

“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 2



Representative for this complaint:
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Chairman of the board:
/Kraislav Dimitrov/

Sofia, Bulgaria
20.06.2016



ABSTRACT

Regarding the Complaint to the Commission of European Communities, lodged by Balkanka Association, Sofia, Bulgaria on **30.06.2015**, and the **Appendix 1**, lodged on **06.01.2016** - both joined together in DG Environment case file ID number **CHAP(2015)02363**, the following document contains additional information concerning numerous infringements of Union Law, discovered since the first Complaint and the Appendix 1 were lodged.

We knew about many other existing problems alright, but didn't have the evidence - therefore the following information was not included in the first edition of the Complaint, or in the Appendix 1.

Up to date we have visited and shot some new sites, causing irreparable damage to the river ecosystems - not only for hydropower production, but some wastewater treatment stations as well. Due to the fact that there is a new boom of activities related to hydropower at present, like new investment plans or a new start of construction works for old projects abandoned long time ago, the majority of which are located in Natura 2000 protected area sites, we started to check these projects compliance with the relevant legal framework - the Bulgarian environmental acts and the EU Directives.

Our new findings revealed some practices regarding modifications and/or extensions of old water permits and decisions of RIEW or MOEW, that are in breach of the legal framework. We checked several investment plans, only to find that they disregard the law with no exception, giving us the reasons to object officially each one of them. Since the problems are obviously widespread all over the country, we traced information about local people fighting like us, bringing in and winning cases against local hydropower projects in a court of justice.

Some other local people, feeling that they cannot fight the beast alone, asked us to check individual projects in their regions, which they utterly disapprove for the reason that they have already witnessed what hydropower is causing to the neighboring villages and rivers.

We kept submitting regular reports to MOEW and to the competent RBD as well, including pictures and videos for each HPP site we checked. The outcome of our "collaboration" with the state authorities continues to be quite poor, revealing new problematic issues of great importance that need deep and thorough consideration in the process of investigating the environmental protection 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 2** to 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** and the **Appendix 1** first - DG Environment case file ID number **CHAP(2015)02363**, because these documents contain 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 **No58**, simply because the last fact in the **Appendix 1** to the original Complaint was **No57**.

Acknowledgements

We dedicate the following document to the first anniversary of our contact with DG Environment of the EC. Should these people have reacted any faster /in case they exist and are active in some way/, some of the cases would not have been encountered, hopefully. Receiving only two automatic answers, containing information about the ID number of our efforts, we do not even know if there is any attention paid so far to the problems we register and describe.

However, while there still are some rivers to save around here, being the people who have spent their best moments in life along those beautiful rivers, we will not get discouraged and will keep on coming with new information on and on. We will never give up - not until the last remaining river is still alive.

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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
SAC	- Supreme Administrative Court
WA	- Water Act
FA Act	- Fishing and Aquaculture Act
EIA	- Environmental Impact Assessment
AA	- Appropriate Assessment
RBMP	- River Basin Management Plan
HPP	- Hydropower Plant
WWTS	- Wastewater Treatment Station

I. IDENTITY AND CONTACT DETAILS

1. Name:

"Balkanka" Association, Sofia, Bulgaria

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

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

3. ADDRESS OR REGISTERED OFFICE

3.1. Surname and forename of complainant:

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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. In July 2015 the number of operating HPP in Bulgaria was exactly **247**, but as far as we keep studying 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 **73** other HPP sites - some of them on more than **5 /five/** occasions. The number of weirs checked exceeds the number of HPP by far, due to the fact that cascades have numerous water catchments.

For each and every HPP site visited we kept sending reports to MOEW and to the competent RBD. How they reacted is described in section A. of this chapter.

The future **Iliyna HPP** /an investment plan of the Rila Holly Cloister/ is located in Rilski Manastir Natural Park, the Svode HPP, Dimitrovgrad HPP and the other cases described bellow, are located in Natura 2000 Habitats Directive sites, holding water permits and decisions of RIEW or MOEW on the Appropriate Assessments for the projects implications on the site's conservation objectives that were issued in breach of the Bulgarian environmental acts, as well as of the WFD and the Habitats Directive of EU.

Moreover - there are some important social issues to be considered as well. In recent years local people here have started to fight against HPP Investment Plans, each and every time they hear of such. Just because they have already witnessed the damage caused to nature and to the people's wellbeing by new HPPs in the neighboring villages and rivers. The reason for that is simple - when the rivers dry up, adverse impacts are caused not only on the ecosystems, but on the local development in the worst possible way - for a deeper study on this issue see chapter **E.** of the **Appendix 1**, please.

Such a resistance has already happened in the villages of Porominovo, Barakovo, Rebarkovo, Lyuti brod, Svode, Lakatnik - for a new small HPP at the Preboinitsa River tributary to the Iskar, the cities of Smolyan, Samokov a. o.

In the cases of Barakovo and Samokov the local people have won the case against hydropower in the Supreme Administrative Court. The Smolyan City Council has rejected a new HPP investment plan that was approved by the MOEW structures - EARBD and RIEW Smolyan. In the other cases MOEW has stopped the projects itself, knowing that if they hadn't, they would have lost the case again. Thus proving that the majority of water permits and RIEW decisions are illegal, which appears to be a horizontal problem widespread all over the country.

The local opposition is already everywhere in the country, meaning that too much social energy and resources are spent to fight against illegal decisions of the state environmental administration, which is supposed to work in the best interest of society, rather than in the interest of a few criminal "businessmen" which are killing nature out of greed. This is the most significant horizontal problem at present.

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/.

We are sending the appendix directly via e-mail again. Copies of the documents can be downloaded and extracted from the RAR archive file - **Documents2.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 appendixes/ must be kept secret to the state authorities, otherwise HPP operators will be warned in advance.

The new facts justifying this second Appendix to the original Complaint are:

A. Control on operational HPP by MOEW, RIEW or RBD

58 Fact - Exactly one year has passed since we started to submit regular reports to RBD and to MOEW about the HPP sites we check, especially when dry rivers are observed bellow the water catchments. Over the last 12 months, four or five checkups were carried out for some of the most brutal HPP, together with subsequent reports. Nevertheless, every next inspection that we carry out during low water, discovers no improvement whatsoever, meaning that for one year there is no improvement in the reaction of the state administration to infringements of the law. Actually in many cases there is no reaction at all.

Proof:

<http://dams.reki.bg/0253-dam/2016-03-01>

For the Rumyantsevo HPP some 10 signals were sent over the past ten years, four of them - in the last 12 months.

