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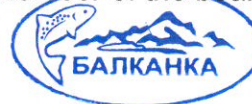
“Balkanka” Association, Sofia, Bulgaria
“Nature has all the time in the world, we do not”.

COMPLAINT
TO
THE COMMISSION OF THE EUROPEAN COMMUNITIES
CONCERNING FAILURE TO COMPLY WITH COMMUNITY LAW
APPENDIX 9



Representative for this complaint:

dipl. eng. Dimitar Koumanov,
Member of the board



Sofia, Bulgaria
04.08.2019

INTRODUCTION

Regarding the Complaint to the Commission of the European Communities, lodged by Balkanka Association, Sofia, Bulgaria on **30.06.2015**, followed by **9 /nine/** consecutive appendixes - No1 to No8A, transferred to **EU Pilot application under reference EUP(2017)9183**, the following document contains new information concerning recently discovered huge infringements of EU law committed by the Bulgarian authorities responsible for the environmental protection in our country, mainly by disregarding the restrictive measures set out in the actual RBMPs, which aim to protect the surface water bodies from further deterioration and to achieve good ecological status of the water bodies in Bulgaria as required by the EU WFD.

At the same time, there are several new cases where the protection of Natura 2000 Habitats Directive sites designated for the protection of riverine habitats and species was set at risk, as well as a brand new case of total destruction of a Habitats Directive site, proving that Natura 2000 means less than nothing in Bulgaria under the governance of the current minister of environment and waters - Mr. Neno Dimov.

Furthermore, there was a mission of DG Environment visiting Bulgaria earlier this year we were so happy to meet. Pitifully, at the meeting we didn't get an answer when the EU Pilot will be transformed into an infringement procedure, which was no surprise at all.

To our knowledge, on the next day the same DG ENV representatives attended a meeting with our environmental authorities, who are acting ever since as if they were inspired and unleashed to commit every breach of the EU Directives possible, instead of being more respectful in regards to the EU principle for the Rule of Law after the meeting. We do not have an idea what happened at this meeting, but the result is obvious and unacceptable. The fact is that for the last four months or so after the meeting of DG ENV with MOEW, the RBMPs of all river basins are totally disregarded and constantly breached.

Anyone who reads this document, please note that you need to have read the original **Complaint** and **all consecutive Appendixes** first - DG Environment case file ID number **CHAP(2015)02363**, currently being dealt with under **EUP(2017)9183** for quite a long time, much more time than promised by DG ENV in June 2017. These documents contain information that will not be fully repeated herein. It will be repeated briefly only in case of unavoidable necessity or of description integrity. The numbering of new facts starts at **No95**, simply because the last fact in the previous **Appendixes** to the original Complaint was **No94**.

Acknowledgements

We dedicate the following document to the poor people living in the Iskar Gorge in Bulgaria, which are sentenced by the government to live under the everlasting threat to see the Iskar River running poisoned, each and every time when one of the numerous hydropower operators in the Gorge decides to discharge thousands of cubic meters toxic stinking silt into the River, killing every living creature for many kilometers downriver, only in the name of Grand Corruption.

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ACRONYMS:

MOEW	- Ministry Of Environment and Waters of Bulgaria
MOES	- Ministry Of Environment of Serbia
RIEW	- Regional Inspectorate/s of Environment and Waters
RBD	- River Basin Directorate/s
WARBD	- West Aegean River Basin Directorate
WA	- Water Act
EIA	- Environmental Impact Assessment
AA	- Appropriate Assessment
RBMP	- River Basin Management Plan
HPP	- Hydropower Plant
Qav	- Average long term annual river runoff
Q95%	- Minimal average monthly river runoff within 95% reliability

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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3.2. Where appropriate, represented by:

