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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
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**Wind farms in Balchik and Kaliakra –Via Pontica
(Bulgaria)**

REPORT BY THE GOVERNMENT

*Document prepared by
The Ministry of Environment and Water*

APPLICATION OF RECOMMENDATION NO. 130 (2007) OF THE STANDING COMMITTEE OF THE BERN CONVENTION REGARDING CONSTRUCTION OF WIND FARMS IN THE REGION OF KALIACRA

Information on measures taken in the period June-October 2013

-Updated October 2013 -

In connection with the application of Recommendation 130 (2007) of the Standing Committee of the Bern Convention regarding construction of Wind Farms in the region of Kaliacra, Bulgaria provides the following information about the measures taken in the period **June-October 2013**:

1. Procedure for expanding of BG0002051 Kaliakra SPA to the border of the Important Bird Area is held. The new area, which will expand SPA Kaliacra amounted to 5289.04 ha.

2. Additional territory is determined for bird conservation in the region of Dobrudja, namely the draft BG0002115 Bilo SPA, with an area of 8620.37 ha.

In connection with the above, on October 8, 2013 the National Biodiversity Council to the Minister of Environment and Water considered and approved the proposals for extension of the BG0002051 Kaliacra SPA and declaration of the BG0002115 Bilo SPA. The Council of Ministers will decide on the proposals on November 6, 2013, after which it will be prepared corresponding orders.

3. An order № RD-797/18.10.2013 is issued with a ban on construction of wind turbines and associated infrastructure in the BG0002115 Bilo SPA (see point 2), prom. SG. 94/29.10.2013.

The opportunity is used, under Art. 19 of the Biodiversity Act for introduction of prohibition on certain actions in the areas intended for inclusion in NATURA 2000 ecological network, where there is risk of damage in the period to issuing an order for their official announcement. The ban is for a period of two years and aims to prevent any negative impact on the target species and their habitats in the BG0002115 Bilo SPA.

4. A proposal is prepared for inclusion of new areas of "steppe habitats" (habitat 62S0*) in NATURA 2000 sites under the Habitats Directive in Dobrudja region. Bulgarian Academy of Sciences is entrusted to conduct the necessary studies and prepare documentation as required for the declaration of NATURA 2000 sites under the Habitats Directive. Expected that in November the proposals will be submitted to the Ministry for consideration by the National Biodiversity Council and carrying out the relevant procedures.

5. An order for declaration of Kaliacra Complex SPA under the Habitats Directive is in preparation, which ensure protection of natural habitat 62S0 * Ponto-Sarmatian steppes.

6. Regularly inform the Commission about the measures taken by the country to overcome the existing problems, through monthly providing of relevant information.

Communication is in connection with infringement procedure № 2007/4850 (launched in 2008, on the occasion of reducing the territory of Kaliacra SPA, to the Kaliacra IBA) and infringement procedure № 2008/4260 (on the approval of many projects for wind turbines in the Kaliacra IBA without proper assessment of the cumulative effect).

In 2011 both infringement procedures are combined into one, in June 2012 the Commission decides to move the infringement procedure to the next stage - reasoned opinion, and in October 2013 - to the trial stage.

Other related information

By Decision № 210 of 14.10.2013 of the Minister of Environment and Water is revoked EIA Decision № BA - 7/2012 of the Director of the Regional Inspectorate - Varna, approving the implementation of the investment proposal for the construction of a wind energy Park, consisting of 95 wind power generators in the municipality of Shabla, with contracting consortium Wind Energy, and resumed administrative procedures for the issuance of a decision on the notification submitted by the

project investor, as send the case back for reconsideration by the administrative authority – RIEW - Varna.

The Decision provides guidance to supplement the Appropriate Assessment Report and to carry out of additional research and analysis, regarding the estimated degree of deterioration of the areas into account the statements received from BSPB, National Nature history Museum – Sofia and Green Balkans Federation by which challenge the assessment of the degree of impact of the wind farms park on the NATURA 2000 areas. Should take into account also the data and the results of field studies of recently completed project DIR59318-1-2 Mapping and determination of the conservation status of habitats and species- Phase I.

October 2013

INFORMATION on implementation of the Recommendation No. 130 (2007) of the Bern Convention Standing Committee on the Windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)

-Updated May 2013 -

In connection with the application of Recommendation 130 (2007) of the Standing Committee of the Bern Convention regarding construction of Wind Farms in the region of Kaliakra, Bulgaria provides the following information about the progress reached thereafter:

1. review relevant decisions, at the local, regional and national level, concerning wind energy plants and ensure that new plants are not built in the region unless Environmental Impact Assessment (EIA) prove they do not have a substantial negative effect on the biological diversity protected under the Convention - EIA reports should be more precise and scientifically sound than those already presented and should formulate independent peer reviewed conclusions;

For the period after the adoption of the Recommendation No. 130 (2007) to the Bern Convention Standing Committee, significantly improved the Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Reports, thanks to the development of knowledge, methodology, capacity and corresponding policy in this area. During these years, Ministry of Environment and Water increase the quantity and quality of available information and also requirements to the scope, content and quality of the reports.

