

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

NOTIFICATION

Ref. No 03 / 2023
TO
THE EUROPEAN COMMISSION CONCERNING BREACH
OF THE EU DIRECTIVES IN BULGARIA



Representative for this complaint:



dipl.eng. Dimitar Koumanov,
Member of the board

Sofia, Bulgaria
08.11.2023

INTRODUCTION

The information in this document is focused on the complete destruction of riverine Natura 2000 habitats in Bulgaria.

It is following our previous communication, **Ref. No 02/2023** shared with the European Commission on **29.04.2023**. We share the new information under a kind request by the DG ENV representatives at a meeting held in Sofia on 04 October 2023 with local NGOs - see communication Ref. No ARES (2023) 6236599 - 14.09.2023, when we were asked to submit additional information concerning the Failure of the national authorities to comply with the requirements of the EU directives concerning the protection of the Natura 2000 network in Bulgaria. We were told back then that this actual new information will be useful for the court case against Bulgaria, filed by DG ENV on the infringements of the Habitats Directive in particular.

However, apart from the breach of the Habitats Directive proven below, we believe that there are huge violations of the Water Framework Directive and of the Flood Directive as well, which we hope DG ENV will also pay attention to in the light of another infringement procedure, concerning the preparation of the national RBMPs 2024-2027 and the FRMPs 2023-2027, because it is not only the delay that matters in this case. It is the extremely low quality of both Plans and the corrupt SEA and AA procedures /currently underway/ for the FRMPs that matter most, as you will see.

We would also like to inform DG ENV that the minister of environment and water was recently so arrogant to issue a decision to finance both plans with additional 3.5 million Euro taken from the OP Environment again, as if the contract timeframe for the preparation of the plans is followed and the quality is perfect. Therefore we happened to find ourselves obliged to share the news with the European Prosecutor's office for the waste of EU money, pointing out that, to our opinion, it was DG ENV that had to notify the prosecutor for the EU money waste, rather than we. Here is a link to the decision of the minister for the new, additional payment:

https://dams.reki.bg/uploads/Docs/Files/Decision_MOEW_29.09.2023scanned1.pdf

Of course, we were focused only of the huge delay, rewarded with additional EU money. When the time comes, once the EPPO investigation starts, we will additionally notify the prosecutor on the quality of the poor plans, only to prove that the EU is paying for the plans some 21 million Euro - for a result worth less than nothing in front of the widely closed eyes of DG ENV of the EC.

By the way, our next communication with EPPO will be based on the big Waste of European money for the miscalculated, oversized and not working Waste Water Treatment Stations in Bulgaria, which is a case we were happy to inform DG ENV of on several occasions long time ago, only for our signals to be swept under the directorate's carpet as usual. There is room under that carpet for everyone and everything, isn't there?

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:

Ivan Pandukov, Chairman of the board

3.2. Where appropriate, represented by:

Dipl.eng. Dimiter Koumanov, member of the board

3.3. Nationality:

Bulgarian

3.4. Address:

Petko Todorov blvd, bl.8, en.D, app.87

3.5. Town: Sofia

3.6. Post code: 1408

3.7. Country: Bulgaria

3.8. Mobile telephone:

+359 887 931 241

3.8. E-mail: dkoumanov@abv.bg

4. Correspondence from the Commission can be sent to the representing person.

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

The Bulgarian Ministry of Environment and Waters (MOEW) and all the River Basin Directorates (RBDs) with MOEW, together with the International Bank for Reconstruction and Development - part of the World Bank Group.

II. DESCRIPTION OF THE ONGOING INFRINGEMENT OF UNION LAW

1. Breach of the Habitats Directive - additional cases

In Bulgaria the logging of riverside forestation and the extraction of river sediments, masked behind riverbed "cleaning" to improve flood prevention, has turned into national sport. Once stolen, the sediments like sand and gravel are used for free in the construction industry for road embankments, concrete and mortar production etc. - everywhere where sand and/or gravel are needed. The money are split between the actors - the private company hired by the district governor to perform the theft, the governor himself and the directors of the regional RBD and the Regional Inspectorate of Environment and Waters /RIEW/. Of course, there has to be a little something now and then for the minister of environment himself, otherwise his inferior local authorities will be replaced.

Apart from the devastating impact caused on the environment and on the riverine and riverside habitats and species, there are other irreversible impacts to be taken into consideration - like the loss of the river self cleaning ability, the sinking of the riverbeds together with the adjacent groundwaters, the removal of the bottom natural filter that prevents temporary or constant pollutants in the river to reach the groundwaters etc. etc.

