

“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 1



Representative for this complaint:
/dipl.eng. Dimiter Koumanov/

Chairman of the board:
/Kraislav Dimitrov/

Sofia, Bulgaria
05.01.2016

ABSTRACT

Regarding the Complaint to the Commission of European Communities, lodged by Balkanka Association, Sofia, Bulgaria on **30.06.2015** - DG Environment case file ID number **CHAP(2015)02363**, this document contains additional information concerning numerous infringements of Union Law, discovered since the first Complaint was lodged in the midsummer of 2015. We did have only **50** HPP river barrages exposed on the HPP monitoring internet platform <http://dams.reki.bg/> at the time.

Although we knew about many other existing problems, we didn't have the evidence - therefore the following information was not included in the first edition.

At present, the number of HPP weirs we have visited and shot is about three times bigger. We visited a lot of Natura 2000 protected area sites; special attention was paid to highly protected territories like National and Natural parks and also to the existing old cascades from Socialist times. Our new findings revealed facilities and practices that appear to be much more destructive to nature, habitats and species, than those in the normal, environmentally unprotected part of the country.

Moreover, during a study on the reasons that have justified these newly discovered problems, we traced some new significant gaps in the Water Act, description of which was not included in the Complaint first edition.

For each HPP weir checked this year, we have submitted a report to MOEW and to the competent RBD, including pictures and videos. The outcome of our "collaboration" with the state authorities is quite poor, revealing other problematic issues of great importance that need deep and thorough consideration in the process of investigating the HPP operation practice in Bulgaria.

The above new information is now included in the following document. Depending on DG Environment good practice and will - it may be considered as an integral Appendix 1 of the original Complaint, or as an entirely new complaint.

Anyone who reads this document, please note that you need to have read the original Complaint first - DG Environment case file ID number **CHAP(2015)02363**, because it contains the initial information that will not be fully repeated herein. It will be mentioned briefly only in case of unavoidable necessity or of description integrity. The numbering of new facts starts at **No36**, simply because the last fact in the original Complaint was **No35**.

Acknowledgements

We need to express our deep appreciation and huge gratitude to NOVA TV television network and personally to the NTV reporter - Rada Bogdanova, for the support. These people are on our side of the river.

We dedicate the following document to the poor people, living in Barzia and Zanojene villages - Montana District, whose misery inspired our efforts, giving us additional forces and rage to keep on fighting the beast...

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ABBREVIATIONS

MOEW	- Ministry Of Environment and Waters of Bulgaria
RIEW	- Regional Inspectorate/s of Environment and Waters
RBD	- River Basin Directorate/s
BDDR	- Basin Directorate Danube Region
EARBD	- East Aegean River Basin Directorate
WARBD	- West Aegean River Basin Directorate
BDBSR	- Basin Directorate Black Sea Region
WA	- Water Act
FA Act	- Fishing and Aquaculture 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 fario/* populations in Bulgarian rivers.

3. ADDRESS OR REGISTERED OFFICE

3.1. Surname and forename of complainant:

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

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

The Bulgarian Ministry of Environment and Waters (MOEW), the Regional Inspectorates of Environment and Waters (RIEW) and the River Basin Directorates (RBD) with MOEW.

II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF UNION LAW

This document contains additional to the original Complaint important information, concerning systematic violation of Community law (the Water Framework Directive, the Habitats Directive, the SEA Directive and the Flood Directive) and of national strategic documents that correspond to planning, approval, construction, operation and control of hydropower plants (HPP) in Bulgaria.

As described already in the original Complaint - Balkanka Association has set up /with the substantial help of *WWF-Bulgaria*/ an internet HPP monitoring platform <http://dams.reki.bg/> - where we upload and expose all information that refers to commissioning, design, construction and operation practice of HPP, we manage to collect. There is some new data to add to the initial Complaint information - in July the number of operating HPP in Bulgaria was exactly **247**, but as far as we study the tendencies, such exact numbers are important to the statistics only, but not to us.

Since the first Complaint was lodged, with a number of **50** HPP visited at the time, we have already checked some **70** other HPP sites. The number of weirs checked exceeds the number of HPP by far, due to the fact that cascades have numerous water catchments. For example - the Petrohan cascade operates with three HPP and 51 water catchments, about 20 of which we have shot, the Belmeken-Sestrimo cascade - with three HPP and more than 80 water catchments that we know of /7 of them - shot/... and so on.

The water catchments for Belmeken-Sestrimo and Blagoevgradska Bistrica cascades are located in Rila National Park, all of them displaying gunpowder dry riverbeds with none or impassable fish passes again. And things are not getting any better in the forthcoming updates of the new Management Plans for protected territories Rila, Pirin and Vitosha, for which we have delivered objections to MOEW with no success at all.

For each and every HPP site visited we have submitted a report to MOEW and to the competent RBD. How they reacted is described in section F. of this chapter.

IMPORTANT:

Just like in the first Complaint, we have once again exposed each new fact all along with a new proof, uploaded on <http://dams.reki.bg/Dams/Map> - when pictures and/or videos are concerned. A picture is extracted from the contents of each link /usually the most clear one/ to verify the fact, but while in some cases videos are also attached to the links - it will be much better to follow the links in order to get a full view on the problem.

When documents are referred to - they are all quoted as numbers in the list of evidence /see chapter III please/.

This time we are sending the appendix directly via e-mail. Copies of the documents can be downloaded and extracted from the RAR archive file - **Documents.rar**, which is also attached to the e-mail.

We also suggest once again that, if appropriate - an Association representative can visit the Commission headquarters, in order to display all evidence on the matter, showing to the DG Environment officials the entire contents uploaded on the site HPP map - one after the other, if necessary. Alternatively - should any unconvinced DG Environment officer decide to visit Bulgaria, we can arrange visits of HPP sites, under two conditions - visits must be held in dry months - August or September preferably, and the visits /not the original complaint or the appendix/ must be kept secret to the state authorities, otherwise HPP operators will be warned in advance. Poor fish passes can be visited any time of the year of course, because they cannot go anywhere.

The new facts justifying this appendix to the original Complaint are:

A. Problems encountered in Rila National Park

36 Fact - National parks are territories with almost the highest level of protection - much higher than the normal Natura 2000 sites. During our inspections there, the situation turned out to be much worse in comparison even to the normal environmentally unprotected part of the country. In these territories there was no level of protection whatsoever, as far as rivers and river ecosystems are concerned. Totally dry riverbeds, nonexistent or improper fish passes again, etc. It should also be noted that the lack of water in these territories, during dry summer periods, affects not only the aquatic species, but also the protected species of vertebrate animals, like the otter (*Lutra lutra*) and bird species, due to the reduction of appropriate nesting spots along the rivers, and mostly due to the decrease in their nutrition base – aquatic invertebrates and fish, also harmed or destroyed by insufficient ecological river flow. The drying-up of small rivers in summertime also deprives the protected birds, mammals and other animals from drinking water, vital for their survival in those protected territories.

We checked the Belmeken-Sestrimo cascade and Blagoevgradska Bistritsa cascade in Rila National park and here is what we discovered:

36. A - Belmeken-Sestrimo cascade.

This is an old one, from Socialist times. To our knowledge, it has at least nine derivation channels - Granchar, Maritsa1 and Maritsa2, Jaferitsa, Chairski, Yadenitsa a.o.

The exact number of water cathments is unknown to us. All waters are transferred to, and collected mainly in the Belmeken dam and the small Stankovi Baraky dam. The cascade operates with three HPP, but the water in Belmeken dam is also used for the Chaira Pumped Storage HPP, which normally stays in a standby regime, as a reserve to the national electric system, or works in the peak electricity consumption hours of the day. All high mountain rivers and streams we visited, were dry bellow each barrage in dry summer and late autumn months. Hence we will not argue about fish passes this time, just because there is nothing to migrate upriver there.

Proof

<http://dams.reki.bg/0485-dam/2015-07-27> - Ropalitsa River, Granchar channel:



<http://dams.reki.bg/0485-dam/2015-11-21> - other water catchments for the Granchar channel at high mountain streams:



Please note that the Granchar channel has 47 catchments.

36. B - Blagoevgradska Bistritsa cascade.

This is a new one. Eight HPP were attached to the drinking water pipeline of Blagoevgrad city. The situation is not any different from the previous.



These catchments are located in Rila National Park, near the Strict nature reserve **Parangalica** (I category by IUCN) - Biosphere reserve by the UNESCO-MAB programme, which is entitled to the highest level of environmental protection possible? It doesn't look like there is any kind of protection, does it?

IMPORTANT:

Someone may argue that the water goes for Blagoevgrad city anyway, hence where would the problem be? The problems are:

1. The Water Act rules that the minimum water flow must be discharged, no matter the purpose of the water abstraction. It is quite reasonable, because people can search and find other sources of water, while ecosystems can't.
2. We visited the area at 10 - 11 o'clock a.m. The city water consumption must have been low then, yet all HPP were working at full power, judging from the noise they raised. Again there might be some argument that there are big losses in the city old pipelines, but this only means that those losses will never be taken any care of, just to let those eight HPP to keep on working full time.

We can strongly suggest that Bl. Bistritsa cascade is designed and built in such a way, that it is supposed to work at full power, full time, day and night, no matter if the city water supply system consumes any water, or it doesn't.

Proof:



This picture displays the lowest HPP station of the cascade, together with an exhaust pipe for the extra water quantity used for hydropower, when the city doesn't need any water. The picture was taken at a recent visit of ours, when the Kartala water catchment was under some reconstruction, extracting no water from the river, and the cascade was running at low power, simply because there was water just enough for the city needs. In the summer, when the previous pictures were taken, at the same time of day - about 11 o'clock a.m., the cascade was running at full power and the rivers were dry below the catchments.

The situation does not get any better, knowing that at the same Blagoevgradska Bisritsa river, at present there are - two operational HPP/one of them at a tributary stream/ and several future HPP that have water body exploitation permits already issued, which simply means that they will work using the minimum ecological water quantity, discharged into the river by the above catchments - for further comments on this issue see section D. of this chapter, please.

