



Complaint Form

To be used when informing the Commission about an alleged breach of the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (**'Water Framework Directive'**) and **related legislation**¹.

Why use this form?

This form is to help the Commission decide how to follow up complaints about alleged breaches of the Water Framework Directive ('WFD') and related legislation, by providing a common structure for the information.

Based on the information provided, the Commission will decide whether the national authorities should be asked for clarification.

Although the form is not mandatory (you may use the general complaint form² instead), you are strongly advised to use it if you wish to submit a complaint. Please remember that any complaint submitted to the Commission must be duly substantiated with sufficient relevant information so that the Commission can identify whether there is a potential breach of the legislation or not.

If you want to know more about how the Commission handles complaints, please see: "A Europe of results – Applying Community law" [COM (2007)502 final]³ and "Updating the handling of relations with the complainant in respect of the application of Union law" [COM (2012) 154 final]⁴.

¹ Directive on Environmental Quality Standards (Directive 2008/105/EC), and Groundwater Directive (Directive 2006/118/EC)

² http://ec.europa.eu/atwork/applying-eu-law/make_a_complaint_en.htm

³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52007DC0502>

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52012DC0154>

General remarks about filling in the form

- Read the guidance paragraphs in bold at the beginning of each section before filling in the form.
- Only include information relevant to the issue you want to raise.
- You may not need to answer all the questions. Answer the ones that seem relevant to the issue you raise.
- Attach all necessary and relevant sources that support your complaint. This might include scientific reports, maps, official letters and press releases.
- Please refer to the appropriate page/section of the supporting attachments (your sources) when filling in the form.
- If you provide extensive documentation, please include a summary as well.
- The Commission will contact you if more information is needed.

Identity and Contact Details

Use this section to explain who you are and whether you are submitting a complaint in a personal capacity or on behalf of an association (e.g. an NGO) or industry.

Contact Person (Mandatory)

Surname: Koumanov

First Name: Dimiter

Telephone: +359 887 931 241

Fax: Click here to enter text.

E-mail: dkoumanov@abv.bg

Business/Organisation: Organisation

Position: Member of the Board

Address or Registered office

Address: Petko Todorov blvd, bl. 8, en D, app. 87

Postcode: 1408

Town/City: Sofia

Country: Bulgaria

Is the complaint supported by or made on behalf of other persons, businesses or organisations?

Yes Yes

No

If yes, please specify or attach a list of names: Balkanka Association Sofia, Bulgaria

Location Details

Member State(s) concerned: [Bulgaria](#)

River basin(s) concerned⁵

National river basin district: [All four river basins in Bulgaria - national level](#)

International river basin district (if applicable): Click here to enter text.

Precise location where the alleged breach occurs⁶: [The whole territory of the country](#)

Is this a protected area (protection status: Natura 2000, national protection, WFD protected area etc.): [33% of the territory fall within the boundaries of Natura 2000 Habitats and Birds directives' sites](#)

Authorities concerned

Specify which authority, allegedly, is in breach: (Provide the name of the authority)

Local authority: Click here to enter text.

Regional authority: Click here to enter text.

National authority: [Yes](#) [The Ministry of Environment and Water and all River Basin Directorates in the country](#)

Don't know: Click here to enter text.

Overview

Give a short and clear description of the issue and why it should be brought to the attention of the European Commission. If possible, explain how you think the issue can be resolved (max ½ page).

[The main issues are related to the preparation, approval and enforcement of the new River Basin Management Plans /RBMPs/2022-2027 in Bulgaria as follows:](#)

⁵ http://ec.europa.eu/environment/water/water-framework/facts_figures/pdf/River%20Basin%20Districts-2012.pdf

⁶ If your complaint concerns a precise geographical area, include the exact location where the alleged breach takes place, through the use of maps or a reference to the body of water concerned or any other way that will help identify the exact location of the alleged breach

1. In breach of the EU WFD these plans will possibly be adopted and approved by the Council of Ministers by the end of 2023 at the earliest - i.e. two years later than the timeline laid down in EU WFD, article 13, para.6 and 7.

