



EUROPEAN COMMISSION

## Complaint – Infringement of EU law

Before filling in this form, please read 'How to submit a complaint to the European Commission':

[https://ec.europa.eu/assets/sg/report-a-breach/complaints\\_en/](https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/)

All fields with \* are mandatory. Please be concise and if necessary continue on a separate page.

### 1. Identity & contact details

	Complainant*	Your representative (if applicable)
Title* Mr/Ms/Mrs	Mr	
First name*	Dimiter	
Surname*	Koumanov	
Organisation:	Balkanka Association	
Address*	<b>Petko Todorov blvd, bl. 8, en D, app. 87</b>	
Town/City *	Sofia	
Postcode*	1408	
Country*	Bulgaria	
Telephone	<b>+359 887 931 241</b>	
E-mail	<b>dkoumanov@abv.bg</b>	
Language*	English	
Should we send correspondence to you or your representative*:	<input checked="" type="radio"/> Yes	<input type="checkbox"/>

### 2. How has EU law been infringed?\*

	Authority or body you are complaining about:
Name*	Bulgarian Ministry of Environment and Water /MOEW/ Commission of Environment and Water in the Parliament The Bulgarian Parliament itself
Address	
Town/City	
Postcode	
EU Country*	Bulgaria
Telephone	
Mobile	
E-mail	

#### 2.1 Which **national measure(s)** do you think are in breach of EU law and why?\*

**Amendment of the Bulgarian Water Act adopted in 2019 by the Parliament in huge violation of Union Law**

#### 2.2 Which is the **EU law** in question?

**1. Treaty on the Functioning of the European Union**

**2. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy - The Water Framework Directive**

### 2.3 Describe the problem, providing facts and reasons for your complaint\* (max. 7000 characters):

The amendment in question was finally approved by the Bulgarian Parliament on 13.03.2019. Here is the official announcement:

<http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=135749>

The amendment relieves the fishery and aquaculture industry in Bulgaria from the following obligations:

1. To measure the water quantities diverted from the rivers, or from ground waters to the fisheries
2. To pay any fees whatsoever for the water used for production of fish & aquaculture
3. To pay fees for the pollution of the water, caused by the industry concerned

So fisheries were allowed to divert all the water from the rivers /a problem we have encountered already in real life/, or from ground waters, without measuring the water quantity diverted, and without paying any fee for the use of natural resources. On the other hand, a project carried out by the River Basin Directorates in 2016 has proven that fisheries cause pollution of the water they use and return back into the rivers, or of the water in the dams. Here is the project's final report:

[https://earbd.bg/files/File/EEAGRANTS/FISHFARMING/FINAL%20REPORTS/BG/FISHFARMING\\_Final\\_Report\\_BG.pdf](https://earbd.bg/files/File/EEAGRANTS/FISHFARMING/FINAL%20REPORTS/BG/FISHFARMING_Final_Report_BG.pdf)

In this way the following EU principles laid down in article 191/ex article 174/, paragraph 2, TFEU have been breached:

1. The "precautionary" principle
2. The "polluter should pay" principle

Preamble paragraph (11) of the Water Framework Directive, namely the requirements for "prudent and rational utilisation of natural resources" as well as the "polluter should pay" principle, have also been breached, let alone article 9, WFD, which was directly thrown in the trash, despite our warnings.

Recovery of costs for water services, as well as "adequate contribution of the different water uses", will no longer be applied to fishery and aquaculture industries in Bulgaria, since they will no longer even measure the water they use and will not pay for it! This also undermines all limitations set in the Water Permits, because the water will not be measured any longer.

And, of course, all the other water users in the country pay fees, while fisheries will not, which adversely affects competition and effective use of the resource!

### 2.4 Does the Country concerned receive (or could it receive in future) EU funding relating to the subject of your complaint?

Yes, please specify below       No       I don't know

The "Fishfarming" project referred to in the previous section was financed by the FINANCIAL MECHANISM OF THE EUROPEAN ECONOMIC AREA 2009 – 2014

### 2.5 Does your complaint relate to a breach of the EU Charter of Fundamental Rights?

The Commission can only investigate such cases if the breach is due to national implementation of EU law.

Yes, please specify below       No       I don't know

## 3. Previous action taken to solve the problem\*

Have you already taken any action in the Country in question to solve the problem?\* Yes

**IF YES**, was it:  Administrative       Legal ?

3.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

We lodged an objection with the Commission of Environment and Water at the Parliament

3.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?\*

The objection was overruled and the amendment was adopted.

**IF NOT** please specify below as appropriate

- Another case on the same issue is pending before a national or EU Court
- No remedy is available for the problem
- A remedy exists, but is too costly
- Time limit for action has expired
- No legal standing (not legally entitled to bring an action before the Court) please indicate why:

- No legal aid/no lawyer
- I do not know which remedies are available for the problem
- Other – specify

4. If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

- Petition to the European Parliament – Ref:.....
- European Commission – Ref:.....
- European Ombudsman – Ref:.....
- Other – name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)

We have not made any contact with the EC on this particular issue.

5. List any supporting documents/evidence which you could – if requested – send to the Commission.

⚠ Don't enclose any documents at this stage.

Evidence was enclosed in section 2.3 in the form of internet links

6. Personal data\*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

Yes       No

⚠ In some cases, disclosing your identity may make it easier for us to deal with your complaint.

Place, date and signature of representative:

/dipl.eng.Dimitar Koumanov/

**“Nature has all the time in the world, we do not”.**

Sofia, Bulgaria  
17.04.2019