B. Problems encountered in “Bulgarka” and “Vitosha” Natural Parks

37 Fact - We checked this year the Sivyak river in **Bulgarka Natural Park**.

Here is what we discovered on 15.11.2015:



A gunpowder dry river bed bellow the barrage. As always... Located in Natural Park - Natura 2000 Birds and Habitats Directives Site Bulgarka BG0000399.

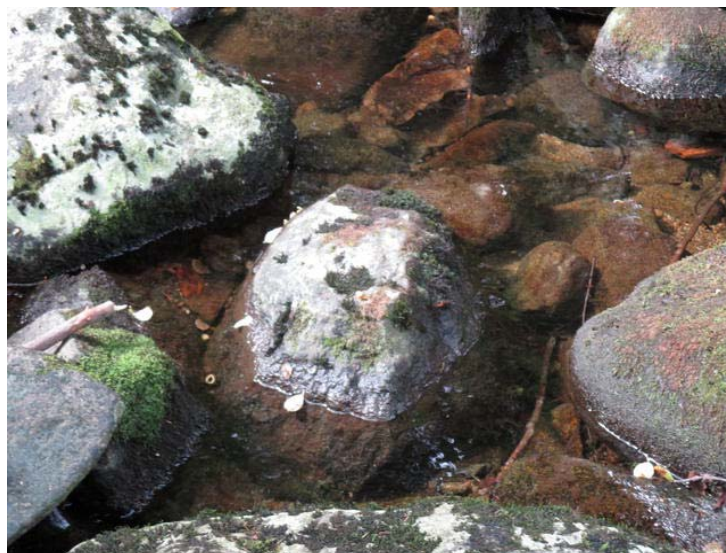
Moreover - the same situation was discovered by a BDDR checkup on 24.01.2013. A letter was sent by BDDR to the Gabrovo City Water Supply operator, containing neither prescriptions, nor a penalty. Meaning that the controlling RBD politely informed the criminal that he was braking the law? Since there was no penalty - no wonder that three years later, there is no improvement whatsoever.

Proof - see document No 6, please - extraction from the BDDR checkup register for 2013.

38 Fact - In Vitosha Natural Park /Natura 2000 Birds and Habitats Directives Site Vitosha BG0000113/ we checked two rivers this year - Boyanska river and Selska river. The waters of Boyanska river are taken for the drinking water of Sofia city, combined with a small Boyana HPP. At the time of our visit the water flow in the river was not more than 10 l/sec, while the minimum water flow had to be 26 l/sec according to the water permit. The river stones have a brownish layer on them, which is always a sign that there is no life in the river bellow the Rock House water catchment at Boyanska river.

Proof:

<http://dams.reki.bg/0032-dam/2015-10-04> - Boyanska river near Bor hut.



The Selska river has a water catchment for the needs of Simeonovo HPP. At low water it was not taking any water from the river, but there is no fish pass at all.

Bellow that weir we discovered a pipe installed into the river, which was taking the entire water out of it - in an autumn period with the forthcoming migration of trout.

Proof:

<http://dams.reki.bg/0263-dam/2015-10-04> - Selska reka

The following picture displays the Simeonovo HPP barrage with no fish pass at Selskata river:



The following picture displays the dry river beneath an illegal pipeline:



Our observations only prove that in Vitosha Natural Park - no one protects anything from anyone.

It should also be noted that there are many other existing river barrages in Vitosha Natural Park that have no fish passes of any kind. Actually - not a single fish pass exists for the numerous barrages at the entire river network of the park. Our proposition to the new Management Plan of Vitosha Natural Park, regarding the issue, has not been accepted.

C. Problems encountered in Natura 2000 protected area sites - new data

This year, in the low water summer period, we have visited numerous water catchments for the old cascades from socialist times. Some of them - belonging to the cascades in Rila National Park, have already been exposed in Section A of this chapter. Here are the results for some other cascades, which are located in normal Natura 2000 protected sites:

39. Fact - Yadenitsa derivation channel and the new Yadenitsa dam

We have shot only one river barrage at the Yadenitsa channel this year, because we don't know the exact location of other. It is a problem we will thoroughly survey next year. The result is - always the same picture - dry small stream, with no fish pass of any kind.

Proof:

<http://dams.reki.bg/0488-dam/2015-11-22> - Yadenitsa channel water catchment No 5.

We have no pictures, but you can watch the video attached to the link.

And it is such a small stream they are taking the water from - all of it they are!

Located in Natura Habitats Directive Site Yadenitsa BG 0001386

Important:

The water, collected by the Yadenitsa channel, goes to the Stankovi Baraki dam, and then - it doesn't come back to the same Yadenitsa river but goes directly to the Maritsa river basin through the Belmeken-Sestrimo cascade.

At present there is an ongoing procedure for the design of a new **Yadenitsa dam** - a project abandoned some years ago. And where are those people expecting to collect more water from? There are only two options:

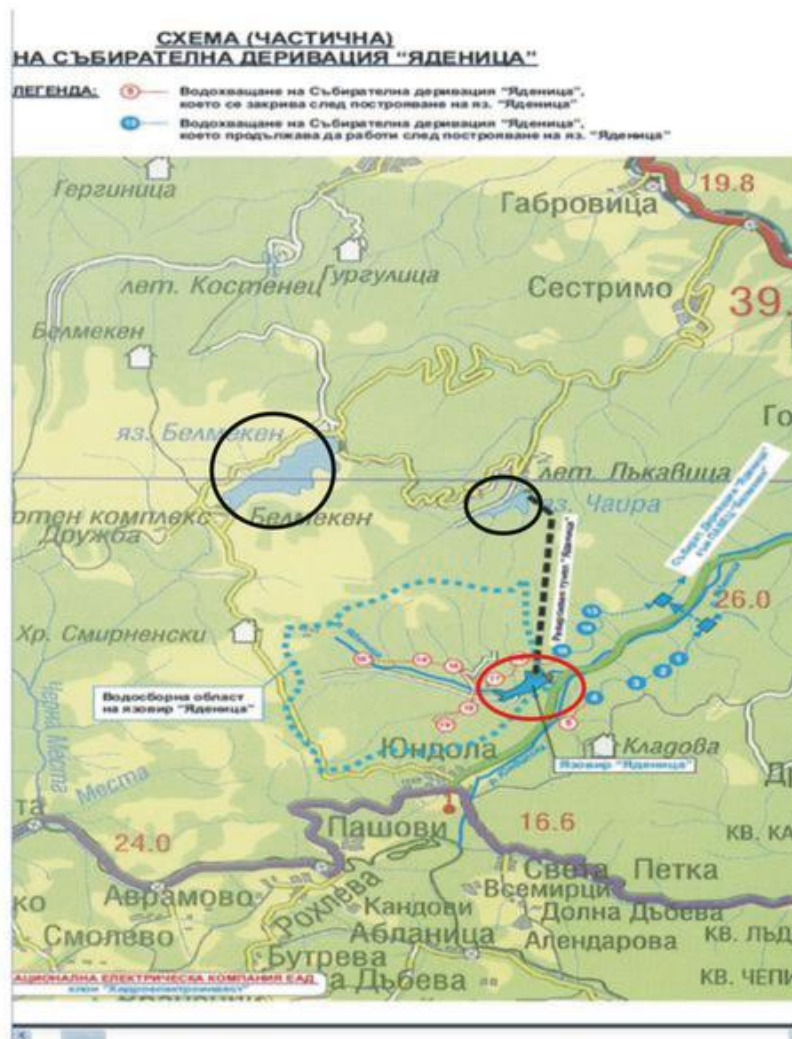
1. To use the existing Yadenitsa channel. It can not be quite reasonable if all the existing barrages are located at such small streams, while the Water Act prohibits water abstraction from rivers with an average long term water flow less than 100l/sec, which is applicable to all the rivers and streams in the area. And the new project has to comply with the modern requirements of the law, hasn't it.
2. Building the new dam wall anywhere at the higher section of the Yadenitsa river, where it still runs free? But then - what will happen to the same river, which nowadays almost dries up in summer months?

According to:

http://vestnikstroitel.bg/tema/47865_yazovir-yadenica-edin-neobhodim-stroezh/

...the waters will be collected both ways. Although its volume will be used as a reserve for Chaira Pumped Storage HPP, the new Yadenitsa dam will intake additional water from the remains of Yadenitsa river, together with the waters collected by some of the existing old water catchments of the Yadenitsa channel. Can we use them for an entirely new project, let alone that they have no fish passes?

Here is another source - the last page contains a partial map of the system



The black circles are the old Belmeken dam /the bigger one/ and the Chaira dam. The red one is the new Yadenitsa dam. There still are some Yadenitsa channel water catchments and another small dam - Stankovi Baraki that are not displayed on the map.

The blue dots are old Yadenitsa channel water catchments that will continue working, transferring the water to the Stankovi Baraki dam to be used for the Belmeken-Sestrimo cascade again. The red dots will be closed, simply because the new dam will catch the water anyway.

Thus the story is getting a bit clearer now - The water will be collected by the water catchments located mainly in Rila National park initially in the Belmeken dam. A part of it will be used by the Belmeken-Sestrimo cascade, the rest will go through the Chaira PSHPP to the Chaira dam, the volume of which is insufficient now to let Chaira PSHPP to work more than 8.5 hours per day. The new dam will provide for Chaira HPP the additional volume to let it work 20 hours per day and the remains of the old Yadenitsa channel being a part of the lower derivation circle of channels will still collect and deliver waters to the Stankovi Baraki dam for the Belmeken-Sestrimo cascade.

It looks like quite a complex new project. Leaving not a single drop of water to run free in the entire South and Southeast part of the Rila mountain with the Rila National park included.

The existing old water catchments in the entire mountain area will rest untouched. They will play an important role in a brand new project, although they do not meet any modern legal ecological or technical requirements.

We have an old saying here in Bulgaria - ***“you cannot open a new whorehouse with old... whores /water catchments/”***. Especially if the catchments are located in Rila National park or in Natura 2000 protected site Yadenitsa, although the new dam location will be out of the site area. /Sorry for the language but old sayings must be cited exactly/.

