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ДО: Г-Н ЮЛИЯН ПОПОВ

Министър на околната среда и водите

Относно: *Становище на ЕС “За Земята” по Интегрирания национален енергиен и климатичен план (ИНПЕК) на Република Сърбия*

Уважаеми г-н Попов,

В Наредбата за условията и реда за извършване на екологична оценка на планове и програми няма указания относно езика на представяне на становището, затова с цел по-лесно препращане до министъра на околната среда на Република Сърбия предоставяме на английски език становището си по Интегрирания национален енергиен и климатичен план (ИНПЕК) на Република Сърбия, публикуван на уеб страницата на МОСВ на 9 септември 2023 г., в рамките на минималния нормативно установен срок за обществена консултация от един месец (чл. 35, т. 1, буква „б“ вр. чл. 20, ал. 1, т. 1 буква „в“ от Наредбата за условията и реда за извършване на екологична оценка на планове и програми). Предвид обема и техническото естество на предоставената документация определеният от МОСВ срок за становища до 25 септември се оказа непосилен.

POSITION of Environmental Association “Za Zemiata” - Friends of the Earth Bulgaria - on the draft of a NECP of the Republic of Serbia

I. Importance of the transboundary consultation

We are very concerned about the data in the EMEP reports on transboundary pollution (EMEP being the organization established under the Convention on Transboundary Pollution). The latest public report presents an overview of transboundary sulfur, nitrogen, ozone and fine particulate matter pollution for Bulgaria in 2020. The data shows that a large percentage of sulfur oxides from Serbia are dispersed on the territory of Bulgaria.

In fig. 7 (top right) clearly shows that the Republic of Serbia is in second place with a share of 25% after the Bulgarian power plants (with a share of 27%) as a contribution to the sulfur oxides that are dispersed/deposited on the territory of Bulgaria.

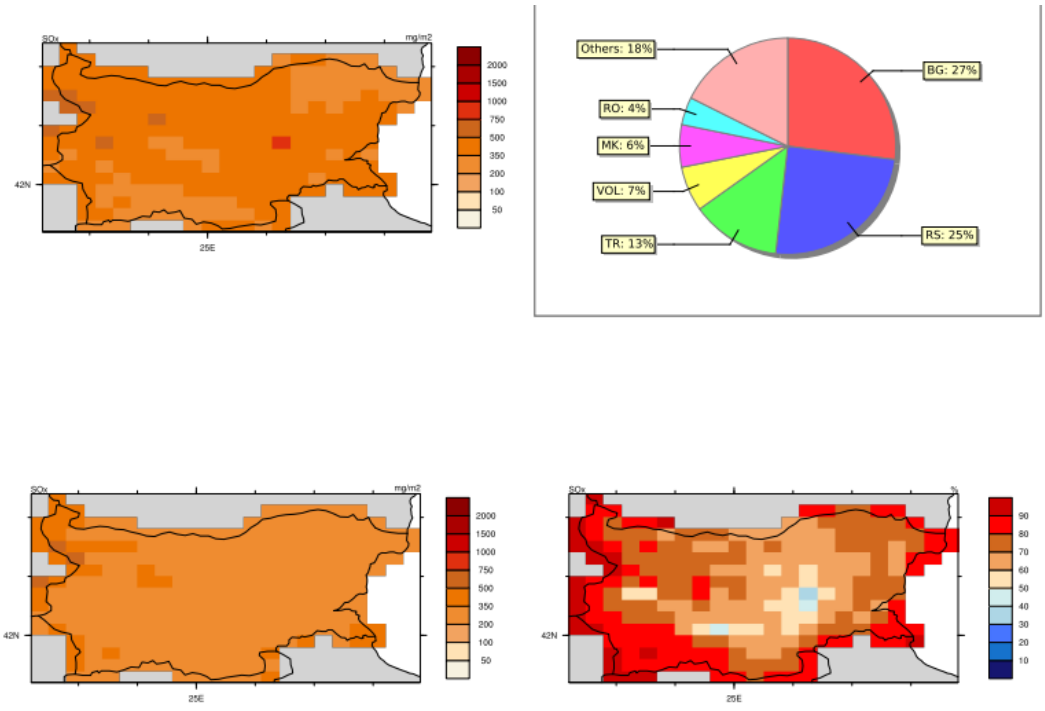

Figure 7: Top left: Deposition of oxidised sulphur in Bulgaria. Unit: mg(S)/m^2. Top right: The six main contributors to oxidised sulphur deposition in Bulgaria. Unit: (%). Bottom left: Oxidised sulphur deposition from transboundary sources. Unit: mg(S)/m^2. Bottom right: Fraction of transboundary contribution to total deposition. Unit: %.

In the same figure, Bottom left, higher concentrations of transboundary pollution can be seen around the border with the Republic of Serbia, but also entering further into Northwestern Bulgaria.