However, we have already proven that the state authorities do not execute their controlling duties properly, so what is the news here? Here it is:

1. The HPP monitoring platform is already popular in Bulgaria. It is visited on a regular basis by many groups of stakeholders - people like us, locals, environmentalists, scientists and many other, the HPP operators included. Since such reports on infringements of the law are obviously disregarded by the state authorities, **it is a signal to all HPP operators** - brake the law as you wish and stay calm - we can or will do nothing to touch you.
2. It is a very bad signal by the state administration to people like us, saying - you can do whatever you like attempting to protect the rivers and hoping that the law will be followed, but there is no sense in your efforts.
3. The worst signal to people like us has come from Brussels, actually. We were thinking that some of the pictures and videos in the previous complaints will brake a few hearts in DG Environment..., but for twelve months no one even said "Hi". At the beginning of 2016 we attended a meeting with Mr.Kremlis and four beautiful Bulgarian ladies - some sort of

officers with DG Environment. At this meeting we were kindly informed that for six months no one has even read the original Complaint...

B. Additional ecological problems

59 Fact - During our regular river monitoring visits, we traced some interesting cases, that are not related to hydropower. Such a case was described in the **Appendix 1** to the original Complaint - the Barzia drinking water treatment station, where 2.85 million EURO EU money were spent invane.

Here is another one - the **Dushantsi Wastewater Treatment Station /WWTS/**.

On February 1st 2016 we discovered that the brand new Dushantsi WWTS is not working. The new Dushantsy village sewerage system was collecting all the dirty waters of the village, discharging them directly into the river.

Proof:

Watch the next videos, please:

<https://www.youtube.com/watch?v=Guq-LsXv0fk> - the exhaust pipe that comes from the new WWTS is dry.

https://www.youtube.com/watch?v=laRf4_0DYKM - the exhaust pipes that come from the village, passing by the new station and discharging the wastewater into the river.

A signal was sent immediately to MOEW, on the grounds that the dirty water can kill the entire life in the river, as well as the animals that drink the same water - wild and domestic, since there are large herds of cattle in the region. We also did some research, to discover that in December 2014 RIEW Sofia has caught the infringement and ordered the new WWTS to be set into operation. The same has happened in December 2015 again - the station has been caught by RIEW still not working.

The MOEW answer to our signal dated 26th February 2016 claimed that a new inspection by RIEW Sofia together with EARBD has confirmed our observations and a new deadline was set for the WWTS to start working - 17th February 2016.

Proof:

The answer by MOEW:

http://dams.reki.bg/uploads/Docs/Files/Dushantsi_answer.jpg

The reason for the situation was that since 2014 some pump is missing or not installed.

On 27th May 2016 we carried out a new inspection of our own, only to find that nothing has changed and the wastewater is discharged directly into the river again:

Here are the new videos - the dry pipe coming from the WWTS

https://www.youtube.com/watch?v=T-RJung_rFo&feature=youtu.be

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

The exhaust pipes and the wastewaters passing by the station once again:

<https://www.youtube.com/watch?v=0y-jMtsHXAI&feature=youtu.be>

The new Dushantsi village sewerage system, together with the new WWTS, were financed through the Operative Programme Rural Development of the European Union. The exact budget is not written on the signboard, but it has to be several million EURO again:

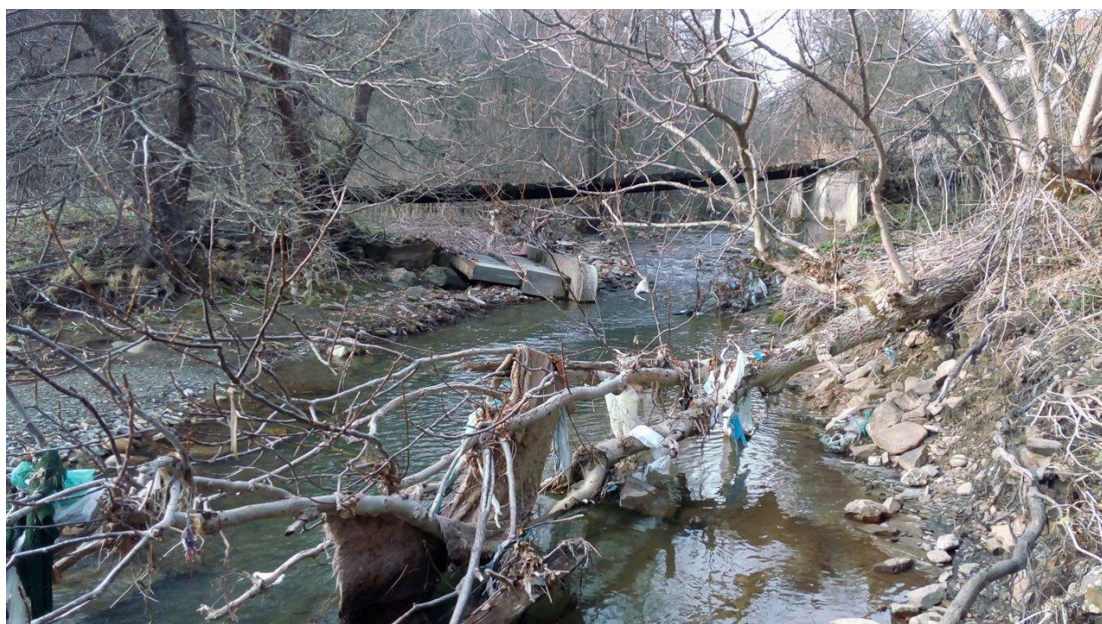


Now - here is a case in which a lot of European money is wasted not only without any positive effect /like in the Barzia village case/, but the situation has become much worse. Prior to the construction of the new sewerage system of the village, for each house the dirty waters were collected in small pits and from there - draining into the grounds. Thus these waters reached the river filtrated. Now the same waters are thoroughly collected and discharged directly into the river without any filtration. This can be very harmful to wild life and to the domestic livestock, especially in dry summer months, when herds of cattle are in the fields along the river, thus supporting rural development in the worst possible way.

The state authorities do nothing, only simulating activity, and the warranty period of the new WWTS equipment continues to run...

60 Fact - The Borushtitsa river case. It is not connected to hydropower again, but is symptomatic for the RIEW and MOEW reaction to signals.

Here is the present river status:





...located in Natura 2000 Habitats and Birds Directives site Tsentralen Balkan Bufer **BG0001493**.

On March 16th 2016 a signal for the pollution was sent to the Green Phone of RIEW Stara Zagora. The answer stated that a subsequent inspection discovered no problem whatsoever.

The reason for those scenes is that the village of Borushtitsa has no Waste disposal yard or garbage transportation of any kind at all. Therefore the garbage is thrown into the river, all of it is... In a Natura 2000 site, in the twenty first century, in an EU member state... With all those EU Directives, DGs of Environment and other, reacting to signals on infringements in the fastest possible way... With all those money spent for plans and programmes and so on.

