



MINISTERUL MEDIULUI,
APELOR ȘI PĂDURILOR

MINISTER'S CABINET

No. DGEICPSC/38488/12.11.2024

To: MINISTRY OF ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES OF UKRAINE

In att: Ms. Svitlana Vasylivna Grinchuk, Minister

Dear Minister Grinchuk,

The Ministry of Environment, Waters and Forests of Romania sends cordial greetings to the Ministry of Environmental Protection and Natural Resources of Ukraine and particularly appreciates the bilateral cooperation in the field of environmental protection.

I hereby acknowledge the Ministry of Environmental Protection and Natural Resource's letter no. 25/5-21/3158-24/07.03.2024 regarding the strategic environmental assessment for the Danube River Management Plan (2025-2030) (RBMP), received by electronic means on the 11th of April 2024 from the Ukrainian Embassy in Bucharest. The documents associated to the RBMP mentioned in the letter have been received through electronic means from the Ukrainian Focal Point for the Espoo Convention on the 1st of October 2024.

After careful consideration of the information provided, I would like to inform you that in accordance with the provisions of the Protocol on strategic environmental assessment, Romania wishes to participate in the strategic environmental assessment procedure in a transboundary context for the Danube River Management Plan (2025-2030) (RBMP).

Considering the information presented in the Danube River Management Plan (2025-2030), as well as the fact that part of the activities proposed by the Plan in Annex 13 (M5.3.4) - *Complete list of measures in the Lower Danube sub-basin*, Annex 13 (M5.3.2, M5.3.3) - *Full list of measures in the Prut and Siret sub-basins* and Annex 13 (M5.3.1) - *Full list of measures in the Tisza sub-basin* will be implemented in the area located on or near the border (for example: construction of the 5 wastewater treatment and solid waste disposal complexes in the vicinity of the Delta Danube Biosphere reserve, construction/reconstruction of wastewater treatment plants, construction of sewage treatment facilities and sewerage networks, cleaning and deepening of the Solomon Canal) we wish to inform you that, in accordance with the provisions of the Convention on environmental impact assessment in a transboundary context (the Espoo Convention), Romania is interested in participating in the transboundary environmental impact

assessment procedure for the projects included in the Plan which can have transboundary impact.

In order to ensure compliance with the provisions of article 8 of the Protocol on strategic environmental assessment, the Ministry of Environment, Waters and Forests has provided public access to the letter and documents by publishing them on the official website of the ministry. The period for public consultation has ended on the 6th of November 2024. The Ministry of Environment, Waters and Forests has not received comments, opinions, suggestions or objections from the public in the timeframe for public consultations.

The Danube River Management Plan, the SEA report, maps and the annexes provided by the Ukrainian Party have also been submitted to the competent authorities, for evaluation. The results of this evaluation can be found below.

We mention that the full understanding of the plan and the environmental report was affected by the use of abbreviations that were not explained and that were different for the same aspects depending on the chapter, document, context. Also, there is a language barrier of abbreviations used in the plan which are not described nor are they used in the environmental report which, in turn, uses other types of abbreviations. Using figures that didn't have their elements translated was also considered a challenge.

1. Comments regarding the „water” factor

- The Danube River Management Plan is drawn up on the basis of provisions that are not yet in line with the requirements of the Water Framework Directive 2000/60/EC (WFD), although the Report on environmental strategic assessment states that the management of water resources in Ukraine is also based on WFD provisions.
- The list of abbreviations should be completed, e.g. MPA, MPE, IWA, MNR, MPP, MWP, etc.
- It is necessary to clarify what the 'MPA' stands for, having in view the importance of this acronym in the analyses presented in the management plan, as well as the 'MWP'.
- Regarding pollution by priority substances (Chapter 2.1.3), the presence of such substances in surface waters and sediments is mentioned, respectively in the Tisza, Prut and Siret sub-basins, in concentrations exceeding the environmental quality standards (EQS).
- Table 15 of the same chapter sets out the list of hazardous substances and their average and maximum concentrations, but these are presented as specific pollutants. Having in view that the limits specified in the table are higher than those of Directive 2008/105/EC on environmental quality standards in the field of water policy (EQSD), as amended by Directive 2013/39/EU, and taking into account possible transboundary impacts, a number of measures should be established to ensure that downstream water bodies are not affected.
- In Chapter 4.1.3 - *Chemical status assessment*, there is mentioned that this assessment is based on the EQSD limit concentrations, but it is not clear whether these standards have been transposed into national legislation through Annex 8 of the Order of the Ministry of Ecology and Natural Resources, or represent the limits specified in Table 15.
- Regarding the Environmental assessment (chapter 4.1.4), its significance is not clear; environmental assessment appears rather to be equivalent to the assessment of ecological status, but it is based only on the assessment of biological quality elements (BQEs), while in other paragraphs Environmental assessment also refers to the assessment of chemical status.

