



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

99-00-200

15 April 2024, Sofia

**Subject:** Revised Environment Impact Assessment Report for the project Neptun Deep for extraction of natural gas on the territory of Romania, beneficiaries OMV Petrom S.A. and RomGaz Black Sea LTD

**Dear Minister FECHET,**

With reference to your letter № DGEIECPSC/10257 dated 5<sup>th</sup> April 2024 (received by e-mail), providing us Environmental Impact Assessment (EIA) Report with annexes for the project "Neptune Deep" for the extraction of natural gas on the territory of Romania with OMV Petrom S.A and RomGaz Black Sea LTD as the contracting entities, we would like to inform you of the following:

**I. Regarding the revised EIA report:**

Considering that the remarks and comments, respectively the request for the revision of the EIA report, expressed in our letter No. 99-00-200 dated 05 January 2024 were related to the assessment of the impact of the project implementation on human health, we sent the EIA documentation to the Ministry of Health of the Republic of Bulgaria.

At the same time, we provided public access to the report through the website of the Ministry of Environment and Water.

**H.E. Mr. Mircea FECHET**

**Minister of Environment, Water and Forests of Romania**

12 Libretti Blvd.,

Sector 5, Bucharest, Romania



Sofia 1000, 22 Maria-Luisa Blvd

Phone: +359 2 940 6194, Fax: +359 2 986 25 33





Regarding the revised EIA report, the Ministry of Health of the Republic of Bulgaria expressed the following opinion:

*"We maintain our previous opinion that from a health point of view in a transboundary context, attention should be paid to the part of the investment proposal concerning the construction of drilling platforms in the Black Sea for the extraction of natural gas located about 35 km by water from the exclusive economic zone of the Republic of Bulgaria.*

*The potential health risk for Bulgaria from the implementation of the project is related to possible pollution of Bulgarian territorial waters, including bathing waters and the adjacent coastline, with chemical substances from waste production waters, pollution of marine waters with fuels and oils from construction and transport vessels, pollution from accidental leakages of reagent storage tanks located on the drilling platforms, etc.*

*On the basis of the hydrodynamic data for the area, it is concluded that the likelihood of an impact concerns mainly Romanian territorial waters, but about 25% of the spill may reach Bulgarian territorial waters in winter and 21% in summer. It is calculated that in the winter season the pollution does not reach the area of the protected areas of the Republic of Bulgaria. In the summer season the spilled fuel will reach the Bulgarian territorial waters after one day and after 10 days it will reach the protected area of Irakli, after 12 days- Ropotamo and after 13 days- Strandzha.*

*In the revised EIA report, it is stated that the mathematical modelling of marine pollution in the event of a hypothetical marine fuel spill, as originally prepared, represents a theoretical combination of worst case conditions (Scenario 1). The updated mathematical model includes two additional scenarios for the spread of the oil spill, which are based on realistic natural conditions and the application of active containment measures to the spill.*

*On the basis of those two scenarios, the authors of the report conclude that they "do not foresee significant consequences for Bulgaria", as the modelling of technological water pollution indicates an impact limited to the area of the extraction facilities, far from Bulgarian territorial waters.*

*Overall, based on the results of the simulations, the authors of the report consider that "the likelihood of chemical impacts on Bulgarian waters is low".*

*Notwithstanding the above, the results do not negate the possibility that oil contamination could spread and temporarily degrade the quality of bathing waters along the Bulgarian coast in the event of an emergency or disaster in the drilling (offshore) part of the Neptune Deep project.*



*In addition, in the addendum report, the assessment of the impact on the population was carried out only for the territory of Romania, since the authors of the report, based on the analyses, studies and calculations made, consider that the onshore construction and operation sites are without significant potential for negative health impacts in relation to the Republic. Bulgaria, including the fact that they are located more than 25 km away from our state land border.*

*On the basis of the EIA report and taking into account the opinions of the competent bodies within the system of the Ministry of Environment and Water and the Institute of Oceanology of the Bulgarian Academy of Sciences, the following is clarified:*