As far as we know from colleagues and literature, the Serbian coal power plants emit a large amount of sulfur oxides. With the new stricter requirements under the Industrial Emissions Directive (and not only) it might be more cost-effective to close down these power plants and to be replaced by clean energy sources in combination with measures on energy efficiency, community energy and energy storage. **We demand ambitious measures to reduce the cross-border pollution to a minimum or not to allow these highly polluting power plants to operate further!**

II. Our Comments on the draft of SEA:

Subchapter 3.4.2 of the NECP states that "*the possibility and potential for cross-border impact from the implementation of the planning document varies depending on the measures/actions considered in the NECP*". **We wonder why the SEA developer concluded that *„given that consideration and analysis of opportunities for energy development is carried out at a strategic level, at that moment it is difficult to identify the cross-border impact and its details*".** Furthermore, on p. 98 the SEA developer lists certain projects (it is not clear on the basis of which criteria or in what order) for which they believe that "***generally transboundary impacts can be associated***", while omitting the projects for which they claim in the previous part of the text that they have cross-border impacts (the most important one in terms of impact - the thermal power plants).

Finally, the author of the Report concludes that "*in accordance with the relevant legislation, the energy sector will, at the level of specific projects, with clearly defined deadlines for implementation, assess in detail the possible impacts on the environment and potential cross-border impacts, prescribe binding environmental protection measures and appropriate monitoring. Transboundary impacts should be considered individually and in detail at the project level, that is, in the EIA procedures.*"

It seems from the Report that the SEA developer does not make distinction between transboundary environmental impact assessment of projects and plans, and wrongly concludes that transboundary impacts can only be determined at the project level. That it is not a technical error or a minor omission, the SEA developer confirms on page 85. where he states that *as a signatory to the ESPOO Convention and the Kyiv Protocol, the Republic of Serbia has undertaken to inform other countries about proposed projects that may have a cross-border impact*. Also, in the Report, the SEA developer refers exclusively to the ESPOO Convention (which regulates cross-border consultations on projects), but does not refer in

a single sentence to the Protocol (which regulates cross-border consultations on plans, programs and policies). It is not clear on the basis of which data, reports, studies, analytical documents or any documents, the SEA developer concludes that it is not possible to determine specific projects that could have a transboundary impact. Namely, Article 2 of the Protocol defines plans and programs, while Article 4 of the Protocol stipulates that *Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects*.

Furthermore, the author of the Report did not provide evidence that, in terms of the spatial distribution of power facilities, it is possible to exclude transboundary impacts, or to conclude that these impacts are uncertain and cannot be determined at this stage of planning. It is clear that it is possible to determine the transboundary impacts of these facilities, and there are already numerous reports and studies that show that thermal power plants, hydropower plants, etc. which do not necessarily have to be in the cross-border zone, have a significant cross-border impact (EMEP being only one example).

III. Our Comments on the draft NECP

Our initial review of the draft proposal for NECP raises concerns with the lack of commitment to achieve climate neutrality by 2050, the lack of a clear plan to phase out the existing coal plants, with plans for new gas plants and large-scale gasification of southern Serbia, overly optimistic use and reliance on forest biomass in the heating sector, while measures for RES, building renovation and reducing grid losses are highly unambitious.

i. Explanation of how regional cooperation is considered in the plan

"Consultation with the region will be implemented in parallel with the public consultation of the Draft Plan. The results of this consultation process will be incorporated in the Final Plan"

We would like to remind you that **the period for public participation begins when the relevant documents become available to the interested public** and the public in the affected country is informed of that fact. **In Bulgaria the public participation started with the launch of the consultation on 8th September until 25th September.** This period could hardly be considered a "*reasonable time*" to forward opinions on the draft plan in the sense of Article 11, paragraph 4 of the Protocol on Strategic Environmental Impact

Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context („**Protocol**").
Good Practice Recommendations on Public Participation in Strategic Environmental Assessment approved by the Meeting of the Parties to the Convention representing the Meeting of the Parties to the Protocol in Decision II/8 further clarify that *the time frames for public participation that involves a transboundary element could be at least as long as for those that do not in order to account for cultural and communication problems.* Furthermore, the recommendations indicated that *when it comes to environmental impact assessment for projects, the notification period generally ranges from two weeks to three months, with an average of about one month; and the comment period ranges from three the deadlines for notification generally last from two weeks to three months, and on average one month, while the period for giving comments lasts from three weeks to three months, and on average about two months.* Similar deadlines should apply to SEA.

NECP, p. 29, subchapter 1.4 Regional cooperation in preparing the plan
mentions as cross-border significant importance the integration of energy markets - Indeed we agree the integration of the electricity markets between the two countries is of significant importance. As visible from the ENTSO E website from the 9 operational cross-border power lines of Bulgaria only one leads to the Republic of Serbia- "Nis 2 - Sofia Zapad". **In our opinion this fruitful electricity cooperation needs to be continued and accelerated, unlike further gas interconnections** after the building of the Serbia-Bulgaria gas interconnection project (PM_IEM8), expected to be finished in Bulgaria in October 2023. Neither this or similar prospective gas infrastructure projects (as indicated on p. 32 - it is urgent to complete the existing interconnections and to design new international interconnections with pipelines from neighbouring countries), could be considered as a decarbonisation measure. They comprise serious risk of further gas lock and stranded assets, as the time of the fossil gas as a transitional fuel has ended even before the start of the Russian aggression in Ukraine. The biggest threat associated with fossil gas is the significant release of methane emissions (more potent GHG than CO2 for a period of 20 years), but also carbon dioxide emissions, comparable to coal as its scale and use increase. With the signed by the EU Methane Pledge at COP, which is being operationalized with the almost finalized Methane Regulation, it's more than visible that the direction of EU (and the rest of the world) is towards fossil fuel phase out and decommissioning of existing gas infrastructure. Very small and insignificant % of this infrastructure would be possible to be upgraded and used in the future for transfering green hydrogen, but the green hydrogen is not the ultimate solution and its use needs to be prioritized for hard to decarbonised otherwise sector eg. cement, chemicals.