- It is not clear whether the BQEs assessment complies with the provisions of the Water Framework Directive - in this respect it is mentioned January 2019 "*On Approval of the Methodology for Assigning a Surface Water Body to One of the Classes of Environmental and Chemical Status of a Surface Water Body, as well as Assigning an Artificial or Significantly Altered Surface Water Body to One of the Classes of Environmental Potential of an Artificial or Significantly Altered Surface Water Body*".
- The system for ecological status assessment based on biological quality elements is not complete - ichthyofauna is not monitored and assessed, but is included in the definition of reference conditions, including data from the reference sections.
- The legend of the BQEs Environmental Assessment is in Ukrainian - Evaluation of MPAs by biological indicators, %.
- Chapter 8.1.1 mentions a number of measures to reduce pollution by organic substances, nutrients and hazardous substances, but in the presented Annexes it is difficult to identify which measures are applied to water bodies with poor chemical status or with moderate or lower than moderate ecological status. The ecological status and the quantitative status are mentioned together in the same cell of the table in the Annexes, making it difficult to identify which area the planned measures are addressing to.
- Also, regarding the Programmes of Measures for the Tisza, Prut, Siret and Lower Danube sub-basin: in addition to the issues presented in Chapter 7 - *Review of the Programmes of Measures* - and to the measures analyzed from the point of view of reducing pollution and impact in Chapter 8 - *Full list of programmes*, annexes containing a list of concrete specific measures are presented: M5.3.4 *Full list of measures in the Lower Danube sub-basin*; M5.3.2, M5.3.3 - *Full list of measures in the Prut and Siret sub-basins*; M5.3.1 - *Full list of measures in the Tisza sub-basin*. These lists include planned measures for 2022-2023, although the planning target period is 2025 - 2030. In addition, it would be useful to specify which of these measures have been implemented and which are in the process of being implemented.
- The document states that the DPSIR concept has been applied, but the linkage between pressures, measures and exceptions to environmental objectives has not been clearly identified, the common element in this linkage being the water body. In the tables of measures of Annexes, we consider that the code and names of the water bodies on which the measure has an impact should appear. For transboundary river basins, the application of measures and exemptions for certain water body should be coordinated and agreed with neighbouring states.
- In the management plan, climate change issues are addressed in terms of effects (e.g. increase in temperature, change in rainfall regime, frequency of occurrence of extreme droughts and floods, etc.), medium-term water resource forecast (2023-2030), also taking into account climate change causing anthropogenic pressures (e.g. increase in water consumption for irrigations), as well as in terms of assessing the impact of climate change on water resources. No reference is made to programmes of specific measures or measures to mitigate and/or adapt to climate change. It is only in the Report on environmental strategic assessment that such measures are referred to, as being described in short- and medium-term planning documents, such as: The Strategy of Environmental Security and Adaptation Climate Change for the period up to 2030 and the Operational Plan for its implementation in 2022-2024, and the Concept of implementation of the state policy in the field of climate change for the period until 2030 (presented in Table 5.2.2). We consider

that these documents and the related specific measures to mitigate and/or adapt to climate change should be included in River Basin Management Plan of Ukraine 2025-2030.

- The Report on environmental strategic assessment indicates (in Table 5.2.2) the list of EU Directives and National Regulations that formed the basis for the preparation of the management plan. In addition to the mentioned EU directives, the provisions of the Environmental Quality Standards Directive, the Industrial Emissions Directive and the Drinking Water Directive should have been taken into account.
- In addition, in Table 5.2.2, in the framework of the Plan of Measures for the Concept of implementation of the state policy in the field of climate change for the period until 2030, reference is made in the column 'Ways of taking into account obligations during the preparation of the state planning document' to the rivers of Poland and Lithuania: 'In order to improve the hydrological characteristics of the watercourses of the rivers of the Polish-Lithuanian Commonwealth...' - it is necessary to correct this passage.
- The Report on environmental strategic assessment indicates the Vistula River (which is in Poland) - page 2 - it is necessary to correct this passage.

2. Comments regarding „biodiversity”

2.1. Comments on the contents of the Danube RBMP

- The presentation of the aspects of vegetation and fauna (sections 1.1.7 *Vegetation* and 1.1.8 *The animal world*) is a synthesis of the aspects presented in the environmental report.
- In chapter 3, there is no analysis of the protected areas in a transboundary context, and no map of the protected areas in relation to the hydrographic basins that are the object of the plan is attached. The map can be inserted in the Maps section, after map no. 12.
- Chapter 5 refers to Areas (territories) to be protected listing only the Emerald sites, protected according to the Berne Convention. In this sense, we consider it appropriate to refer and analyze the Natura 2000 sites in Romania, close to the border.