The impact on the critical infrastructure and the people's wellbeing is really devastating. Houses in the villages alongside the rivers suffer uneven settlement of foundations and get cracked, the foundations of bridges protrude with 3.0 and more meters above the original level of the riverbed at the time those foundations were built - see the pictures on the front page, pipelines crossing the rivers get torn apart, the newly formed high vertical slopes of the riverbanks are just waiting for the next flood to collapse, and so on.

In 2019 we were happy to inform DG ENV on this particular breach not only of the EU Directives, but on the normal human sense in the following document:

https://dams.reki.bg/uploads/Docs/Files/EU_COMPLAINT_MOVE_ENV_REGIO_DRA_FT1.pdf

There was no reaction on behalf of the respected directorate as usual. As a result our national authorities got so inspired that today all the rivers in the country are suffering the same fate.

The undisputed Champion, however, is the Maritsa River, having the "luck" to run in the East Aegean River Basin in Bulgaria. The river is even more lucky to be running through the Natura 2000 Habitats Directive site **Reka Maritsa BG0000578 (SCI)** designated for the protection of riverine habitats and species. And the next short video shows how the riverbed is being "cleaned" within the full reach of the digging excavator:

https://www.youtube.com/watch?v=XVS_mw7IPJg

This video was shot close to the confluence of another tributary in Natura 2000 - the Vacha River. And here is just one more example out of many, where the "cleaning" is carried out with stationary dredging equipment, at the confluence of the Chaya River:

<https://www.youtube.com/watch?v=urMzxnsV4a4>

The depth of the Maritsa River in the area has reached some 10 meters at least and the habitats and species the Natura site was designated for were taken out and driven to some of the European motorway corridors for good.

Another source of information on the matter can be found in the following TV reports - you may just watch the footage without the comments in Bulgarian, because the videos speak for themselves:

<https://bnt.bg/news/zashto-11-mosta-okolo-plovdiv-sa-s-podkopani-osnovi-301184news.html>

<https://bnt.bg/news/firmi-kopayat-bezplatno-balastra-i-pyasak-za-milioni-302180news.html>

The information above shows the history so far. Currently there is a wild tsunami of new ongoing procedures in the "competent" RIEW Plovdiv and in EARBD for new riverbed "cleanings" of the same kind, for the same Maritsa River in the same Habitats Directive site.

For some of the undertakings RIEW Plovdiv, after positive statements for compliance with the RBMP and the FRMP declared by EARBD, has issued in the last years screening decisions that EIA and AA are not necessary. One case was close to the city of Stamboliiski and it was appealed by WWF Bulgaria and the final decision of the Supreme Administrative Court announced the decision of RIEW Plovdiv illegal.

The same has happened recently again with another screening decision of the same authority that AA is not necessary, concerning another "cleaning" of Maritsa close to the village of Tsalapitsa, this time appealed by us.

However currently the following new riverbed "cleanings" are being processed by the "competent" authorities and have already been positively assessed by the notorious EARBD in the following official statements:

Maritsa River close to the town of Sadovo:

[https://earbd.bg/files/File/Stanovishta_dopustimost/2023/August/%d0%9f%d0%a3-01-291\(5\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2023/August/%d0%9f%d0%a3-01-291(5).pdf)

Maritsa River in the town of Pazardjik:

[https://earbd.bg/files/File/Stanovishta_dopustimost/2023/July/%d0%9f%d0%a3-01-502\(1\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2023/July/%d0%9f%d0%a3-01-502(1).pdf)

Maritsa River close to the town of Stamboliiski - again, after the loss in SAC two years ago:

[https://earbd.bg/files/File/Stanovishta_dopustimost/2023/April/%d0%9f%d0%a3-01-655\(5\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2023/April/%d0%9f%d0%a3-01-655(5).pdf)

Maritsa River close to Tsalapitsa

[https://earbd.bg/files/File/Stanovishta_dopustimost/2022/December/%d0%9f%d0%a3-01-1109\(7\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2022/December/%d0%9f%d0%a3-01-1109(7).pdf)

Maritsa River close to Parvomai

[https://earbd.bg/files/File/Stanovishta_dopustimost/2022/October/%d0%9f%d0%a3-01-1047\(1\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2022/October/%d0%9f%d0%a3-01-1047(1).pdf)

Maritsa River close to Cheshnigirovo

[https://earbd.bg/files/File/Stanovishta_dopustimost/2021/October/%d0%9f%d0%a3-01-1041\(1\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2021/October/%d0%9f%d0%a3-01-1041(1).pdf)

Maritsa River close to Mirovo

[https://earbd.bg/files/File/Stanovishta_dopustimost/2020/December/%d0%9f%d0%a3-01-994\(1\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2020/December/%d0%9f%d0%a3-01-994(1).pdf)

The entire Maritsa River in the District of Pazardjik

[https://earbd.bg/files/File/Stanovishta_dopustimost/2022/September/%d0%9f%d0%a3-01-980\(1\).pdf](https://earbd.bg/files/File/Stanovishta_dopustimost/2022/September/%d0%9f%d0%a3-01-980(1).pdf)

Positive screening decisions of RIEW Plovdiv for these cases are already issued or are underway, otherwise the procedures wouldn't have started at all - it is a done deal, you know.