Dipl.eng. Dimiter Koumanov, member of the board

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

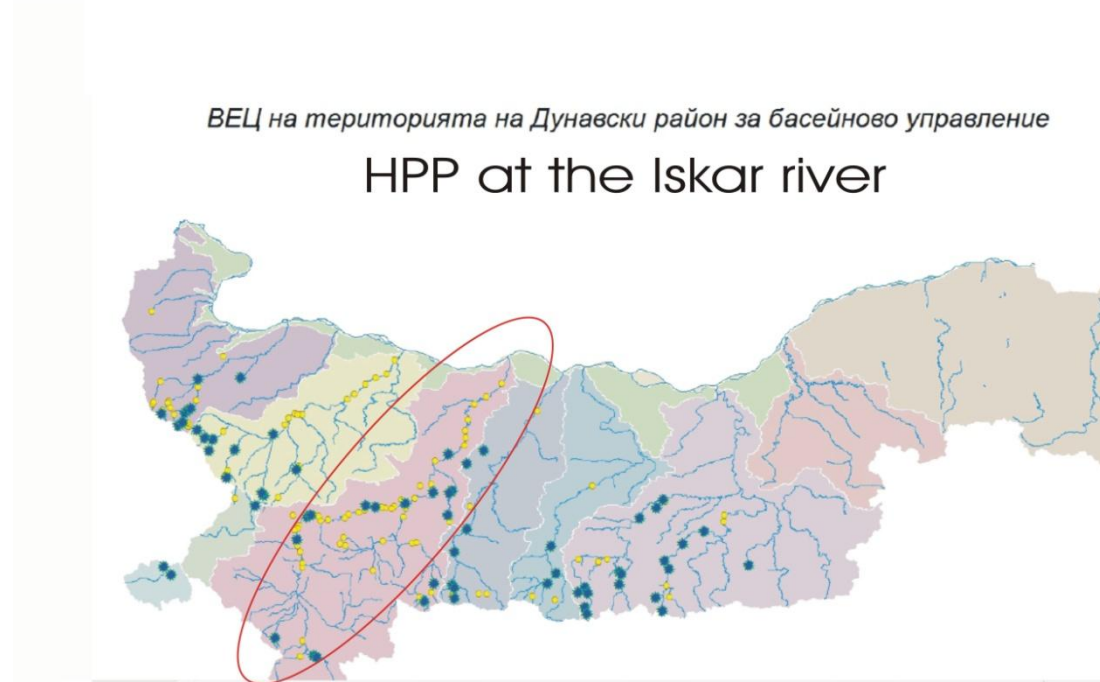
5. Member State or public bodies alleged by the complainant not to have complied with Community law:

The Bulgarian Ministry of Environment and Waters (MOEW), RIEW Vratsa and the BG Danube River Basin Directorate

II. DESCRIPTION OF THE SUSPECTED INFRINGEMENT OF UNION LAW

A. The Iskar River case - additional information

Now, this case was brought to the attention of DG Environment in Appendix No2 to the original Complaint - see fact No 64, please. In brief the future of the Iskar River is to get totally dammed from the town of Svoje to the confluence with the Danube River. Around 120 kilometers of a beautiful river will be turned into a huge cascade of stinking swamps with no river running in between, as every next swamp starts at the barrage of the previous. Here is the map, extracted from the Danube Basin RBMP 2016-2021:



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>

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. All in all there are **15 /fifteen/** pieces currently in operation along the river, but the construction of the rest remaining 20 pieces can start any time now. It should also 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 first five blue dots display the beauty of the operational HPPs belonging to the **Sreden Iskar Cascade**, which was financed by the EBRD with public money, unfortunately. There are four future HPPs more to come within the project of the same cascade, of which the AA Report was so poor, that we were forced to bring the problem to the attention of DG ENV in the same Appendix No 2 to the original Complaint in the description of **fact No 67**.

This year we have carried out a thorough review of the post construction performance of the operational HPPs of the cascade only to find the following problematic issues:

1. The Sreden iskar Cascade false EIA report

Fact No 95.

