


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

WARNING
Ref. No 01 / 12.01.2024
TO
THE EUROPEAN COMMISSION CONCERNING FAILURE
TO COMPLY WITH COMMUNITY LAW



The Orsoya landslide in Bulgaria Photo credit: MPPB

Representative for this complaint:



dipl.eng. Dimitar Koumanov,
Member of the board

Sofia, Bulgaria
12.01.2024

INTRODUCTION

Referring to the latest communication from DG ENV of the Commission Ref. ARES(2023) 8035636 - 24.11.2023, the information in this document is focused on the breach of the EU EIA Directive (2011/92/EU) and the Habitats Directive 92/43/EEC, committed by the "competent" national authorities during the procedures under these directives for a famous project aiming to ensure better navigation conditions on the Romanian-Bulgarian common sector of the Danube River and safe conducting of the transport activities on the Danube throughout the entire year, in accordance with the recommendations of the Danube Commission in Budapest. The project is popular in the EU as the **Fast Danube Project**, and here is the link to the project's web page:

<https://www.fastdanube.eu/>

As of today the stage of the administrative procedure in Bulgaria is - EIA and AA reports published for public consultations, regardless of the extremely low quality of these reports, second to none in our immense experience with such false procedures and reports in Bulgaria.

The following document holds scientific proof of the devastating impact **Fast Danube** will cause to the safety of the villages and cities along the Bulgarian river bank, due to the activation of the landslides, which are unstable even now - without the implementation of the measures planned in the project, such as dredging in the foot of landslides and/or redirecting of the fairway towards the Bulgarian riverbank.

Other potential effects can cause sinking of the groundwater bodies alongside the River, damage to the drinking water sources and pipelines, to the riverside roads, and draining of the wetlands in the Bulgarian territory, including the SREBARNIA Lake which is a natural habitat of international importance, UNESCO world heritage site and so on!

Another issue of an utmost importance is the fact that by the construction of new artificial islands and the redirecting of the fairway towards the Bulgarian riverbank, Romania is given the chance to raise territorial claims on Bulgarian territories, because the exact location of the borderline is dependent on the location of the fairway. The case is not so urgent, because the exact position of the borderline in accordance with the variations of Danube river morphology throughout the years has not been discussed between the two countries for a very long period of time, but still some day this will be a matter of bilateral negotiations, and then Romania will hold all aces on the table.

We must also underline that the Fast Danube EIA and AA reports received an extremely negative quality evaluation from the Bulgarian Minister of Environment and Water, the reports were rejected and returned back to the authors for improvement and revision in accordance with the minister's notes and recommendations. The letter of notice was dated 14.11.2023 and, suddenly, on 22.12.2023 the same minister allowed himself to publish the same low quality reports for public consultation, without any improvements at all...?

Now, we have our contacts here and there and we were told that this Wonder happened under severe pressure from the prime minister and the European Commission itself. No wonder, having in mind the benefits for Romania and the fact that the commissioner of DG for Mobility and Transport is from Romania.

Thus it turns out that the Commission has indirectly forced the Bulgarian environmental authorities to close their eyes on the extremely low quality of the EIA and AA reports for a given undertaking, while DG ENV of the same Commission has already filed a law suit in the European Court for the same thing - the extremely low quality of all the other AA reports in Bulgaria, concerning the protection of the Natura 2000 network in our country! For once Bulgaria has followed the Habitats Directive by the book, and the Commission comes up with illegal pressure in the opposite direction, only to the benefit of another EU Member state? Welcome to the World of Grand Corruption, guys! You have paid 85% from 5.252.000 EUR so far for a pile of useless paper in the EIA/AA reports worth nothing according to our national authorities, and now you're putting pressure on our country to accept the deficiencies in the reports and implement the project nevertheless? Have nice time reading the following Warning then!

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 the European Commission itself.

