

IMPLEMENTATION COMMITTEE
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT
PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

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Palais des Nations
CH-1211 Geneva 10
Switzerland

Ref. ECE/IC/INFO/27 Serbia: extension of Drmno lignite pit mine

09 April 2019

Dear Mr. Veder,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003).

At its forty-fourth session, held in Geneva from 12 to 15 March 2019, the Committee continued its deliberations further to the information received from the NGO ClientEarth dated 18 June 2018 concerning the capacity extension of the open-pit mine at Drmno.

The Committee noted the information from Romania dated 15 February 2019 and from Serbia dated 22 February 2019, that Romania had communicated its wish to be notified with regard to the planned construction of the third block of the Kostolac lignite power plant and to the expansion of the lignite mine in 2015. In June 2016, Serbia notified Romania regarding the power plant, and carried out a transboundary EIA procedure under the Convention with the participation of Romania. As part of its notification, Serbia had also informed Romania that the screening procedure from 2013 had concluded that no EIA was necessary for the extension of the open pit mine. The two Parties had discussed and exchanged information on that matter during the transboundary procedure. Serbia had answered fully all the questions from the Romanian authorities and the public regarding the Drmno mine, including those from the NGO 'Bankwatch Romania'. No likely significant adverse transboundary environmental impacts of the proposed activity on Romania had been identified.

Mr. Maria Jolie Veder
ClientEarth
Belgium

In their letters to the Committee, Romania and Serbia did not comment on the information from ClientEarth with regard to the territory of the open pit mine, which differed from the information reported during the EIA procedure, indicating that the mine was expanded 5 km beyond the boundaries established by the permit.

Serbia indicated that in case Romania considered that it was likely to be affected, Serbia would be ready to exchange sufficient information and hold discussions in accordance with article 3(7) on whether a significant adverse transboundary impact on Romania was likely.

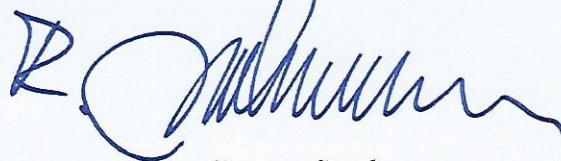
Romania in turn stated that it did not intend to make use of article 3(7) based on the information received during the transboundary procedure of the Kostolac lignite power plant. In its view, environmental impacts of the extension of the Drmno mine had been addressed under that procedure.

At the request of the Committee, I am now writing to you inviting to provide the Committee with the following:

- (a) Any further relevant information, if available;
- (b) Clarifications about the reasons why ClientEarth raised its concerns only in 2018, one year after the transboundary procedure was completed;
- (c) Whether ClientEarth has also attempted to address its concerns to the Governments of Romania and Serbia before it addressed the Committee and if so what were the outcomes.

You are kindly invited to provide the requested information through the secretariat by **1 June 2019**. The Committee agreed to continue its consideration of the matter at its next session further to the analysis of the expected information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Romas Svedas', with a large, stylized initial 'R' on the left.

Romas Svedas
Chair of the Implementation Committee