



Windfarms in Balchik and Kaliakra – Via Pontica (Bulgaria)

Case file update 2017: T-VPS/files (2017) 31

Irina Mateeva

Bulgarian Society for the Protection of Birds

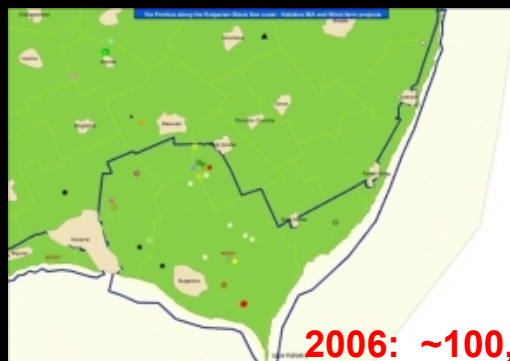
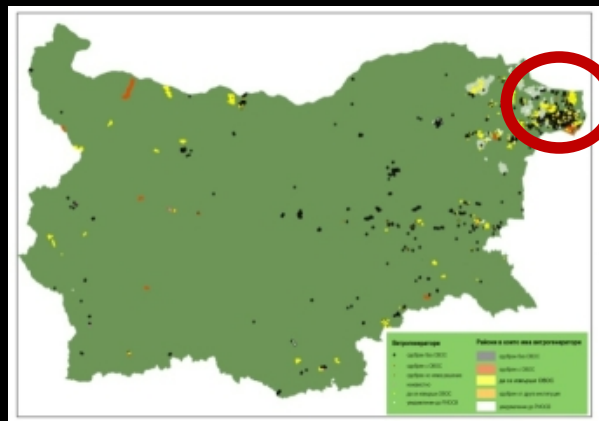
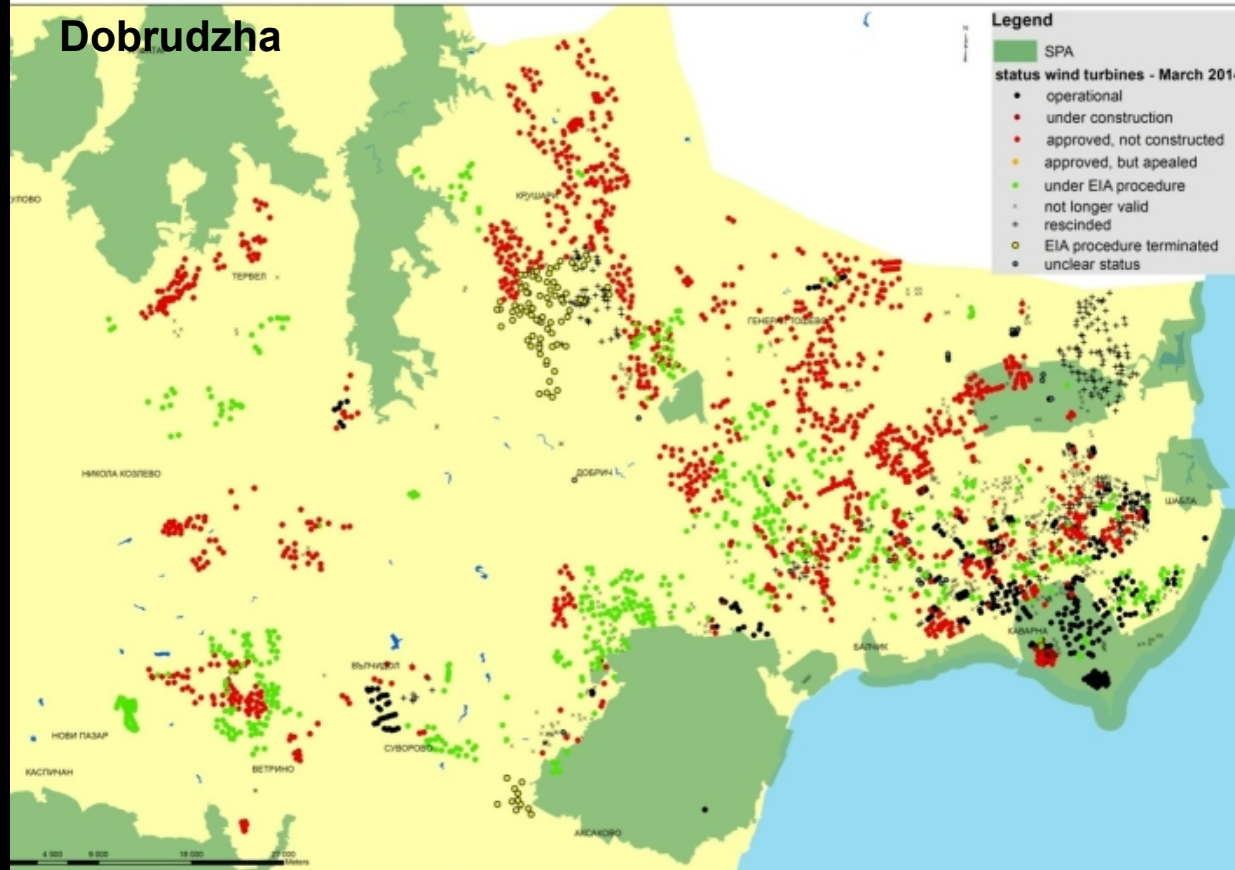
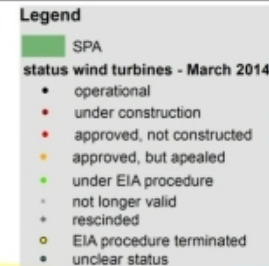