II. DESCRIPTION OF THE INFRINGEMENT OF UNION LAW

In this section we will share only documents issued by our national authorities and scientific institutions - the Ministry of Environment and Water /MOEW/, the Mining and Geology University in Sofia /MGU/, the Geological Institute at the Bulgarian Academy of Sciences /BAS/ and the Institute of Biodiversity and Ecosystem Research at BAS. Sorry that these documents are in Bulgarian, but we will translate the most important quotes to save the precious time of the Commission. But first of all:

1. Short description and prehistory of the Fast Danube project.

Twelve river sections were identified within the project as obstacles to the year round navigation in the River. Currently navigation is possible roughly for 270-280 days per year and if the measures planned in the Project would have been implemented in these sections, the period will /or rather won't/ be increased to 340 days per year. The measures planned include dredging of the current fairway to deepen the water course, construction of new artificial islands, implementation of new hydro technical obstacles like groins, v-shaped chevrons etc. and, of course, relocation of the fairway mostly towards the Bulgarian riverbank.

Here it is very important to say that the year round navigation is not a new problem at all. The benefits are clear and undisputable and if the thing was possible at all, comrades Jivkov and Chaushesku would have taken the necessary steps during the good old Socialist times, when we were striving to defeat the good old Capitalism at all costs. Some forty years later the good old EU has managed to discover the same benefits and it is just about the right time for some of the decision makers in the EU to ask themselves the Question - **Why on Earth didn't comrades Jivkov and Chaushesku do it in their prime?**

With the endless power that they had and all the necessary resources at their disposal, it would have taken them two months! And if they were stupid enough not to see the benefits, where on Earth was the good old USSR, which Moldova and Ukraine were part of, not to come up with the idea, and we had to wait for the good old EU till now for the same thing? By the way, it took the old and slow /in every meaning of the word/ EU too much time, but it is never too late to become a laughing stock...

The Danube River was connecting great part of the Socialist countries in the Soviet Block, but also a great part of the Warsaw Treaty members as well, and it was the access gateway for some Western countries like Germany and Austria to the Black Sea, and the USSR didn't do anything to gain full control throughout the year on this extremely important transport corridor, is anyone in the EU so stupid to believe that?

If the Socialist Block didn't even try to do it, there surely must have been a Reason and we will share it in advance - the unstable landslides in the Bulgarian riverside section are just waiting for someone to be So stupid to start digging in the foot of the huge landslides in a region with the highest seismicity in Europe /the Vrancea source - remember?/ according to the EUROCODE structural system - see EN 1998-1 for details.