*In view of the potential transboundary impact with possible negative effect from the discharge of wastewater, the experts consider that in order to monitor the potential impact of the project on the state of the marine waters of the Republic of Bulgaria it is necessary to conduct relevant monitoring, for which they have set requirements to be included in the EIA decision.*

*The activities described in the EIA report from the implementation of the Neptune Deep project, which will be carried out on land (on the Romanian coast in the Tuzla area) are not likely to lead to negative impacts on groundwater bodies with code BG1G000000N049 and name "Karst-groundwater in Neogene - Sarmatian Dobrudzha" and on groundwater body with code BG1G0000J3K051 and name "Karst waters in Malm-Walange basin".*

*Under certain conditions, potential impacts on marine waters could be expected due to the discharge of waste water as well as due to an unplanned event such as accidental pollution.*

*No significant adverse impacts on the subject matter and conservation objectives of the affected protected areas, protected sites and biodiversity are expected.*

*In the light of the above and in order to minimise the likelihood of transboundary health risks, mainly related to chemical pollution and deterioration of bathing water quality along the Bulgarian coast, especially in the event of emergencies and possible exposure to harmful chemicals through the food chain due to consumption of fish and fish products, the Ministry of Health considers that the following provisions related to the implementation of transboundary environmental control actions should be recorded as mandatory for*



implementation in the administrative act to be issued by the competent Romanian authorities under the EIA for the investment proposal under consideration:

1. Prior to the implementation of the investment proposal, the Republic of Bulgaria shall obtain the disaster and emergency plans of all contractors on the offshore part of the site who will transport or work with the reagents, drilling solution and marine fuel envisaged in the technology. The plans shall include a detailed description of the specific measures and preventive actions in emergency and disaster situations, as well as the allocation of duties, responsible structures and legal entities for the implementation of the envisaged safety measures.

2. In order to monitor the potential impact of the project implementation on the state of the marine waters and bathing areas in the Republic of Bulgaria:

- to provide for a procedure according to which the Republic of Bulgaria will regularly receive from the official Romanian authorities the results of the planned periodic monitoring of the seawater quality in the area of the drilling platforms during drilling, construction and operation of the site;

- the Republic of Bulgaria to be informed in a timely manner of any accident or incident/contamination during the drilling, construction and operation of the technical facility, which has the potential to contaminate the marine waters."

On the basis of the opinion from the Ministry of Health, we would like to inform you that we accept the EIA Report, provided that you meet the requirements proposed by the Ministry of Health as set out above and to include them in your decision on the Neptune Deep Project.

As a reminder, in our letter dated January 5, 2024, expressing our views on the EIA Report, we requested that the following provision should be included in the final decision for the Neptune Deep Project:

"In the event of imminent threat of environmental damage or in the event of environmental damage caused on the territory of the Republic of Bulgaria by the activity(ies) of the Neptune Deep project for the extraction of natural gas in the Black Sea, carried out in the exclusive economic zone of Romania, the competent authority of the Republic of Romania under Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on Environmental Liability with regard to the Prevention and Remedying of Environmental



*Damage shall provide the Minister of Environment and Water of the Republic of Bulgaria with the information relating to the imminent threat of environmental damage or to environmental damage caused, as well as information on the relevant national procedures of the Republic of Romania."*

## **II. Public Consultation on the EIA Report**

*We would like to inform you that, in accordance with the national environmental legislation, public access has been provided and a public consultation meeting has been organised on the revised EIA report with annexes for the Neptune Deep project in Bulgaria.*

*In accordance with the agreement reached at the bilateral meeting held on 25 March 2024 and after consultations with the municipalities concerned, it was decided that the public consultation meeting on the EIA report and its annexes will be held on 15 May 2024 at 10.00 a.m. in the hall of the Municipality of Kavarna, ,26 Dobrotitsa Street).*

*The EIA report and its annexes are available to the interested parties on the website of Kavarna Municipality <https://www.kavarna.bg/> in the News and Announcements section.*