Those pictures above display the river status as it was in the end of May 2016. The full beauty can be watched here:

<http://dams.reki.bg/uploads/Docs/Files/video-1464117011.mp4>

61 Fact - The Topolnitsa river case

Along this river, near the village of Lesichovo, we discovered recently a new problem, we didn't observe elsewhere so far - machine excavation and sieving of gold sand from a riverbed, with the emphasis on the "machine excavation". Here are a few photos:





The same can be watched in the next two videos:

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

<https://www.youtube.com/watch?v=NJTJxqL9sRE&feature=youtu.be>

A signal was sent to the EARBD immediately. We have not received an answer yet, but it's too early and will take some time. Therefore we do not know whether this action holds a permit of some kind, or it doesn't.

However, legal or not, we believe that such an action must not be allowed, for the following reasons:

1. The trench aside of the river is too wide - 20 meters at the very least. There is a channel 7-8 meters wide, full of silt and mud, with an unknown depth.
 2. The natural river bank is completely destroyed, together with the riverside habitats.
 3. We were on a fishing trip and discovered not a single fish below the spot downriver.
 4. There is no option for wild animals, or domestic livestock, to reach the river in order to drink water.
 5. Adult people can't reach the river either. For example - for irrigation purposes a.o.
 6. Children can't reach the river either and they are everywhere you know.
 7. There are no measures to secure the site at all, such as- fence, warning signboards etc.
- This is dangerous, especially for children and animals, because the unsecured channel banks can easily collapse.

On the other hand, if the activity is not allowed, then it must have been caught by the controlling Directorate long time ago - it's obvious that the excavation has been done for many months now, because sieving is a very slow process.

We have watched manual search for gold along the rivers many times, but this is the first time that we see excavators digging. The case displays a brand new, very serious threat. We pray for a single grain of gold not to be discovered, otherwise another madness along the rivers will embrace our proud "businessmen" and our willing to cooperate environmental authorities as well.

C. RBD practice on Water Permits

In the last few months we did a thorough study on some new HPP water permits that present interesting cases of new brutal violations we didn't trace so far.

62 Fact - the Dimitrovgrad HPP case. On 23.08.2006 EARBD issued a water abstraction permit for a new Dimitrovgrad HPP under the number - 301525/23.08.2006.

On 16.06.2010 the same EARBD issued another document No КД 0424/16.06.2010, informing the director of RIEW Haskovo, that the Investment plan does not comply with a

ban set in the RBMP of the East Aegean River Basin, which was already valid. **For proof see Document 1, please.**

And according to the EARBD Water Permit Register for 2016, on 15.03.2016 - the same EARBD has modified and extended the old permit under a new number - 31140097.

The new HPP is located in a Natura 2000 Habitats Directive site Reka Maritsa **BG0000578** designated for the protection of river habitats and species, hosting priority habitat types and priority species... And the water body **BG3MA350R039** is heavily modified, assessed to be in bad ecological status/potential.

63 Fact - the Petrovska river case again - see **fact No 52** in the **Appendix 1** please.

It was a case with a huge mistake in the ecological water flow determination in the water permit for Petrovo HPP, with measures provided by the existing RBMP that require - **“a review of the quantitative parameters in the Water Permit”**, which meant that WARBD are aware of the error.

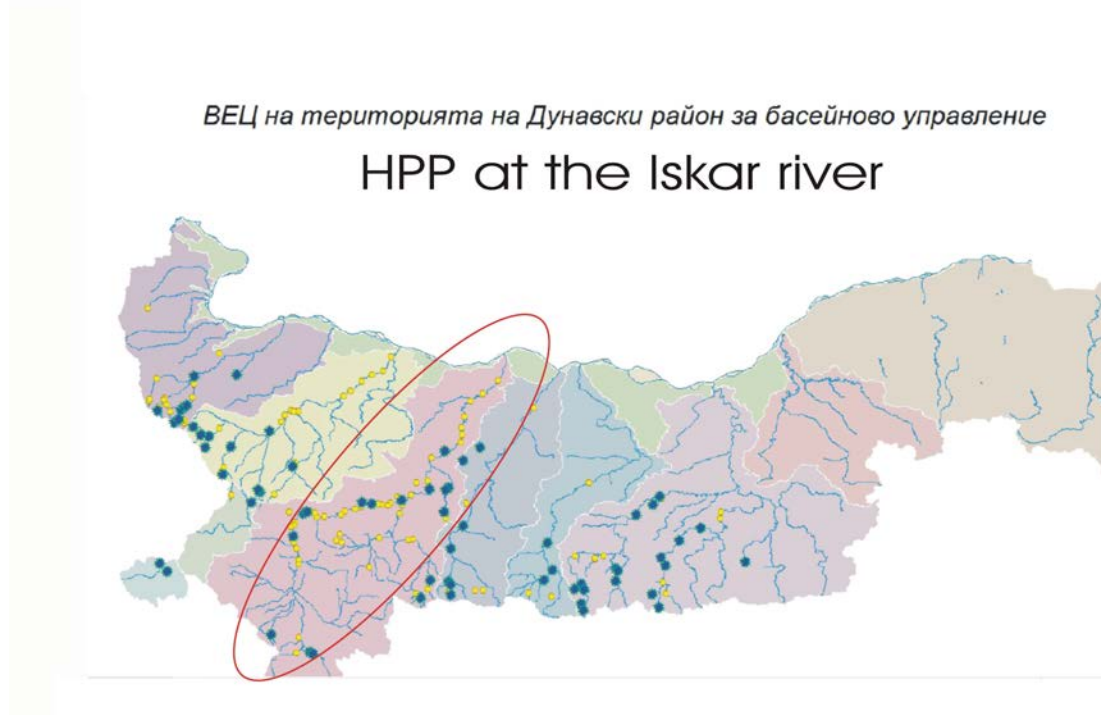
We received recently an answer from WARBD to an objection of ours, that decision No ПО-01-96/26.05.2016 for a new extension of the water permit till 01.05.2025 was issued, containing no review of the quantitative parameters...

For proof - see **Document 2**, please.

The most important issue here is that high ranked MOEW officials are informed about the error too, and they are not taking any steps to solve the problem, such as dismissing the director of WARBD for possible incompetence /if incompetence is the problem here/. After all - those RBMP, together with the measures provided for the water bodies, were approved by an imperative order of the minister, to be so easily disregarded, not to mention the requirements of the law and the EU Directives - it is a Natura 2000 Habitats directive site, remember?

64 Fact - The Iskar river case

In the Appendix 1 of the original Complaint we mentioned briefly the case of the **Sreden Iskar cascade** related to some EU finances spent for hydropower development in BG - see chapter K., section 4. on page 40 of the **Appendix 1**, please. In the course of studying the new RBMP 2016-2020 of the Danube region, we discovered a new map, displaying all operational at present and future HPP along the Iskar River:



To be enlarged and studied in detail, the map can be downloaded from the following link:
<http://dams.reki.bg/uploads/Docs/Files/HPP at the Iskar River.jpg>

The map is extracted from the Danube River Basin Management Plan. In the ellipse it shows the beauty of the future river status with **35 /thirty five/** HPP, from the Iskar Gorge in the Balkan to the Danube to be built. It should be taken into consideration, that each of the HPP lakes will be about three kilometers long at the average...