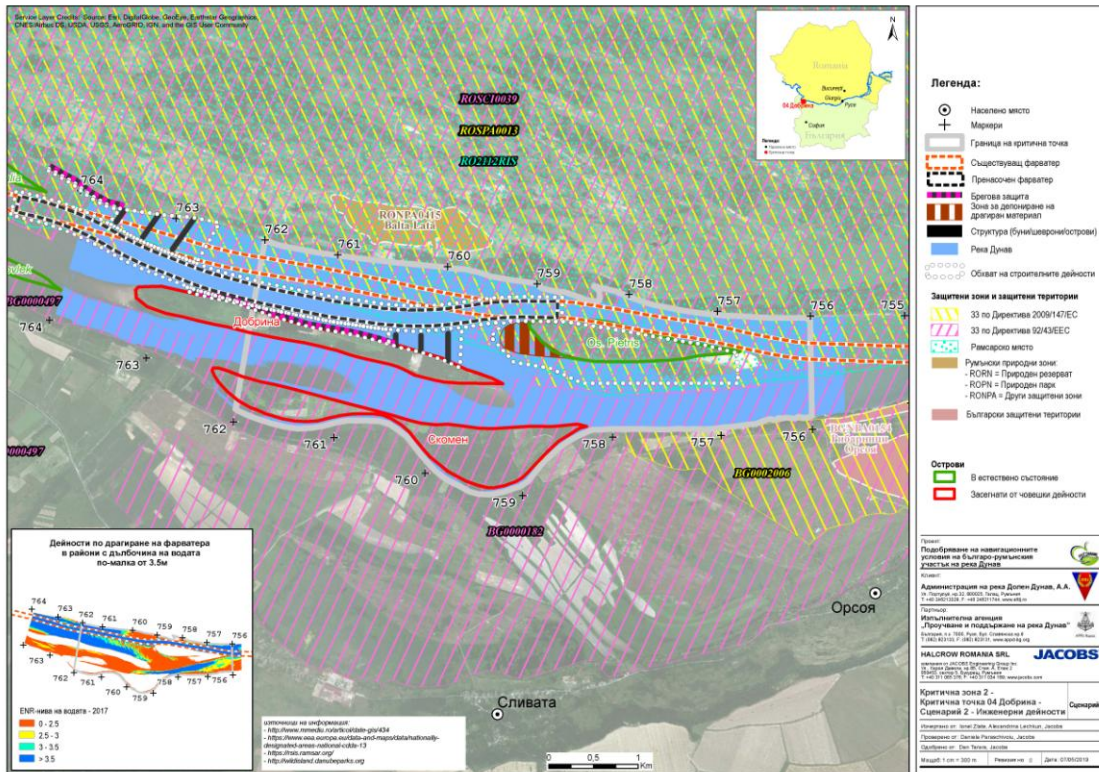
So here is the Warning this document is all about - The Orsoya landslide, shown in the pictures on the front page, is still active and it has the potential to react to anyone's stupidity by sliding further down the slope to block the entire River, and then any navigation in the Danube River will become wet dream forever!

Scientific proof on this statement can be found in the following sections, but here we need to say one more thing - the original fairway in the area of the Orsoya village was situated between the Bulgarian *Dobrina Island* and the Romanian *Pietris Island* - that is why one island is Bulgarian territory and the other is Romanian! Currently, due to the continuous ground movements in the foot of the landslide northwards, this fairway between the islands is not usable anymore and a new one was formed - along the North side of the Romanian island. And the Project includes digging in the riverbed exactly in the foot of this landslide? Back in the Socialist times no one would have been so stupid to do

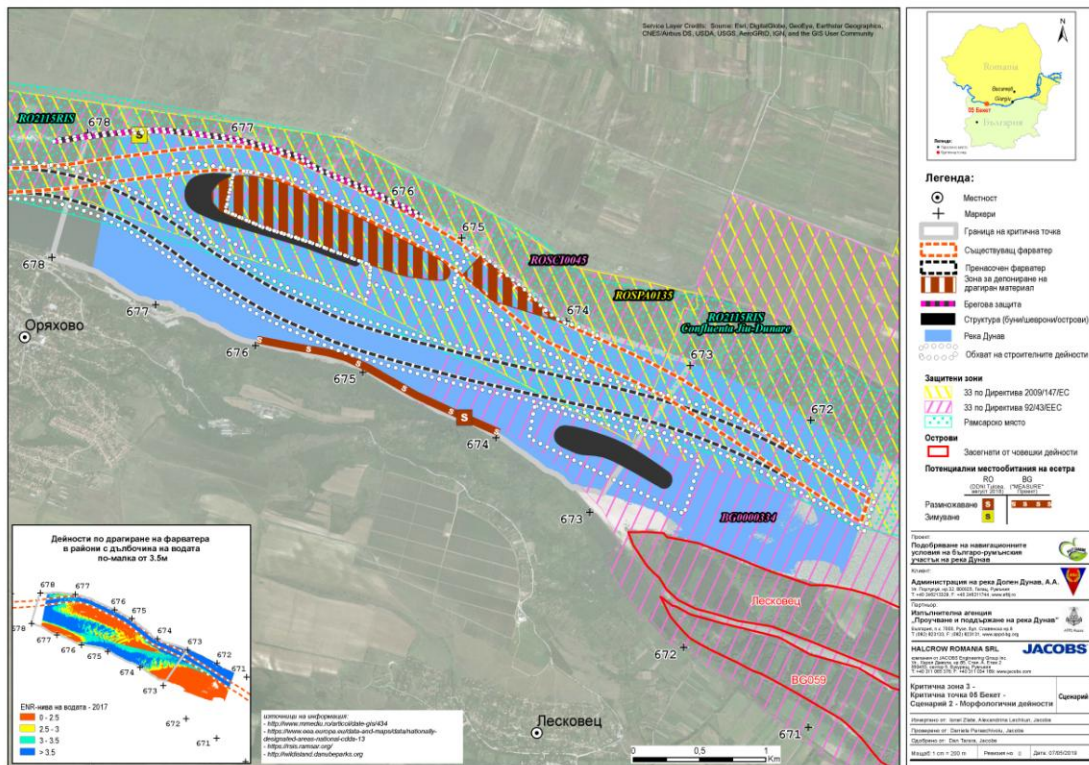
that, because he or she would have been held responsible for Sabotage of the Socialism and no one needs to know what the consequences for him and his family would have been!