*In case of need for assistance, public access to the report and its annexes is available to all interested persons every working day from 10 to 16.30 at the Municipality of Kavarna, at the following address: 26 Dobrotitsa Street, Department of Ecology and Green System, floor 3, room 306. Contact person is Ms Elitsa Petrova, Head of Ecology and Green System Department, tel.: +359570/8 18 29;. +359887853115.*

*The EIA report with all annexes is also available on the website of the Ministry of Environment and Water under Preventive Action/EIA/Transboundary EIA Procedures/Transboundary EIA Procedures in which Bulgaria is an affected party/Neptun Deep project for natural gas extraction on the territory of Romania at:*

*- English version: <https://www.moew.government.bg/en/project-neptun-deep-for-the-extraction-of-natural-gas-on-the-territory-of-romania/>*

*- Bulgarian version: <https://www.moew.government.bg/bg/proekt-neptun-dijp-za-dobiv-na-priroden-gaz-na-teritoriyata-na-rumuniya/>*



*And in section Preventive Action/EIA/ Public access to EIA Reports at:*

*<https://www.moew.government.bg/bg/obstestveno-obsujdane-na-doklad-za-ovos-za-proekt-neptun-dijp-za-dobiv-na-priroden-gaz-v-chno-more-na-teritoriyata-na-rumuniya/>*

*Written comments can be submitted to the Municipality of Kavarna, 9650, Kavarna., 26 Dobrotitsa Str. as well as to the Ministry of Environment and Water, 1000, Sofia, 22 Knyaginya Maria Luisa Blvd. and during the public consultation meeting.*

*A notice of the public consultation was placed on 12.04.2024 on the website of the Municipality of Kavarna (<https://www.kavarna.bg/>) and on the website of the Ministry of Environment and Water (<https://www.moew.government.bg> (en) under the key topic*

*Prevention/EIA in the category Transboundary Procedures/Transboundary Procedures in which Bulgaria is an affected party/Neptune Deep project and in the category Upcoming public consultations.*

*The notice of the public consultation was also published in the newspaper "24 Chasa" on 13.04.2024.*

*In accordance with the Bulgarian legislation (Article 17 of the Ordinance on the conditions and procedure for carrying out environmental impact assessment):*

- The contracting authority (or a person authorized by him) shall chair the public consultation meeting and brief the attendees on the project;*
- The contracting authority shall ensure the presence of the project manager and representatives of the team of independent experts at the meeting(s), and they shall brief the attendees on the results of the EIA, using also maps, diagrams and other visual materials; in the case of an attached Appropriate Assessment report to the EIA report, the contracting authority shall ensure the presence of representatives of the team that prepared the appropriate assessment, who shall also brief the attendees on the results of their assessment.*
- Minutes of the public hearing shall be taken by an official designated by the mayor of the municipality (district, town hall) in which territory the meeting is held. The minutes shall be signed by the contracting authority and by the recording officer and shall be accompanied by the written contributions submitted in advance or during the discussion.*

*After the meeting, an official of the municipality will present the outcome of the public consultation (the contributions received).*



*As agreed at the March 25, 2024 meeting, we expect that the contracting authority will provide an interpreter to translate on May 15, 2024 at the public hearing meeting on the EIA Report for the Neptune Deep Project.*

### ***III. Comments received on the Neptune Deep project***

*Please be informed that after sending to you a letter No. 99-00-200 dated 11 March 2024 (by which we sent you a Greenpeace opinion) a statement No. 5/11.03.2024 has been received from the Association "Za Zemyata" regarding the public consultation on the EIA report for the Neptune Deep project (we provide you with a copy).*

*Please accept, Mr. Minister, the expression of my highest consideration and readiness for successful future cooperation.*

***Yours sincerely,***

***Petar Dimitrov***  
***Minister of Environment and Water***



Адрес: ул. „Миджур“ 12, ет. 3, 1164 София  
тел.: +359 2 943 11 23  
<http://www.zazemiata.org/>  
ел. поща: [info@zazemiata.org](mailto:info@zazemiata.org)

Исходящ номер: 05/11.03.2024 г.