The possible benefits of the Yadenitsa dam are described in the following article:

<http://nek.bg/index.php/en/about-us/hydro-pumped-storage-in-bulgaria-yadenitsa>

Here is a citation: *“the four hydro units of the power plant will be able to operate at full capacity in a turbine mode for 20 hours and in pump mode for 22,5 hours.”*

There are three major benefits disclosed in the above article:

1. Improving the structure of generating capacities
2. Improving the structure of back-up capacity.
3. Role of Chaira PSHP in the conditions of an increasing relative share of RES generating capacities.

The No1 and No2 benefits are correct - but only for the first 20 - 8.5 = 11.5 hours. After that the water in both Yadenitsa and Chaira dams must be pumped back to the Belmeken dam for another 22.5 hours, to be used again. Alternatively - the Chaira PSHP can continue working in the turbine mode only as a normal HPP and there isn't enough water available in the entire Rila mountain for the purpose - see section A. again please. Especially if those water catchments must release the ecological water quantity acc. to the Water Act.

And to increase the role of Chaira PSHP in the relative share of RES we need either a new Rila mountain to build, or a 44.5 hours day. Otherwise we are just changing the cycle - from 8.5-10.7 to 20-22.5 hours, which is not such a big deal, if the numbers are correct.

We have perfect knowledge of the rivers there, to be sure enough that the waters will not suffice for such a huge investment plan by far. Even if all waters are caught at 100%, with an exception only in the springtime maybe.

According to the following report:

http://w3.uacg.bg/UACEG_site/FHE-2011-Konf-Docs/10.pdf the new Yadenitsa dam at present will collect per year additional 6 million cubic meters of water and in the future some 75 million cubic meters will be caught per year for the Belmeken-Sestrimo cascade and Chaira PSHP - see the bottom lines on page No5. From the lower sections of those same rivers that are already caught in the Rila NP and get dry in summertime?

Despite all hydrological studies, or the above hydrotechnical report, we have quite a reasonable doubt about the future development of the Yadenitsa project. Simply because we know those rivers, we do not believe hydrologists and hydrotechnical engineers. Especially when the same people have proven the necessity of another “sustainable” project some years ago - the **Jerman-Skakavitsa derivation channel**.

The entire Sofia city, surrounded by four mountains full of water, was set on a drinking water regime only to convince the society how necessary the Jerman-Skakavitsa channel is - and it is not working at present at all. It's just that we have had to spend some other people's money..., haven't we. **That is what we actually need the new Yadenitsa dam for.**

Proof http://old.bluelink.net/bg/bulletins/ecopolis1_2002/1_os_6.htm

- Pictures of the Jerman River Barrage in Rila mountain:

Source - http://bgrail.info/photos.php?mode=show_picture&pic_id=4580

It is not taking any water at all, only that fish cannot pass through the flat concrete:



At the same Jerman river there is an operational sHPP Jerman at present.

The situation with **Skakavitsa river** is just a bit different - there will be a future sHPP, with at least two water catchments in Rila NP, one of them located in Biosphere reserve Skakavitsa. For proof - see <http://gis.wwf.bg/rivers/> The number of the water permit is 1345/12.09.2002 - WARBD.

But, after all - why bother, since those small rivers and high mountain streams are dead anyway? Many reasons for that:

1. The remains of the Yadenitsa river are still alive to some extent. A river once famous with its rich trout population /Ch.Angelov. K.Arsov - P.Beron publishing house1983/ is now getting almost dry in summertime, but there still is some life in it, worth fighting for.
2. We hope that life will come back in all those streams, if only the law would be followed one day. Especially when they are all located in Rila National Park or in the Yadenitsa Natura 2000 site.
3. Despite the described new project - there is another future small Yadenitsa HPP with a water catchment located about one kilometer bellow the new dam wall, downriver, In January 2015, EARBD has extended the old water permit, obviously not taking into account the new Yadenitsa dam and the new HPP cumulative effect. It seems that the future HPP will be using the ecological water flow, released bellow the Yadenitsa dam - if there will be such a flow, that is. See the comments on this issue in the following section D. please.
4. **Most important - On 01.07.2015 the European Court of Justice has issued the following rule for interpretation of Water Framework Directive:** - *"Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC [the Water Framework Directive] must be interpreted as meaning that the Member States are required — unless a derogation from Art 4(7) is granted — to refuse authorization for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardizes the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive."*

Anyway, we hope that MOEW will find an answer to the question about the environmental impact of the new Yadenitsa dam, when asked by someone else. Hopefully they will be able to prove the wise old saying wrong. We asked them this year and received no answer again.

40.Fact - Batak hydropower drive - operates with three HPP, eight dams and at least seven derivation channels. The number of water catchments is unknown to us, but we have pictures of two of them, located at two relatively big rivers. Each one discharging only a few drops of water bellow the barrage, equipped with no fish pass at all.

Proof:

<http://dams.reki.bg/0483-dam/2015-03-07> - Ribna/Chepinska/ River above the city of Velingrad:



Note- for some reason the old name of this river is “Baluk dere” which means “Fishy river”.

<http://dams.reki.bg/0482-dam/2015-03-07> - Stara reka river near the city of Peshtera:



Both catchments are located in Natura 2000 Habitats Directive site - “Rhodopi Zapadny” BG001030, as well as in Natura 2000 Birds Directive site - “Zapadny Rhodopi” BG002063

41. Fact - Petrohan cascade - operates with three HPP and three derivation channels, collecting the water of each small river and stream in West Stara Planina mountain, both North and South sides of the mountain, between the peaks Kom and Todorini Kukli. Passing through the third HPP, the water then goes to the Srechenska Bara dam to be used for the city needs of Montana and Vratsa districts.

Just a few drops of water are released to run below some of the 51 catchments, of which we have shot about 20. In many cases there hasn't been a single drop of water discharged. This is the most brutal case we have encountered so far.

Proof:

<http://dams.reki.bg/0211-dam/2015-11-14> - **Sreburna-Ginski channel**

The following picture displays one of many water catchments, each one like the other:



The following picture displays the barrage at one of the relatively big streams - Nishava river:



<http://dams.reki.bg/0211-dam/2015-11-20> - Iskretski channel

The following picture displays one of many water catchments, each one like the other:



The following picture displays the barrage at one of the relatively big streams - Studena reka river:



Needless to say that the situation is not any different at the water catchments of the third channel - Strugarnitsa, of which we have five water catchments shot.

Please note that the three channels are located in Natura 2000 Habitats Directive site - "Zapadna Stara Planina I Predbalkan" BG0001040, as well as in Natura 2000 Birds Directive sites - "Ponor" BG0002005 and "Zapaden Balkan" BG0002002.

It should also be noted that all those catchments are designed and constructed in such a way, that are able to extract the entire water quantity from the river at low river flow and just a small part of it during high water flow. **Moreover** - the pipelines are old, built in 1950-56. We do not know for sure what part of the pipelines was recently reconstructed with new pipes replacing the old. Acc. to the media - the Sreburna-Ginski channel was fully reconstructed as well as some part of the Iskretski channel.

What we are sure of is that the same reconstructed Iskretski channel /at least 17 kilometers long/ on 20.11.2015 was collecting every single drop of water from the numerous water catchments and delivering not a single drop to the Petrohan dam. The only possible explanation is that there are big losses of water sinking into the karst grounds in the region. The Strugarnitsa channel stays not reconstructed at present.

D. Summary of the problems in protected territories

The described destruction of habitats and species cannot be excused by the fact that the hydropower water catchments for single HPPs or cascades are old, from Socialist times, for two reasons:

1. The minimum ecological water flow is defined by the Water Act with no exceptions. These requirements of the law should be applied, no matter if the barrage is new, old, for HPP purpose, or other.
2. In principle - the idea of the old cascades at the time was that most of them will work with the so called "daily equalized waters". Meaning that they were supposed to work only in the peak electricity consumption hours of the day, and/or to stay as a reserve. That's why they have small dams /equalizers/, to collect a relatively small water quantity slowly from the channels during the whole day and use it two times per day - in the peak morning and evening hours. Nowadays they are working at full power, full time, day and night, using every single drop of water in the region. This applies also to the cascade of three HPP at Petrovska river and to many other.

Moreover - in the course of studying the Petrohan case, we found out that the water permit has expired a long time ago - in 2007-2008 - see the proof in the following section **E.** of this chapter, please.

This means that the Petrohan cascade operates now with illegally collected waters. Maybe this is one of the reasons why we still have no Ordinance for the announcement of Natura 2000 Habitats Directive sites, released by the Minister of environment and waters. Because the existing water catchments do not meet the requirements of any reasonable ecological or technical standards, most of them are located at streams with multiannual /long term/ average water flow much less than 100 l/sec - a case which is now prohibited acc. to the Water Act, etc. This is applicable for all cascades and derivation channels with all those numerous water catchments, the greatest part of which are taking the water of numerous small streams in the mountains. About the water permit expiration - we have proof only for Petrohan, but the same can strongly be suggested for most of the other old derivation channels, simply because they cannot have new permits, due to incompliance with the modern legal and technical requirements. Otherwise such new permits would be illegal in case they exist.

Sadly, this also means that the Ordinance for the announcement of Natura 2000 Habitats Directive sites will never be released by MOEW and these sites will never legally exist.

Still, it's obvious that Bulgaria as an EU member state has received and spent a lot of EU funding for the same Natura 2000 sites. Have the state authorities reported that those sites exist and are protected in some way already? Maybe the reports

were prepared in accordance with all requirements and standards for the same? Were they quite convincing?

They must have been, since MOEW is the master of plans writing, or programmes, strategies and any other kind of report preparation - we give them full credit for the paperwork.

For all those, who managed to believe to any MOEW report - the present Annex and the original Complaint contain too many facts, related to Natura 2000 sites. Here is the sad truth about some more - just click on the links to watch the videos, please:

1. - Habitats Directive Site “Zapadna Stara Planina I Predbalkan” BG0001040

- Birds Directive Site “Zapaden Balkan” BG0002002

https://www.youtube.com/watch?v=4ZcSDw_5cYY

https://www.youtube.com/watch?v=bXtPIM_9n_k

<https://www.youtube.com/watch?v=4ToGKuEINKY>

https://www.youtube.com/watch?v=OJxOWJP_w50#t=37 Manastirska sHPP at Manastirska river

- Milina HPP at Milina river.