The maps of the activities within the Projects can be found in the EIA Report, therefore we will show here only two of them:

Close to the Orsoya village:



Close to the town of Oryahovo



The red dot corridors mark the old fairway and the black dot corridors mark the new redirected fairway, which will be achieved by dredging in the riverbed.

In the end of this section here is still another Warning - just imagine what will happen if the Commission decides that our Warning doesn't hold water and proceeds with the Project's implementation nevertheless, and then any of the landslides decides to move without regard to the Commission's good intentions? You will get to know what will happen then if you read this document till the end.

2. The Risk according to the EIA Report - Annex I - Landslides:

Quotes:

page 12:

*"Rivers are not like roads that are solid and fixed. Rivers are unpredictable. Their flows and flow sequences, and therefore the sediment they transport, vary greatly from year to year. Because of the variability of flow and sediment, **the response of rivers to engineering works is always unexpected and unknown.**"*

page 53 - for the Oryahovo area:

*"...the radical relocation of the fairway from north to south is very controversial. **Dredging the bottom for the new fairway will sooner or later cause new landslides on the southern riverbanks.** The new fairway will touch the southern shore at km.675 and threaten it not only with landslides, but also with lateral erosion."*

page 53 - for the Orsoya landslide:

*"This is the most famous active landslide on the Bulgarian side of the river. The sliding surface is deep and the foot of the landslide is close to the island. **Although the river here is straight, the fairway is on the north side because the landslide is constantly pushing the bottom northwards.** We can see that the designed fairway has been moved south towards the island compared to the current situation. Any deepening of the fairway here must be fully protected by stability checks on the south bank of the river...."*

page 12-13 - for all the landslides

*" **Any change in the hydraulic conditions of the river in these areas can reactivate the erosion processes and destabilize the landslide zones.***
Dredging of new alluvial deposits from the landslide foots could remove material that helps for the stability of landslide slopes and potentially trigger landslide reactivation...

.....
End of quotes

Now, these are the statements of the Bulgarian geology expert in the EIA team of experts - prof.Chavdar Kolev. Following the TFEU *Precautionary Principle*, the EIA procedure must have been cancelled immediately after them, but of course that didn't happen...

Instead, another statement tries to overrule the warning of the Bulgarian expert. It can be found on **page 28** of *Annex I* and sounds like this:

*"The above will need to be confirmed at the design work stage, paying particular attention to the concerns raised in the preliminary assessment, and **conditions (in the critical section) will need monitoring to determine if there are any unacceptable impacts during and after the construction stage.**"*

It seems that, according to the other "experts", *during and after the construction stage* we will monitor the River to see if any of the landslides starts to move...?

There will be no need of any kind of monitoring, because the movement of a landslide will be all over the news and once the movement starts, there is Nothing that can stop it!

