



**REPUBLIC OF BULGARIA**  
**MINISTRY OF ENVIRONMENT AND WATER**

*Outgoing No. OBOC-10/  
29 August 2019*

**Subject:** *Project "Improvement of ship travel in the common Romanian-Bulgarian sector of the Danube River"*

**DEAR MS. MINISTER,**

*With the present letter, I confirm the receipt of the letter (Outgoing. No. 3938/GLG, dated 25.07.2019), with notification under art. 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) for the abovementioned investment proposal, in accordance with Art. 7 of Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council, together with the original disc attached, as I express the following:*

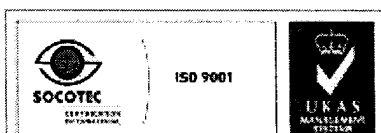
*The bilateral agreements between Romania and the Republic of Bulgaria regulate the responsibility between the Administration of the Lower Danube River, Galati, Romania and the Executive Agency for Research and Maintenance of the Danube River, Ruse, Republic of Bulgaria, for maintaining appropriate navigational conditions of 845,5 river km. to km 345 river km. The "Improvement of the Navigation Conditions in the Common Romanian-Bulgarian Section of the Danube River" project is common to both states, respectively, the notification contains information on the planned activities in the riverbed and on the shore, in the critical navigation zones on Romanian and Bulgarian territory between the indicated kilometers.*

*The present letter initiates a joint transboundary environmental impact assessment procedure for this joint project, to which the abovementioned river administrations of the two states and, respectively, with a common environmental impact assessment report with annexes to it (impact assessment report on the degree of impact for Romania, impact assessment report on the degree of impact the Republic of Bulgaria, impact assessment on water bodies, climate change report). For the purposes of the Espoo Convention, we find that both states on the project are country of origin and affected country.*

**Ms. Gratiela-Leocdia GAVRILESCU**  
**Vice Prime Minister**  
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*According to the agreement, reached on the meeting held on June 11, 2019, in Bucharest, notification of the potentially affected states will be made from Romania to Serbia, Moldova, and Ukraine, with copies of the letters to the Republic of Bulgaria as the state of origin. Romania shall inform the Republic of Bulgaria of any replies, received from other states (Serbia, Moldova and Ukraine), with a view to making them publicly available. Romania and the Republic of Bulgaria shall mutually exchange information on the scheduled meetings for public discussion of the EIA report with all annexes on the territory of both states.*

*For the Republic of Bulgaria, the National Environmental Impact Assessment (EIA) procedure has been initiated by the submission of a notification of the investment proposal by the Executive Agency for Research and Maintenance of the Danube River, Ruse. In the opinion of the Minister of Environment and Water, outgoing No. OBOC-10/24.04.2019, it is indicated that the investment proposal falls within the scope of Annex 1 of the Environmental Protection Act and is subject to a mandatory EIA, as well as to a procedure under Art. 31, para. 1 and para. 4 of the Biodiversity Act. Guidance is provided on the scope and content of the Impact Assessment report and the EIA report in the Biodiversity section.*

*After reviewing the submitted notification and the annexes thereto, the following recommendations were received, given the competences of the respective Bulgarian institutions:*

*The notification and its annexes shall contain detailed information on the project objectives, the main activities for its implementation, and the expected impacts on the environmental components, incl. on water.*

*The attached document "Presentation Memorandum" on the project "Improvement of Navigation Conditions on the Romanian-Bulgarian Danube Common Sector of the Danube" provides a preliminary projected impact assessment of the project implementation, proposing mitigation measures to reduce potential negative impacts on the individual components of the environment.*

*The notification indicates that the type, location, and extent of the impact shall be addressed in detail in the EIA Report. In addition, a Report on Compatibility Assessment with the Objectives of the Natura 2000 Areas (Appropriate Assessment Study) and a Water Bodies Impact Assessment Study shall be prepared.*

*The contents of the submitted documents state the following incompleteness and inaccuracy:*