2. According to the published in the end of 2018 official Timeframe, the public consultation on the Interim Review of the significant issues in water management must have been finalised on 30.06.2021. This official deadline was not met - the public consultation was completed on 18.04.2022 with approximate 10 months delay. Currently the old official timeframe is not valid, but the Ministry of Environment and Water refuses to publish a new updated timeframe in breach of EU WFD, article 14, para. 1 (a)

To our view the problem cannot be resolved. The big question at the moment is - when will we have the updated RBMPs 2022-2027 enacted and set into force, because the earliest date possible rests somewhere in the end of 2023, but this cannot be taken for granted, unless our River Basin Directorates and the Ministry itself do not speed the process up to their best. Currently they don't care at all.

The other question is - will the breach of the WFD induce a new Infringement procedure against Bulgaria? This seems unavoidable.

Type of complaint

Different types of complaints require different supporting information. Whereas one complaint may concern only a short stretch of water others may concern waters all over the country. One complaint may concern only one allegedly flawed permit whereas another one may concern the whole national legal permitting system. Therefore also different types of (legal) follow up are possible.

Incorrect transposition⁷

Do you think that there is a problem with the way the WFD or related legislation has been enacted in the national legislation of your Member State? Do you think that the national legislation does not properly reflect the provisions of EU legislation?

Yes

No No

If yes, please specify the provisions of national legislation and the EU legislation in question are at stake?

⁷ **Transposition** is a process by which the [European Union](#)'s Member States give force to a [directive](#) by passing appropriate implementation measures.

Click here to enter text.

Bad application

Do you consider that the national legislation enacting the WFD or related legislation is correct as such but not applied correctly in practice?

Yes Yes

No

Can you specify which national and/or EU legislation is allegedly breached? (if possible, make reference to the specific articles in question)

EU Water Framework Directive - article 13, para.6 and 7, as well as article 14, para. 1 (a)

Does the complaint involve a new or an existing project (such as construction of dam for hydropower, dredging for navigation, construction of port zones or infrastructure for discharge of waste/cooling water)?

Yes

No No

Please specify the scope of the problem (is it a specific instance, or does it concern the whole country):

The problem concerns the whole country

Does the complaint involve a systemic breach of the WFD or related legislation on a country-wide basis?

Yes Yes

No

If yes, please explain provide the locations and concise details of the issue.

The systematic breach of the WFD is horizontal, affecting all River Basins in the country

Are you aware of issues similar to the alleged complaint in other river basins?

Yes

No

If yes, please provide the location and very concise details of the issue.

Click here to enter text.

Is it a recurring issue?

Yes Yes

No

If yes, please provide concise details

The previous RBMPs were enforced in the end of 2016 - one year later than the deadline laid down in the EU WFD, but this time the delay will be much bigger

Does this issue involve other environmental areas (air, nature, Environment Impact Assessments/Strategic Environmental Impact Assessments, emissions from industry)?

Yes Yes

No

If yes, which areas?⁸

The lack of appropriate and to-date surface and groundwater bodies' protection adversely affects all components of the environment

Action at national level

If you are looking for redress against breaches of EU law, you should usually begin by addressing the national authorities. National judges are tasked with ensuring the correct application of EU law and may be able to provide an effective solution to your complaint.

When did you become aware of the issue related to your complaint? (Date)

We became aware of the issue in the end of 2018 when the first official timeframe was published. Then it became clear that the RBMPs will be adopted in the end of 2022, i.e. one year later than the deadline laid down in the WFD.

We got more concerned when the deadline for public consultations on the Interim Review wasn't met which meant that the delay will be increased with another year or more, and are really shocked by the refusal of the Ministry to prepare and publish new, actual timeframe. Currently nobody knows when will we have the new RBMPs set into force.

Have you raised this matter with the responsible authorities of the Member State(s) concerned?

⁸ For specific claims in relation to other environmental areas, you may need to complete a separate document, either a general claim form or other format.

Yes Yes

No

If yes,

Which authorities: The Ministry of Environment and Water and all four River Basin Directorates

What is the current state and/or results of your action? Give a brief overview of the situation, making reference to correspondence (and attaching it): The result is Zero. We have raised the questions on several occasions via emails and during the meetings for the public consultations on the Interim Review as well. Still there is no answer whatsoever.