Bulgarian Society for
the Protection of Birds



PARTNER

Dobrudzha



**2006: ~100,
of which 10 operational**

**Recc. 130(2007) of
BERN Convention**

**2016: European Court of Justice
Ruling on case C-141/14 Kaliakra**

In Dobrudzha today (2017):

- **Operational – 330, including in Kaliakra IBA/SPA**
- **Approved – 1329**
- **Under procedure – 599**
- **Temporary stopped by MoEW – 235**
- **No longer valid – 626**
- **Unclear status – 31**

Necessity of sufficient measures to be taken

2016: European Court of Justice Ruling on case C-141/14 Kaliakra



- Bulgaria failed to comply with EU nature conservation law
- Bulgaria is under a legal obligation to take the necessary measures to comply with the judgment of the Court (art. 260 TFEU)

European Commission Statement, August 2017

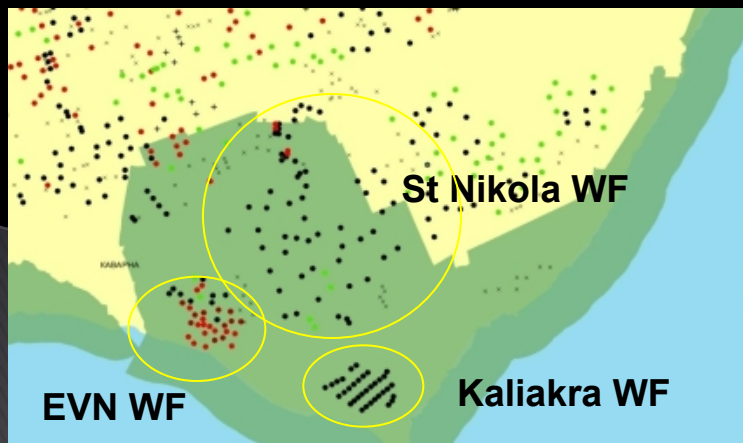


- Not yet taken any decision on this matter.
- Bulgarian authorities to identify the appropriate measures to achieve compliance.
- The Commission stands ready to consider if exact measures are sufficient in view of the Court's ruling

