



MINISTRY OF ENVIRONMENT



STATE SECRETARY CABINET

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To: Mr. Romas Svedas
Chair, Implementation Committee, Convention on Environmental Impact Assessment in a Transboundary Context, Protocol on Strategic Environmental Assessment.
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Ref: EIA/IC/INFO/27 Serbia: extension of Drmno lignite open pit mine

Dear Chair,

In your letter of 09 April 2019 you invited the Government of Romania to provide the Committee with relevant information concerning the project on the extension of the open pit mine at Drmno, Republic of Serbia.

In order for the Committee to continue its consideration of the matter at its forty-fifth session (Geneva, 10 to 13 September 2019), I have the honour to provide the following information and clarifications requested to the Government of Romania:

(a) its views on the information from the ClientEarth with regard to the territory of the open pit mine

In addition to the information already provided to the Committee with Romania's letter no. 21306/LAN/15.02.2019, I would like to specify that the Ministry of Environment did not receive any information from the ClientEarth NGO concerning the open pit mine, therefore no comments were made possible for submission to the Committee.

Romania was not provided with any further information regarding the intended expansion of the open pit mine territory with 5 km beyond the boundaries reported during the EIA transboundary procedure under the Espoo Convention for the construction of Unit B3 at Koštolac TPP, in which Romania took part as a potentially affected Party, and which was finalized by the issuance of Serbia's Decision no. 353-02-00124/2017-16 from 28 September 2017, following a public hearing organized in Romania and a round of bilateral consultations between Romania and Serbia in accordance with the art.5 of the Espoo Convention.

During the EIA procedure for Unit B3 KO TPP, Serbia has repeatedly sustained that no separate EIA for the open-pit mine was needed, as the screening procedure from 2013 concluded, because

only a 30% increase in production capacity was planned in order to supply the new plant and no extension of the existing boundaries of the mine was envisaged.

(b) whether it was satisfied with the assessment of the possible adverse transboundary environmental impacts with regard to the Drmno open pit mine that had been carried out within the EIA procedure of the third block of the Kostolac lignite power plant under the Convention and, whether it could confirm that the procedure was completed.

As already mentioned in the letter no. 21306/LAN/15.02.2019 to the Committee, Romania was not officially informed/notified about the extension of the open-pit mine at Drmno as a distinct project.

Instead, Romania was notified and participated in the transboundary procedure under provisions of the Espoo Convention for the project "Construction of new Block B3 at Thermal Power Plant (TPP) Kostolac B". During this procedure, information on the extension of Drmno mine was given at Romania's request, as answers to the questions raised by Romanian authorities and interested public, including Bankwatch Romania NGO.

The EIA report mentioned that the Decision of the competent authority no. 353-02-901/2013 would apply and set out that there was no need to develop an additional EIA Study for the extension of the mine production from 9 to 12 million tons/year.

Also, during the public hearing and a round of bilateral consultations between Romania and Serbia (in accordance with the art.5 of the Espoo Convention), both organized in September 2017 in Romania, technical explanations were offered by Serbian experts, leading to the same conclusion, that no separate EIA Study for the open-pit mine was needed, for the reason that, although an increase in production capacity was planned, in order to supply the new plant, within the mine's existing boundaries, no significant transboundary impact on Romania's territory was expected.

Romania accepted these explanations and in the final Decision no. 353-02-00124/2017-16 from 28 September 2017, issued by Serbia, all the Romanian requests regarding post-project analysis by means of surveillance/monitoring of the activity (according to art.7 of the Espoo Convention), were mentioned.

Romania will keep under observation any possible impacts on air and water, following the post project analysis measures specified in the final Decision no. 353-02-00124/2017-16 from 28 September 2017 issued by Serbia for the project "Construction of new Block B3 at Thermal Power Plant (TPP) Kostolac B". To this end, as mentioned in the Decision, Romania will be provided with annual monitoring reports on air and water, after commissioning of Unit B3 at Kostolac TPP.

Also, in the above mentioned final Decision, all questions/comments related to the Drmno mine were answered, therefore, from this point of view, we could consider that the procedure was completed.

(c) whether it intends to take other procedural steps in accordance with the Convention. In case it does, please specify what steps these would be.

At this moment, no new aspect/modification to the project "Construction of new Block B3 at Thermal Power Plant (TPP) Kostolac B" were officially notified to Romania, in addition to those made available during the EIA procedure, based on which the final Decision was issued. It is for this

reason that Romania has no intention to take any other procedural steps according to the Convention.

However, if new elements would appear and modify the project "Construction of new Block B3 at Thermal Power Plant (TPP) Kostolac B", for which the Decision was issued and these proposed modifications are duly notified to Romania, the case might impose their environmental assessment and possible actions under provisions of the Convention might be taken into consideration.

We hope that the required information provided to the Implementation Committee will assist the Committee's consideration on this matter at its forty-fifth session.

Please accept, Mr. Chair, the assurance of my highest consideration and esteem.

Yours sincerely,

State Secretary

Laurențiu Adrian NECULAESCU