The big blue dots are the operational HPP and the small yellow dots are the future ones. It is obvious that the river will cease to exist, while the greatest part of it is located in several Natura 2000 Habitats directive sites, designated for the protection of river habitats and species. The people of BDDR, who have issued those permits in the past - they obviously have no hearts, let alone the infringements of the law and the EU Directives committed. The same is applicable to the present BDDR staff, if they keep on extending and/or modifying the same water permits.

And how about Appropriate Assessments, cumulative effects, etc. here? We will see the answer in the next chapter **C. - fact No 67.**

65 Fact - during our research regarding water permits, we encountered several new cases, similar to other facts, we have already described in the previous two documents. Actually we didn't discover a single permit that meets the provisions of the law or of the RBMP exactly. Out of these we will disclose only the most brutal one - the **Iliyna HPP** case.

The **Iliyna HPP** is an old project of the Rila Holly Cloister - it started in 2007. It will be located in Natura 2000 habitats directive site **Rilski Manastir BG000049 which is also announced Natural Park Rilski manastir** where the borders of the park cover the borders of the Natura 2000 site exactly. In the management plan of the "Rilski Manastir Natural Park", there is a ban set on construction of water catchments, except for the abstraction of drinking water. There is also a ban set on any kind of production or industrial activities, other than those, related to maintenance and restoration works in the forests, for the land and for the surface water bodies. Thus hydropower production is prohibited too.

Rilski Manastir Natural Park is a protected territory hosting priority natural habitat types, requiring a higher level of biodiversity protection in Bulgaria, than normal Natura 2000 sites are entitled to. For the Natural park and the Iliyna River in it, the following additional restrictions are applied:

- Ban set by the West Aegean RBMP on construction of new HPP, concerning all HPP investment plans like the Iliyna HPP, the construction of which has not started.
- Ban set by the Water Act, article 118j, on water abstraction from the rivers in such protected territories for hydropower production.

Nevertheless, the same WARBD has issued water permit № 41140083/10.07.2008 in violation of the restrictions set by the Natural Park Management Plan, then extended the old permit by a decision No ПО-01-70/22.06.2010 - this time in an additional violation of the ban set by the West Aegean RBMP that was already approved and valid. Finally, by a new decision № ПО-01-117/24.07.2014 - a new extension was issued, this time in an additional violation of the restrictions in art. 118j of the Water act which were approved by the Parliament in 2010. **And the water body is in a moderate ecological status** acc. to the West Aegean RBMP, due to the abstraction of 3m³/sec from the river and all its tributary streams at a higher altitude for the Belmeken dam.

There are other infringements concerning environmental impact assessment, which are described in the following chapter C.

D. MOEW or RIEW practice on Environmental Impact Assessment

66 Fact - For the above **Iliyna HPP** case an Appropriate Assessment for the project's implications on Natura 2000 habitats directive site **Rilski Manastir BG0000496** conservation objectives has never been carried out, neither was any Environmental Impact Assessment ordered and prepared.

The only document, containing a decision about assessments of any kind, was issued in 2007 by the Ministry Of Environment and Waters /MOEW/. It claims that AA or EIA are not necessary... There are two other letters by MOEW, containing answers to the abbot of the Monastery, stating that other documents and assessments are not necessary, which is not true. If that was true, the abbot wouldn't have asked, he would have known.

The **Document 3.pdf** file contains a letter of ours to all the competent Bulgarian authorities involved in the case. This letter of objection is in Bulgarian, but it will be no problem for us to translate it if anyone is interested. It contains a full study on the infringements of the Bulgarian environmental acts, the EU Habitats Directive and the WFD. We shall not repeat all these here, due to the lack of space.

However, the Bulgarian Biodiversity Act and the EU Habitats Directive /art.6.3/ require an Appropriate Assessment for the Iliyna HPP project /the design of which has not even started/ to be carried out, in order to assess the project's implications on Natura 2000 habitats directive site conservation objectives. Such an Assessment does not exist. Moreover - the site concerned hosts priority natural habitat type, hence hydropower development there is unacceptable acc. to the same legal acts.

IMPORTANT:

The Iliyna HPP project will be financed by the Kozloduy Decommissioning Fund through the EBRD. The estimated budget is expected to be 2.5 million EURO, acc. to: <http://www.ebrd.com/work-with-us/procurement/p-pn-160330a.html>

Anyone, who reads carefully the **Document 3.pdf** file, will discover, that the infringements of the law are way too many. Therefore we will easily win a case against the project development in the Supreme Administrative Court in Bulgaria. We will be quite reluctant to, but will inevitably do that, in case we have no other choice left. The most important aim of the present document is to avoid a situation, in which a small but strongly motivated Bulgarian NGO is forced to prove to the EC DG Environment officials and to the EBRD decision makers as well, that a completely illegal investment plan is about to be financed by some European funds, for the only reason that the same officials and decision makers didn't check the project's sustainability as thorough as they are expected to, while they were informed and had the necessary time.

We also strongly do believe that the possible mishap would have been avoided, in case there was any reaction by DG Environment to our previous letters in the past twelve months.

67 Fact - The **Sreden Iskar cascade** consists of **9 /nine/** of those **35 HPP** along the Iskar river /see fact 64 again please/. Five of the HPP are already operational, the remaining four ones will be part of the future Third Stage of project development. Three of the existing HPP /Lakatnik-Svrajen-Opletnya/ are in a cascade connection, meaning that the next lake starts at the barrage of the previous, thus the river is not running free in between - see chapter K. section 4 on page 40 of the **Appendix 1**, please.

For the third stage of the **Sreden Iskar cascade** an Appropriate Assessment was prepared alright. We discovered the following document under a request by our friends from Bankwatch Network to study the present status and the future Sreden Iskar cascade third stage of project development.

Here is the report on the Appropriate Assessment /AA/ of the project implications on Natura 2000 protected area sites Zapadna Stara Planina I Predbalkan BG 0001040, Iskarski Prolom-Rjana BG 0001042, Ponor BG 0002005 and Vrachanski Balkan BG 0000166.

http://www3.moew.government.bg/files/file/Nature/Natura%202000/DOSV/kaskada_I_skar.pdf

The third stage consists of four HPP - Bov South and Bov North, Levishte and Gabrovnitsa.

Acc. to the report, the lakes of the future HPP are located partially or entirely in the above Natura 2000 sites. Again between Bov South and Bov North there will be no river running. Much worse - the Levishte and Gabrovnitsa lakes will be adhered to the existing three HPP - Lakatnik-Svrajen-Opletnya... just to increase the section of the river where it will not be running free.