Now, we believe this is a classical case of *salami slicing* in which the false "cleaning" of relatively small, just a few kilometers long sections of a river are being assessed one by one as if the other cases do not exist. In this way cumulative effects are totally ignored only to the profit of the organized crime group described above. It is also a proof that the "competent" EARBD is hiding and ignoring all the other cases...

We also believe that while a very long section of the Maritsa River is actually affected overall, the case should be considered a programme, which has to be assessed in line with the SEA Directive, as well as with the Habitats directive as a programme, not only case by case.

In the same situation are the other main rivers - Tundja and Arda in the East Aegean River Basin at the moment.

We believe that this case shows how exactly all the relevant EU Directives are breached - The SEA, EIA and the Habitats directives, together with the EU WFD. We, therefore, hope that this additional information will be useful for the court case against Bulgaria, filed by DG ENV on the infringements of the Habitats Directive.

2. Breach of the SEA Directive and the Habitats Directive concerning the SEA and AA Reports for the new FRMP.

Following our previous communication, shared with DG ENV on the preparation of the new RBMPs and FRMPs, here we want to share some new information on the quality of the SEA and AA reports for the FRMPs, for which the "public consultations" have been finalised already.

Our previous communication on the matter /if thrown in DG ENV's trash, which will not be a surprise to us or anyone/ can still be found here:

https://dams.reki.bg/uploads/Docs/Files/EU_NOTIFICATION_2023_2%20DRAFT3.pdf

In brief, the News is that in the light of the new information shared here about the riverbed "cleaning" all over the country in general, and in the East Aegean River Basin in particular, regardless of our objections, the conclusion of the "experts" in the AA Reports for all FRMPs, for all river basins, is that everything is perfectly OK, and that there will be no cumulative effects at all...

The funny thing, however, is that at the meeting in EARBD the AA team of experts pointed out to us /as if we didn't know/ that the Maritsa River Natura 2000 habitats directive site has not been correctly announced thus far and there are no management plan and/or conservation objectives officially provided for the habitats and species the site was designated to protect, hence they cannot assess any cumulative effects in the light of the nonexistent objectives for the site. Then, how is it possible to call a pile of useless paper an AA Report at all, and is it worth the money paid by the EU taxpayers for the fraud?

3. Conclusion and recommendations:

There is only one possible conclusion - in Bulgaria the protection of the environment with all its components in general, and the Natura 2000 network in particular is totally compromised and the relevant environmental EU Directives are completely disregarded only to the profit of those in power and their politically connected, friendly businessmen.

This is happening due to the lame reactions of the European Commission to the countless signals we have sent so far, which has only inspired the infringements and the perpetrators to an unacceptable level. A huge amount of EU money has been wasted for

establishing the Natura 2000 network and for the preparation of the relevant national plans and programmes - an enormous pile of useless paper no one reads and no one follows. And the EU keeps pouring money in the bottomless barrel of the Grand Corruption in our country nonetheless...

Three years delay in a contract timeline, the small pieces of the job received so far show zero quality and the contractor is awarded with 3.5 million Euro additional payment? This is not possible to happen in the entire world, except for the good old EU. Nowhere else in the world!

As European taxpayers, we find this situation unacceptable! Therefore we will never give up on insisting that the money for the OP Environment must be blocked, instead of wasting them so easily for less than nothing. The previous RBMPs and FRMPs were adopted and enforced nearly on time, due to the threat that money for the entire OP Environment will be blocked, and therefore the quality was far better too. Stop wasting our money!

4. 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 on the problems described here.

FINAL NOTE:

This is not an official complaint, but only a notification by request of DG ENV representatives, expressed at the meeting in Sofia, held on 04.10.2023. We expect no answers from any of the EU institutions, unless they take some actions leading to a positive result and only then we will be happy to hear about them!

No new worthless numbers, CHAPs, EUPs and so forth, and do not bother to answer in advance. We've had enough of that!

Our next communication with DG ENV will be focused on the huge loss of drinking water sources in our country, or on the poor RBMPs when they become public somewhere in the next decade.

Our next communication with EPPO will be focused on the he waste of European money for the nonworking WWTS in the country DG ENV is pretty well aware of, and we well keep all the involved parties in the loop for the outcome.

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 representative:

Representative for this notification:



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

Sofia, Bulgaria
08.11.2023