The EIA report was conducted in 2005 for all 9 /nine/ pieces belonging to the cascade altogether. It can be found here:

https://dams.reki.bg/uploads/Docs/Files/SREDEN_ISKAR_DOVOS.pdf

It holds a set of "mitigation" measures which have never been implemented. These are as follows:

- The upstream entrance of the fish passes has to be situated close to the big water coming out of the turbines. Only in this way fish can easily find the entrance. This measure was not implemented and the fish passes are always on the wrong river bank, opposite to and far away from the outflow from the turbines.
- Fish passes (and if possible - the individual channels) should be dimensioned according to the required depth, necessary for boats to pass through, together with an appropriate width of the channel to enable successive descent of boats from each upper hydro unit to the next. This measure was not implemented and no boat, no matter how small, can pass through any of the fish passes of the cascade.
- For the fish passes *close to nature* bypass channels should be used, rather than the Pool Type of the Technical fish passes. This measure was not implemented and all five fish passes are of the poor old Pool type, which is absolutely inappropriate for the purpose in this particular case, with respect to the fish fauna in the area concerned.
- Appropriate attractive and repulsive measures should be undertaken to safeguard the fish from entering the turbines and to easily find the downstream fish pass entrance. This measure was not implemented either. There is no attractive and/or repulsive equipment installed at all.
- In the Lakatnik-Gabrovnitsa section options for the annual rafting and kayaking trips must be provided. Three large stinking swamps in a row, right one after the other, do not provide anything like that, and boat trips of any kind have never been organized in the area concerned.

Furthermore, for the last three of the existing five pieces there is a decision № 53-OC/2010 of MOEW that an AA is not necessary. They fall within the boundaries of a protected territory - Vrachanski Balkan Natural Park, which is also a Natura 2000 Habitats Directive site, and there is a special ban set on any construction as well as on any industrial activities in the Natural Park.

During the EIA procedure RIEW Sofia conveyed a negative assessment to MOEW and the result was that the Director of RIEW Sofia at the time - Gergana Blagieva - was fired... The negative statement of RIEW Sofia can be found here:

https://dams.reki.bg/uploads/Docs/Files/SREDEN_ISKAR_DOVOS_RIOSV_SF.pdf

In the end it states:

.... the implementation of the project should not be authorized.

Naturally, the project was authorized nevertheless.

Two months ago we have sent notification on these issues to MOEW, namely that the measures set out in the initial EIA Report are still not implemented, and there is no reaction whatsoever! The notification, holding full description of numerous other infringements, can be found in the following link:

In the end of this section we must summarize the facts - the cascade was authorized regardless of the ban in a Natural Park, in a Natura 2000 Habitats Directive site without an AA for three of the first five pieces, regardless of the objection of RIEW Sofia, and without any of the mitigation measures proposed in the EIA Report being implemented up to this day!

And the first action of the first HPP of the cascade set into operation in 2008 was to discharge thousands of cubic meters toxic silt into the river, but we are coming to this in the next section.

2. The Cherepish HPP new case of total river destruction

The modern hydropower story of the Iskar River started with the **Lakatnik HPP** set into operation in 2008, thanks to the blind financial support of the EBRD.

After less than one year of operation the Lakatnik HPP managed to discharge thousands of cubic meters toxic silt into the river - it was described under fact No 22 in the original Complaint.

At least 15 km downriver all aquatic organisms and fish died - that is a fact reported by all media nationwide. Here is some proof:

http://news.ibox.bg/news/id_1682133195

On the next day RIEW Vratsa reported that *"the water of the Iskar River is visibly muddy and turbid but the analysis of the samples is within the design category of the river in this area"* - whatever that meant.

On 31 July 2019 the closest to the cascade Cherepish HPP did exactly the same! The entire toxic silt accumulated in the lake throughout the years was released into the river below the intake to kill the aquatic fauna for many kilometers downriver.

For proof enjoy watching the following two TV media reports, please:

<https://www.facebook.com/btvnews/videos/461146974722613/UzpfSTI0ODQxNDE4ODU0NTczNToyMzc0NzU5MjcyNTc3ODcy/>

<https://www.facebook.com/rmtvnews/videos/358387595057982/UzpfSTEyNDI4NTE4NDMxODY4NDoyNDc1MDQ3MTc5MjcyNDYx/>

Some pictures of the ecocatastrophe can also be found here:

https://dams.reki.bg/uploads/Docs/Files/HYDROPOWER_BALKANS.pdf

In this way the silt was moved to the next existing HPP on the same river, which has to deal with some silt problems of its own, right?

Now, if we get back to the map on page 5 of this document, let's just wonder what will happen to the entire river life when all those 15 pieces do the same?

