

**Certified translation from Serbian into English**Belgrade, 20th April 2018, Ref.no. 0311/18*[coat of arms]***Republic of Serbia
MINISTRY OF
ENVIRONMENTAL
PROTECTION**

Number: 353-02-1417/2017-03

Date: 17 April 2018

Belgrade

Pursuant to Article 5 of the Law on Ministries ("Official Gazette of the Republic of Serbia", nos. 44/14, 14/15, 54/15 and 96/15 – other law, 62/2017), Articles 18, 24, 28 and 33 of the Law on Environmental Impact Assessment ("Official Gazette of the Republic of Serbia", nos. 135/04, 36/09) Articles 3, 5 and 6 of the Environmental Impact Assessment in Crossborder Context Convention ("Official Gazette of the Republic of Serbia", no. 102/07), Article 136 paragraph 1 of the Law on General Administrative Procedure ("Official Gazette of the Republic of Serbia", no. 18/16) and Article 23 paragraph 2 of the Law on Public Administration ("Official Gazette of the Republic of Serbia", nos. 79/05, 101/07, 95/10 and 99/14) at the request of the Project Leader, Ministry of Construction Transport and Infrastructure – Department for Waterborne Transport and Navigation of Safety, the Ministry of Environmental Protection adopts the

DECREE

1. **APPROVING** the updated Environmental Impact Assessment study of the project "Upgrade of the Iron Gate 1 Navigation Lock at Hydro Power Plant Djerdap 1" to the Project Leader, Ministry of Construction Transport and Infrastructure – Department for Waterborne Transport and Navigation of Safety.
2. Ordering the Project Leader to, in the realization of the aforementioned project, in all, observe the terms of other competent authorities and organizations, especially environmental protection measures determined in the given study as well as the program of environmental impact assessment program (Chapters 8 and 9 of the Study)
3. Project Leader shall apply the following measures in accordance with the Environmental Impact Assessment in Crossborder Context Convention:
 - a) Monitor occurrence of sediments during the river bed cleaning operations (excavation), during the execution of works and apply measures for preventing/minimalization of impact of these activities to the Romanian section of this navigation channel,
 - b) Strictly follow time schedule planned for river bed cleaning (excavation) and current Technical Standards for water quality, to prevent the project realization from causing quality and quantity impact on the fish population;
 - c) For the purpose of securing navigation safety, and at the request of the Romanian navigation administration, it is necessary for the competent authority in Serbia to notify in advance the Romanian navigation administration of the county Drobeta - Turnu Severin on all the works executed in the area of the Iron Gate, on the Hydro Power Plant Djerdap 1, that may endanger the safety of navigation, in order to notify all participants in the river transportation in that area in a timely manner.

4. Project Leader shall, within two years from the reception of this Decision initiate the project stated in Item 1 hereof. The Decision and the given Environmental Impact Assessment shall be an integral part of the Technical Documentation.
5. Costs of the procedure shall be subject of a separate decision.

RATIONALE

Project Leader, Ministry of Construction Transport and Infrastructure – Department for Waterborne Transport and Navigation of Safety submitted to the Ministry of Environmental Protection a request for the issuance of approval to the updated Environmental Impact Assessment of the project “Upgrade of the Iron Gate 1 Navigation Lock at Hydro Power Plant Djerdap 1” developed by the “Louis Berger” d.o.o. Belgrade company.

In accordance with Article 20 of the Law on Environmental Impact Assessment, public review has been secured, presentation has been organized and public debate has been executed on the Study in question – ad in the daily newspaper “Alo” dated 01 March 2018, web page of the Ministry <http://www.ekologija.gov.rs/obavestjenja/procena-uticaja-na-zivotnu-sredinu/>. Public debate was held on 20 March 2018 in the Municipality Administration of Kladovo. During the public review opinions of concerned parties and organization, as well as concerned public, have not been submitted.