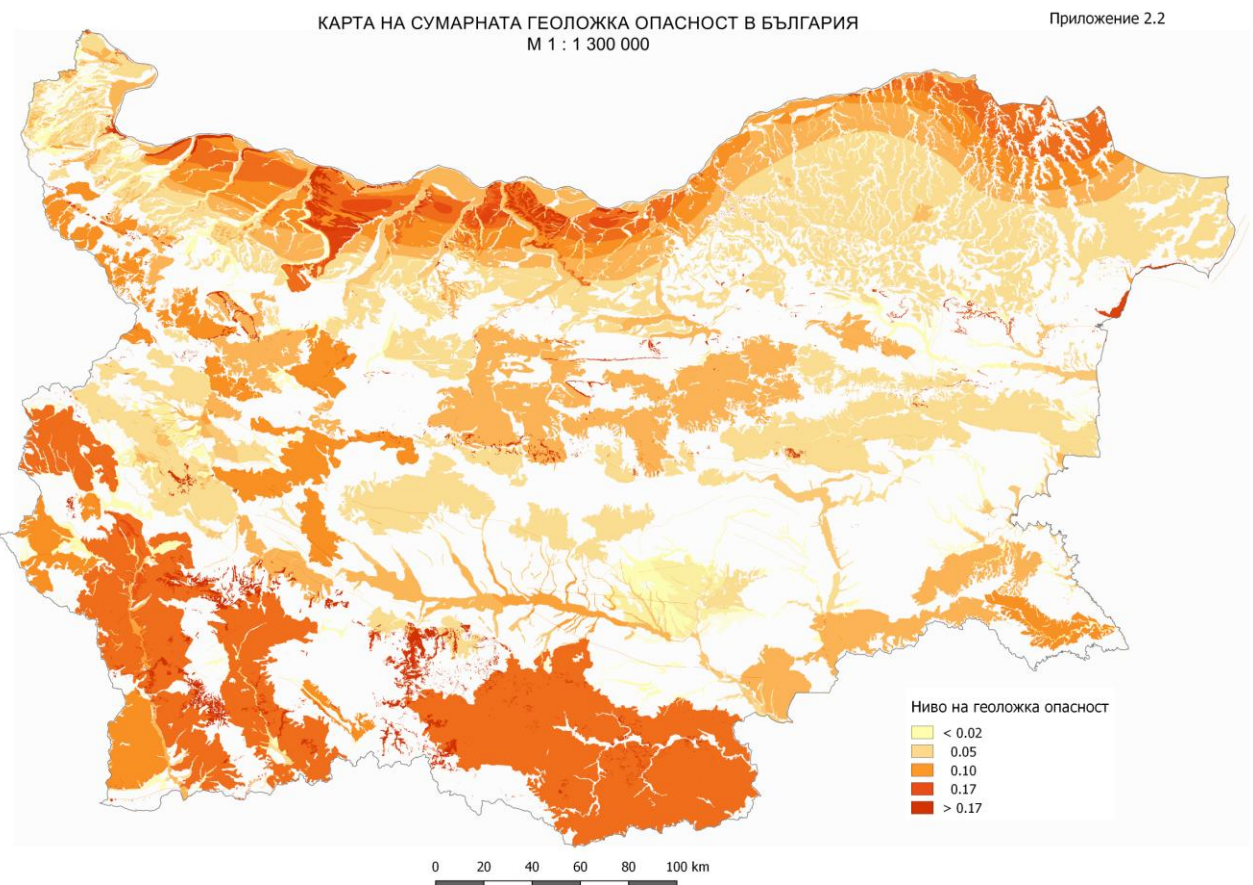
We have never seen such a cold blooded attitude of EIA "experts" towards human safety, because a landslide can cause damages and collapse of houses while people are inside, together with their kids!

And there is one more thing to add here - if you live in an area of potential landslide and you see the dredging in the foot of it, how will you feel and how long will you stay to see what happens next? Maybe you will stay until the monitoring starts?