Of course, under the protests of local people RIEW Vratsa took samples from the water /not from the silt along the river banks/ on the next day, and of course the results have shown that everything is fine. Of course BDDR has carried out its own inspection on the next day, and of course BDDR discovered no breach of the Water Permit as well.

Still, the obvious question is - what is going to happen very soon with the silt in the next ten HPPs along the Iskar River and where is that silt going to go?

Four years have already passed since we lodged our first Complaint with DG ENV over these and many other similar issues therefore we hope DG ENV will find some answer to this question soon.

The same has happened in 2016 at the Botunya River in BG - let us remind DG ENV the case:

<https://dams.reki.bg/0161-dam/2016-09-21>

Just watch the pictures and the videos to see! That case ended up with a negligible fine for the operator - 15 000 EURO only, and the Luna HPP Is Still Working. All the other operators currently are doing the same as a result, inspired by the poor reaction of the honorable state authorities.

We find that there is a huge breach of article 23 of the EU Water Framework Directive here, as the penalties applied are anything but *effective, proportionate and dissuasive*. There will be no penalty at all in this Cherepish HPP case hence it's obvious the state authorities are actually inspiring the breach of law. This is another issue DG ENV was notified of long time ago and our BG state authorities are inspired by the fast reaction of the same DG ENV, obviously or not.

In the end of this section we must point out to DG ENV that the poor Cherepish HPP was authorized in Natura 2000 Habitats Directive site Vrachanski Balkan BG0002053, as well as in the Birds Directive site Vrachanski Balkan BG0000166, without an EIA and without an AA - by a decision No 2-OC 2008 of the "competent" RIEW Vratsa...

And if someone asks why is the silt toxic - the answer is simple - it is due to the pollution of the river by the urban and industrial waste waters starting from the town of Sofia, triggering uncontrolled eutrophication in the lakes, and due to the totally destroyed river self cleaning ability as well, because three of those swamps belonging to the Sreden Iskar Cascade upriver are right one after the other and the river is not running in between!

B. The Yantra River Habitats Directive site

Fact No 96

The Reka Yantra Habitats Directive site BG0000610 is one of the very few Habitats Directive sites in Bulgaria officially announced by a special order of the Minister of environment. Here is the proof:

http://natura2000.moew.government.bg/PublicDownloads/Auto/PS_SCI/BG0000610/BG0000610_PS_11.pdf

This site was designated for the protection of the riverine habitats and species as the Yantra River was one of the biodiversity hot spots in Bulgaria. There is a special requirement in the announcement, aiming to protect the fish and macro invertebrates - **a ban is set on:**

5.8. Abstraction of more than 30% of the average annual runoff of the Yantra River and its tributaries for hydropower plants, which are in a procedure of issuing or extending the validity of a permit under the Water Act as of the date of issuance of the order;

This year, regardless of the ban above, BDDR extended the Water Permits for two of the HPPs along the river - Ledenik HPP and Sini vir HPP. The annual limit of the diverted water was increased way above 30% of the long term runoff of the river, reaching 50% of the runoff. The annual limit of each HPP was set by the proud BDDR at 98 million cubic meters while the ban above allows no more than 58 million cubic meters to be diverted.

Here is the proof for the modifications of the Water Permits:

Ledenik HPP

http://www.bd-dunav.org/uploads/content/files/Stanovista%20za%20Dopustimost/2019/07_2019/01-176_01072019.pdf

Sini vir HPP

http://www.bd-dunav.org/uploads/content/files/Stanovista%20za%20Dopustimost/2019/07_2019/01-177_01072019.pdf

This is how the Natura 2000 network is being protected here by the "competent" BDDR!

Furthermore, in the Danube Region RBMP 2016-2021 there is a special measure requiring:

Prevention from new negative modifications in the hydromorphological regime (caused by hydroelectric power plants, ...) in water bodies designated as or falling within water protection zones.

The affected section of the Yantra River falls within the boundaries of a water protection zone designated in the Danube Basin RBMP 2016-2021 for the protection of habitats and species. Obviously, the BG Danube River Basin is the only region in the world where increasing twice the diverted water quantities extracted from a river can be considered a positive modification.