ДО:  
**Министъра на околната среда и водите**  
адрес: бул. „Княгиня Мария Луиза“ No 22, София 1000,  
[edno\\_gishe@moew.government.bg](mailto:edno_gishe@moew.government.bg)

**Относно:**

**Провеждане на обществена консултация във връзка с доклада за оценка на трансграничното въздействие върху околната среда на газовия проект Neptune Deep на територията на Румъния**

Уважаеми г-н Министър,

За Земята се запозна с информацията, предоставена на уебсайта на Министерство на околната среда и водите във връзка с консултациите по проекта за добив на газ в румънското Черно море - Нептун Дийп.

Известно ни е, че министърът на околната среда и водите на Република България е изразил интереса си да участва в процедурата по трансгранична ОВОС с писмо с изх. 99-00-200 от 07.08.2023 г.

Желаем да доведем до Вашето знание изводите, които направихме въз основа на фактите по въпроса и приложимата нормативна уредба в областта на околната среда - както българското, така и румънското законодателство.

**Българско законодателство**

Чл. 26, ал. 1, буква „а“ от Наредбата за условията и реда за извършване на оценка на въздействието върху околната среда гласи:

*„Чл. 26. Оценката на въздействието върху околната среда за инвестиционни предложения с трансгранично въздействие, които ще се осъществят на територията на други държави, при които Република България е засегната държава, се извършва в следната последователност:*

*1. (изм. - ДВ, бр. 29 от 2010 г.) при получаване на уведомление за инвестиционно предложение, което ще се осъществи на територията на друга държава и което може да се очаква, че ще има значително въздействие на територията на Република*



България, в посочения в уведомлението срок министърът на околната среда и водите уведомява държавата по произход за своето решение да участва или да не участва в процедурата по ОВОС:

а) при изразено съгласие за участие се следва националната процедура на държавата на произход, ако друго не е предвидено в международен договор;“

Безспорно е, че министърът на околната среда и водите на Република България е изразил съгласие за участие в процедурата за трансгранична ОВОС и следователно трябва да бъдат спазени изискванията на националната процедура на държавата на произход – в случая на Румъния.

### **Румънско законодателство**

Приложим е румънският Закон № 292/2018 от 03.12.2018 г. за оценката на въздействието на някои публични и частни проекти върху околната среда („Закон № 292/2018“).

Член 16 (1) *Заинтересованата общественост, в съответствие с разпоредбите на приложение № 5, има възможност да участва ефективно от самото начало в процедурата, предвидена в чл. 4 (1), да документира и да представя предложения/препоръки на компетентните публични органи, когато са възможни всички варианти, и преди да се вземе решение за одобряване на разработката.*

(2) *Информирането и участието на обществеността се координира от компетентните органи за издаване на разрешение за проекта и от компетентните органи за опазване на околната среда, съобразно конкретните им компетенции, и се осъществява по следния начин:*

а) *начин на информиране на обществеността: чрез плакати на определена териториална територия, публикации в централния и/или местния печат, организиране на изложби с планове, скици, таблици, графики, макети, свързани със съответния проект, и други;*

б) *методът на консултиране на заинтересованата общественост - писмено или чрез публични обсъждания.*

(3) *Съответната информация се предоставя на обществеността в електронен формат, на собствения уебсайт на органите, посочени в (2).*

(4) *Съответните срокове за различните етапи, така че да се осигури достатъчно време за информиране на органите, предвидени в чл. 6 (1) и обществеността, както и за тяхната подготовка и ефективно участие в процедурата, предвидена в чл. 4, (1) са посочени в приложение № 5.*

(5) *Срокът за провеждане на обществените консултации по доклада за въздействието върху околната среда е най-малко 30 дни.*

Член 17 (6) *Централният държавен орган за опазване на околната среда започва консултации с държавните органи за опазване на околната среда на други държави относно потенциалните трансгранични последици от проекта и мерките, предвидени за намаляване или премахване на тези последици, и заедно с тези органи определя времева рамка за продължителността на консултациите. Тези консултации могат да бъдат организирани и чрез подходящ съвместен орган.*