Quite an interesting document, the above is. On page 110 it says that **cumulative effect was not studied**, because the overall future number of HPP at the entire Iskar River exceeds **35**. Since the experts didn't have full information for all those 35 HPP, that is the explanation why they didn't even study the cumulative effect of the nine HPP of the Sreden Iskar cascade, although they must have had full information for them.

On page 111 the experts recommend some not specified distance between the new HPPs, in order to let the river run free in between, while it is explicitly written in the description that those same HPP are in a cascade connection...

It is also interesting that the investment plan is called "Cascade" in the report, while at the same time - the year of 2011, cascades were already prohibited by the Water Act.

This is how EIA and AA are prepared in Bulgaria. They are always proving everything OK, and are always approved by RIEW or MOEW with no exception.

It should also be noted that in Bulgaria there are different kinds of EIA and AA experts. The majority of them refuse to disregard the environmental protection rules and the legal framework. The others are ready to prove everything they are getting paid for. They are ready to write whatever the investors and the state authorities are willing to read and nothing else, otherwise they will not get paid. It is easy to guess amongst which of the groups come the authors of all EIA and AA reports here.

IMPORTANT:

The present five and the future four HPP of the Sreden Iskar Cascade will be financed by the EBRD again.

The EBRD personnel are informed about the Sreden Iskar case and four months later there is no official reaction at all.

68 Fact - The "Pirin Kam" Marble Quarry

This case is not connected to hydropower again, but is symptomatic for the RIEW practice on AA and EIA. Initially RIEW Blagoevgrad has issued a negative decision for the investment plan, due to the fact that the **Toplitsata** Carst Spring, used for the drinking water of several villages, is endangered and other significant negative impacts on environment will inevitably happen. Then, twenty days later, obviously after some strong outside pressure, the same RIEW has decided that the project is sustainable... The Council of Ministers has immediately given the concession for the marble quarry to "Pirin Kam" Company. Then the local people have brought the case to the Supreme

Administrative Court /SAC/ to suspend all decisions of the state authorities and won the case.

Proof:

https://dariknews.bg/view_article.php?article_id=1576620

E. Summary of the problems in protected territories

In the previous complaint editions we had the opportunity to prove that our experience shows no environmental protection in Natura 2000 sites at all. Things have gone so far, that a water permit was issued for hydropower water abstraction in a **Strict Biosphere Reserve Skakavitsa**, which is located in the Rila National Park - in the famous West Aegean River Basin again.

Moreover - in the last six months we encountered at least ten new cases of new water permits, or extensions/modifications of old permits, issued in breach of the special restrictions of the law and the RBMP. The Iliyana HPP water permit violates an additional ban set in the Rila Monastery National Park management plan.

We checked two documents proudly named "Appropriate Assessment" - for the case of the Sreden Iskar third stage of project development and for the new investment plan of Svode HPP. Both full of false statements to prove everything is OK, the first - accepted by RIEW and MOEW. We managed to deliver objection for the Svode HPP Appropriate Assessment on time and are waiting for an answer from RIEW Sofia now.

In the light of our previous experience we declared that there is a Total Anarchy going on here, as far as river protection is concerned.

Today we know of several cases, when RIEW or RBD have issued decisions stating that certain investment plan does not comply with the special requirements of the law or with a ban set by the RBMP initially - the **Dimitrovgrad HPP**/fact No 62 on page 11 here/ and the **Marble Quarry** /fact No 68 on page 15 here/ for example. Later on, the same RIEW or RBD have decided that everything is OK, after some strong political pressure. This is giving us the right to state today that we were deeply mistaken. It was not a Total Anarchy - it was an Organized Crime Group acting here.

We have to admit, that the present MOEW attitude towards such cases has slightly changed in the last year. For example, after a severe pressure, MOEW itself has taken the case of Rumantsevo 2 HPP to the Supreme Prosecutor's Office, asking for an open case in the Supreme Administrative Court to suspend the old decisions of BDDR and RIEW Pleven, thus admitting that these decisions are completely illegal - see fact No 28 in the first Complaint, dated 30.06.2015. We have congratulated MOEW and the Minister - Mrs.Ivelina Vassileva for the above action initially.

However, since it's obvious today that the majority of old decisions /and their consequent extensions or modifications in particular/ are violating the provisions of the law, especially when the investment plans are located in Natura 2000 Habitats Directive Sites, designated for the conservation of priority river habitats and priority species, we refuse to understand why the same MOEW has declined several proposals to carry out a general review of all those old decisions. They are pretty well aware now, that we will keep on delivering objections for every next case we manage to discover, one after the other if necessary. There is a risk for us to miss some case of brutal infringement of the law in the long run, and it is not in the interest of the state such projects to be executed. Just one example - we can stop the **Iliyana HPP** in the Supreme Administrative Court at any time - even if it's done and operating. But then a lot of European money would be wasted.

Wasting EU money wouldn't be a big problem for us at all, especially when some DG of the EC does not pay the necessary attention to complaints on time, but an adverse impact on the river ecosystem will become a fact and that's the thing that bothers us the most.

F. Natura 2000 Habitats Directive sites in Bulgaria

69 Fact

In the case of the future **Svode HPP** we discovered a very interesting problem concerning borders of some Natura 2000 sites, designated for the conservation of river habitats and species..

The **Svode HPP** water catchment is located in Natura 2000 Habitats Directive Site **Bebresh BG0000374**, hosting priority river habitat types and priority species. Such an investment plan must have been rejected at once, but the borders of the Natura 2000 site are drawn in such a way, that they cover the river bed exactly, with three exceptions - three of the river curves are getting out of the site borders. Accidentally, the same curves are the only spots along the river, suitable for hydropower river barrages emplacement...

Интерактивна карта на защитената зона



The blue line of the river curve getting out of the site borders for the Svode HPP barrage is in the ellipse.

But is it possible that priority fish and other aquatic species can inhabit a section of a river with the exception of a few curves - the only ones, suitable for hydropower? We were told that this mistake has happened by an accident due to some inaccuracies of the base map, which was used by the experts and due to some coordinates mismatch as well.

Then we asked ourselves the question - did this really happen by a mere chance, or there is something more to it? In case it was a single error, it could have been an accidental one indeed.