- Burzi Vir HPP at Pokalska river.

- Burzi Vir HPP at Burza river.

2. - Habitats Directive Site “Reka Yantra” BG0000610 - Yantra River on 25.12.2015, during low water. The Yantra river is full of protected aquatic and fish species. Just a few kilometers between the following three HPP:

https://www.youtube.com/watch?v=Pwl_W1cLZVI - **Ledenik HPP** - this one is discharging water enough - you can see the real size of the river. The only problem here is the absence of a fish pass

<https://www.youtube.com/watch?v=PHLdoR-KZ8o> - **Kalomen HPP** - the next upriver

<https://www.youtube.com/watch?v=YwoeVrXuSsA> - **Peev HPP** - the next upriver

The last two are taking more than 95% of the water, while they must have discharged most of it into the river. It was a low water period, remember?

There are many more like these cases, uploaded on our platform...

IMPORTANT:

At present the projects for the new Management Plans of Rila and Pirin National Parks, as well as of Vitosha Natural Park, have been already finalized. In the course of public consultation, we delivered Statements for each of those projects, concerning the problems with the ecological river flow and with the absence of appropriate fish passes. We proposed some measures to be included in those management plans, simply in order to comply with the Bulgarian legal requirements and with the relevant EU Directives. All the measures we proposed have thoroughly been rejected, with no exception and explanation at all.

MOST IMPORTANT:

Despite the above problems, there still exists another brutal violation not only of the law, the EU directives, etc., but of any normal human sense.

Many of the derivation channels of those cascades are collecting waters from one river basin, transferring it to another. In the rivers bellow those channels only the minimum ecological flow is supposed and expected to run during low water in the summertime. The collected water never returns back to the same river, it goes to another water body or even to another river basin. Not that the ecological flow is running - as proven already, but the RBDs have still issued water permits bellow those channels for new HPP, that are expected to operate with the same ecological flow of those same rivers??? We have small HPPs here, located and included within the operational river section of bigger HPP?

We have no clue how the ecological minimum water quantity has been defined in those cases, but it seems to have happened in a gross violation of the Bulgarian Water Act as well as of the EU Water Framework and Habitats Directives.

Examples of operational small HPP - "Sveta Petka" HPP at Kriva reka river, "Bistrica A" HPP at Blagoevgradska Bistrica river a.o.

Examples of future small HPP - Visochka HPP at Sreburna river, Yadenitsa HPP, Velingrad 1 and Velingrad 2 HPP a.o. - all of these located in Natura 2000 protected area sites.

We have informed MOEW and the competent RBDs about this problem and there is no reaction once again.

E. Social problems

42. Fact - During our inspections this year, we encountered some practices that display a significant social problem. For the sake of Petrohan cascade operator's abnormally increased profit, the villages Barzia and Zanojene have problems with the drinking water supply. In summertime they stay on a regime, having water only twelve hours per day and when they have it - the water runs muddy, not suitable for drinking. It is not suitable for washing either for two reasons - the washing machines get blocked up with mud, often getting out of order, and white clothing becomes in brownish shades after being washed. During rainy periods in the mountain above those villages, they receive enough water alright, but it still runs muddy.

Proof: A NOVA TV television broadcast:

<http://novanews.novatv.bg/.../%D0%BA%D1%8A%D0%B4%D0%B5-%D0%B.../>

More important - for the village of Barzia a brand new drinking water treatment station, worth **5.7 million BGN** /2.85 million EUR/ European taxpayer's money was built this year, to purify the water for the village. Still, the water runs muddy out of the batteries, leaving those people with no hope for any improvement. The above TV report begins with the opening ceremony of the new station, and continues with an old local gentleman saying - **"Six millions sank into the mud..."**

The reason - the Petrohan cascade takes all mountain waters through those derivation channels, described in Fact No 41 already, leaving insufficient water flow for the Barzia drinking water catchment, depriving this way the local people from their legal right to have access to pure drinking water, essential for their health and wellbeing.

The Zanojene case is different in a way. The water for Zanojene comes from one of the Petrohan cascade dams - the Ostra Chuka dam, leaving the people to the mercy of the operator - Energopro. It depends only on the good will of Energopro to release some water, using the other for electricity production. The paradox is that pure waters are used for hydropower and the remaining mud goes to the village. We have no official proof for the Zanojene problem, but it can easily be checked simply by asking the locals. We know of it, because we have some friends of ours living there.

There might be some argument that the water still goes for some other city needs, but this would only mean that some citizens, together with hydropower, are more important than other, which is unacceptable. On the other hand - we have proof that this year, during low water in August and September - MOEW has allowed the water supply operator of Montana City to use additional water quantities from the Srechenska Bara dam. It was full all the time due to hydropower production, while Barzia and Zanojene were on a water regime. **For proof** - see documents No4 and No5, please.

But pure drinking water in connection to human health is one side of the problem, presenting only a gross violation of art.7.2 of the WFD. Still there is a flip side of the coin - how about tourism and local development?

Many of those mountain villages are quite poor. The only hope for future regional development is mountain tourism, or fishing, or rural, or kayak, or any other type of tourism - just name it.

In the cases of Barzia and Zanojene there are mineral water springs, which can also be used for spa tourism and so on. But would any normal tourist go there and stay if there is no drinking water, or if clothing becomes in brown shades after the first wash? Zanojene village is located near a popular balneological and spa centre - Varshets city. Still not a single tourist stays in Zanojene for the above reason.

Even if there is drinking water enough - would any normal tourist visit villages where the local river is dry during summertime? In the described above case of Blagoevgradska Bistritsa river, even the local people say that they hate to go to the mountain, knowing what they will see - the dry remains of a beautiful river they once loved to go to.

Needless to say that ecotourism is the most affected one. For example - a great part of those mountain villages are located at Natura 2000 Birds and/or Habitats Directive sites. The Petrohan Plateau was once famous as a nesting place of rare birds...

We hope that hydropower is worth those losses, but are positive that it is definitely not.

Important:

We can elaborate further on health, tourism, local economic development and other social issues endlessly, but since this Complaint is addressed to DG Environment, we shall not.

We still hope that regarding art.7.2 of the WFD, the DG Environment water unit will pay attention to the problem of not providing pure drinking water to villages for the sake of hydropower development and profit.

But the above NOVA TV report contains a statement by Mr.Vesselin Monev - head of the Control Department of BDDR, saying that the Petrohan cascade Water Permit has expired a long time ago - around 2007. The interview with Mr. Monev begins 2 minutes 50 seconds from the start, proving what we mentioned in the previous section D - the Petrohan cascade works with illegally collected waters. And here is a paradox once again - **illegal hydropower deprives local people from vital drinking water, which would legally be delivered by a brand new absolutely legal water supply system? In an EU member state - how can that possibly be?**

F. Additional ecological problems

In the Complaint first edition we have exposed many cases with dry rivers during summertime. This year we managed to discover many more rivers in the same situation, drying up in both summer and late autumn months. Therefore we shall briefly elaborate further on this issue and its impact on river ecosystems:

43. Fact - it turns out that not only the ichthyofauna in the river section between the barrage and the turbine house is destroyed, sentenced to an agonizing death when the

river dries up. There is a bigger problem here - the river doesn't stay dry all year long. During rainy periods, or in springtime, there runs water enough. Then, fish and other aquatic species enter the zone in search of better living conditions and spots. When the river dries up again - it becomes a trap for these species over and over again. This is especially harmful during the reproduction period of those species, when they migrate upstream to spawn, with the additional risk for the caviar to be laid on spots that will soon get dry again, the same applicable to the offspring, of course. Thus - drying up of rivers becomes much more harmful not only for the river section of HPP operation. Having in mind that most of the small HPP here are located in the trout zone, with those strong migrating instincts of trout, drying up of rivers is causing irreparable damage to the fish population in a much wider zone of the entire river. Especially, when the fish passes are not fit to provide options for the migration of trout, holding them back in a section of the river that will soon dry up again.

There is something more to add here about agonizing death. Let's take Petrovska river for an example, with its seven kilometers long derivation channel. This river was discovered totally dry by WARBD in 2014, upon our signal. Are the otters able to pass three and a half kilometers in the correct direction to reach the section of the river where the water is still running? Are the smaller animals able to? Maybe some of them are, if only they have something to drink throughout the journey.

What about big animals? They will hopefully be able to reach the running water alright. But will that area be able to provide food and other living conditions to suffice for the newcomers, considering that it is already inhabited and occupied by the same kind of animals? In a Natura 2000 protected area site, or in a National Park?

It takes about five minutes for a trout to die out of the river - this we know for sure. How long does it take for the brook crabs, for the water snakes, for all the other aquatic species - we don't know, but it has to take much longer. For big animals it surely takes days. In an EU member state with all those EU regulations, regarding "human" killing of animals, blaming torture and so on. To die slowly from suffocation or thirst wouldn't be the nicest thing, that's why pigs cannot be strangled or drowned, for example. And pigs are everywhere, while, for another example - lynx, or otters (*Lutra lutra*), or *Cottus gobio*, or *Austropotamobius torrentium* are not, are they? We have lynx coming back here, did you know that?

44. Fact - Let's talk a bit more about silt. The silt problem is discussed in every ecological study we have read. The accumulation of alluvia and silt /toxic in some cases/ in the ponds, the flooding of riparian community vegetation and of other riverside habitats by impoundment type HPP lakes, the algae and other new vegetation growth, leading to oxygen decrement in the water, the reduction of the river self cleaning ability... and so on - we have read all about it, therefore we shall not dig any deeper in these issues.

What we have not read anything about is another problem, as far as silt is concerned - what shall we do with the thing, when the time comes? Or - where shall we deposit the silt, knowing that it might be toxic?

Please note - in high mountain areas it can rarely be toxic, which may occur due to some high mountain livestock breeding, but in the urban zone of the country, where it sure is toxic more or less, what shall we do with it?

This year we discovered water abstraction facilities, some of which for HPP, that are full of silt to the top.