People along the Danube River are pretty well aware of the current risks and they will be informed of the new risk by the expert statements quoted in the following sections, and they will indifferently watch the new dredging? How arrogant can someone be to believe that?

The author of this document was raised in the town of Lom at the River and has seen the Orsoya landslide activation back in 1978 with his own eyes. After thorough professional training in the field of seismic safety and the related geotechnical issues, and after numerous fishing trips in the area of the Orsoya landslide, including the *Dobrina* Island, the observations confirm that the landslide is still moving northwards slowly but constantly - few centimeters per year, and there is nothing that can stop it. Yet there is a lot that can be done to activate the landslide and dredging in the foot of it is the best possible way for sure!

In the end of this section we will show the national geological hazard map - watch the riverside red lines between Orsoya - Lom, and Belene and think about the current risk without the hew dredging!



Now, here are the official positions on the Project - it will be best to read the whole documents, but we believe that the citations we translate here will suffice to prove our Point.

3. Official position of the Bulgarian Ministry of Environment and Water in quotes:

This document can be found in the following link:

[https://dams.reki.bg/uploads/Docs/Files/FAST DANUBE 2023 Statement MOEW.pdf](https://dams.reki.bg/uploads/Docs/Files/FAST_DANUBE_2023_Statement_MOEW.pdf)

page 3

*After a review of the documentation,.... the quality assessment of the EIA report cited above **is negative!***

page 4

Within the expected significant impacts on sturgeon fish (mainly for the Romanian side), compensatory measures should be recommended for each impact, which is very difficult in practice. /It is impossible to our view, because sturgeon fishes are almost extinct in the lower Danube, regardless of the efforts of WWF Bulgaria for restocking /

page 5

A sufficiently clear assessment of the possible changes in the hydrological regime of the wetlands, which are subject to protection by legislation and are habitats for species of conservation importance, was not made in the EIA, which results in possible significant impacts on the fauna in the area...

...there is no analysis of the current geodynamic state of the coastal slope and development evaluation of the erosion processes to predict the changes after the implementation of the project in relation to the Persina Natural Park...

...Changes in the regime of the Danube River will affect the level of Srebarna Lake for sure. /The Srebarna Lake still is a UNESCO world natural heritage site, remember?/

page 7 - about the AA report

*The impact of the planned activities in the Danube River project on the underground aquifers, their influence on the dynamics and direction of the underground flow and the hydrological regime of the wetlands located in the area of the impacts - Natura 2000 sites and protected areas - **has not been determined and assessed.***

page 9

The mitigation measures proposed for the registered in the AA report significant adverse impacts do not prove that they can compensate the adverse impact of the project's implementation.

.....

End of quotes, but it is highly recommendable that the whole document is studied thoroughly, because it is the best statement of MOEW that we have ever seen, and we have seen a lot!

4. Position of the Mining and Geology University in Sofia /MGU/ in quotes:

This document can be found in the following link:

[https://dams.reki.bg/uploads/Docs/Files/FAST DANUBE 2023 Statement MGU.pdf](https://dams.reki.bg/uploads/Docs/Files/FAST_DANUBE_2023_Statement_MGU.pdf)

page 2

Ancient landslide zones often cover the entire coastal slope. The sliding surfaces are deep (most often 50-60 meters), and the landslide foots are in the area of the Danube riverbed. Some of these landslide zones are in an active state of development - the landslide zone near the village of Orsoya, the landslide zone near the town of Lom, the landslides in the area of the eastern part of the town of Oryahovo, the landslide zone in the area of Dolni Tsibar. **The main reason for the occurrence and development of these landslides is the coastal erosion of the Danube River.**

page 4

In this respect, the prepared investment proposal is not consistent with the specific engineering, geological and geotechnical conditions of the coastal slope for each of the twelve sections. This does not allow to make a correct and reliable statement about the slope's behavior during the execution of the planned dredging works.

page 5

Carrying out only the monitoring of the terrain after the completion of the dredging works could in no way solve the problems related to the activation of the landslide processes and the negative consequences, which would lead to the disturbance of the stability of the slope and the destruction of buildings, facilities and infrastructure.

