

**Ref.: The letter no. OBOC-10/29 August 2019 regarding the project "Improvement of navigation conditions on the Romanian-Bulgarian Danube common sector of the Danube"**

The letter of Republic of Bulgaria No. OBOC -10/29 August 2019 commented the Notification and the attached documentation for the above mentioned project.

We take this opportunity to thank Bulgaria for the response and at the same time we would like to bring to its attention the following:

The project "Improvement of navigation conditions on the Romanian-Bulgarian Danube common sector of the Danube" is a common project for our countries, as you already know, and both RO and BG are parties of origin and affected parties.

#### **Status of the transboundary EIA procedure**

Within this project, Romania has taken the responsibility to elaborate all the documentation needed in Romania and in Republic of Bulgaria in order to accomplish the national EIA procedures and the transboundary EIA procedure according to Espoo Convention. A Consultant has been chosen to elaborate the documentation (HalcrowRomania S.R.L. in collaboration with Bulgarian subcontractor GeoMarine Ltd.). Romania has taken, as well, the responsibility to notify the potentially affected states and to send the documentation during the transboundary EIA procedure.

The Notification as required by the Espoo Convention was sent to Republic of Bulgaria, Republic of Moldova, Serbia and Ukraine, accompanied by the Presentation Memoire that was prepared in accordance with the Romanian legislation in force. Upon receiving the Notification, Bulgarian authorities mentioned that the Notification does not define clearly that Republic of Bulgaria is both a Country of origin and an affected Country. By an exchange of e-mails between the Espoo Convention Focal Points of the Romania and Republic of Bulgaria, the content of the Notification was agreed and modified and it was re submitted on 02.08.2019 to the potentially affected states.

In response to the notification, the potentially affected states informed Romania about the following:

- Republic of Moldova will not participate in the transboundary EIA procedure;
- Serbia will send later the final answer regarding their participation or non-participation in the transboundary EIA procedure, after the 30 days period for the public consultation will expire;

- Ukraine has not responded to the notification;
- Republic of Bulgaria has informed us, by letter No. OBOC -10/29 August 2019, about the initiation of both the joint transboundary EIA procedure and the national EIA procedure and more, made comments on the content of the Notification and on the Presentation memoire that accompanied the Notification.

We hereby inform you that copies of the letters received from Republic of Moldova and Serbia, as response to the Notification, were sent by e-mail on 20.09.2019 to the Bulgarian Focal point of the Espoo Convention by its counterpart from Romania.

Regarding the joint transboundary EIA procedure and documentation, after reviewing the minutes of the previous RO-BG meetings, especially the meeting held in June 11<sup>th</sup> 2019 in Bucharest and the meeting held in January 16<sup>th</sup> 2019, in Sofia, including your suggestions made in the letter no. OBOC -10/29 August 2019, we would like to specify the following:

#### **Environmental documentation that will be prepared for the project**

The following environmental documentation will be prepared for FAST Danube Project:

- 1 common/joint Environmental Impact Assessment Report (1 joint EIAR) for both sides of Danube River (according to the Bulgarian and Romanian environmental legislation) which will include the conclusion of the following studies;
- 2 Appropriate Assessment Studies, one for each side of the River Danube (Bulgarian and Romanian);
- 1 Water Body Impact Assessment Study made jointly for both banks of the River Danube (taking into consideration the recommendation from the letter no. OBOC -10/29 August 2019);
- 1 common Climate Change Adaptation and Mitigation, and Disaster Resilience Report (Climate Change Report, shortly CCR) for both Romania and Bulgaria;

As part of the transboundary EIA procedure, Romania will submit officially to Republic of Bulgaria all the above reports when available.

#### **Regarding the ToR (Terms of Reference):**

Given the fact that, all of the required additional information/data from the letter no. OBOC -10/29 August 2019 are already included in the ToR, this document will be sent to the participating states in the scoping stage of the transboundary EIA procedure in order to supplement it with the requests of the potentially affected states.