Then we checked another Habitats Directive site - Rodopi Sredni **BG0001031** and discovered the same problem for the Davidkovska river running in and out of the site borders with **4 /four/** operational HPP along the river now. Then we found the same error for the Reka Mechka **BG0000436** site and the Mechka river in it, then we ceased checking, except for the following three mistakes - specially provided for the **Sreden Iskar cascade**:

Here is a partial map of Natura 2000 habitats Directive site Zapadna Stara Planina I Predbalkan BG 0001040, with the blue line of the Iskar River getting in and out of the site borders:

Интерактивна карта на защитената зона



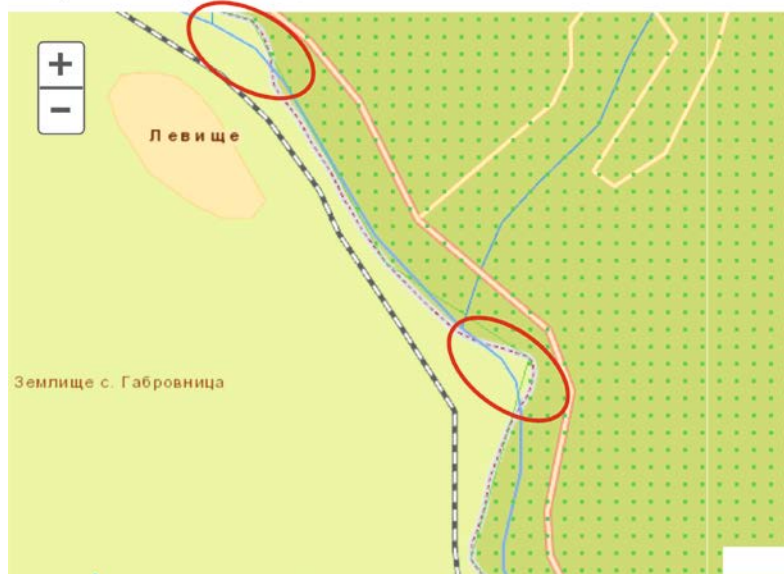
The same for Iskarski Prolom-Rjana BG 0001042

Интерактивна карта на защитената зона



The same for Vrachanski Balkan BG 0000166

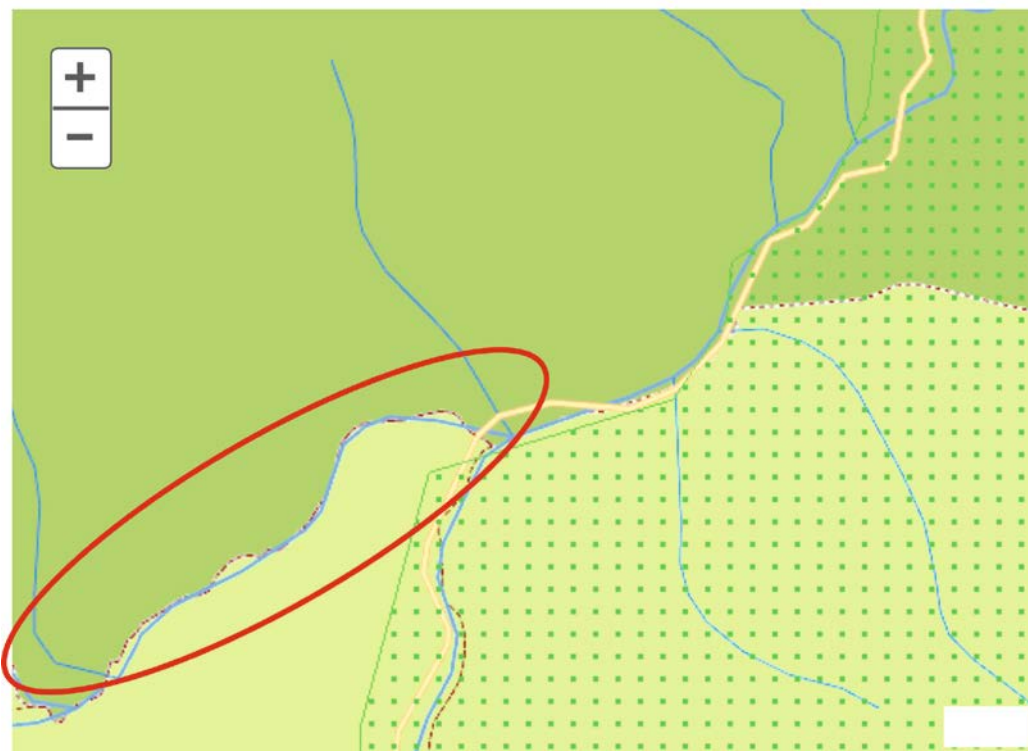
Интерактивна карта на защитената зона



70 Fact

The most interesting case regarding Natura 2000 borders determination is the **Yadenitsa BG0001386** case. Here is the partial map again:

Интерактивна карта на защитената зона



The main Yadenitsa river runs through the ellipse. Then it enters the Natura 2000 site, which hosts priority species like *Austropotamobius torrentium*, *Unio Crassius*, *Sabanejewia aurata*, *Bombina variegata*, *Lutra Lutra* and many other. The altitude level where the river enters the zone is approximately 1160 meters above the sea level. Then, is it possible again that some species inhabit only a part of the river? Yes, it is - if it just so happens that the future **Yadenitsa dam location will be in the ellipse** - see fact No39 in the Appendix 1, please. And we have watched *Austropotamobius torrentium* and traces of *Lutra Lutra* way above the spot where the future dam will be.

Now, this error is too big - it could not have happened by an accident. And there are two future HPP down the Yadenitsa river, one - located in the Natura 2000 site and the other one - just at the border of the site downriver. And the waters of all the tributary streams are caught for the Belmeken-Sestrimo cascade, then go to another river - Maritsa - these streams do not reach the Yadenitsa river during low water at all.

71 Fact

We have another problem of the same kind here - the future Habitats Directive site **Rila Bufer**. Just one example - children know that the Cherni and the Beli Iskar rivers there, as well as all their tributary streams, host a population of *Cottus Gobio*, but the **Rila Bufer** Habitats Directive site will never be announced. Too many future HPP waiting to be built there... On the other hand, the only possible explanation for the above huge error is that the section of the Yadenitsa river would have been located inside the **Rila Bufer** site.

In summary of this chapter - these errors are everywhere, when rivers run near protected area site border lines. We know that the MOEW officials are aware of the problem too but, for some nine years now, no one has done anything in order to correct them. We are positive this didn't happen by an accident or due to clumsiness. It was deliberately done, otherwise the errors would have been adjusted long time ago.

G. Horizontal social problem

In the previous chapters we mentioned several times that local people here have started to fight against HPP Investment Plans in their regions. Here we disclose an overview of the recent cases that we know of:

72 Fact - the future Svide HPP

The **Document 4** file contains a subscription, together with a signature list included, by the local people from the village of Svide to RIEW Sofia, MOEW and BDDR, requesting the project to be stopped. The reason for objection was that the lower part of this village often gets flooded by the Malak Iskar river, even without the new barrage, which will additionally reduce the natural river cross section, thus increasing the risk. It was interesting to watch the local reaction during the public consultation that took place in the village. The other main issue raised by the locals was - what will the benefits for the village be, except for the fact that one of the best fishing spots near the Sofia city will be destructed... and the agony of the future operator to find some answer. Good fishing spots have something to do with local development you know.