Comments on some NECP Projects:

Among the projects whose implementation is planned within the scenario whose goal is to reduce emissions and increase RES and EE by 2030, there is also the **construction of the reversible hydroelectric power plant Đerdap III.** Bearing in mind that the planned installation of a 600 MW turbine, which would produce 905,672 MWh of electricity per year while its final capacity should reach 2,200 MW, it is clear that this is a larger-scale project that will have an impact on the water flow of the Danube River which is an international waterway and ecological corridor. We call you to consider upgrades to pumped-storage power plants of existing power plants, where the local biodiversity has already suffered damage and not to build from scratch pumped-storage power plants (large scale ones being especially harmful) in pristine areas. Furthermore, it is not advisable to rely heavily on the achievement of RES targets on very large projects which may turn out to be unfeasible in reality.

P. 31 *'Moreover, the **further utilization of RES in the district heating networks** will be achieved mainly through biomass (2.7 ktoe), while the gradual exploitation of other RES is intended, such as biomethane, hydrogen and geothermal energy'.*

Forest biomass also contributes to air pollution and many respectable scientists agree and advocate that primary forest biomass no longer be called renewable, as the timescale for replacing burnt trees is now too long. Only secondary forest biomass – offcuts from industry – should be considered for peak load for district heating as a last resort after other options such as 4th generation district heating based on solar, heat pumps and other low-temperature sources are exhausted, or geothermal where methane and other gases are captured and water is re-injected.

P. 123 - **PM_ES10** We advise against the **future building of a 350MW of additional generation capacity of natural (fossil) gas** - Serbia needs to avoid increasing its imported gas consumption in order to keep energy dependence at manageable levels and instead redouble efforts on energy efficiency, solar, wind, geothermal and heat pumps.

P. 153 - **PM_IEM29** Instead **of Intensifying gasification efforts in the southern part of Serbia, alternatives** such as building retrofits, energy cooperatives and heat pumps need to be urgently supported. Domestic gasification would only increase the energy dependence and vulnerability of consumers and their energy poverty levels.

Comments on the waste impacts from the coal industry

Thermal energy facilities are the biggest producers of waste. Fly ash from coal and ash, slag and dust from the boiler, which are labelled 10 01 in the Waste Catalog, were generated in the amount of 7.04 million tons, that is, they make up 79% of the total amount of produced waste.

The amount of coal fly ash produced is 700,000 tons less than the previous year, which explains the reduced total amount of waste produced. Other types of waste originating from the thermal process are represented in significant quantities: unprocessed slag and waste from slag processing from the iron and steel industry, calcium-based solid waste generated in the gas desulfurization process..

Why is the Mining figure for Table 3.18: missing? Why is it hidden what % of the biggest waste contributor consists of hazardous waste, is the figure too shocking?!

How has the amount of fly ash been reduced in the last year? What measures are taken to prevent fly ash emissions containing silica and other toxic metals like cadmium, copper, chromium, nickel, lead, mercury, titanium, arsenic, and selenium) "escaping" in the air.

Chapter 1; 1.1. Executive Summary (overview/scope of the plan); iii. Key objectives and priorities of the plan; p.4.

It says: *"This clean energy transition pathway tends to enhance the country's energy security, safeguarding its energy dependency while ensuring a* ***realistic*** *reduction of lignite use, contributing to a* ***meaningful*** *reduction of the GHG emissions by 2030."*

It is not clear what the following means "realistic reduction of lignite use", nor "meaningful reduction of the GHG emissions". These expressions require explanation and quantification.

Page 5 says that: *"Another essential objective within the framework of the NECP is the* ***ambitious, as well as realistic, programme*** *for reducing the share of lignite in electricity production, i.e., lignite phase-out, by up to 25 % in 2030 compared to 2019."*

25% reduction is not ambitious! Emissions drop by two thirds compared to 2025 by 2050, or by 75% compared to 1990 (as in Section 5, p. 240- 241) in the WAM/S scenario, is nowhere near enough.

Although the energy sector of Serbia contributes to about 80 % in total GHG emissions, in neither chapter of the NECP are present indicators referring to the reduction of GHG emissions in the energy sector!

The highly needed thermal power plants phaseout is not presented anywhere in the NECP Draft - while it's one of the most essential info from the NECPs - to show how the coal capacities will gradually decrease in the future and what the energy balance will be.