On 01.10.2019, the ToR was submitted to the Ministry of Environment and Water, Ministry of Health, municipalities and NGO's from Republic of Bulgaria, as part of the Bulgarian national EIA procedure and among others it includes also the following:

1. *Details regarding the method of execution of the environmental reports/studies that will be prepared for FAST Danube project:*

- 1 joint EIAR for Bulgarian and Romanian banks;

- 2 Appropriate Assessment Studies one for the Bulgarian bank of Danube River according to the BG legislation, the other one for the Romanian bank of the river, according to the Romanian legislation. The level of information developed in both Appropriate Assessment Studies will be similar;

- 1 Water Bodies Impact Assessment Study made jointly for both states will be prepared for the preferred/selected alternative (taking into consideration the recommendation from the letter no. OBOC -10/29 August 2019), in accordance with CIS Guidance Document 35 Exemptions to the Environmental Objectives according to Article 4(7) of the European Commission and the agreed content of the Water Impact Assessment Study developed by the National Administration "Romanian Waters" which requires that hydromorphological, biological and chemical parameters to be analyzed; the Water Bodies Impact Assessment Study made jointly for both states will be based also on the result/input obtained from the 2 Appropriate Assessment Studies (Bulgarian and Romanian);

- 1 Climate Change Report (CCR) will be prepared for this project and its results will be reflected in the EIAR.

2. *Details regarding the Bulgarian legislation that applies to the project;*

3. *The list of the Bulgarian Natura 2000 sites and other national protected areas located close to the project area;*

4. *The list of the Bulgarian surface and groundwater bodies located in the vicinity of the project area;*

5. *The appendix with the coordinates of the project activities areas in the different Bulgarian sections, presented according to the Bulgarian requirements, in ETRS 89/WGS84 System.*

#### **Details regarding the EIAR:**

- the joint EIAR will reflect and will summarize the analysis developed in the above mentioned studies;

- the joint EIAR will contain the list of protected areas in the Bulgarian territory and their characteristics, names and identification of the Bulgarian Natura 2000 sites and other national protected areas according to the Bulgarian legislation in force, the conclusions of the Appropriate

Assessment Studies carried for the Bulgarian and Romanian banks of the Danube River, the assessment of the cumulative impact caused by the project on both sides of the river;

- within the joint EIAR and the Water Bodies Impact Assessment Study, Danube River will be treated as a common cross-border water body (RORW14.1\_B3 and BG1DU000R001 respectively) and the information on both assessments for the water bodies will be discussed, according to the available River Management Plans; similarly, the ground water bodies in the Bulgarian part will be included in the document and the corresponding codes for transboundary groundwater bodies will be used, according to DRBMP.

- in the joint EIAR the chapter dedicated to alternatives will analyze also the water component; the impact assessment of the project alternatives will demonstrate and indicate the alternative with the least impact on the water body;

- the relation of the project with the Bulgarian plans and strategic documents will be also described and analyzed within the joint EIAR.

We kindly ask your support to ensure coordination of the scoping stage in Romania and Republic of Bulgaria. It is important that for the final version of EIAR content to have a common result with clear references to the Bulgarian and Romanian legislative requirements. In this regard, our proposal is to have an exchange of information between RO-BG focal points of the Espoo Convention in order to coordinate and commonly agree on the content of EIAR.

Given the above mentioned specifications and taking into consideration that the Notification and the Presentation memoire transmitted have already made its effects, we do not consider advisable to restart the procedure by amending these documents.

We think it is more convenient for both parties and we kindly ask you to agree that Republic of Bulgaria and Romania to continue with the next step within the national EIA procedures, which is the scoping stage and to agree on the content of EIA Report that can be accepted also by our national legislation. Once this step is agreed and completed we can send the agreed ToR to the states participating to the transboundary EIA procedure, and have their possible proposals taken into account.

Regarding the last paragraph of your letter we confirm that the Espoo Convention focal points of Romania and Republic of Bulgaria keep in permanent contact. We'll exchange information on any issue related to this project, during the public debate of the joint EIAR, which will be based on the other studies mentioned above. We will participate to the public debates held on the Bulgarian



territory upon invitation from your side and hope that you will agree for the same participation from your side. We also confirm that the results of the EIA, including the transboundary impact, will be reflected in the administrative act issued on the Romanian territory.

In addition to the above mentioned issues Romania would like to ask Republic of Bulgaria if they agree with the above proposals and to assure Republic of Bulgaria that Romania is available for any clarification, if needed.

Romania takes this opportunity to request the administrative act of the Republic of Bulgaria that will be issued upon completion of the Bulgaria national EIA procedure and would like to inform you that the Romanian administrative act will be submitted to you as well, after finalization of the procedure on the Romanian territory.