.....
End of quotes

5. Position of the Geological Institute at the Bulgarian Academy of Sciences /BAS/ in quotes:

This document can be found in the following link:

https://dams.reki.bg/uploads/Docs/Files/FAST_DANUBE_2023_Statement_IG_BAS.pdf

This document repeats and confirms 100% the conclusions in the statement of MGU, therefore here is only the Conclusion in the end:

As a summary, I would like to express my opinion that in its current state the project should not be accepted.

.....
End of quotes

6. Position of the Institute of Biodiversity and Ecosystem Research at BAS in quotes:

This document can be found in the following link:

https://dams.reki.bg/uploads/Docs/Files/FAST_DANUBE_2023_Statement_IBER_BAS.pdf

page 4

The statement /in the AA report - our note/ that "The majority of project impacts will be on phytobenthos, macrophytes, benthic invertebrates and fish fauna. Even if some impact occurs for these species, it is not considered that there will be an impact that is sufficient to change the biological status of the water body" is not justified. On the contrary, the impact will be significant, especially during the construction period. During dredging the bottom substrate, which is the main habitat for the benthic fauna, is excavated...

The proposed maximum dredging depth of the channel will be up to 2 meters. This will lead to the destruction of habitats and the destruction of aquatic ecosystems in the areas of repair works.

page 7

It must be strongly underlined that local effects will lead to larger scale negative impacts on the aquatic biota...

.....
End of quotes

7. Position of Balkanka Association /that's us/

7.1. We will start here with the biodiversity issues. In addition to the statements of IBER-BAS and of the Ministry of Environment, concerning the loss of habitats and species, with a special focus on the wetlands, we must point out to DG ENV of the Commission that the words "**Conservation objectives**" cannot be found anywhere in the AA report, hoping that DG ENV will remember the reason for the Infringement Procedure against Bulgaria due to the fake assessments of the impact of plans and projects on the same Natura 2000 sites' conservation objectives.

7.2. Phytobenthos, macrophytes, benthic invertebrates and fish fauna to our knowledge are among the Biological Quality Elements used for the assessments of the ecological status of the surface water bodies and the ecological potential of heavily modified water bodies - such as the Danube River is. Here is one source on the matter in case DG ENV has lost it somewhere:

<https://www.eea.europa.eu/themes/water/european-waters/water-quality-and-water-assessment/water-assessments/quality-elements-of-water-bodies>

The destruction of aquatic fauna habitats and species listed in Annex I and II of the Habitats Directive without compensatory measures is one side of the coin. The flip side is that the implementation of the project, and especially the constant dredging, will lead to further deterioration of the ecological potential of the HMWB Danube River, which is currently assessed in a moderate ecological potential in the still actual Danube River RBMP 2016-2021, where an exemption under article 4.7 of the WFD is listed for the water body for not achieving good potential till 2021, but no exemption is available for the new project itself. Given the fact that the new project will obviously lead to further deterioration of the HMWB which is in moderate potential, the project cannot be included in the list of exemptions under art. 4.7 WFD in the new RBMP.

However, the most interesting question here is: How on Earth can a new project be assessed in 2024 for its implications on the objectives for the water body laid down in article 4 WFD, when the Danube River RBMP 2016-2021 is still valid and there is absolutely no chance for the new RBMP 2022-2027 to be finalized in the next decade? And in the old RBMP 2016-2021 there is no exemption for the same project? How can DG ENV swallow that for a project which will be financed with hundreds of millions EU funding in the 21st century?