*(7) Централният държавен орган по опазване на околната среда съвместно с компетентните органи от територията на евентуално засегнатата държава установява мерки, които да позволят ефективното участие на заинтересованата общественост в процедурата по чл. 4 (1), включително в случай на проекти с възможно значително въздействие върху територията на Румъния, инициирани в други държави.*

*Напомняме също така, че съгласно член 6 от Орхуската конвенция, подписана и от двете страни, на заинтересованата общественост следва да се предоставят възможности за участие; и Процедурите за участие на обществеността позволяват на обществеността да представи, в писмен вид или, ако е уместно, на публично обсъждане или запитване до заявителя, всякакви коментари, информация, анализи или становища, които счита за относими към предложената дейност.*

В конкретния случай двамата министри не са изпълнили задълженията по чл. 17, ал. 7 от Закон № 292/2018 във връзка с чл. 16, ал. 2, буква „b“ от Закон № 292/2018, като министърът на околната среда и водите на Република България едностранно е решил да проведе консултациите със засегнатата общественост единствено и само писмено – чрез подаване на становища до министъра на околната среда и водите.

Гореописаното нарушение е още по-съществено и представлява тежък порок на процедурата, поради обстоятелството, че българската общественост има нагласа да участва в процедура за консултации единствено и само в рамките на обществено обсъждане – чл. 97, ал. 4 от Закона за опазване на околната среда на Република България.

Считаме, че задълженията по член 17 (7) от Закон № 292/2018 във връзка с член 16 (2) (а) от Закон № 292/2018 не са изпълнени. Освен това няма следа от информиране на засегнатата общественост в Република България чрез някой от методите, изброени в член 16 (2) (а) от Закон № 292/2018.

### **Въз основа на гореизложеното се обръщаме към Вас със следното:**

Молим Ви да предприемете стъпки за изпълнение на разпоредбите на чл. 17, ал. 7 от Закон № 292/2018 във връзка с чл. 16, ал. 2, букви „a“ и „b“ от Закон № 292/2018, като информирате засегнатата общественост в България за проекта за добив на газ в румънската акватория на Черно море „Нептун Дийп“ и да организирате обществените консултации съобразно изискванията на румънското, но и на българското законодателство с оглед спазване на изискването на чл. 16, ал. 1 от Закон № 292/2018, като на засегнатата общественост в България да бъде осигурена възможност да участва ефективно още от самото начало на процедурата и да представя предложения и препоръки на компетентните власти.

С уважение,

Венцеслава Кожухарова,  
Координатор, екип Енергия и климат,  
Екологично сдружение “За Земята”/Международна мрежа CEE Bankwatch

*Opinion of Association "Za Zemyata"*

Outgoing number: 05/11.03.2024

About the Earth  
Friends of the Earth Bulgaria  
Address: 12 Mijur Street, et. 3  
1164 Sofia, Lozenets  
Тел.+359 2 943 11 23  
<http://www.zazemiata.org>  
e-mail: [info@zazemiata.org](mailto:info@zazemiata.org)

To: The Minister of Environment and Water  
Address. Ministry of Water and Environment, Sofia 1000,  
[edno\\_gishe@moew.government.bg](mailto:edno_gishe@moew.government.bg)

**Subject: Public consultations on a report on a cross-border environmental impact assessment of the Neptune Deep project for gas extraction on the territory of Romania**

*Dear Mr. Minister,*

Assosiation "For the Earth" has taken note of the information provided on the website of the Ministry of Environment and Water regarding the consultation on the Neptune Deep gas project in the Romanian Black Sea.

We are aware that the Minister of Environment and Water of the Republic of Bulgaria has expressed his interest to participate in the transboundary EIA procedure by letter no. 99-00-200 of 07.08.2023.