Examples:

Ogosta river - Lopushna HPP river barrage in Natura 2000 Habitats Directive site Zapadna Stara Planina I Predbalkan BG0001040:



Lom river - Falkovets HPP river barrage in Natura 2000 Habitats Directive site Zapadna Stara Planina I Predbalkan BG0001040 and Birds Directive site Zapaden Balkan BG0002002:



This picture displays a possible solution - the old barrage is over built with a new concrete wall. Instead of forcing the operator to remove the silt in a safe for the river ecosystem way, obviously BDDR has agreed to a new concrete wall. But, shall we do this over and over again with the sky as a limit? What shall we do next time?

And how about flood risks in these cases?

More important - what about the methane, being at least 25 times more destructive than carbon dioxide, as far as global warming is concerned?

Modern HPPs have to take care of the silt, cleaning it somehow or exhausting it in small portions during high water. We didn't find out any legal requirements on this issue, because the Water Act leaves such matters to the provisions of the water permits. Still, having in mind that the overall number of future HPP exceeds 1000, considering the level

of HPP operator's consciousness, combined with the level of the nonexistent state control, together with all those funny small penalties of the Water Act /see the next section G. please/, these lakes will turn out to be ecological bombs with delayed detonation one day. Actually many of them already are. Just because silt cannot be easily removed without a risk for the river ecosystem, then why shall we bother? It will always be much easier and cheaper to discharge the entire silt into the river bellow the barrage, as we have exposed such an example already in the Complaint first edition - the Lakatnik HPP case.

All disclosed in the above sections facts prove once again that the Bulgarian state authorities, responsible for environmental protection, do not execute their controlling duties properly, if they do anything at all - besides paperwork and new plans writing, which they are very, very good at. Sometimes we wonder - do these people ever get out of those warm cabinets and offices to see what a real wild river looks like? If they ever intend to in the future, it's just about the right time now, just because there will be no wild river to see in the nearest future.

The new findings this year provided us with additional proof to state once again - it is a Total Anarchy going on here, as far as water management is concerned. To the highest extent this applies to the "protection" of protected territories and of Natura 2000 sites, which don't mean a thing in Bulgaria.

G. Control on operational HPP - additional information

This year we delivered reports to MOEW and RBD for each and every HPP we checked, including the above cases in protected territories and Natura 2000 sites. Here is the outcome of our "collaboration" with the state authorities:

45. Fact - for the signals, concerning the silt problem - we received no answer.

46. Fact - for the signal, concerning Barzia and Zanojene villages drinking water problem we received no answer either.

47. Fact - in the case of Rila National Park - WARBD informed us that the same water catchments were discharging the necessary ecological water flow into the river when they checked them. Receiving such good news, we enthusiastically decided to carry out a new inspection of our own in order to register the improvement. Here is what we discovered on 16.12.2015

A new welcome to the Park:



The dry river bellow the Krivia oluk water catchment once again:



There is some ice in the fish pass, but no water is running in the river at the moment:
Just watch the video please: <https://www.youtube.com/watch?v=RIB6FHpyRn0>

Who knows - maybe this is the WARBD's idea of an ecological river flow during low water period in a National Park?

The Kartala water catchment was under some kind of reconstruction, hence the water was running free through the barrage.

The Slavova river water catchment for Bl. Bistritsa cascade, releasing a few drops of water:

<https://www.youtube.com/watch?v=p6T4Ye70LFA>

48. Fact - In the Danube region we have also discovered numerous new infringements of the law, the EU directives etc. From BDDR we received no answer to our signals at all, although we submitted two signals for Rumyantsevo HPP, three signals for Siroco HPP, and at least five other cases with totally dry rivers. Still, a letter from the Minister of Environment and Waters came in November, stating that in the Danube region everything was OK, during BDDR checks as a result to our signals. We carried out new inspection once again, only to observe the following improvement as a result to our and BDDR combined efforts:

- **Siroco HPP, Cherni Vit river** located in Natura 2000 Habitats Directive Site Tsentralen Balkan Bufer BG0001493 and Birds Directive site Tsentralen Balkan Bufer BG0002128 :

Watch the video, please

https://www.youtube.com/watch?v=rE_WDVmdU0M

The water quantity you see is supposed to be **165 l/sec**, while the river was at high level above the barrage during the checkup.

- **Rumyantsevo HPP**, Zlatna Panega river, located in Natura 2000 Habitats Directive Site Karlukovo BG0001014:

The fish pass:



Watch the video too, please - <https://www.youtube.com/watch?v=r-hvsPDqH7U>

49. Fact - As for the East Aegean Region, we have worked together exceptionally well with EARBD this year. Numerous new signals again, no one caught by EARBD.

- **Ravna HPP** - a new checkup of our own. Watch the video, please:
<https://www.youtube.com/watch?v=o0MmAf1qjXM>

We will also display here some interesting new cases in the East Aegean River Basin, we didn't observe elsewhere so far:

- **Nesi HPP** - <https://www.youtube.com/watch?v=erGb0tcrXYs>
<https://www.youtube.com/watch?v=l8ZWEwUfJd0>

A pipeline out in the open, depriving animals from access to the river in Natura 2000 Birds Directive and Habitats Directive site Tsentralen Balkan BG0000494





The EARBD answer to our signal was that only a small part of the pipeline is in the open, hence everything is OK. Actually that small part is about 90% - we can prove it. And we have copies of other Water Permits, requiring the pipelines to be embedded into the ground. The reason is simple - not a single wild animal will jump over, or crawl under a pipeline full of running water, even if it can. HPPs have their noises raised and animals have their instincts and fears, you know. And it was such a beautiful small river once...

- **Ravna HPP** - <https://www.youtube.com/watch?v=m31o0mpscSc>

Another interesting case - for the sake of the Ravna HPP pipeline a 1.5 kilometers forest trench was cut, about 20 meters wide at some places, located in Natura 2000 Birds Directive and Habitats Directive site Tsentralen Balkan BG0000494



We are not sure whether this is legally correct, or not. It seems wrong to us by the way - because of the erosion of soil, the cut trees and so on. It is the only case of such a crime against nature we have encountered so far and we just wondered - how was it allowed by the Water Permit? We received no answer from EARBD on this issue, meaning everything is OK, though it is obviously not. At the very least - the trench seems to be too wide for a single pipeline...

MOST IMPORTANT:

50. Fact - In the course of our collaboration with RBDs and MOEW this year, we received a letter from EARBD as an answer to a signal of ours, containing information of utmost importance. It is something we knew pretty well, but had no evidence and proof.

The letter contains the sad truth about RBD, having no technical ability and certified equipment to measure the water quantity discharged into the river bellow river barrages.

It was quite obvious for us, due to the absence of proper equipment installed on these barrages too - like control stretches, measuring rods etc. That is why, every time that we have observed and reported an insufficient water quantity discharged, we asked the competent RBD to check the quantity exactly, when they carry out subsequent inspections.

Proof: see **document No1** please - a letter from EARBD, confirming that they have no certified equipment. Read carefully the top lines of page 3, please.

The letter contains another sad truth - during a check of Dolene 1 HPP, EARBD established that the discharged water quantity was - **75 l/sec**, while the water permit sets a minimum water quantity of **390 l/sec**, but the same EARBD was not able to impose a sanction or fine, because the equipment they used is not certified? And this surely applies to all other RBD, although we have no official proof for the other. We were just about to ask this question in accordance with the Public Information Access Act, when the letter from EARBD came.

Much worse - it's obvious that HPP operators cannot check the water quantity they are obliged to discharge either? It is no big deal when RBD can't check the quantity, if we can relay on operator's consciousness and good will, but can we? They have to be quite funny - those RBD checkups. Asking the operator politely - "Do you release the minimum water quantity, please?" and receiving a big fat "Yes, of course", while both are not able to measure the thing.

We have heard of only one HPP that has a measuring rod installed to enable water quantity control, but haven't checked it so far. It was checked by WARBD this year in a joint inspection, together with some friends of ours from Blagoevgrad city. Since the rod was displaying an infringement, we believe it was removed right afterwards.

It turns out that we have exactly **247** HPP operational at present, at least **700** HPP to be built in the future and we can't control the most important issue, concerning river ecosystems defense and protection?

Is there any law, or EU Directive, or even normal sense that has not been breached?

Note:

It should also be noted that the above letter contains an invitation from EARBD, to execute joint inspections, which we gently but firmly declined. One reason is hidden behind the fact that the sanctions and fines acc. to the Water Act are so small and funny that are not worth even the efforts, let alone that they are not relevant to the eventual infringement or possible damage by far - see the following **section I.**, please. Should we have agreed, it would have possibly meant that we approve and justify those sanctions, which we absolutely do not!

H. MOEW and RBD practice on Water Permits - additional information

51. Fact - We shall start here with the good news first. **The Preboynitsa case, described in facts No 25 and No 27 of the original Complaint, has been solved by MOEW, according to the law.** We take it as a big progress actually, just because this is the second case in which the law has been followed for three years of collaboration from the start - the Dolna Studena case at Yantra river in the early 2013 - fact No 30 of the original Complaint.

After all - it is not such a big deal for the state to follow the law, anyone would say? It is really a big deal to our opinion. Those who think the other way around - just read the next facts, please.

52. Fact - in the first edition of the Complaint we mentioned briefly a problem, concerning incorrect minimum ecological water flow determination in some Water Permits /see facts 11 and 12 of the original Complaint again, please/. Fact No 12 was about the Petrovska river case.

This year we have officially informed the competent WARBD that they have made a huge mistake. No reaction again, although for the same river - there are measures provided by the existing RBMP that require - **“a review of the quantitative parameters in the Water Permit”**, which means that they are aware of the problem.

Proof - a link to West Aegean RBMP, see chapter VII, table VII.6, position No73
http://www.wabd.bg/bg/index.php?option=com_content&task=view&id=16&Itemid=32

Moreover - we asked them, if they have executed the said “Review” and there is no answer again. Maybe because they knew that we know the answer that they haven’t. But then - why are all those European taxpayer’s money spent for that huge RBMP paperwork, if the measures provided by the same plans are not implemented?

As for the mistake itself - the Water Permit for Petrovo HPP sets a minimum water quantity of only **50 l/sec** to be discharged. According to the Water Act - the minimum allowable flow is defined as - 10% of the average multiannual /long term/ flow, but not less than the minimum average monthly flow within 95% probability.