For proof see **Document 4**, please.

73 Fact - the Preboinitsa HPP

The **Document 5** file contains a subscription from the local people living in the village of Lakatnik to MOEW against the project implementation again, this time on the grounds that the drinking water source is set on risk.

74 Fact - the future Chinara HPP

This one would have been located at the Cherna river inside the limits of the Smolyan city. Although the investment plan holds all necessary permits from EARBD and RIEW Smolyan, the City Council has rejected twice the implementation of the plan.

The following link contains an article in the local newspaper proving the fact:

http://rodopismolian.blogspot.bg/2016/04/blog-post_78.html

75 Fact - new HPP along the Iskar river:

Here is some proof for the villages of Rebarkovo and Lyuti Brod fighting for the remains of the Iskar river, to save what's left from the beauty of the Iskar Gorge - a report by the National Television network:

<http://bnt.bg/news/ekologiya-i-ustoychivo-razvitie/protest-sreshtu-stroitelstvoto-na-nov-vets-na-reka-iska-r>

76 Fact - the following link contains information about the rebellion of several NGO and eight villages in the Petrich region of the Belasitsa mountain against a new Kameshnitsa HPP investment plan, which was about to kill one of the most beautiful natural waterfall cascades in Bulgaria:

<http://pirinsko.com/8-petrichki-sela-na-bunt-sreshtu-izgrajdane-na-vec-v-priroden-park-belasica-22355.html>

77 Fact - the following link contains a report for a protest of the villages of Brashten and Tsruncha against an HPP investment plan again:

<http://afera.bg/81.html>

78 Fact - the following link contains a report for a protest of the village of Porominovo against an HPP investment plan again:

http://e-novinar.com/news/B5_168115.html

79 Fact - there are many more like the above news concerning local opposition. In the majority of cases those protests were successful and the HPP project implementation has

been stopped, one way or another. The following links contain information about cases in which the locals have won the case against MOEW, RIEW or RBD decisions in the Supreme Administrative Court of law:

- <http://www.dennews.bg/news/2010/9/5/80-bojiyata-milost-pazi-reka-rilska-ot-vecove> -
The village of Barakovo wins against a new HPP at the Rilska river

- <http://www.sedmitsa.com/news/p3-8554-50.html>
The city of Samokov wins against a new HPP at the Iskar river

- https://dariknews.bg/view_article.php?article_id=1576620
The locals win against the decision of the Council of Ministers for the "Pirin Kam" Marble Quarry

80 Fact - in recent years free anglers and angler's associations have started to fight against hydropower too. We mentioned in chapter D. above, that under severe pressure, MOEW itself has taken the case of Rumantsevo 2 HPP to the Supreme Prosecutor's Office, asking for an open case in the Supreme Administrative Court to suspend the old decisions of BDDR and RIEW Pleven. Here is some proof for the pressure:

<http://bnr.bg/horizont/post/100668682/ribolovni-sdrujenja-na-protest>



These people raise their voices against hydropower, for the simple reason that they have already witnessed its adverse impact on river ecosystems and they've had enough of it. There are many more to come in the future.

81 fact - what about Balkanka Association? In other words - what about us, besides the fact that we took part in the above protest?

Since the association was established, our main objectives were focused on the protection and conservation of the indigenous Balkan trout populations in Bulgaria. Our main activities were - trout stocking of completely dead rivers, cleaning of river beds, fight against fish pouching /which is the most dangerous threat for fish - next to hydropower, of course/. We managed to make some worthy changes in the Fishery and Aquaculture Act and to introduce the Catch & Release method in some strategic government documents as well. In the previous year, together with the Faculty of Biology at the University of Sofia, we carried out a genetic research on the Balkan Trout populations in the Rila mountain, in search for traces of the autochthonic /original/ fish that inhabited our rivers in the past.

Anyone who's interested, can see what we do, watching the following photos:

<https://www.google.bg/search?q=Ph4BKAI9znP5OM%3A>

Now all the above activities are in the past, except for the river monitoring of hydropower impacts. This year, by a resolution of the General Meeting, we decided that all our limited resources will be focused on- and spent for the rescue of our rivers that still remain untouched. Each cent we manage to collect is saved to sue the state authorities in a court of law for their illegal acts, every time we manage to discover such on time.

82 Fact - We have something more to add about the **Iliyna HPP** case once again. We have sent a letter of objection to MOEW, holding an invitation for the Minister - Mrs. Ivelina Vassileva, to stop the project while she can. In case she refuses to, then we will sue the Ministry in the Supreme Administrative Court, but it wouldn't matter if we win, or lose. In this case the local people of the Rila municipality will have the final word to say. We know how they will react, therefore - anyone who still believes that the project will be done, better go and talk with them.

And here is the most significant horizontal problem at present, based on the facts in this chapter:

The local opposition is already widespread all over the country, meaning that too much social energy and resources are spent to fight against illegal decisions of the state environmental administration, which is supposed to work in the best interest of society, rather than in the interest of a few criminal "businessmen" which are killing nature out of greed.

People like us have abandoned their initial goals, thriving to rescue what's left, because there is no sense in fish research, or river cleaning, or stocking etc., when an HPP will be built there in the future.

Another interesting phenomenon is hidden behind the fact that too many people know about our fight against illegal hydropower today, because our HPP monitoring platform is already popular. They call for advices or help when they need it, send us pictures etc. The majority of them know pretty well about the Complaints we lodged with DG Environment and keep asking if an answer came. Obviously those people were hoping /with the emphasis on the past progressive tense/, just like us, that something might have come out of the dark...

H. 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.

(7) The Roadmap also calls on Member States to address gaps in their performance in delivering the benefits from Union legislation ⁽⁷⁾. To avoid that State aid measures lead to environmental harm, in particular Member States must also ensure compliance with Union environmental legislation and carry out an environmental impact assessment when it is required by Union law and ensure all relevant permits.

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

In the previous documents we have answered this question in detail. We will add information only for the new cases disclosed herein:

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 Sites**. This means that the fraud about the borders of the Natura2000 Habitats Directive site **Yadenitsa BG0001386** - fact No 70, specially provided for the future Yadenitsa dam, was also financed by the EU. The same is applicable to the Natura 2000 sites along the Iskar river - fact No 69.

2. The Dushantsi Wastewater Treatment Station - fact No 59, was financed by the Operative programme Rural Development of the EU. It represents a case in which a lot of European money was wasted not only without any positive effect, but the situation has become much worse.

3. The Sreden Iskar cascade - facts No 64 and 67, is financed by the EBRD. The only positive effect here is for the operator - he will earn some dirty money. At the Lakatnik-Svrajen-Opletnya HPPs the Iskar river does not run free in between. Meaning that there is an adverse /to say the least/ impact by definition, which had to be obvious at the beginning of the project implementation and cannot be repaired by any mitigation measures today.