Furthermore, in the BG Water Act the Residual flow below the intakes /some call it E-flow which is not correct/ is set at 10% of the average long term river runoff - Q_{av} , but not less than the minimal average monthly runoff within 95% reliability - $Q_{95\%}$. At the same time the Water Act requires all Water permits to be brought into conformity at the time of their first extension and/or modification and the same is required by the RBMP 2016-2021.

Of course none of that was implemented and the Residual flow was set at only 10% of Q_{av} , deliberately not taking into account $Q_{95\%}$, which requires 3.5 times more water to be discharged into the river below both intakes.

This is how the law and the measures in the actual RBMPs are implemented in Bulgaria. We believe that such illegal "favors" to investors in the most corrupt EU Member state are never done for free!

C. Corrupt Implementation of the River Basin Management Plans

The above case of the Yantra HPP shows only one corrupt extension of Water permits, breaching the law and the actual RBMP. One breach out of way too many - actually the measures set out in the RBMPs are constantly disregarded by all RBDs in Bulgaria regularly, deliberately, heartlessly.

In the last two years several new HPPs were authorized in prohibited for hydropower areas - for example the Chetroka HPP in the East Aegean River Basin. At the same time the requirements on the Residual Flow are constantly breached by all RBDs during the authorization or extension of Water Permits as well. Actually - there is not a single new or extended old Water Permit that complies with the requirements on the Residual flow determination! Not a single Water Permit, no matter for hydropower or for any other purpose! Shall we repeat that one more time for DG ENV - Not a Single Water Permit Is Legal!

However, these are small, minor issues, compared to the problems hydropower is causing to the drinking water sources for the human population!

Regardless of some beautiful measures for the protection of the drinking water sources laid down in the Water Act as well as in the actual RBMPs, for the sake of the hydropower units owned mainly by the National Electric Company, the following villages and cities in Bulgaria are falling short of sufficient drinking water supply:

Barzia, Velingrad, Sestrimo, Momina Klisura, Botevgrad, the higher sections of the town of Krichim, Blagoevgrad and many other. Barzia and Botevgrad are cases DG ENV was informed of in our previous complaints.

We will show another case here - the people living in the city of Velingrad, which is considered the "Spa Capital of the country", protesting against the insufficiency of drinking water, arrested and beaten by the police:

<https://btvnovinite.bg/predavanja/tazi-sutrin/naprezhenie-i-arest-sled-protest-vav-velingrad.html>

The town of Velingrad is surrounded by the Rhodope Mountain which is full of water, but this water is stolen from the local people by the National Electric Company /NEC/, because the entire Chepinska River, which is running through the town, and all its tributaries are 100% caught and diverted to the Batak dam, and not a single drop of water is released below the numerous intakes in the region owned by NEC. Here is only one example - watch the videos uploaded to see:

<https://dams.reki.bg/0483-dam/2015-03-07>

Still, the actions of all RBDs in favor of private investors leading to deterioration of the drinking water sources are speeding up in the last years. Currently, several old reservoirs, designed only for drinking water supply and irrigation during Socialism, have been designated for hydropower by our proud RBDs. They didn't learn the lesson that if a dam was not initially designed for hydropower by the good old Socialism, there surely is Some Reason and that is always the fact that water will not suffice for the other purposes the dam was built for and for hydropower at the same time!

We have already informed DG ENV about the Bebreesh dam case when the town of Botevgrad stayed for several months without any water, but that is nothing, compared to the following case, inspired by the same BDDR in the same Danube Basin.

1. The Yastrebino drinking water reservoir

Fact No 97

This is an old dam built during the Socialist times for the drinking water supply and for irrigation in the municipalities of Antonovo and Omourtag in the North-East of Bulgaria. It falls within the boundaries of a Natura 2000 Habitats Directive site Golyama reka BG0000432.

On April 22th 2019 BDDR issued a Statement of Eligibility for a new hydropower investment plan, stating that there is no problem whatsoever and the plan is in conformity with the measures in the Danube River RBMP 2016 - 2021.