The water of Petrovska river comes from the Bistrets karst spring with no more than 200 meters between the spring and the water catchment for Petrovo HPP

According to:

<http://cdr.eionet.europa.eu/bg/eea/>

- For the periods 1991- 2010, 1992-2011, 1993-2012 - the minimum average monthly flow of the Bistrets karst spring - Q_{min} , was measured between **460 - 645 l/sec**

So those **50l/sec** present just a small mistake of about ten times less.

The Petrovo HPP water catchment is located in Natura 2000 Habitats Directive site Sreden Pirin Alibotush BG0001028.

53. Fact - We have encountered the same situation with Razlog HPP - a big mistake in the Water permit for the minimum water quantity determination, concerning Yazo karst spring and Yazo river. We can submit proof anytime, if necessary.

54. Fact - All the above has happened in violation of the WA and of all the EU Directives, only for the sake of HPP operator’s profit. But it was hard to reveal and took us a lot of time and efforts to find some proof. We did it only because we know those rivers pretty well.

Still, there are other mistakes, some of which would be so funny, if only nature destruction was not involved.

Example - Botunya HPP and Luna HPP, at the Botunya river - Danube region. These are quite close to one another, with not a single tributary stream between the two river barrages. And the “competent” BDDR has set in the water permits a minimum water quantity of - **150 l/sec for Botunya HPP** and **340 l/sec for Luna HPP** - which is located a few kilometers downriver.

We have informed RBD and MOEW about all the above and about some other cases of similar mistakes, and they didn't answer at all.

55. Fact - In the original Complaint some other cases of water permit violations were exposed, as well as some cases in which HPPs were built without a water permit. Recently, we encountered another interesting one - the Kimera1 HPP case, at Ablanitsa river, located in the East Aegean Region.

The Kimera 1 HPP is a new one, under construction. It is not finished yet, but obviously the construction works have started a long time ago. During a fishing trip in September 2015, we discovered the new construction works that must have taken at least a year to execute. The construction permit was actually issued on 01.04.2009

Knowing the river pretty well again, and watching a few of those $\phi 1000$ pipes that have been left there not buried aside of the road, we knew that the diameter is too ambitious for such a small river. A report was submitted to EARBD instantly, asking them to check if there is another mistake in the project, breaching the provisions of the water permit, which is a common practice in Bulgaria.

Just a few days ago came the answer, stating that the first water permit has defined $\phi 820$ pipes, but on 16.06.2015, upon operator's request, those were changed to $\phi 1000$ by a modification of the new water permit.

See the date again, please - 16.06.2015. At this point the pipes have been installed already - in violation of the actual permit, the controlling EARBD must have caught the infringement, must have halted the works, must have imposed a fine, must have... simply followed the law. And EARBD just happily modified the water permit, instead! Increasing the water quantity that might be taken out of the small river with just about 50%... 48.7% to be exact? Endangering this way the river ecosystem...

The explanation - they were asked for the modification by the operator and the designers have used $\phi 1000$ pipes in the project? What if the designers have used $\phi 2000$ pipes? Next time they will surely do it!

Proof: see **document No2** please - a letter from EARBD, confirming the facts

The following picture displays the pipes, compared to a Skoda Yety car:



The next picture displays the pipeline - it looks to have been abandoned for at least a year:



The next picture displays the date of the construction permit:



The date is written at the bottom of the signboard. Since 01 April is the day of the joke, we thought of some irony involved...

In summary of the facts exposed in this section, we can only express our deep disappointment of the state authorities, responsible for the environmental protection in Bulgaria. We have worked together through the whole year, asked them so many times for information, data, legal actions... and achieved so little, being the law abiding citizens that we are. NGO registered for action in public benefit... and so on.

On the other side stands "Cash" /we wrote "business" here first/ - it looks like MOEW personnel are ready to give themselves entirely and devotedly up to anyone, who asks them to brake the law? We hope it's worth...whatever it is worth.

I. Legislation gaps - additional information

Considering the infringements we discovered this year, we asked ourselves the question - why is this happening? Why are MOEW and RBD not able to stop the Anarchy, which we have exposed at several meetings, by several presentations in front of MOEW personnel and management? It is clear that they knew about the problems and are not doing a thing, nevertheless. One of the reasons is named in the previous section summary. Another reason is inadequate legislation

In the Complaint first edition we have exposed some legislation inaccuracies and gaps. Here is what we omitted:

56. Fact - According to Article 200 (1) of the Water Act - the infringements /when caught - see the previous summary again, please/ are subject to penalties as follows:

1. He who uses waters without a legal right or in violation of the water permit provisions or contract:

.....

B) Within a water quantity of 10 l/sec up to 100 l/sec - is subject to a fine of 500EUR up to 5000EUR

Г) For a water quantity bigger than 100 l/sec - is subject to a fine of 5000EUR up to 12500EUR

Note - obviously the smaller fines are used for the first time of the infringement being caught.

2. He who uses water bodies, aquatic facilities and systems or builds such, without a legal right or in violation of the water permit - is subject to a fine of 500EUR up to 5000EUR

These penalties are so small, that they are not worth even the efforts of the controlling RBDs. Especially in comparison to the operator's profit and mostly - to the damage caused. **See article 23 of the WFD, please.**

For example - let's say that we have been caught in a violation, stealing a water quantity of 99 l/sec. Then the fine will be only 500EUR? Much more important - only the stolen water quantity will be taken into consideration?

But to steal 99 l/sec from a river that runs with 1000 l/sec is one thing and to steal the same 99 l/sec from a river that runs with only 100 l/sec - is another, isn't it? In the first case the river ecosystem will hardly feel the theft, while in the second case the entire river ecosystem will be destroyed

Just another comparison - this year the Fishing and Aquaculture Executive Agency has caught an old lady, catching fish in a big river with a fishnet and imposed a fine of 3000 EUR. It happened in one of the poorest regions of the country

At the same time - WARBD, after a signal of ours, imposed a fine of 1500 EUR for several kilometers of a small beautiful river, totally dried up by Manastirska HPP.

We can't excuse fish poaching and theft, but is there any justice for the poor old lady violating the FA Act just to have something to eat - out of poverty, while HPP operators are killing nature simply out of greed? Those are not businessmen here - most of them are criminals, with just a few exceptions. The same applies to the BG environmental authorities to a much higher extent. For all we know, having in mind that the

fine for a stolen water quantity bigger than 100 l/sec /with the sky as a limit/ is only 5000 EUR - some Bulgarian “businessmen” supported by MOEW, will steal the Danube soon. And this is a warning to all the other countries in the Danube region - stay tuned and beware - they are coming to take it together.

57. Last fact - Finally the time has come for us to share a secret we recently discovered.

During our research this year, all the time we’ve had this peculiar feeling that: although we thought the dog is buried in the legislation, there still is something we are missing and the picture is incomplete. We have explained every piece of damage we discovered with the inadequate legal framework, but what was to explain the poor legislation for itself?

The following study of our new friends from Bankwatch Network has opened our eyes wide enough to see the top secret fact that there is “**rampant corruption**” going on here

Proof:

<http://bankwatch.org/sites/default/files/SEE-hydropower-financing.pdf>

Read carefully page No 4, please. If you don’t have the time - here is a short citation:

“Southeast Europe is experiencing a wave of hydropower projects. In a region with a deadly combination of Europe’s last wild rivers, rampant corruption and inadequate nature protection, the potential for damage is immense...”

Only one thing to disagree with here - to our opinion the potential for damage has already been reached and passed over by far, but after all - who knows what the Bulgarian hydrotechnical engineers, “businessmen”, or MOEW personnel are capable of? It might turn out to be that only the Sahara desert hydropower potential is the limit for those.

Another source:

<http://www.theguardian.com/environment/2015/dec/11/major-banks-put-up-nearly-1bn-for-controversial-balkan-dams-says-report>

“The Guardian” says:

“These sorts of projects are going to get renewable energy a very bad name in the Balkans...”

NOTE:

It will be quite unfair of us to blame only the MOEW personnel for the damage. Actually - there are past and present major politicians involved, as well as too many other powerful people. For example - everyone is aware of the problems in the Water Act, but reasonable amendments will never be considered acceptable by the Parliament.

For another example - every MOEW or RBD officer is set to chose between two options - either to agree with some operator’s illegal request/see the Kimera 1 case/, or to reject it. Knowing that after the refusal - on the next day he or she will be fired, someone new will be recruited and the request will be approved. It is not an easy dilemma, is it? Those people also have their families to take care of. Of course this doesn’t mean that all of them are decent - rampant corruption means that it is everywhere.

J. 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

- **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:
 - **Article 3(2)(a)**
- **2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes,**
- **(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management...**
 - Article 8
- The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 ... shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.
 - Article 11

Relationship with other Community legislation

- 1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.
 - 2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, *inter alia*, to avoid duplication of assessment.
 - 3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.
 - **Directive 2000/60/EC** of the European Parliament and of the Council establishing a framework for Community action in the field of water policy
- (1) Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such.**

- **Article 4**

- 1. In making operational the programmes of measures specified in the river basin management plans:
- (a) for surface waters

- (i) **Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;**
- (ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;
- **(c) for protected areas**
- **Member States shall achieve compliance with any standards and objectives at the latest 15 years after the date of entry into force of this Directive, unless otherwise specified in the Community legislation under which the individual protected areas have been established.**
- 2. Where more than one of the objectives under paragraph 1 relates to a given body of water, the most stringent shall apply.
- **Article 7**
- **Waters used for the abstraction of drinking water**
- 2. For each body of water identified under paragraph 1, in addition to meeting the objectives of Article 4 in accordance with the requirements of this Directive, for surface water bodies including the quality standards established at Community level under Article 16, Member States shall ensure that under the water treatment regime applied, and in accordance with Community legislation, **the resulting water will meet** the requirements of Directive 80/778/EEC as amended by Directive 98/83/EC.
- **Article 11**
Programme of measures
- 1. Each Member State shall ensure the establishment for each river basin district, or for the part of an international river basin district within its territory, of a programme of measures, taking account of the results of the analyses required under Article 5, in order to achieve the objectives established under Article 4. Such programmes of measures may make reference to measures following from legislation adopted at national level and covering the whole of the territory of a Member State. Where appropriate, a Member State may adopt measures applicable to all river basin districts and/or the portions of international river basin districts falling within its territory.
- **Article 23**
- **Penalties**
- **Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.**

- **Council Directive 92/43/EEC of 21 May 1992** on the conservation of natural habitats and of wild fauna and flora
- **Article 6**
- **1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.**
- **2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.**
- **3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.**
- **4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.**
- **Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.**

Directive [2007/60/EC](#) of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.