7.3. In terms of the environmental impact, it should also be noted that recently Ukraine has also deepened the water course of the Danube River which has led to a righteous outrage reaction on behalf of Romania. Here is the News about that:

<https://www.dw.com/bq/deltata-na-dunav-kakvi-posledici-ima-udlbavaneto-na-dnoto/a-65096788>

The significant adverse impact on the river biodiversity caused by the deepening of the riverbed is very well explained by the Romanian authorities in their outcry, and at the same time they are preparing themselves to do the same thing in our section of the River?

Maybe the main Problem is that no EU funding has been split among the actors in the normal corruption schemes our region is famous of, but Ukraine is still at war, while we are not!

7.4. Anyway, in the light of the landslide risks, to our view the above significant environmental issues are negligible. As for the landslides themselves, in December 2023 we have shared our objection with the Bulgarian ministry of environment. Regardless of the fact that our objections are consistent with the statements of MGU and BAS shared above, there is a little Something for us to add and here it is:

<https://bnr.bg/vidin/post/101539542>

Here is a very short citation:

*The landslide near the village of Orsoya started on the morning of December 23, 1978. The village was filled with military troops and militia - they came to save the people. Ventsislav Kamenov experienced the events that have remained in his memory to this day: **I remember that after the earthquake in Vrancea, Romania on March 4, 1977, a crack formed in the hill above the eastern side of the village.***

Thus, it comes out that nearly a year and a half prior the Orsoya landslide waking and movement, the Vrancea earthquake initiated the process, which proves the connection between earthquakes and landslides so that it can become clear even to non experts. And here we have to come back to the quote for the Orsoya landslide from page 53 in the EIA Report - *Annex I - Landslides:*

"Although the river here is straight, the fairway is on the north side because the landslide is constantly pushing the bottom northwards."

It is the EIA expert's statement, not ours. The conclusion is that the Orsoya landslide is still moving north without new earthquakes in the area concerned and without the dredging at the north side of the island which is part of the project. To our view this area is the bottleneck of the whole project in terms of navigation - **the Orsoya landslide has the potential to further move northwards and block the entire Danube River in such a way, that navigation will not be possible forever!** This can happen any moment due to a new earthquake or to the dredging in the most risky and active section of the River!

So, apart from the risks for human safety no one gives a dime for in the good old EU, the Goal of the Project to improve the navigation can totally be compromised.

Chaushesku, Jivkov and Brejnev were not so stupid to try to do that and we had to wait for the EU some forty years to come to the Idea and to put the pressure on our national authorities for the same stupid thing? By the way - what took you so long, guys? Is it some characteristics of yours, or is it not?

8. CONCLUSION AND RECOMMENDATIONS.

It should be noted here that no one in Bulgaria would be against this project for Nothing! NO ONE! Amongst all the Danube River states our country is most interested in the improvement of the navigation because we are the poorest state, but the landslide risks and the loss of territory are completely unacceptable!

Currently there is a signal of ours sent to the National Security Agency for threat to national security by waking the landslides and a signal to the General Prosecutor for treason committed in favor of Romania for the potential loss of Bulgarian territory. The high ranked state officials involved are: the Prime minister and the ministers of environment, transport and regional development. Therefore, although it is too late now, it

is highly recommended for the pressure on behalf of the Commission to be stopped immediately, because in our penitentiary system there is room for everyone.

Furthermore, anyone who reads this Warning must obviously have in mind that if any of our expectations happens to become reality one day, the News will be all over the European media together with this document, and all recipients involved will be held responsible, standing their best chances to improve the navigation on Mars for the rest of their lives...

Finally, to paraphrase the recommendation in the statement of the Geological Institute at BAS, having also in mind that the youngest barge in the River is 50 years old and is about to sink all by itself any moment now, **here is our best advice:**

Any project that includes dredging and/or relocation of the fairway close to the landslides in Bulgarian territory should not be accepted. If anyone aims to improve the navigation in the Danube, try to modernize the fleet, rather than the River! It is about the right time for the EU Precautionary principle to be applied!

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
12.01.2024