



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

99-00-161
28.06, 2019

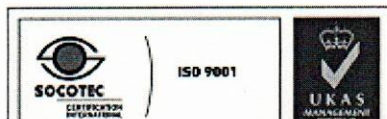
Subject: *Failure to comply with the Convention on Environmental Impact Assessment in a Transboundary Context (EIA Convention) on part of the Republic of Serbia for mining projects within its territory*

Dear Ms. Aulavuo,
Dear Mr. Švedas,

In addition to a letter with ref. No. 99-00-161/30.05.2019 of the Ministry of Environment and Water with which we informed you that in connection with several separate mining projects in the Republic Serbia, the Republic of Bulgaria has stated in writing its wish to participate in the transboundary procedures under the EIA, we provide you with the following additional information:

Ms. Tea Aulavuo
Secretariat of the EIA Convention
in a Transboundary Context
and the SEA Protocol
Palais des Nations
8-14 avenue de la Paix
CH - 1211 Geneva 10, Switzerland

Mr. Romas Švedas
Chairman of the Implementation Committee
of the EIA Convention in a Transboundary Context
and the SEA Protocol
Palais des Nations
CH - -1211 Geneva 10
Switzerland



Sofia 1000, 22 'Kn. Mariya Luiza' Blvd.

Tel.: +359 (2) 940 6194, fax: +359 (2) 986 25 33



1. Regarding the project for the construction of a pilot installation for the testing of the flotation processes for the extraction of copper, lead and zinc from polymetallic ores on the territory of the village of Karamanitsa, Bosilegrad Municipality.

Upon the receipt of notification with Your ref. No. 353-02-1533/2016-16 of 29 July 2016 on part of the Republic of Serbia, the Republic of Bulgaria with a letter with Your ref. No. 99-00-161/11.10.2016 in accordance with Art. 3, subpar. 3 of the EIA Convention, expressed its wish to participate as an affected party in the transboundary procedure under the EIA, given the fact that the expected emissions from the activity are related to the potential contamination with priority and other substances of the surface and/or groundwaters which could affect the condition of the water bodies along the Dragovishtitsa River and the Struma River within the Bulgarian territory and the underground water bodies in the region.

We note that the notification was received by the Ministry of Foreign Affairs of the Republic of Bulgaria on 16 August 2016. In the Bulgarian Environmental Protection Act, the Minister of Environment and Water is the competent body in relation to the transboundary procedures under the EIA and the environmental assessment, due to which, we find that the response deadline set by the Republic of Serbia that is no later than six weeks after its receipt is inconsistent with Decision I (of the parties under the EIA Convention), where it is stated that the short response period leads to problems and the offered period for providing a response is from a month and a half (minimum) up to four months in connection with a Notification under Art. 3.

That is why, we believe that in this case, the Republic of Serbia has failed to comply with the following provisions of the EIA Convention:

- Article 3, subparagraph 2, letter c, in which it is stated that 'an indication of a reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity';
- Article 3, subparagraph 5, where it is written that 'upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of origin shall, if it has not already done so, provide to the affected Party:
 - a) relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments; and
 - b) relevant information on the proposed activity and its possible significant adverse transboundary impact.'

With a letter with Your ref. No. 99-00-161 of 22 November 2018, the Ministry of Environment and Water requested information from the Republic of Serbia on the operating conditions of the installation and whether it was expected to function after the two-year experimental period. In case that the facility continues to operate after this period, it ceases to be considered as experimental and thus Article 2, subparagraph 4 of the EIA convention is violated according to which 'the party of origin shall, consistent with the provisions of this Convention, ensure that the affected parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact'.

2. Regarding the projects for the exploitation and ore mining from the 'PODVIROVI' and 'POPOVICA' mines and the expansion of the production of zinc, lead and other metals from the 'Grot' mine.

After receiving information from the Ministry of Environment of the the Republic of Serbia with letter with Your ref. No. 353-02-1533/2016-16 of 01 February 2019 regarding the exploitation and ore mining from the 'PODVIROVI' and 'POPOVICA' mines and from non-governmental organizations (NGOs) for the expansion of the production of zinc, lead and other metals from the 'Grot' mine, the Republic of Bulgaria expresses in writing its wish, respectively with letters with Your ref. No. 99-00-161/21.02.2019 and No. 99-00-161/03.05.2019 as an affected party to receive a Notification under Art. 3 of the EIA Convention in a transboundary context and any other available information and documentation at that time for the three sites. To date, no

response has been received from the Republic of Serbia. In this regard, we believe that the following provisions of the EIA Convention have not been complied with:

- Article 2, subparagraph 4 where it is stated that 'the party of origin shall, consistent with the provisions of this Convention, ensure that the affected parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact', because, bearing in mind the information provided by the NGOs, there are prerequisites for transboundary pollution of the Dragovishtitsa River in the Republic of Bulgaria.

- Article 3, subparagraph 1 which requires 'for a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any party which it considers may be an affected party as early as possible and no later than when informing its own public about the proposed activity',

as it became evident from the information received by the Republic of Bulgaria from NGOs for an announced public discussion on 15 April 2019 in the Republic of Serbia for the intention to expand the production of zinc, lead and other metals from the 'Grot' mine.

- Article 3, subparagraph 7 according to which 'when a party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with subparagraph 1 of this Article, the concerned party shall, at the request of the affected party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact'.

In support of the abovementioned, we are sending you copies of the letters of the Ministry of Environment and Water of the Republic of Bulgaria with Your ref. No. 99-00-161/11.10.2016, No. 99-00-161/22.11.2018, No. 99-00-161/21.02.2019, No. 99-00-161/03.05.2019 and a report of the NGOs as of 02 May 2019.

I avail myself to this opportunity to assure you of a fruitful collaboration.

Yours sincerely,

NENO DIMOV
Minister of Environment and Water