Were implemented several projects targeted at species and habitats of the Birds and Habitats Directives. The role of NGOs and scientific organizations to provide access to their information increase too.

It was considerably improved and methodological basis related to the preparation and evaluation of the EIA and AC Reports, and training of people involved in the proceedings (see paragraph 10 below).

The change in the legislation allowed to repeal several decisions for wind power generation building, and another in - to lose its legal effect. In practice this means that will be realized very few number of projects that have been granted (see paragraph 9 below).

Been put in place, the precautionary principle and the assessment of cumulative effects in the planning, authorization and implementation of the projects. Appropriate assessment has become an integral part of the procedures preceding the issuing of the authorization for the project.

Most important for reducing the impact of wind farms have introduced by National Action Plan for Renewable Sources Energy, prohibitions on the construction of such facilities in the most important for birds areas of the Natura 2000 network, as well as in neighboring areas, forming practically buffer zones around it.

2. fully reconsider the development of approved windfarms projects in the Balchik and Kaliakra region situated within or nearby sites designated as important bird areas and special areas of conservation;

Since 2009, the Ministry of Environment and Water started reconsideration of already issued permissions for realization of projects in Important Bird Areas "Kaliakra". One of these projects was connected with "Construction of Wind park" in the land-use area of the village of Bulgarevo, municipality of Kavarna, investor "Universum Energy" Ltd., Sofia.

As the Standing Committee was informed, in 2012 changes were made in the Biological Diversity Act (art. 31, paragraph 23, published in State Gazette 32/2012) and Environmental Protection Act (art 93, paragraph 7, published in State Gazette 53/2012) which establish the following:

- Appropriate assessment decision loses its validity if within 5 years after being issued the operator does not take steps to implement the project or the investment proposal or steps to have plan or the program approved.
- Decisions that state that no EIA are required lose their validity if within 5 years after being issued the operator does not take steps to implement the investment proposal

According to Paragraph 12 a (2) of the Transient and final provisions of Environmental Protection Act, the above limit of validity is applied to all decisions issued in accordance with the national legislation.

In this regard, RIEW - Varna carried out inventory of all decisions for realization of investment proposals on its territory and of the implementation phase of each project. The results of this process is sent each month to the European Commission.

In addition, we would like to note that only a small part (5-6%) of proceeded wind turbines and wind power farms are put into practice. We would like to remind also that according to the Ministry of Economy, Energy and Tourism, Information on the companies own the distribution network (NEC and E.ON Bulgaria), the potential of the grid in the region of Dobrudza practice is now limited to constructed and connected turbines, and those who have contracted to join.

3. investigate the possibility of relocating the windfarm projects already under construction as well as the single turbines (whose building is possible without EIA) in order to restore the integrity of sites to be considered as Natura 2000 sites, IBAs, or under other protection status;

Since 2009, all wind generators, including single ones in Natura 2000 sites, are subject to mandatory EIA / AA. In assessing they pay attention to the location of the individual turbines and where appropriate, their arrangement is changed, which is reflected in the EIA/AA decision.

4. select alternative locations for future and not yet operating turbines based on appropriate data (including long-term monitoring of biodiversity) and assessments (e.g. using multicriteria-analysis); key bird areas, potential SPAs, IBAs, intensive bird migration corridors and sites regularly used by large flocks of roosting species such as storks and wintering geese must be avoided from windfarm development;

See paragraph 10.

5. assess the impact of the current operating turbines

6. conduct an Strategic Environmental Assessment (SEA) of Bulgaria's wind energy programme, taking into account possible conflicts of wind energy production within the most intensive bird movements areas, in particular along the Black Sea coast;

Bulgarian Energy Strategy by year 2020

By Standpoint on Ecological Assessment № 3-2/2010, the Minister of environment and water has coordinated the Bulgarian Energy Strategy by year 2020

The condition of the protected areas is analyzed in the document regarding the realized and/or in a process of coordination investment proposals, plans and projects for starting new energy resources (mainly Wind Parks). An increased concentration of such projects in the protected areas has been accounted for and the following measures have been proposed:

- complex measures, mitigating and decreasing the adverse impact on the natural habitats and habitats of species, including birds being object of protection in the corresponding sites;
- specific measures for the sites, taking into account the possible adverse impacts, originating from the character of the types of intentions;

A generalized conclusion is taken, that the application of the Energy Strategy under observing of the included recommendations and mitigating measures will not lead to significant extend of the

adverse impact on the subject and the goals of conservation of the protected sites from Ecological Network NATURA 2000.