If no,

Why have you not contacted your national authorities before addressing the European Commission: [Click here to enter text.](#)

Have national court proceedings addressing the matter been commenced or are they envisaged?

Yes

No No

If yes, please give details and, if applicable, attach the copies of the court pleadings or rulings⁹: [Click here to enter text.](#)

EU Financing

Do you know if any EU financing is involved?

Yes Yes

Please give details¹⁰: According to the public information the EU financing involved is roughly 24 million BGN. Source: <http://2020.eufunds.bg/bg/6/0/Project/Activities?contractId=KFT800baMF4%3D&isHistoric=False>

No

I don't know

Description of the alleged complaint - general

Give a short, clear description of the facts in chronological order (max 2 pages). Include the key facts of the case and why you think the WFD and/or related legislation is being breached

⁹ Number of case, name of the Court, current status of the case

¹⁰ Relevant information includes the name of the fund, the status of the application, the type and amount of resources provided.

in a way that will help the Commission identify potential issues. Refer to supporting documentation if necessary, indicating the relevant pages.

You may find the following guidelines helpful in structuring your complaint.

Explain why the facts and circumstances described represent an alleged breach of WFD and/or related legislation.

Refer to relevant case-law (national or European), if applicable.

If the complaint is about a project include a general description of the project.

Does the relevant river basin management plan or flood risk management plan, as applicable, refer to or mention the issues raised by the complaint?

If yes, explain how and make the links with the issue of the complaint:

Does the complaint concern a violation of/contradiction with the WFD objectives (Art 4 WFD: preventing deterioration / achieving good status or potential)?

If yes, please explain in which way.

Explain the consequences of the alleged violation. Provide evidence. Focus on the potential harm to human health and environment.

According to the timeframe and work programme for the preparation of our updated River Basin Management Plans 2022-2027, officially published for public consultation in the end of 2018, these plans must have been approved by the Council of Ministers in the end of 2022 - i.e. One Year later than the timeline laid down in EU WFD, article 13, para.6 and 7.

According to that published long time ago official Timeframe, the public consultation on the interim Review of the significant issues in water management must have been completed on 30.06.2021. The interim Review itself is of extremely poor quality, but that is not the point at the moment.

Of course the initial timeframe was not followed and the public consultation on the interim Review was completed on 18.04.2022! This means that we are now some 10 months behind the published timeframe, in which the deadline is one year behind the deadline set out in the WFD for the preparation and adoption of the updated RBMPs.

It's worse that the old Timeframe is obviously dead, but our Ministry of environment and water, together with our River basin Directorates, stubbornly refuse to publish new, updated Timeframe for the preparation of the new RBMPs at all.

Thus the public is not aware of the stage and time in which anyone would be able to take part in the process of further preparation of the plans. We believe this administrative mishap, which is in breach of EU WFD, article 14, para. 1 (a), will lead to numerous law suits filed by affected/interested parties and the Supreme Administrative Court will announce the new RBMPs illegal due to the violation of the

administrative procedure. This means that the updated RBMPs will be become a pile of useless paper leaving us with the old, not actual RBMPs 2016-2021 for an unknown period of time.

In the meantime it is highly questionable whether the old RBMPs 2016-2021 are applicable at the moment. By an ammendment of the Water act adopted by the Parliament at the beginning of 2022 the old RBMPs 2016-2021 were announced valid until the new RBMPs 2022-2027 are adopted without any deadline, but this is in breach of the WFD and any decisions on individual projects of the competent River Basin Directorates based on the old plans can be revoked in a Court of Law if they are appealed by the affected parties.

We, therefore, are in an deep administrative vacuum at the moment which leaves the surface and groundwater bodies with no protection at all for an unknown period of time or, alternatively, in the best case all measures from the old RBMPs applied at the moment are based on old and obsolete instructions, guides, data etc.

By the way - exactly the same huge delay, with the same consequences, is valid for the preparation of the new Flood Risk Management Plans

Description - project-based complaint

What is the status of the project (authorised/permited or not, if not: what stage of the procedure)?