- (9) In developing policies referring to water and land uses Member States and the Community should consider the potential impacts that such policies might have on flood risks and the management of flood risks.**

Article 1

The purpose of this Directive is to establish a framework for the assessment and management of flood risks, **aiming at the reduction of the adverse consequences for**

human health, the environment, cultural heritage and economic activity associated with floods in the Community.

Bern Convention

The aim of this convention is to ensure the conservation of European wildlife and natural habitats by means of cooperation between States.

The parties undertake to:

- **promote national policies for the conservation of wild flora, wild fauna and natural habitats;**

Decision by the European Court of Justice on 01.07.2015:

Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC [the Water Framework Directive] must be interpreted as meaning that the Member States are required — unless a derogation from Art 4(7) is granted — to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive.

COMMUNICATION FROM THE COMMISSION

Guidelines on State aid for environmental protection and energy 2014-2020

2014/C 200/01

(6) It should be recalled that the Resource Efficiency Roadmap ⁽⁵⁾ as well as several Council conclusions call for a phasing out of environmentally harmful subsidies ⁽⁶⁾. These Guidelines should therefore consider negative impacts of environmentally harmful subsidies, while taking into account the need to address trade-offs between different areas and policies as recognised by the flagship initiative. Aid for the extraction of fossil fuels is not included in these Guidelines.

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

1. To our knowledge - River Basin Management Plans were prepared using Community funding, and so were all proceedings on Natura 2000 Habitats and Birds Directives Protected Area Sites. At present the preparation of Flood Risk Management Plans and the new RBMP is also financed using Community funding.

2. The Barzia village has received 5.7 millions BGN (2.85 EUR) through the Operative Programme Rural Development - that “sank into the mud” - that’s what local people say - see fact No42, please.

Proof:



3. According to the register of the Sustainable Energy Development Agency for 2015
<http://www.seea.government.bg/bg/garantsii-za-proizhod#регистър-гаранции-2015-г>

There are **5 /five/ sHPP** which have received financial support in the past through the OP Rural Development, Measure 312 - "Support for the creation and development of micro enterprises". These are - **Kutra-Tvurditsa HPP, Dushevo HPP, Kriva Reka sHPP, Zla Reka HPP and Manastirska sHPP**.

We have pictures only of the last one - **Manastirska sHPP**

The following two pictures are taken at the Manastirska river this year:



Located in Natura 2000 Habitats Directive Site Zapadna Stara Planina I Predbalkan BG0001040 and Birds Directive Site Zapaden Balkan BG0002002



We don't see anything rural in hydropower nevertheless, since sHPPs provide only three to five work places and nothing else in connection to local development. Those places usually require educated operators - meaning that local people are not educated for the job.

On the contrary - hydropower affects local development in the worst possible way - see section **E.** of this chapter again, please

We also think that the European Union should finance such enterprises with some caution in regards to the possible environmental damage. See the decision of the European Court of Justice again, please, as well as the Guidelines on State aid for environmental protection and energy 2014-2020.

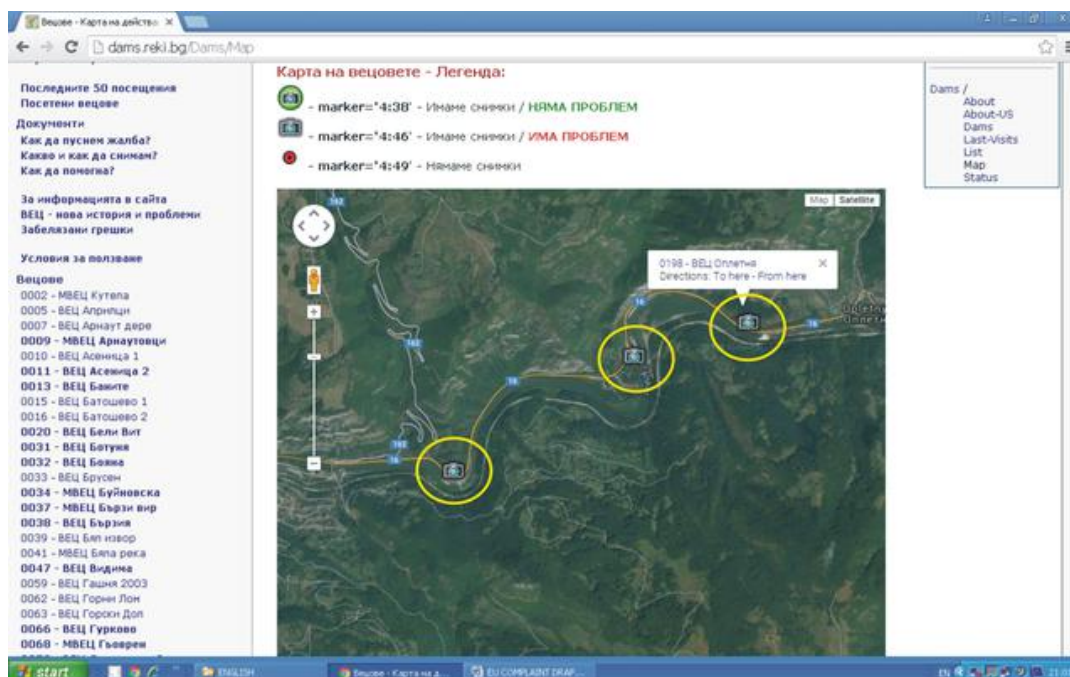
Last but not least - we strongly believe that hydropower should not be rewarded additionally by the state with those high electricity production prices or any other subsidies, once the HPP has received some EU funding for the project development.

4. The Sreden Iskar Cascade which is another highly controversial project was financed by the EBRD. Part of this project is the **Opletnya HPP**.

The environmental impact of all existing HPP along the Iskar river have not been thoroughly assessed yet, but the HPPs built there so far are way too many. This led to a total change in the river ecosystem, the status of which is anything but favorable now.

The problem with Opletnya HPP in particular is that it is in a cascade connection with Svrajen HPP and Lakatnik HPP - Opletnya being the third on the row downriver. Meaning that the lake of Opletnya starts at the barrage of Svrajen and the lake of Svrajen starts at the barrage of Lakatnik HPP. **There is no river in between.**

Here is a map of the three:



The third to the right is the Opletnya HPP

At present there is a ban set by the Water Act for HPP to be built in cascades, but there is no definition of what cascade means. Since those three HPP cannot be built any closer - we recon this is a cascade which is now prohibited. Maybe it was not prohibited at the start of the project development, maybe it was - it doesn't matter at all. And there are some other HPP of the same Sreden Iskar cascade to be built in the future?

Opletnya HPP is located in Natura 2000 Habitats Directive site Vrachanski Balkan BG0000166 and Birds Directive site Vrachanski Balkan BG0002053.

For more details about the Iskar river case and how the river ecosystem was harmed - read Document No3, please.

5. The Gashnya HPP was also financed by the **EBRD** indirectly through the programme CLEERE /Credit Line for Energy Efficiency and Renewable Energy/ of Reifeisen Bank Bulgaria.

6. The Yadenitsa dam case.

According to <http://nek.bg/index.php/en/about-us/hydro-pumped-storage-in-bulgaria-yadenitsa> - this project will be co-financed by the European Union and the National Electric Company /NEK/. The same NEK that is almost bankrupt due to another economically controversial and environmentally unacceptable project - the Tsankov Kamak dam. The new Yadenitsa project will be a big one - considering that the height of the dam wall will be 109m, together with a big new reversible tunnel to the Chaira dam to be built, etc.

We have a feeling that the European Union is not aware of the fact that the waters of the existing rivers and streams in Rila National Park and even in the entire Southeast Rila Mountain will not suffice for the project - especially when the provisions of the WFD and the Habitats Directive must be followed. Maybe that is the reason why the above document ends with the following confession:

"At this stage of the project no public consultations are scheduled."

We do believe that there might be a positive Environmental Impact Assessment /EIA/ for the Yadenitsa project available too - it will be no surprise at all. EIA preparation in Bulgaria is another long story, directly connected to rampant corruption and inadequate nature protection - see the last Fact No57 again, please.

7. Energo Pro - the Petrohan cascade operator, has applied in September 2010 for some EU funding through the OP "Development of the Competitiveness of Bulgarian Economy 2007-2013"

The Energo Pro project name is PHENOM_PRO (Petrohan Hydro ENergy Optimal Management PROduction)

At the moment we have no clue whether they won the EU funding they applied for, but we will soon find out - such people usually win.

We suppose that the last case may receive some EU funding in the future, if it hasn't received such already.

III. LIST OF DOCUMENTS / EVIDENCE

Document 001 - A letter from EARBD, stating that they have no equipment and ability to measure the water quantities bellow river barrages.

Document 002 - A letter from EARBD for the Kimera 1 HPP case

Document 003 - Letter of support by the National Museum of Natural History at the Bulgarian Academy of Sciences.

Document 004 and

Document 005 - Letters of MOEW allowing the water supply operator of Montana City to use additional water quantities from the Srechenska Bara dam in August and September 2015.

Document No 6 - extraction from the BDDR checkups register for 2013.