National Action Plan on Energy from the Renewable Energy Sources 2011-2020 (NAPERES 2011-2020)

On 9 January 2013, the Council of Ministers adopted the *National Action Plan on Energy from the Renewable Energy Sources 2011-2020*. The Action Plan reflects the measures and conditions contained in the Opinion №1-2/2012 on the Strategic Environmental Assessment which the Minister of Environment and Water coordinated the National plan, in order to eliminate, reduce and as fully as possible offset any significant adverse effects of its implementation on Natura 2000 sites. In particular these are circumstances and bans, for the duration of the plan, on holding new coordination procedures under the Environmental Protection Act and Biological Diversity Act for wind generators located within the boundaries of Natura 2000 network as well as in designated areas outside the boundaries of Natura 2000 network in Dobruja Area, East Rhodopi Area and a distance of 2-6 km from some important for birds Natura 2000 sites (detailed information can be found in our report to the Bern Convention Standing Committee, September 2012).

Because for SEA opinion is allowed preliminary implementation that applies by its delivery - August 8, 2012, from that date until the adoption of the National Plan for RES - January 9, 2013 no approved wind generator projects in the areas covered of prohibitions listed in the SEA opinion.

7. establish a strict moratorium on further turbines and windfarm projects in the coastal areas of Bulgaria until EIA and SEA reports mentioned in paragraphs 1 and 6 are completed

As the Standing Committee has been already informed during its session in November 2008, the Minister of environment and water has issued an Order RD – 855/21.11.2008 for preventive protection and prevention from the threat and/or extinguishing of conservation significant natural habitats and habitats of species subject of protection in NATURA 2000 site BG0000573 “Kompleks Kaliakra”. It has been imposed by the existence of many plans, projects and investment proposals for construction on the territory of the area, which realization could lead to significant adverse impact before issuing order for its declaration under Article 12, par. 6 of the Biodiversity Act.

The following prohibitions are imposed by the order: Change of the purpose and the manner of permanent use of lands, forests and water areas (in agricultural and forestry lands) excluding cases when the change is connected with construction of purification stations for draining water, stations for drinking water, constructions for waste treating, roads, stabilization of landslides and other objects of technical infrastructure, or connected with plans, programs, projects and investment proposals, for which there is a started procedure under Chapter 6 of the Environment Protection Act and/or article 31 of the Biodiversity act.

The prohibition applies to the whole NATURA 2000 site, including territories from the land-use of Balchik, village of Tjulenovo, municipality Shabla, village of Bojuretz, village of Bulgaevo, Kavarna, village of Kamen brjag, village of Sveti Nikola and village of Topola, municipality of Kavarna, region Dobrich, with total area of 441 282 643 dka, 39.561 of which are marine territories.

The prohibitions had in force within one year or until the order of the Minister under article 12, par. 6 of the Biodiversity Act for declaration of NATURA 2000 site BG0000573 “Kompleks Kaliakra” under Habitat Directive is enforced, and it was extended the period for another one year.

Subsequently, in 2012, by the *National Action Plan on Energy from the Renewable Energy Sources 2011-2020* were introduced bans, for the period of duration of the plan, on holding new coordination procedures under the Environmental Protection Act and Biological Diversity Act for wind generators located within the boundaries of Natura 2000 network as well as in designated areas outside the boundaries of Natura 2000 network, including in Dobruja and other Areas around Black Sea (see paragraphs 3 and 10).

8. respect the need to focus on the avoidance of the impacts coming from outside having negative effects on areas of recognised conservation importance;

9. take into account the following guidance to improve EIAs for future and not yet operating turbines, including in accordance with “Regulation about the conditions and the order for accomplishment of assessment for compatibility of plans, projects, programmes and investment intentions with the subject and the aims of the conservation of protected zones”:

- **further research and monitor birds, bats, other fauna, vegetations and key landscape-ecological structures and processes influencing biodiversity; to this end long-term monitoring of flora and fauna, review and validation of all data is required, included those from NGOs, institutes and independent scientists;**
- **apply collision modelling of cumulative effects of several wind farms or turbines along intensive flyways, followed by the assessment of the suitability of localities using multicriteria-analysis methods;**
- **develop compulsory procedures to peer review the completeness and quality of biodiversity chapters of EIAs and their conclusions before continuing the administrative and legal processes;**

In the advice to the competent authorities for carrying out procedures for SEA and EIA, the Ministry of Environment and Water has requested that the reports take into account all the relevant points of the Recommendations 117(2005) и 130(2007) adopted by the Bern Convention Standing Committee and related to the long-term planning and the realization of projects for utilization of renewable energy sources, implementation of the *precaution principle*, conformity with the specific conditions of Bulgarian Black sea coast and the concrete requirements for the protection of bird, bats and other faunistic species, as well as their habitats, considering the cumulative effect. For all submitted projects for construction of wind generators (regardless their number) in the region of Dobrudja, situated out of range of Natura 2000 sites, the competent institution also requires implementation of explicit EIA procedure (for detailed information – see paragraph 10 bellow).

