

Information for the attention of Implementation Committee, Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

To be sent through the Secretary to the Convention:

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Date sent to the Secretary	
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Concerning:

Party or Parties (States) of origin, under whose jurisdiction a proposed activity is envisaged to take place	Serbia
Affected Party or Parties (States), likely to be affected by the transboundary impact of a proposed activity	Romania, Bulgaria
Activity (project), identified in the list of activities in Appendix I to the Convention	Art 2 of the Appendix 1 - List of Activities subject to Espoo Convention, (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more - construction of a third block of the thermal power plant Kostolac B of 350 MW power and expansion of the Drmno strip coal mine
Likely significant adverse trans-boundary impact of the activity (project)	The Serbian government is planning a new 350 MW lignite power plant at Kostolac in north-east Serbia, on the Danube river and only about 15 kilometres from the Romanian border, with the following potential transboundary impacts: - AIR POLLUTION - through emissions of CO ₂ , coarse particulates (PM ₁₀), nitrogen oxides, sulphur dioxide, acid gases, persistent organic pollutants, heavy metals, dioxins, fine particulate matter (PM _{2.5}), mercury. PM ₁₀ and PM _{2.5} can be carried by air 20-200 km away from the source, posing a real threat to the neighbouring territories. In Europe,

Provisions of the	<p>in general, regional background PM2.5 levels have a considerable transboundary contribution of 40-80% of the concentrations in the air (http://www.euro.who.int/__data/assets/pdf_file/0006/78657/E88189.pdf). Particular attention should be paid to nitrogen oxides' transboundary impacts, which have been demonstrated to travel across the Indian Ocean, from South Africa to Australia (http://www.atmos-chem-phys.net/3/387/2003/acp-3-387-2003.pdf).</p> <p>In Europe, according to the same World Health Organization report above, emissions of fine primary particles in Germany, can be traced to the Czech Republic, France and the UK, affecting PM levels in these counties.</p> <p>Another potential tranboundary risk is posed by coal ash – the waste material left after coal is burned – it contains arsenic, mercury, lead, and other heavy metals, many of them toxic. Toxic constituents of coal ash are blowing, spilling and leaching (dissolving and percolating) from storage units into air, land and human drinking water, posing a demonstrated acute risk of cancer and neurological effects as well as many other negative health impacts.</p> <p>- IMPACT ON WATER - Kostolac B3, in addition to the existing 4 units, will withdraw and consume water from the Danube river, upstream from Romania and Bulgaria. A typical coal plant with a once-through cooling system withdraws between 265 million and 681 million cubic meters of water per year. A typical coal plant with a wet-recirculating cooling system withdraws only a fraction as much as a once-through-cooled plant, but consumes 6 to 15 million cubic metres per year (http://www.ucsusa.org/clean_energy/coalvswind/c02b.html).</p> <p>Coal ash is another substance with water implications that coal power plants emit in large quantities. Sludge and coal ash wastes are often disposed of in uncompliant and can contaminate drinking water supplies and harm local ecosystems.</p> <p>- IMPACT ON LAND - Strip mining (like the case of Drmno lignite mine serving Kostolac B) severely alters the landscape, which reduces the value of the natural environment in the surrounding land. it also eliminates existing vegetation, destroys the genetic soil profile, displaces or destroys wildlife and habitat, alters current land uses, and to some extent permanently changes the general topography of the area mined</p> <p>- DUST POLLUTION FROM MINING - the village of Drmno (near the open-cast lignite mine which fuels Kostolac) was affected by a strong wind storm this year, with houses, trees and agriculture land being covered in yellow dust carried from the mine and local population having breathing difficulties. There is growing evidence that the impacts of strong wind storm which carry pollutant substances such as heavy metals and mercury do affect the neighbouring countries, and this potential impact should be clearly assessed in a transboundary context. According to World Health Organization, dust storms may transport coarse mineral dust for over 1000 km (WHO 2006 report "Health risks of particulate matter from long-range transboundary air pollution")</p>
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Convention (Articles) compliance with which is being contested	Art. 2.4, 2.6, 2.7, 2.11, Art.3.1, 3.2, 3.7, 3.8, Art. 4
Description of issue – please attach supporting information	<p>On 20 November 2013 the Serbian Government signed an agreement with China Machinery Engineering Corporation (CMEC), which plans to implement the 350 MW lignite power plant project with the support of the China ExIm Bank. There are already existing units Kostolac A1, A2, B1 and B2 and Drmno and Cirikovac open cast mines at the site. (http://www.merz.gov.rs/en/aktuelnosti/signed-contract-construction-new-block-te-kostolac)</p> <p>The Serbian law regarding the Environmental Impact Assessment process has not been adhered to during the project preparation, leaving the project open to legal challenges and delays. On 29 October 2013 the Serbian Ministry of Energy, Development, and Environmental Protection sent a letter informing stakeholders about the scoping procedure for the environmental impact assessment, as it is obliged to do by law. However a few days later it then published a draft environmental impact assessment study and it became clear that the published deadline for comments was actually for the public consultation for the whole study, not the scoping period.</p> <p>According to Art. 3.1. of the Convention, at the same time Romania, as a potentially affected party, should have been notified by Serbia, but hasn't as this question is refuted by the Romanian Ministry on Environment and Climate Change. Not having sent this notification, the Serbian part implicitly breached Art. 3.2 of the Convention.</p> <p>As for the opportunity to the public in the areas likely to be affected (i.e. Romania) to participate in relevant environmental impact assessment procedures - Art. 2.6 of the Convention, we consider that the Serbian party failed to give this opportunity to the public by not publishing any information about the project in any other language than Serbian, so, by the language barrier, the opportunity provided to the public of the affected Party was not equivalent to that provided to the public of the Party of origin.</p> <p>The public commenting period for the draft Environmental Impact Assessment for Kostolac B3 finished at the beginning of December, and the resolution on the environmental impact assessment was issued on 30.12.2013.</p> <p>Documents attached:</p> <ul style="list-style-type: none"> - resolution on the environmental impact assessment issued on 30.12.2013 (in Serbian) - answer from Romanian Ministry of Environmental and Climate Change, which denies having received any notification as "affected party" (in Romanian).

For use by secretariat:

Reference number	EIA / IC / INFO /
Date received	
Original language of information	
Translation into English by	
Date forwarded to Committee	
Date forwarded to Party or Parties	
Remarks by secretariat	
Date first discussed by the Committee (possibly including preliminary determination of admissibility)	
Additional information requested of source	

For use by the Committee:

The source of the information is known and not anonymous	
The information relates to an activity listed in Appendix I to the Convention likely to have a significant adverse transboundary impact	
The information is the basis for a profound suspicion of non-compliance	
The information relates to the implementation of Convention provisions	
Committee time and resources are available	