4. The Kutra Tvurditsa HPP - This is another one, financed by the **OP Rural Development, Measure 312 - "Support for the creation and development of micro enterprises"**. It was checked at high water this year by some friends of ours and here is the outcome uploaded on our platform:

<http://dams.reki.bg/0280-dam/2016-02-19> - an almost dry riverbed again. And a pipeline out in the open as well, depriving wild animals from access to the river. It would have mattered if there was any water running, but it doesn't.

5. The Iliyna HPP - facts No 65 and 66, was about to be financed by the Kozloduy Decommissioning Fund through the EBRD again, but that won't happen. The Minister of Environment and Waters will hopefully stop it. Otherwise we'll stop it or, finally, the local

people will. The investment plan is recognized by the government as a "**Project of national importance**".

6. The future Yadenitsa dam. The case was described in fact No 39 of the Appendix 1. 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/. We traced some additional sources of information about the case, revealing that the fraud with the borders of the Natura2000 Habitats Directive site Yadenitsa BG000138 is not the only fraud in the case.

Therefore we will prepare a special report on the Yadenitsa dam case, when we have the time. The investment plan is recognized by the BG government as "**Project of national importance**" again, and as "**Project of Common Interest /PCI/**" by the European Commission as well.

In summary of this chapter, we will share our deep disappointment with the European Commission. Much to our surprise, it seems that the EC, by not providing a thorough study on each project's compliance with the relevant National and EU legal framework, or by not providing any subsequent control on the EU subsidies, is failing to avoid situation in which EU aid measures lead to environmental harm in its Member States. Particularly when environmental harm is caused on special protected areas of conservation, weakening their conservation objectives.

In the light of the **Guidelines on State aid for environmental protection and energy 2014-2020** 2014/C 200/01, each Member State must avoid such situations by phasing out of environmentally harmful subsidies. We believe that these Guidelines must be applicable for the Union itself, otherwise - who can expect them to be followed by any EU Member?

Moreover - to promote the aid for hydropower as "aid for rural development" among the local people living in those poor villages, while the same are suffering from the adverse impacts on their rivers and are fighting against each of these projects - that is a shameful arrogance. Those HPP sites have their signboards proudly carrying the EU insignia, mockingly informing them poor guys that it happened for their own good.

III. LIST OF DOCUMENTS / EVIDENCE

Document 001 - A letter from EARBD, informing the director of RIEW Haskovo, that the Dimitrovgrad HPP project does not comply with the East Aegean RBMP.

Document 002 - A letter from WARBD for the Petrovo HPP case

Document 003 - Letter of objection to MOEW for the Iliyana HPP case

Document 004 Subscription by the Svide village people to MOEW, RIEW Sofia and BDDR, containing objection against the future Svide HPP.

Document 005 - Subscription by the Lakatnik village people to MOEW, containing objection against the future Preboynitsa HPP.

IV. APPEALS/LEGAL ACTIONS/ OTHER ACTIONS

A. New actions taken by “Balkanka” Association

Throughout the first half of 2016 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 kept informing them about the good cases too, but those were quite a few again.
- For each of the cases in which we discovered a breach of the legal requirements in the decisions and permits, issued by the state authorities, we have also sent objections, questions, proposals etc.

The outcome:

B. New actions taken by MOEW, RIEW and RBD

1. As we already said - the Rumyantsevo 2 HPP case was solved by MOEW according to the law. We are waiting together now for the decision of the Court of justice.
2. In the **Appendix 1** we declared, that the first steps towards the preparation of the Fish Passes Ordinance and the Methodology for minimum water flow determination /both nonexistent in so far/ have already been taken. Actually the work on the Fish Passes Ordinance has stopped and the work on the Methodology for minimum water flow determination has never started. Maybe the whole idea was to have some excuse if there would any reaction by the DG Environment be... Since there wasn't such reaction - the momentum has been lost.
3. Our objection for the Dimitrovgrad HPP case received no answer from BDDR, although nearly two months have already passed.
4. Our objection for the Svode HPP case received no answer from RIEW Sofia, although nearly three months have already passed.
5. Our objection for the Iliyna HPP case received no answer from MOEW yet, but it's too early and the situation is as complicated, as can be. Actually, we are hoping for a positive decision by the Minister, meaning that the project will be stopped.

We have tried to contact EU Institutions to request help on this issue already. On June 30th 2015 we lodged the initial Complaint - DG Environment case file ID number CHAP(2015)02363. On January 6th 2016 we lodged the Appendix 1 to the original Complaint, which was accepted under the same ID number.

There is no answer yet, that's why we hope that this document will be considered as an integral part of the first two documents.

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

V. CONFIDENTIALITY – DATA PROTECTION

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

Actually, we have sent copies of the previous complaints to MOEW, so they are pretty well aware of our actions. Having nothing to hide, we will send a copy of this document as well.

VI. 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 along the rivers - that must not be multiplied in the future, by any means.

Moreover - we have found so many infringements of the Bulgarian law and the EU Directives in the decisions on water permits by RBD and on Appropriate Assessments by RIEW or MOEW, that today we know for sure - **an overall legal compliance review of all decisions must take place.**

For an example - please read carefully the letter of objection for the **Iliyna HPP** case again - Document No 3. There is not a single word of any law, or of any EU Directive, that has not been breached. Things have gone so far, that the investment plan was recognized by the government as "**Project of national importance**" with the only aim to be approved by the Minister of Regional Development. Otherwise it must have been approved by the Rila Municipality, where it stands no chance. If anyone does not believe - just go to the Rila city, ask the local people there and listen to what they say. They've had enough of hydropower, all villages and cities have - all along the Rilska river, which the Iliyna river is tributary to.

However, we hope that, unlike the Bulgarian state administration, the European Union is sustained by respect for the rule of law. To achieve its goals the Union depends on the effective application of its law in each one of the Member States. That is why we hope that the DG Environment will recognize our efforts as helping the Commission to detect cases of infringements in the long run, especially when nature destruction is concerned. Rivers are the veins of nature, hence we know for sure that killing every single one of them and the life in it as well, is among the biggest crimes possible. Therefore we will keep delivering new information on and on, every time we trace a possible new case.

We also realize, that some of the cases included here, or in the previous complaints, are more significant than other, but will keep disclosing every new one that we trace, no matter how big or small it is. We will do that, believing that each individual infringement of the law committed here, represents a threat to the overall Justice everywhere - to rephrase a famous man. Without a doubt, the future Yadenitsa dam case will be the most expensive and significant of all. In the next Appendix 3 we will include a full expanded study on the case.

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:


/Kraslav Dimitrov/



Representative for this complaint:


/dipl.eng.Dimitar Koumanov/

Sofia, Bulgaria
20.06.2016