The BDDR Statement was not uploaded on the BDDR internet site, thus it was hidden from the public, because BDDR knew pretty well that we are checking the site regularly once a week. So we were not able to file an objection on time. At this moment the poor Statement can be found here:

http://www.bd-dunav.org/uploads/content/files/Stanovista%20za%20Dopustimost/2019/04_2019/3894_22042019.pdf

The most significant infringements in the BDDR Statement are as follows:

- Violation of the measure set in the RBMP to avoid *new negative modifications in the hydromorphological regime (caused by hydroelectric power plants, ...) in water bodies designated as or falling within water protection zones*
The water body falls within a water protection zone for drinking water acc. to the Danube RBMP and the new hydro unit would have taken several times more water than is taken currently for the other purposes the dam was built for.
- Violation of the ban in the Water Act set on any new water abstraction for hydropower in Natura 2000 Habitats Directive sites in Bulgaria, because 80% of the hydro units have been developed in such areas so far. This causes enormous pressure on the objectives of the Natura 2000 network in Bulgaria, namely to achieve favorable conservation status of the habitats and species entitled to protection under the Habitats Directive, which will never happen in BG.

At the same time RIEW Shumen released a screening decision that an EIA/AA is not necessary at all, based on the above BDDR Statement - the dam falls in a Natura 2000 site, remember!

Furthermore, there is a violation of the normal human sense! The volume of the dam is only **63 million** cubic meters and the water, collected in the dam for the last 12 months, is only **11.3 million** cubic meters acc. to MOEW Register of complex dams. There is an actual Water Permit for the state owned Irrigation Systems Company to take **22 million** cubic meters per year and a Water Permit for the municipality of Antonovo to take **3.8 million** cubic meters per year to cover its drinking water needs, and that is that!

Still RIEW Shumen agreed on **115 million** cubic meters to be taken from the dam for the new hydro unit which is a huge *negative modification of the hydromorphological regime* of the water body everywhere else in the world, but in the BG Danube River Basin, where such modifications are considered positive by our proud BDDR.

In this case, under the objections of Balkanka and a law suit filed in the Supreme Administrative Court, MOEW has overruled the screening decision of RIEW Shumen, but only on the grounds that there was some small mismatch in the water quantities in the Statement of BDDR and in the screening decision of RIEW Shumen, disregarding the bans set in the Water Act and in the Danube RBMP. Thus the EIA procedure is still ongoing! Soon BDDR will issue another statement, the water quantities will match in the RIEW Shumen screening decision and the people in the municipality of Antonovo will be deprived from their drinking water for good.

The same has happened in 2016 to the Bebreesh dam and the municipality of Botevgrad, when the dam was dried down to the bottom by a brand new HPP set into operation the same year. Watch the first video in the following link to see the empty Bebreesh dam:

<https://dams.reki.bg/0017-dam/2016-11-10>

The Bebreesh dam is in the same Danube River Basin, of course. This is how the measures of the RBMPs are implemented by the honorable BDDR, loving to leave the local people without drinking water only to the profit of a single, connected to the political Mafia that governs the country individual. And this cannot be done for free either, you know.

Finally, depriving local communities from their right to have access to drinking water largely contradicts the modern EU policy aiming at improvement of the quality of life and at the reduction of the plastic waste among the member states.

2. The Dulgodelska Ogosta River case

Fact No 98

This is another inspiring story from the Danube River Basin. In 2018 and in 2019 we have stumbled twice into a water catchment on the Dulgodelska Ogosta River which was discharging absolutely no water in the river below the intake. Of course we have sent signals to BDDR and they have carried out inspections only to find that the water is taken for an illegal fishery in the area. Watch the video taken on 4 May 2019 to see:

https://www.youtube.com/watch?v=ZfE8ssnWS_U

The BDDR answer to our signal was that they have imposed a fine, not specifying how big the fine was, of course. The possible fine was obviously so big beyond imagination, that on 23.07.2019 we have checked the intake one more time only to find that the river is still gunpowder dry below the intake and all the water is diverted by the same perpetrator. We have sent another signal to BDDR, but as of today there is no answer. We figure they got tired checking one and the same thing over and over again, which to our view is only normal for BDDR, or maybe DG ENV will find that it is not?

