99-00-241
20. February 2020

Re: *Strategic Environmental Assessment (SEA) procedure for Romania's Energy Strategy 2019-2030 with a horizon up to 2050 under the SEA Protocol to the Convention on Environmental Impact Assessment (EIA) in a cross-border context*

DEAR MR. MINISTER,

In addition to the letter with outgoing No. 99-00-241/13.09.2019 of the Ministry of Environment and Water (MEW), by which the Republic of Bulgaria has expressed a written wish to participate in a cross-border SEA procedure for Romania's Energy Strategy for the period 2019-2030 with a horizon up to 2050, we would also like to provide you with the following additional information resulting from the consultations:

1. Regarding human health:
Examination of the report revealed that it analysed the existing state of the environment at a national level and identified existing problems relevant to the strategy. Objectives on the protection of the environment have been set out. The environmental impact of implementing the strategy and failing to implement it (so-called 'zero option') has been examined. Based on the analyses carried out, a set of recommendations and measures on the prevention, reduction and compensation of adverse environmental impacts associated with the implementation of the strategy has been proposed.

The main objective of the strategy itself is the sustainable growth of the energy sector. Part of the strategic objectives are to reduce greenhouse gas emissions and other pollution from the energy sector, including reducing the volume and safe management of used nuclear fuel and nuclear waste from the Cernavodă Nuclear Power Plant, sustainable development of the national energy sector in protecting air, water, soil and biodiversity quality.

The most important projects envisaged in the strategy in terms of possible cross-border effect on the Republic of Bulgaria are the completion of units 3 and 4 of the Cernavodă Nuclear Power Plant, which will lead to an increase in the share of nuclear energy in the total energy mix from 18% in 2017 to 28% in 2038 and the Turnu Măgurele – Nikopol hydrotechnical complex (HPP).

Overall, the Ministry of Health (MH) considers that the analyses and assessments carried out in the report are quite general. There are no data regarding the expected impact on the drinking water quality, including in cross-border terms regarding the Turnu Măgurele – Nikopol hydrotechnical complex (HPP).

Issues related to the possible health risk to the population as well as the positive impact on public health resulting from the implementation of the strategy have hardly been addressed and analysed. Only item IV.1.10 addresses the existing state of health, but only in terms of employment, safety and working conditions and occupational diseases.

Based on the fact that with regard to the construction of Units 3 and 4 of the Cernavodă Nuclear Power Plant, a procedure has already been conducted, including in cross-border terms regarding the environmental impact, there are no data and analyses in the environmental assessment on the possible impact on environmental and human health factors, including regarding the territory and population of the Republic of Bulgaria.

Extremely short (less than a page) and without any specificity, data and analysis is also item X. "Potential significant effects on the environment, including health, in a cross-border context."

The item states that "in view of the potential impact on the health of the population, for new projects, both in the national and cross-border context, the legislative provisions of the MH Order No. 119/2014, as amended and supplemented by MH Order No. 994/2018, will be taken into account, without further clarification of what these provisions are.

In light of the above, we would like to address our opinion that the presented environmental report on Romania's Energy Strategy 2019-2030 with a 2050 perspective does not contain the necessary information analyses and reasoned conclusions regarding the possible impact on human health, especially in cross-border terms, and needs to be revised and supplemented.

Regarding the project for the construction of the Turnu Măgurele – Nikopol hydrotechnical complex (HPP), it is extremely important to analyse how it can affect the water from the terrace of the Danube River used for drinking and domestic purposes, including on the territory of the Bulgarian side.

With regard to Units 3 and 4 of the Cernavodă Nuclear Power Plant, it is necessary to complement the report with the most important analyses, conclusions and findings regarding its impact on the environment and human health set out in the EIA report, considering the extent to which the report and the EIA decision take into account the recommendations and proposals expressed by the Republic of Bulgaria.

2. Regarding the water component:

Through Romania's Energy Strategy 2019-2030, with a 2050 perspective, Romania is proposing 10 investment targets in the energy production sector, as well as 8 investments in energy transport.

The proposed projects vary in nature and are included in different subsectors of energy production, namely: nuclear, coal, gas, hydroelectric. The physical changes resulting from the implementation of these projects vary, thus they could be grouped according to the project categories associated with each energy subsector. These projects will be detailed in the EIA procedure for each investment target in the electricity production sector.

The ecological status and/or ecological potential of water bodies may be affected by both hydromorphological changes and by a significant number of projects aimed at providing protection from floods, electricity production, navigation at different stages of planning and deployment, contributing to the physical alteration of water bodies. Implementation of these projects is likely to increase pressure on water bodies leading to a deterioration of their ecological status/potential, which is to be confirmed in the studies part of the environmental impact assessment procedure.