2.2. Comments on the SEA report

- In section 2.7 *Biodiversity and landscape*, there is no reference to the connectivity between species, especially the species that have a common distribution along the border, such as the aquatic species identified in the Natura 2000 sites in Romania. The chapter only provides a presentation of biodiversity, not an analysis of their conservation status.
- In chapter 2.7.2 *Fauna* (page 79), it is stated that: "The following species are of industrial importance: mullet, sturgeon, trout, chub, catfish, tench, carp, pike and herring".
- We request that it be specified whether these species are proposed to be exploited industrially. According to the IUCN Red List, whose purpose is to inform and promote biodiversity conservation actions, policies, critical aspects to protect the species, sturgeons are, globally, the most threatened animal species. The species: *Huso huso*, *Acipenser stellatus*, *Acipenser gueldenstaedtii*, *Acipenser ruthenus*, *Acipenser sturio* and *Acipenser nudiiventris* are currently classified by the International Union for Conservation of Nature as being Critically Endangered or extinct. In the situation where these species would be captured, the premises for violating the policies of protecting/conserving the species and affecting their populations are created.

- In section 2.8. *Natural Territories and objects* maps of the identified protected areas are not attached. Also, the protected areas in Romania in the vicinity of the studied area are not mentioned and, as the case may be, analyzed. For the analysis in relation to the natural protected areas, there is the possibility for the developer to use the limits of the hydrographic basins published in the Map annex, in relation to the limits published on the Ministry of Environment, Waters and Forests's website at the address <https://www.mmediu.ro/categorie/date-gis/205>. At the same time, we inform you that scientific data (species, habitats) can be found in the standard forms published at <https://www.mmediu.ro/categorie/natura-2000/476>.
- According to the information presented in Chapter 6, Table 6.1 *Probable consequences for the environment, including for public health, as a result of the implementation of RBMP measures* (page 155), several effects were identified on the environmental factors air and water, respectively : air pollution, noise, vibrations, temporary deterioration of the transparency and increase of turbidity of water downstream, change of hydrological parameters of the water course, including a change of level, speed and the current, as well as the isolation of individual sections of the river; an increase in the concentration of suspended substances in water, which reduce the biological activity of the water system as a whole; the sedimentation of suspended particles from the bottom of the river downstream leading to a decrease in the number of benthic communities; changing the chemical composition of habitat characteristics, when chemicals buried in the subsoil and released during stream dredging will dissolve in the water.
- We specify that all these have a negative impact not only on air and water but especially on species and habitats by destroying them, disrupting the activity and removing species, destroying the spawn, disrupting the migration of anadromous fish species, etc. We also mention that in the studies developed for the Management Plan of the Danube Delta Biosphere Reserve, ROSCI0065 Danube Delta, ROSPA0031 Danube Delta and the Razim Sinoie Complex and ROSCI0066 Danube Delta Marine Zone, which is in the approval process, de-clogging is identified as an activity with a negative impact on at least two species of insects, 4 species of fish, two species of mammals and two types of habitats of community interest.
- In Table 6.1, Chapter 6, the level of the plan's estimated impact on biodiversity is expected to be negative, local, direct, in the short term. Although in the area of the Lower Danube Basin there is a significant area of water course that belongs to both states, and the part that belongs to Romania is included in the Danube Delta Biosphere Reserve which has multiple protection status: biosphere reserve, wetland of international importance, site of natural and universal heritage and a Natura 2000 network site, the report mentions nothing about the impact of the plan on the conservation objectives of these protected areas.
- Chapter 7 does not present the measures taken to prevent, reduce and diminish the consequences of project implementation in the transboundary context, especially in relation to the fish species in the hydrographic basins analyzed.

Compared to the above, we consider it appropriate to complete the documents presented with concrete aspects regarding connectivity, habitats, species and species habitats in a transboundary context, including from the perspective of protected areas in Romania, from the proximity of the border and the species and habitats for which they were designated, as well as the potential impact that the proposed measures have in a cross-border context.

3. Comments regarding "cumulative impact"

Experts have found a lack of strategic environmental assessment and quantification of the impact on all environmental factors regarding some objectives/works proposed by the plan that will be implemented in the vicinity of the Delta Danube Reserve Biosphere. Please provide details on the types of infrastructure and proposed activities, as well as the analysis of the impact but also of the cumulative impact on species and habitats of conservation interest in the Delta Danube Reserve Biosphere, ROSCI0065 Danube Delta and ROSPA0031 Danube Delta.

The cumulative impact must be analyzed including the activities carried out previously on the canals connecting the Danube and the Black Sea.

We believe an assessment of the cumulative impact of the works proposed to be executed in the Lower Danube basin, including the canals connecting the Danube and the Black Sea is necessary.

Please accept, Ms. Minister, the expression of my high consideration and esteem.

Mircea FECHET
Minister of environment, water and forests