Relevant measures of Recc. 130(2007) of BERN Convention



- 2. Fully reconsider the development of approved wind farm projects ...
- 3. Investigate the possibility of relocating the windfarm projects
- 4. Select alternative locations for future and not yet operating turbines ...
- 5. Assess the impact of the current operating turbines ...
- 8. Respect the need to focus on the avoidance of the impacts coming from outside having negative effects on areas of recognised conservation importance



Evidence of significant impacts on birds

COLLISION

Proven at St Nikola WF and Kaliakra WF, but high risk also at EVN WF

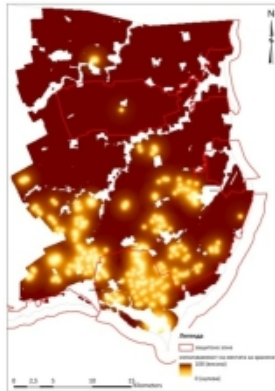


DISPLACEMENT

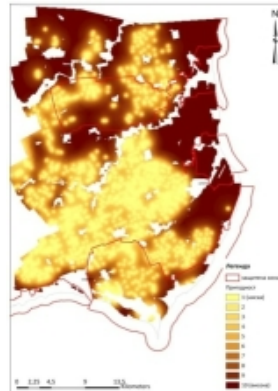
Proven at St Nikola WF for the Red-breasted Goose