The project, expected to directly affect the Danube River, is the implementation of the Turnu Măgurele – Nikopol Hydroelectric Power Plant. The implementation of the Turnu Măgurele – Nikopol Hydroelectric Power Plant project can identify various impacts that may arise during the construction and operation of the project, namely during construction the impact will be direct (change in water quality, impact on biota, change/emergence of imbalances in primary productivity, especially in regards to aquatic ecosystems). During the period of exploitation, there will be indirect and long-term effects (changes in water flow patterns, hydromorphological changes, changes in water temperature, decreases in deposits) on aquatic organisms and habitats that are closely related to water. In order to minimise the negative impact of the project, the report proposes, for both the construction and exploitation phases, to monitor the environmental factors concerned: water, air, biodiversity, soil. Given that the implementation of the project for the construction of the Turnu Măgurele – Nikopol Hydroelectric Power Plant is expected to have a significant negative impact on the environment, and therefore the Republic of Bulgaria declares its willingness to participate in the procedure as a country concerned.

In connection with the above, we would like to present the following recommendations:

2.1. In point III.5. RELATION TO OTHER PLANS AND PROGRAMMES (p. 33) to complement, respectively, a plan of direct relevance for the energy sector - Danube River Basin Management Plan 2016-2021 developed by the International Commission for the Protection of the Danube River (ICPDR). The plan includes the intended environmental objectives and the measures to achieve them, the national management plans in the section regarding the Danube river, of the countries in the International River Basin.

2.2. In point IV.1.2, WATER:

- "Protected Areas" (p. 63) to be clarified that water protection zones within the meaning of Art. 4 and Annex IV of the Water Framework Directive (WFD) shall be considered;

- "Objectives for the protection of the environment" and "Current status of surface water bodies" (p. 63) - the projections shall be taken into account, respectively the environmental objectives of the Danube River Basin Management Plan;

- "We would like to mention that the implementation of these projects may give rise to pressures that could lead to a deterioration of the ecological status/ecological potential of water bodies, something that is confirmed or not, in the studies that are part of the environmental impact assessment procedure" (p. 68), i.e. in the implementation of investment projects and intentions in the implementation of the 2019-2030 strategy, with a 2050 perspective, separate environmental impact assessment (EIA) procedures will also be conducted. We would like to recommend that in the implementation of investment projects and intentions that provide for the use and/or abstraction of surface water, within the framework

of the separate EIA procedures, a study of the need to include an independent detailed assessment of the degree of impact on the ecological potential and the possibility of achieving the intended environmental objectives for the Danube River in the Danube River Basin Management Plan should also be carried out. Our recommendation relates to the described potential impacts of implementation of hydropower projects related to hydromorphological pressures - hydrological and morphological changes such as flow disruption, level change, disruption of river continuity, change of current speed, modified transport of sediments (p. 69, p. 73, p. 154, p. 170, p. 176), including the investment project Turnu Măgurele – Nikopol Hydroelectric Power Plant in a total cross-border water body from the Danube river, which may lead to new alterations to the physical characteristics of the water body, which is highly modified; as well as a reflection of the requirements/applicability of Article 4 (7) of the Water Framework Directive (WFD), and justify, if necessary, the application of an exception to the achievement of the intended environmental objectives within the framework of the procedure of separate/individual EIAs for hydropower projects.

The above-mentioned recommendations related to the study of the need to include separate assessments in individual EIA procedures to implement the requirements of Article 4 (7) of the WFD should also be reflected in XI.2. PROVIDED MEASURES FOR THE PREVENTION, REDUCTION AND COMPENSATION OF EACH ADVERSE EFFECT ON THE ENVIRONMENT regarding the water component (p. 188). This will implement a measure related to avoiding the implementation of projects that may lead to a deterioration of the ecological status/ecological potential and the chemical status of water bodies, respectively failure to achieve the WFD environmental objectives, and will examine and assess justification for applying the necessary exceptions in achieving the intended environmental objectives.

In addition to all of the above, please find enclosed the opinion received as a result of the public access provided by the Ministry of Environment and Water with incoming No. EC-20/05.12.2019 by Greenpeace Bulgaria translated into English for compliance.

In order to continue the cross-border procedure with the participation of the Republic of Bulgaria, it is necessary to provide us with the SEA and Strategy documentation reflecting the above mentioned remarks and recommendations.

I would like to take this opportunity to present my highest considerations and willingness for a fruitful cooperation.

Enclosed: A paper copy of a letter with incoming No. EC-20/05.12.2019 by Greenpeace Bulgaria translated into English.