*The Notification (i. 1 (v)) provides that the EIA report is to be prepared as a common document for a joint EIA for the two states (Romania and the Republic of Bulgaria), which is expected to be finalized in the second half of 2020. The method of execution of the other two assessments is not specified – the Appropriate Assessment Study and the Water Bodies Impact Assessment Study, including whether they will be prepared as separate documents for each of the two parties, or as a single common document.*

*The Notification (i. 3 (i)) states that "... In the Republic of Bulgaria, the EIA decision will be followed by the Permit of Water Use (by the Danube River Basin Directorate, Bulgaria) and development consent ... ". Taking into consideration the regulations of the Bulgarian Water Legislation on the competent authorities for the issue of permits for the use of the Danube, we do not consider it appropriate to refer to a specific competent authority. We propose the text (from the Danube Region Basin Directorate) ... "to be replaced by" ... (under applicable law)... "*

*Only the Romanian legislation is analyzed in i. 9 of the "Presentation Memorandum..." ("Relationship with other regulations and/or plans/ programmes/strategic documents"). The*

*relationship with the Bulgarian normative acts, plans, and strategic documents have not been described and analyzed.*

*In i. 12.2 of the "Presentation Memorandum..." covers Natura 2000 sites that fall within the spatial scope of the project, but only protected areas are listed under Romanian law. Protected areas that are in Bulgarian territory are not included.*

*In the analysis of the impact of the project on the water bodies (i. 13.2 of the "Presentation Memorandum..."), the surface water body of the Danube in the common section is indicated only with the Romanian code. As this is a common transboundary body of water and given the fact that the document refers to the Danube River Basin Management Plan (DRBMP). The common cross-border code for the water body (RORW14.1\_B3\_BG1DU000R001), including the correction of the chemical status assessment information for that water body, according to the RBMP and the DRBMP, should be used.*

*Similarly, I, 13.3 of the "Presentation Memorandum" covers only Romanian groundwater bodies. Groundwater bodies in the Bulgarian part are not included (according to the RBMP in the Danube River Basin District). Given the transboundary scope of the project, common codes for transboundary groundwater bodies according to the DRBMP should be used (cited in i. 6.1.1.1 of the same document).*

*In the annex to the notification "Coordinates of the work", the coordinates of the points describing the territory of the project activities in the different sections are presented in the Romanian national projection system - Stereo 70, which does not allow them to be combined with the Bulgarian spatial data and the corresponding assessment. Given the cross-border nature of the project, it is necessary to present the coordinates in an appropriate coordinate/projection system that has been accepted for use at European level, e.g. for reporting to the European Water Information System (WISE) or ICPDR (ICPDR) – ETRS89 or WGS84.*

*In addition to the above findings and in view of our competencies, we consider the following additional suggestions appropriate:*

- *Fill in the notification with the information on the procedure and in the manner of carrying out the Water Impact Assessment. As the assessment is mainly concerned with the impact on the common water body of the Danube River, the BDRB proposes that this assessment be made jointly for both states (Bulgaria and Romania), with the results, reflected in a single document. In that:*
  - *As the expected negative impact on the surface water body is mainly the result of hydromorphological changes in the project implementation, the scope and content of the assessment should be consistent with the discussions and arrangements of the bilateral Bulgarian-Romanian meeting of the Basin Management Working Group at the Joint Water Management Commission, held on January 16, 2019 in Sofia.*
  - *As agreed at the bilateral meeting on 16.01.2019, the impact assessment on the water status should be presented as separate part of the EIA report.*

*We expect that as a next step in the procedure an assignment will be submitted for the scope of the EIA to express an opinion during the consultation.*

*We would like to assure you that if you do not confirm your desire to participate in the Bulgarian national EIA procedure, the results of the EIA, including and with regard to transboundary impact, will be taken into account when adopting an administrative act by the Bulgarian Ministry of Environment and Water. In this case, and at your request, upon completion of the EIA procedure on Bulgarian territory, we will provide you with the administrative act, which will be issued by the*

*Minister of Environment and Water.*

*I take this opportunity to express my respect and readiness for fruitful cooperation.*

***Best regards,***

***Neno Dimov***  
***Minister of Environment and Water***