However, a river dried down to the bottom is no surprise to anyone everywhere here in BG. What is not normal and really surprised us is that the same proud BDDR has recently released a brand new Water Permit for the same perpetrator. Here is the BDDR announcement for the Water Permit:

<http://www.bddunav.org/uploads/content/files/Razreshitelen%20orejim/Saobshtenia%20chlen62a%20ZV/2019/07.2019/PV3-53.pdf>

So, instead of a penalty imposed for the crime, which penalty should have been *effective, proportionate and dissuasive*, the perpetrator was rewarded with a brand new, absolutely legal Water Permit. There is something very wrong in the good old BDDR, obviously.

In fact, we have never encountered such a big violation of article 23, WFD so far, and we have really seen everything.

It also seems quite interesting to us that the proud investor was stealing all the water from the river for several years without a Water Permit and now he is rewarded by BDDR with a legal permit. Then, are we to expect from this day on that the guy will follow any rules of legal force henceforth, or what?

Needless to say that the residual flow below the intake was set by our BDDR at only 10% of Q_{AV} , without taking into account $Q_{95\%}$, of course, but who cares about such minor issues after all? At least we, together with DG ENV, shouldn't care anymore, should we?

Finally, if we were wearing the shoes of BDDR, we would have asked ourselves the question - why is the guy taking all the water from the river for a small fishery with seven very small pools? And the answer is very simple - this is a very old fishery and all the concrete pools are broken! Actually the concrete has almost gone and the water is disappearing into the rubble. That is why the pools can't hold any water and no E-flow will ever be released!

Then, a new Water Permit should have been issued only after the pools' concrete covering and insulation is renovated in a way to prevent the leakage of the water - it is that simple!

Therefore, we find that in this case BDDR has committed another huge breach of preamble paragraph (11) of the EU WFD! This case has nothing to do with *prudent and rational utilisation of freshwater resources*, but on the contrary.

3. The Stakevska River case

Fact No 99

This is another case of huge violation of the measures in the Danube RBMP setting ban for any new hydropower investment plan that falls within the boundaries of a Natura 2000 Habitats Directive site Zapadna Stara Planina i Predbalkan BG BG0001040. All extensions and modifications of the Water Permits are also breaching the ban in the Water Act as well. But that is not the main point here.

The main point here is that two intakes were allowed on two small rivers, one of which - the Iliyna River - has $Q_{av} = 60$ liters per second only. And there is another ban set by article 118j of the Water Act, stating that hydropower is prohibited in rivers with Q_{av} less than 100 liters per second.

Of course our good old BDDR has specified for the same small beautiful Iliyna River the Residual flow below the intake to be only **6 /six/** liters per second, disregarding $Q_{95\%}$ again! To avoid misunderstanding we will repeat it for DG ENV again - there is no mistake - **6 /six/** liters per second are supposed to support the aquatic life in a small river and that will hopefully lead to avoidance of any deterioration of the ecological status of the river?

And the good old DG ENV is still doing nothing against the criminals in our MOEW and our Basin Directorates who have no hearts!

Needless to say that our checkup carried out in 2018 has shown only 2 /two/ liters per second being released below the intake on the poor Iliyna River - watch the video to see:

https://www.youtube.com/watch?time_continue=9&v=3qO4fdGT01U

4. General conclusion

The conclusion is quite obvious - the measures in the actual RBMPs designated to protect the rivers in Bulgaria are not followed at all, because BDDR is not an exemption amongst the other RBDs, BDDR it is a norm! The bans of legal force are not followed, the Residual flow is not properly determined and there is no water running below all kind of intakes, not only below the ones for hydropower - there is no improvement whatsoever.

BUT there are some requirements over these issues together with some deadlines laid down in the relevant EU WFD, right?

We believe that any further deterioration /apart from the exemptions under article 4.7 WFD/ of the surface water bodies' status must have been terminated by 2015 and good ecological status must be attained not later than 2027, or are we wrong, dear friends from DG ENV?