Not relevant - this is not a project-based complaint

What is the potential impact of the project on water bodies of the river basin in which it is located or adjacent river basins?¹¹

Click here to enter text.

Has the plan or project already been approved by the competent authorities?

If yes, please give details:

Click here to enter text.

If the plan or project has not yet been approved, please indicate the administrative procedure being followed and the stage reached:

Click here to enter text.

¹¹ Provide evidence, if possible

Have the authorities ruled on whether the project complies with the WFD objectives or not?
If so, can you provide any details?

[Click here to enter text.](#)

Did the project according to the authorities qualify for an exemption under the WFD provisions? If so, how do you consider that the exemption was not justified in the light of WFD provisions?

[Click here to enter text.](#)

Has any Environmental Impact Assessment (EIA) or Environmental Impact Study been done, or is one under way?

Yes

No

Don't know

If yes, or it is under way, give a brief description of the results in relation to the water aspects of the project (with reference to the relevant sections of the EIA)

[Click here to enter text.](#)

Has a Strategic Environmental Assessment (SEA) or an equivalent assessment been done or is one under way?¹²

Yes

No

Don't know

if yes, or is in progress, give a brief description of the results in relation with the project:

[Click here to enter text.](#)

Description – further specific issues to mention if applicable

The following additional issues below may also be relevant to your complaint. These should **ONLY** be addressed if there is a direct relation with the complaint. The list is illustrative and not exhaustive. Answers should be given with the general description of the issue.

Conditions for exemptions (Articles 4(4) to 4(7)) are not (adequately) explained in the river basin management plans.

¹² Answer yes only if the SEA or equivalent assessment has relevance to the project at issue.

A (time extension) exemption is incorrectly granted to a water body. Which conditions for this exemption (under Article 4(4)), in your opinion, are not met?

An exemption to set less stringent environmental objectives is incorrectly granted to a water body. Which conditions for this exemption (under Article 4(5)), in your opinion, are not met?

Non-application of Article 4(7) for new modifications to water bodies: deficient determination of the permitting authorities in that regard. In what way? Has deterioration of the status been assessed by the appropriate authority? How?

Incorrect application of the provisions of Article 4(7), for example:

- Lack of mitigation measures
- Lack of overriding public interest
- Lack of consideration of significantly better environmental option

Incorrect designation of heavily modified water bodies (HMWB) under Article 4(3). In what way? No or insufficient "gap analysis" made in relation to addressing significant pressures highlighted by the Member State, either in relation to the targets to be met or in relation needed for the measures to achieve such targets.

Lack of measures to address hydromorphological pressures in the programme of measures

Lack of basic measures to control hydromorphological modifications

Lack of basic measures on controls on nutrient and organic pollution (be specific as to the missing controls and the impact of their omission with respect to achieving environmental objectives)

Lack of basic measures on abstraction of surface and/or groundwater (be specific as to the missing controls and the impact of their omission with respect to achieving environmental objectives)

Improper implementation of Art.9 on cost recovery or on the methodology of water pricing policies or against the improper consideration of the conditions for exemptions under Art.9 (4)

Lack of mechanisms to pay for mitigation measures

Discharges of pollutants into water resulting in environmental quality standards for priority substances or standards for river basin specific pollutants are not being met. Which ones?

Access to Documents

Please note that, subject to the principles, conditions and limits of Regulation 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, the Commission may disclose this document and any attached documents if requested. If the Commission does allow access to these documents, any decision with regard to disclosing personal information of the complainant and others related with the complaint will be taken with due care and attention, pursuant to Article 4 (1)(b) of the Regulation 1049/2001.

Confidentiality and Data Protection

Please note that disclosing your identity may make it easier for the Commission to deal with your complaint in some cases.

I authorise the Commission to disclose my identity in its contacts with the authorities of the EU country against which I am lodging a complaint, pursuant to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. Yes

I do not authorise the Commission to disclose my identity in its contacts with the authorities of the EU country against which I am lodging a complaint.

Place Sofia, Bulgaria

Date 11.06.2022

Signature 