aiming to meet the requirements of the mining waste Directive 2006/21/EC, article 13(6), concerning the concentration of weak acid dissociable cyanide at the point of discharge of the tailings. A few words here and there are said about potential wastewater treatment in the operational phase, but to an unknown extent of purification.

At the same time, in section **5.3.1.1 Sources of effects** on page 200 it is written fair and square that among other, potential sources of pollution are:

- ***Leakage of leaching containing cyanide residues, sulfates and metals leached in the pore water from the tailings that is retained in the pond and sinks into the ground;***
- ***Leakage of acidic waters from rocks, sulfates and metals that are leached from the tailings into underground or surface water;***
- ***Leakage of acidic waters from rocks, sulfates and metals that are leached into the effluents in contact with the reservoir;***
- ***Leakage that contains of acidic waters from rocks, sulfates and metals that are leached from the oxide ore depot and discharged into the ground;***
- ***Surface runoff containing acidic rock leakage, sulfates and metals from the exposed slopes of the surface mine***

If anyone does not believe that all these effects are real, we are ready to take him to several old open pit mines in Bulgaria to face the reality for himself.



As for the promised in the EIA report reclamation of a 600 meters deep enormous open pit in the end of the activity, we don't even need to talk about it. No one has ever seen that wonderland anywhere in the world.

**That said, having in mind that the EU itself is party to the Espoo Convention,** this document is going to be shared with the European Commission and with the other potentially affected party - Greece.

We really hope that there will be reaction not only on behalf of the Implementation Committee of the Convention, but from the European Commission itself, because this is a case, where the affected parties - Bulgaria and Greece - are EU member states, and the party of origin is an applicant for EU membership!

**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 notification:

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

Sofia, Bulgaria  
19.07.2023