Source BSPB



Presents: 6% loss of foraging habitats

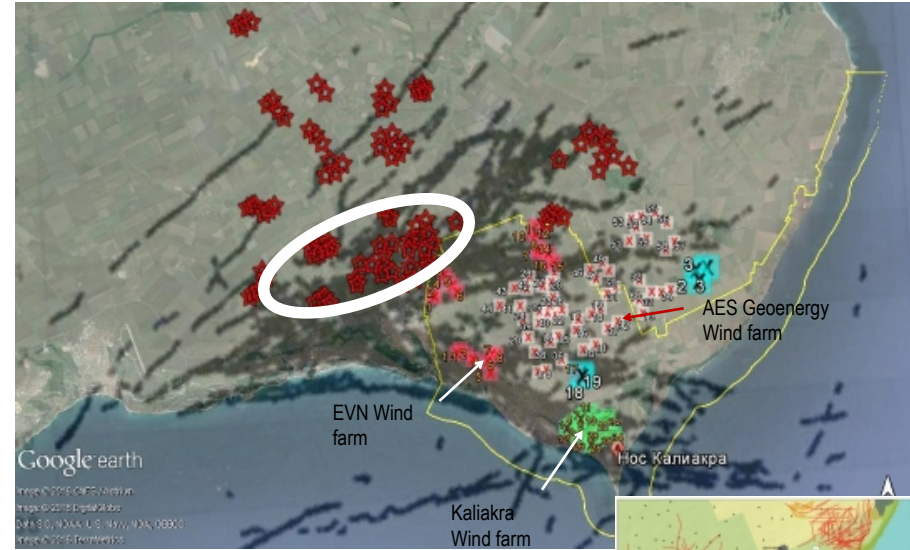


Predicted: 30% (6+24) loss of foraging habitats

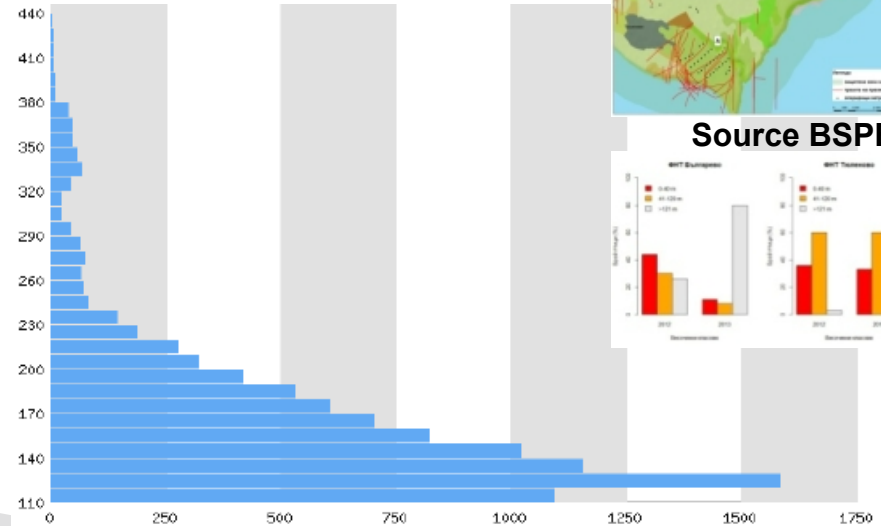
Source WWT, BSPB

BARRIER

Proven at St Nikola WF, Kaliakra WF, and EVN WF



Source BAS



Actions of Bulgarian Government to comply with ECJ ruling since 2016

Establishment of Interdepartmental working group on implementation of ECJ ruling

- ✓ Good step, BUT the Working Group does not involve relevant NGOs and its work is not transparent to the public

Integrated management plan (IMP) for two SPAs and one SCI in area of Kaliakra

- ✓ Inconsistency in relation to birds, but barrier effect of the wind farms in Kaliakra SPA is proven
- ✓ Only one measure relevant to ECJ ruling and Recc 130(2007) – Early Warning System thus largely insufficient
- ✓ The IMP has been blocked during public consultations

Early warning system (EWS)

- ✓ If designed properly could mitigate ONLY COLLISION impact
- ✓ DO NOT MITIGATE DISPLACEMENT and BARRIER effects thus is largely insufficient

Regimes in designation orders for Kaliakra SPA and Complex Kaliakra SCI

- ✓ No new relevant regimes has been proposed for Kaliakra SPA
- ✓ Strict protection of Ponto-sarmatian steppe habitats

Master plans for Kaliakra and Shabla municipalities

- ✓ Under procedure more than 3 years - future is unsure

Adoption of Red-breasted Goose National Action Plan

- ✓ Recognition of significant impacts of windfarms on the species
- ✓ No further development of wind farms, to be ensured in strategic documents
- ✓ Safeguards for foraging areas

! NO INTENTION OF REMOVAL/RELOCATE WIND FARMS !

BirdLife International and BSPB position of sufficient measures for ECJ ruling

- (I.1) **Identify independent scientific body**, which is going to carry out the analyses, study and monitoring in a high quality manner.
- (I.2) Conduct **assessment of the scale of the damages/impacts** of the 6 windfarm projects in order to set the current level of impacts as baseline and to guide the elaboration of the remedial action plan
- (I.4a) Elaboration of **remedial action plan for removal of wind farms**, subject of ECJ ruling, from the area of Kaliakra and restoration of steppe habitats
- (I.5) **Including measures of the remedial action plan in the IMP** for the N2K sites
- (II.1) **Immediately suspend the operation of wind turbines** as a temporary measure under Art. 260 of the EU Treaty
- (II.2) **Remove AES windfarm and Disib windfarm** from the area of Kaliakra IBA/SPA, based on p. 67, 77 and 78 of the ECJ ruling
- (II.3) **Remove Mitsubishi and EVN windfarm** from the area of Kaliakra IBA/SPA, based on p 56, 58 and 59 of the ECJ ruling
 - (II.4) **Restore** steppe habitats, (II.5) provide **legal protection**,
 - (II.6) **monitoring**, (II.7) **analysis of the effects**

Suggestions to Bern Convention

- **On-spot appraisal** on the current status of the case
- **Request to the Birds Experts Group assists the Bern Convention** to justify its position on the case by making a full scientific analysis of the evidence provided by the Government on the absence of impacts on birds and the other evidence, provided by NGOs and experts on presence of significant impacts
- **Monitor the actions taken** both by the Government and the European Commission for implementation of the ruling of the European Court of Justice in regard to the Kaliakra case (C-141/14)

Thank you!