IV. APPEALS/LEGAL ACTIONS/ OTHER ACTIONS

A. New actions taken by “Balkanka” Association

Throughout the second half of the year we have taken the following actions:

- For each infringement of the law by the operational HPP discovered, we have sent a report to MOEW and to the controlling RBD. Actually we informed them about the good cases too, but those were quite a few.
- For each of the cases in which we discovered a breach of the legal requirements by the state authorities, we have also sent objections, questions, proposals etc.
- For each of the new management plans of Rila and Pirin National Parks and of Vitosha Natural park we have proposed measures for the ecological river flow and for fish passes to be included
- For each of the new RBMP we have sent a supposed list of rivers with measures, like new HPP construction ban, to be provided for - on the grounds that the status of these rivers is not favorable - proven by the Fishing and Aquaculture Agency, which has established a critical decrease in valuable fish populations - confirmed also by the National Office for Nature Protection with the same MOEW. Many of those rivers are located in Natura 2000 Habitats and Birds Directive sites. Fish are defined valuable according to http://www.bd-dunav.org/uploads/content/files/upravlenie-na-vodite/PURB-2016-2021/Razdel-3/prilozhenia_R3/Prilozhenie_341A_Proekt.PDF This list names Brown Trout, Zander, European catfish, Pike, Carp a.o. as valuable and they really are.
- We have declined a proposal of EARBD to carry out joint inspections. Part of the reasons is exposed in section G. on page 29 - the funny small fines acc. to the WA. There are many other reasons why. We will reveal only the most important one - we are not a professional NGO, we are taxpayers. We have no legal right to require anything from the HPP operators, neither have we the legal right to check them officially. But we are entitled to demand from the state authorities whose allowance we provide for, to do their job according to the law - that is what we are actually checking, when we carry out our own inspections.

The outcome:

B. New actions taken by MOEW

Good news:

1. As we already said - the Preboynitsa case was solved by RIEW Sofia, according to the law.
2. In a letter from Mrs. Ivelina Vasileva - minister of the environment and waters, we were politely informed, that the first steps towards the preparation of the Fish Passes Ordinance and the Methodology for minimum water flow determination have already been taken.

Note - these are questions we raised in the first edition of the Complaint. We will actually count number 2 as good news, only when we see those documents ready. We have also been invited to participate in the work group for the Fish passes ordinance, due to our knowledge of rivers and fish, thus we hope that the final document will be a good one, when it's done.

Bad news:

1. As we already said - the same letter of the minister claims that the checkups, carried out by RBD upon our signals, discovered no infringements, with one or two exceptions in each river basin region. Our successive new inspections at some of the brutal cases showed no improvement at all. For example - for the Siroco HPP case we have sent three signals already, for Rummyantsevo HPP - two, only to discover recently the same dry rivers once again. We have proof for those signals.

2. As for the other signals - concerning silt, mistaken water quantities in water permits, the proposals for the National Parks management plans, the drinking water of Barzia and Zanojene problem and for all the other problems disclosed herein - those were either rejected or we received no answer and we never will. Why won't we? Because, as we already said - on the other side stands "Cash".
3. **About our proposals for the RBMP, to include some rivers with new HPP construction ban, due to critical decrease in valuable fish populations:**
 - **In the Black Sea RBMP** for those rivers there are no measures provided.
 - **In the West Aegean RBMP** those rivers were not included even as zones for water protection - **proof** http://www.wabd.bg/bg/docs/plans/Plan2016/Razdel_3.pdf Acc. to this document /see page No149/ there are no zones for water protection designated as zones for recreation and water sports, or even for swimming waters in accordance with **Directive 2006/7/EC**. **Much worse - there are no zones for the protection of valuable fish species at all** - see page 151. We will repeat some of those valuable fish species - European catfish, Pike, Carp, Trout a.o. It's funny that those people have not even heard that they have numerous trout rivers there, let alone the catfish in the Struma river and so on. **This only means that - every single drop of water in the West Aegean River Basin is designated to Cash - no matter for hydropower or other, with no exception or mercy at all.**
4. **We have to stress the point on the Kimera 1 HPP problem once again** /see fact No55 and document No2 again, please/. EARBD states that the deadline for objections has expired a long time ago - therefore nothing can be done? We have proven here already that the law has been breached and those, who have breached the law themselves, are answering that some objections deadline has expired? In an EU member state...

Out of the above, we figure - those people simply do not understand and see the problems coming in their way. One day, sooner or later, they will have to give answers to all questions, no matter the amount of Cash protection. We are a fishermen's association and know a lot of fishermen in Bulgaria. Many more fishermen know us for a reason. Knowing what they think, what the kayak guys think, what the rafters, the mountain bikers, the tourists... what anyone else, devoted to the last remains of our once beautiful mountain rivers, think - we have some bad news for all devoted to Cash - there is a rising wave of angry people coming in your way. Just a matter of time...

BEST NEWS:

- **In the Danube RBMP** the rivers we proposed to be designated with a HPP construction ban were included as zones for water protection - **proof** http://www.bd-dunav.org/uploads/content/files/upravlenie-na-vodite/PURB-2016-2021/Razdel-3/Razdel_3_Proekt.pdf - see page III 11.
- **But this time there are measures - new HPP construction ban, provided.**
- **Proof** - http://www.bd-dunav.org/uploads/content/files/upravlenie-na-vodite/PURB-2016-2021/Razdel-7/prilogenia_R7/Prilojenie_727_Proekt.pdf
- **In the East Aegean RBMP** the rivers we proposed to be designated with a HPP construction ban were also included as zones for water protection with measures - **new HPP construction ban, provided**

We congratulate BDDR and EARBD for that!

Note:

There is something more to say about the new RBMP, regarding the water protection zones:

Under article 116 and 119a of the WA, in order to achieve the objectives of providing good ecological status of surface waters - the RBMPs shall define water protection zones. One of the criteria by definition acc. to art.149a is - when those zones host valuable fish and other aquatic species, which is applicable to all River Basin Regions in Bulgaria, since all of them host such species, more or less.

Furthermore - acc. to § 144a (3) - in the areas designated as zones for protection of waters, the measures provided by the RBMP shall be applied.

Meaning that if such valuable fish species inhabit certain water bodies in a River Basin Region - in each RBMP a list or a map, specifying those water bodies must be included. It also means that some measures must be provided for those zones if need be - we can't imagine a better reason for that, than the critical decrement in the same valuable fish populations.

That is why we believe that all RBDs, have breached the provisions of the WA, by not thoroughly specifying the water bodies hosting trout, catfish, pike, carp.. and so on. **The only exception is EARBD.**

EARBD have defined some zones for water protection hosting all kind of valuable fish and have provided for the same the necessary measures - just according to the law.

BDDR have defined only the critical zones, hosting only trout and have also provided for these zones the necessary measures, thankfully.

BDBSR have included a list of water bodies hosting carp and trout, but no measures were provided for those water bodies at all - although we have proposed only two rivers there.

WARBD has proudly breached every single provision of the Water Act, based upon this issue. They do not know the meaning of the word "mercy", those people don't!

All those plans worth many millions EU taxpayers money /including ours/ only to find our reasonable proposals so easily rejected by BDBSR and WARBD.

WORST NEWS:

This year we had a meeting with Mrs. Milka Gecheva - director of the National Construction Control Directorate at the Ministry of Regional Development. This Directorate is responsible for the new HPP sites approvals, when they are being set into operation by a State Acceptance Commission. We had a short presentation in front of Mrs.Gecheva, then asked her - how is it possible that the Commission members can approve such inappropriate facilities /e.g. fish passes etc./ while it's obvious that these are definitely obstructing, rather than providing for the migration of fish?

The answer was striking - we can check only whether the construction works are in compliance with the project. When the HPP owners have a project, approved according to the legal procedure and if the construction work is done in compliance with the project - we cannot do anything, no matter whether we see there is a problem of some kind.

New projects are approved for construction by municipalities. We then discussed the matter with some municipality Chief Architects which are supposed to check and approve new projects. When asked the same question, they always gave the same

answer - although we see the problem, we cannot do anything, when the project is approved by the Consultant Company with a positive Compliance Assessment Report.

We then asked some Consultants the same question. Always the same answer - it doesn't matter what we see in those projects - **we cannot do anything, while there are no Standards!**

As a result - it is an ongoing competition here - who will design the most inappropriate project, with the only referee - the lowest cost and biggest profit!

For further comments on this issue, see the Fundamental problem in the Complaint's first edition, please. We will only add the explanation once again - on the other side stands "Cash".

C. Recent action

In the middle of December 2015 we asked for an official meeting with Mrs. Violeta Angelieva - Director of the Technical Rules and Norms Directorate at the Ministry of Regional Development, together with Mrs. Iren Dabijeva - Director of the Bulgarian Standards Institute. The aim is to put some pressure on the state towards a future implementation of HPP design standards.

We received no official answer yet, but it is too early and will take some time.

Nevertheless, in a private discussion with both Mrs. Angelieva and Mrs. Dabijeva, we received the discouraging but unofficial preliminary answer - there will be NO Cash for such a thing.

We have tried to contact EU Institutions to request help on this issue already. On 30 June 2015 we lodged the initial Complaint - DG Environment case file ID number CHAP(2015)02363. There is no answer yet, that's why we hope that this document will be considered as an integral part of the first Complaint.

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

VI. ADDITIONAL SUPPORT

For the additional support read carefully Document No3, please.

VII. AIM OF THE COMPLAINT

Ladies and gentlemen,

In the original Complaint the aim was thoroughly described. We will not repeat that once again, only with the following exception:

We have seen so many new mistakes in the existing HPP - which must not be multiplied in the future 700 HPP, by any means.

But, from the day we lodged the Complaint, we received an automatic answer only, containing the case file number - **CHAP(2015)02363**, and nothing else.

Maybe you have failed to believe that what we say is true? Or maybe you have asked MOEW about the first Complaint already, is it so? Did they manage to convince you that what we say is wrong or we are lying?

If so - here is to invite you once again - do come here, please, and see the dry truth for yourselves.

We promise - you will see something you will never forget. Do only have in mind though, that those, who have a high blood pressure, should not forget their pills and those, who suffer from a heart condition of any kind - they'd better not come. We refuse to be responsible for them.

It is our strong belief that Pure Water is the most precious thing on planet Earth. So precious that, one day, there will be a world war in the name of it. Too precious to be so easily wasted, like we do in our country, only in the name of Cash.

We also do believe that Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such. Or have we read that somewhere, written down by someone else? Sounds familiar for unknown reasons...

Thank you for your kind understanding and cooperation.

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

Place, date and signature of complainant/representative:

Chairman of the board:



[Signature]
/Kraislav Dimitrov/

Representative for this complaint:

[Signature]
/dipl.eng.Dimitar Koumanov/

Sofia, Bulgaria
05.01.2016