We wish to bring to your attention the conclusions we have drawn on the basis of the facts of the matter and the applicable environmental legislation - both Bulgarian and Romanian legislation

Bulgarian legislation:

Art. 26, para. 1(a) of the Ordinance on Conditions and Procedure for Environmental Impact Assessment states:

"Art. 26. The environmental impact assessment for investment proposals with a transboundary impact to be implemented on the territory of other countries where the Republic of Bulgaria is an affected country shall be carried out in the following sequence:

1. (amend. - SG 29/10) upon receipt of a notification of an investment proposal to be implemented in the territory of another country and which may be expected to have a significant impact on the territory of the Republic of

Bulgaria, the Minister for the Environment and Water shall, within the period specified in the notification, notify the State of origin of his decision to participate or not to participate in the EIA procedure:

(a) where consent to participate is given, the national procedure of the country of origin shall be followed, unless otherwise provided for in an international treaty;"

It is undisputed that the Minister of the Environment and Water of the Republic of Bulgaria has consented to participate in the transboundary EIA procedure and therefore the requirements of the national procedure of the country of origin, in this case Romania, must be followed.

Romanian legislation:

Romanian Law No. 292/2018 of 03.12.2018 on the environmental impact assessment of certain public and private projects ("Law No. 292/2018") is applicable.

Article 16 (1) The interested public, in accordance with the provisions of Annex 5, has the opportunity to participate effectively from the outset in the procedure provided for in Article 4 (1), to document and submit proposals/recommendations to the competent public authorities when all options are possible and before a decision is taken to approve the development.

(2) Public information and participation shall be coordinated by the competent authorities for project authorisation and by the competent environmental authorities, according to their specific competences, and shall be carried out as follows:

(a) Method of informing the public: by means of posters in the defined territorial area, publications in the central and/or local press, organisation of exhibitions with plans, sketches, tables, graphs, models relating to the project concerned, etc;

(b) the method of consultation of the public concerned, either in writing or through public hearings.

(3) Relevant information shall be made available to the public in electronic format, on the authorities' own website referred to in (2).

We also remind you that under Article 6 of the Aarhus Convention, signed by both Parties, interested members of the public should be provided with opportunities to participate; and Public Participation Procedures allow the public to submit, in writing or, if appropriate, at a public hearing or inquiry to the applicant, any comments, information, analyses, or views it considers relevant to the proposed activity.

In the instant case, the two ministers have failed to comply with the obligations under Art. 7 of Law No. 292/2018 in conjunction with Article 16(2)(b) of Law No. 292/2018, as the Minister of Environment and Water unilaterally decided to consult with the affected public only and only in writing - by submitting comments to the Minister of Environment and Water.

The above-mentioned infringement is even more significant and constitutes a grave procedural defect due to the fact that the Bulgarian public has a tendency to participate in a consultation procedure only in the framework of a public consultation - Article 97(4) of the Environmental Protection Act of the Republic of Bulgaria.

We consider that the obligations under Article 17 (7) of Law No. 292/2018 in conjunction with Article 16 (2) (a) of Law No. 292/2018 have not been met. Furthermore, there is no trace of informing the affected public in the Republic of Bulgaria through any of the methods listed in Article 16 (2) (a) of Law 292/2018.

Based on the above, we address you with the following:

We request you to take steps to implement the provisions of Article 17, para. 7 of Law No. 292/2018 in conjunction with Article 16(2)(a) and (b) of Law No. 292/2018 by informing the affected public in Bulgaria about the Neptune Deep gas extraction project in the Romanian Black Sea offshore area and to organize the public consultations in accordance with the

requirements of the Romanian but also Bulgarian legislation in order to comply with the requirement of Article 16(2)(a) of Law No. 292/2018. 1 of Law no. 292/2018, ensuring that the affected public in Bulgaria has the opportunity to participate effectively from the outset of the procedure and to submit proposals and recommendations to the competent authorities.

With respect,  
Venceslava Kozhuharova,  
Coordinator, Energy and Climate Team,  
Environmental Association "For the Earth"/International Network CEE Bankwatch