And we are losing river, after river, after river, and DG ENV is only watching? What happened to those big words and good intentions convincing us on how the EC relies on EU citizens to report infringements and will react accordingly and in due course? Does "*due course*" mean more than four years after the first complaint was lodged?

And we still don't have here in BG any official Ordinance on the Fish passes design, maintenance and monitoring, neither do we have the Methodology on the Residual Flow determination and monitoring, and new small hydropower is still allowed and welcome?

D. 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

- **Treaty on the Functioning of the European Union**

- **Article 191**

- (ex Article 174 TEC)

2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

- **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:
- **Directive 2000/60/EC** of the European Parliament and of the Council establishing a framework for Community action in the field of water policy
- **Council Directive 92/43/EEC of 21 May 1992** on the conservation of natural habitats and of wild fauna and flora
- **DIRECTIVE 2011/92/EU** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the assessment of the effects of certain public and private projects on the environment
- **DIRECTIVE 2014/52/EU** OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

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

Yes, a lot of it. We are not sure how much, but Bulgaria receives a lot of EU funding for environmental protection which usually gets split in different corruption schemes, but DG Environment is pretty well aware of the fact. The European Commission should quit financing the corruption in Bulgaria until we turn into a normal law abiding EU Member State!

III. LIST OF DOCUMENTS / EVIDENCE

All the evidence concerning described infringements is included where appropriate in the document above in the form of links to pictures, videos and documents.

IV. APPEALS/LEGAL ACTIONS/ OTHER ACTIONS

All the actions we have taken insofar are described in the previous Appendixes.

We have tried to contact EU Institutions to request help on the same issues ten times already - one original complaint and nine consecutive appendixes so far. We were kindly informed that all these documents are transferred to **EU Pilot application under reference EUP(2017)9183**, therefore we hope that this new appendix No9 will be transferred to the application under the same reference and will be considered as an integral Part of the original 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 Balkanka Association and/or the identity of our representative in its contacts with the Bulgarian state authorities, against which we are lodging this complaint.

Moreover, we have sent copies of all our previous complaints to MOEW, so they are pretty well aware of our actions. Having nothing to hide, in due course we will send a copy of this document too.

VI. AIM OF THE COMPLAINT

Ladies and gentlemen,

In the previous Appendixes the aim was thoroughly described. We shall not repeat that once again. BUT we will stress the point on the following huge problem:

In 2018 the good old EU has come up with the following Mott Macdonald study:

[https://www.wbif.eu/storage/app/media/Library/10.Projects/1.Hydropower/19%20WB EC-REG-ENE-01-BR-2-Hydrology-Water-Management-05.12a.pdf](https://www.wbif.eu/storage/app/media/Library/10.Projects/1.Hydropower/19%20WB%20EC-REG-ENE-01-BR-2-Hydrology-Water-Management-05.12a.pdf)

The study is trying to promote some 3000 new small hydropower plants across the Balkans? While at the same time the EC is paying absolutely no attention to complaints in regards to the devastating impact hydropower is causing in Bulgaria?

Now, here is what we think about that - it is no wonder why the meaningful existence of the EU itself is getting more and more questionable to a whole lot of the EU citizens who are paying for the allowance of the enormous EU administration which produces less than nothing in return!

After all, it is the good, old, addicted to hydropower EU we have to thank for all that stupid hydropower craziness in the whole Balkan Region, where small hydropower makes no economical, environmental, climate or any other reasonable sense.

By the way, if anyone is interested in the bright, "sustainable" future of small hydropower in the entire Balkan Region, we would highly recommend the following handbook, because it tells the whole story of hydropower in BG and draws conclusions for the rest of Balkan states. Have a nice time reading:

https://dams.reki.bg/uploads/Docs/Files/HYDROPOWER_BALKANS.pdf

We will reveal to DG ENV only one small problem addressed in the above handbook: in the last five years there is not a single new student in hydrotechnics in Bulgaria, due to the hydropower devastating fame! Not a single student in the entire country! This is the bright future of hydropower in the Balkans - for more inspiring details, be so kind to read the handbook, please.

Thank you all for your kind understanding and cooperation.

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

Place, date and signature of complainant/representative:

Representative for this complaint:

Sofia, Bulgaria
04.08.2019


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