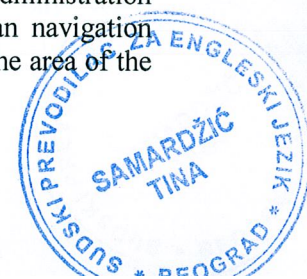
Pursuant to Articles 3, 5 and 6 of the Environmental Impact Assessment in Crossborder Context Convention (“Official Gazette of the Republic of Serbia”, no. 102/07), crossborder consultation with Romania procedure has been executed. In the Letter no. 846/GLG dated 16 March 2018 the Ministry of Environment of Romania delivered its opinion related to cross border impact to the environment of the given project in which the following was required:

A) *Study shall be amended in accordance with the following:*

- Describe possible negative impact of the Romanian side of Danube during the execution of works, with special attention to the disposal of waste sludge during excavation.
- In chapter Monitoring, prescribe a measure referring to monitoring of river sediments so that it would not end up in the Romanian part of the navigation channel thus limiting its navigability.
- In the context of sediment excavation special attention shall be given to regulating measures for preventing the pollution of the drinking water intake from Danube – operator SC Secom Drobeta Turnu Severin, at the 10 km distance downstream from the Navigation Lock Djerdap 1.
- Since the downstream section of the Navigation Lock represents the area favorable for commercial river fishing, Study should include this aspect for the protection of fish species, that is, schedule of performing works on the excavation of the river sediment should be aligned with the sensibility of analyzed river species.
- Consider three Natura 2000 areas on the Romanian side as well as the Iron Gate National Park as part of the Ramsar area, and consider potential negative impact on those areas.

B) *Approval decree for this project shall include the following conditions:*

- Monitoring of sediment occurrence in the river bed cleaning operations (excavation) during the execution of works and application of measures for prevention/minimalization of impact of these activities to the section of the Romanian navigation channel.
- Strict observation of the time schedule planned for river bed cleaning (excavation) and current Technical Standards for water quality, to prevent the project realization from causing quality and quantity impact on the fish population;
- Navigation safety – during the consultation process the Romanian navigation administration required that the competent authority in Serbia notifies in advance the Romanian navigation administration of the county Drobeta - Turnu Severin on all the works executed in the area of the

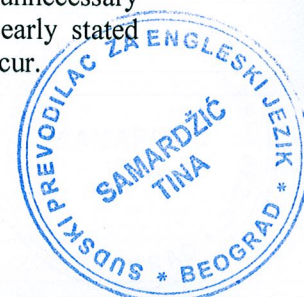


Iron Gate, on the Hydro Power Plant Djerdap 1, that may endanger the safety of navigation, in order to notify all participants in the river transportation in that area in a timely manner.

In accordance with Article 22 and Articles 23 and 24 of the Law on the Environmental Impact Assessment a Technical Commission was formed that reviewed the given Environmental Impact Assessment Study.

After the meeting held on 21 March 2018 the Technical Commission prepared a report on the updated Study assessment, in which it was stated that the Study was prepared in accordance with the Law on Environmental Impact Assessment ("Official Gazette of the Republic of Serbia", nos. 135/04, 36/09) and the Rulebook on the Content of the Environmental Impact Assessment Study ("Official Gazette of the Republic of Serbia" no. 69/05) in most part, and that it is aligned with the Decision on Determining the Volume and Content for the Environmental Impact Assessment Study Update. The conclusion of the meeting was that the given Study was prepared in a properly, with large quantities of data and descriptions of planned activities for the Navigation lock upgrade. However, the Technical Commission proposed the amendments of the following chapters of the Study:

- There are several typing errors on P-23, such as: *to network/of network, ... suffered lack of maintenance, Federal Republic of Romania, ...intheperiod*
- On P-33, *at high waters of Danube the slowing down of the water is felt all the way to Nera mouth* – this is not accurate and should be corrected,
- The width of the Navigation Lock is 49.0 m, but, on P-24 and further in the text the data of 34 m appears, this should be aligned.
- On P-72, 73, *Equipment of the device for production of oil under pressure* – correct
- P-81 *suspended matter*, correct, this includes sediments, or sludge, residue, etc.
- P-87, Chapter Presentation of Main Alternatives – it is necessary to rework it completely. Namely, instead of alternative being "to do nothing" it would be better to dedicate more attention to re-fueling the sludge into the river flow, or at the selected location on the right side of Danube. On P-108, "Estimated Influence of Impact Factors to Fauna" considers possible construction of fish paths, that was passed (dam higher than 15m) which is another alternative. Also, as part of the environmental study, one of the alternatives could be considering the construction of the waste and ballast water reception station on P-133. Regarding this Chapter, it should be mentioned that the Rulebook on Study Content foresees 17 sub-chapters.
- Mandatory Chapter 6. Description of significant harmful effects of the project to the environment was prepared contrary to the usual practice since the preparator used so-called semi-quality method that in a completely subjective manner evaluates possible impact on the scale from 0 to 5. The practice proposes the description of impact with no subjective evaluation. It is considered that the preparator should omit numeric evaluation, since it does not contribute to the clear description of possible environmental impacts.
- P-99, 100 presents tables of impact, only to present the necessary input data below (6.1.1.1.1), and it should be vice-versa.
- P-121, "Summary of Possible Impacts", mentions different impacts, but the impact to water and soil in the case of excavating 51,000 m³ is not mentioned?
- P-135, further on, 138, certain measures are repeated with needlessly.
- Study does not include graphical appendices which is unacceptable .
- Unnecessary detailed description of the mechanism of oil and oil derivatives behavior in the hydro-geological environment, may confuse the concerned public and lead to unnecessary confusion. It remains unclear how can oil and its derivatives reach the hydro-geological environment when the Navigation Lock itself is a gigantic reinforced concrete bed. It is very important to note that in recent exploitation accidental oil and oil derivatives spillage occurred in the Lock chamber during the operations of vessel raising and lowering. The preparator stated that there were no fires during the exploitation so far and that it should be commended from the aspect of sound existing fire protection procedures. This should be reworked, and unnecessary descriptions of propagation mechanisms should be left out, and it should be clearly stated whether impact to hydro-geological layers in the Danube alluvion may or may not occur.



- Water conditions are not included. In the opinion of the water management competent authority it is stated that the investor shall be obligated to procure water conditions from the competent state authority, Republic Water Directorate.
- Consent to the comments of the Ministry of Environment of Romania regarding Study amendments

After the delivery of the updated Study on 30 March 2018 the Technical Commission held the second operational meeting on 17 April 2018 and prepared a report on the evaluation of the given updated Study, with the proposal to issue the consent to it, based on which the decision was made as stated in the wording of the Decree. The conclusion is that the Environmental Impact Assessment Study, amended in accordance with comments dated 21 March 2018, contains all necessary data based on which it is possible to evaluate the suitability of proposed measures for prevention, reduction and removal of possible harmful impacts on the environment status at the location and close vicinity during the implementation of the project, in case of accidents or in case of project termination. Technical Commission also concluded that the Study in question is in accordance with the requirements of the Romanian side regarding crossborder impact.

The Decree and the Environmental Impact Assessment Study represent an integral part of the Technical Documentation in accordance with Article 18 of the Law on Environmental Impact Assessment ("Official Gazette of the Republic of Serbia" number 135/04).

This Decree is final in the administrative procedure.

LEGAL ADVICE: Appeal cannot be submitted against this Decree. Project Leader and concerned public may initiate the administrative dispute by submitting a lawsuit to competent court within 30 days from the reception of this Decree, that is, from the date of publication in the media.

MINISTER
(duly signed)
Goran Trivan

*[round seal of the Ministry of
Environmental Protection,
Belgrade, Republic of Serbia]*

To be submitted to:

- Department for Environmental Monitoring and Prevention
- Project Leader
- Archive

End of Translation

Tina SAMARDŽIĆ, Court Translator for English language registered with the Ministry of Justice under No. 740-06-256/2005-03 on 20 May, 2005, hereby declare that to the best of my knowledge, the document herein in English is true and accurate translation of the attached document written in Serbian Language, submitted to me by e-mail.

Done in Belgrade this 20th day of April, 2018

0311/18

Tina Samardžić