10. develop guidelines for appropriate planning of the construction of windfarms and/or individual turbines, taking account of the following issues in order to integrate biodiversity conservation concerns:

- **initiate a broad debate on the precautionary principle regarding development projects in relation to sites with outstanding biodiversity values;**
- **take measures for the removal of turbines in case of unacceptable bird collisions where no alternatives exist; this require the drafting of a set of mitigating and compensatory measures when biodiversity losses occur;**
- **promote capacity building for specific and independent control of the ecological effects of turbines (in terms of experienced staff, equipment, legal base, cooperation with other institutions and NGOs, appropriate procedures, etc);**

to consider and properly investigate the social impacts of windfarms on local population and on the loss of nature and scenery as a significant source of recreation and eco-tourism.

Methodological tools

Since 2009 many **meetings** have been conducted with investors on expert level in connection with the specification of the assessment scope, the type and the detaility of the map materials, representing the identified "red zones or hot spot zones" as well as regarding the concrete recommendations on the future project planning for power generation by using Renewable Energy Sources in the territories concerned, done by the independent experts, responsible for the elaboration of the reports.

As a result a decision has been made and instructions have been elaborated for practical implementation of the environmental legislation concerning the intentions for wind farms construction. They have been sent to all regional structures of the Ministry of Environment and Water strictly to demand from all investors in their submitted documents for assessment the necessity of EIA to have done precise analysis of the cumulative impact from all existing, approved or in process of approval plans, programs and projects/investment proposals. Also it has been instructed not to allow coordination of projects having completed or approved construction projects, without profound and adequate EIA and effective assessment of the cumulative effect regardless if they are situated in the boundaries of protected areas or they are outside them.

The Ministry of Environment and Water has developed **methodic instructions** for assessment the extent of impact of investment proposals for construction of wind generators in NATURA 2000 sites. The methodic instructions is coordinated with the NGOs and are in compatibility with legislative requirements, and also the Instruction Manual of the EC has been also taken into account which help experts in performing their assessments and in determination of the EIA and Assessment of compatibility procedures.

All documents - the European Manuals for performance the assessment under Article 6 (3 and 4) of the Habitat Directive, the manual for EIA performance, the Recommendations of the Bern Convention Standing Committee, the Methodic for assessment of the impact on the bats etc. – have been published in the web site of MOEW:

<http://www.moew.government.bg/?show=top&cid=153> .

New facilities for birds and Natura 2000 protection

Currently completed two years **project for Mapping and Identifying of the Favorable conservation status of habitats and birds**, financed by Environmental Operational Programme and implemented by BSPB-Bulgaria. The project objective is to minimize the risk for the wild birds by identifying the delineations of the main migratory routs and the most important sites for them in order to ensure their conservation and to minimize the risk caused by realization of new investment proposals and projects in these territories. The outputs of the project are developing of: methodology for monitoring of birds for Environmental Executive Agency; guidance for conservation of the wild birds during the wind farms development in Bulgaria; system for early warning which will regulate the works of the wind turbines; a map and GIS model with the territories at high risk for birds caused by wind farms development. By the project 9 regions of the country have been determined to be suitable for construction of WPG based on the wing power generation capacity, the current state of the national power grid and the plans for its development until 2020, forecasts for electricity consumption, as well as evaluating different scenarios for limiting the construction of WPG. Two of those regions are within Dobrudja region (*Shabla* and *Dobrudja*).

Another project financed by Operation Environment Program 2007-2013 ends too for Development and introduction of information system for the NATURA 2000 ecological network. The project aims the building of united information system for the necessities of the management of the protected areas, which will unify spatial and non-spatial data acquired from different sources and it will assure simple access through Internet from the side if institutions, related to the management of the protected areas. The development of this system will facilitate the actualization of the available data for the protected areas, the acquiring of information and carrying out analysis, which will considerably improve the coordination between the single administrative bodies having attitude toward the management of the protected areas and it will limit the possibility for decision making as a result of insufficient communication. A public register with data for performing procedures on assessment for compatibility of the plans, programs, projects and the investment proposals with the scope and the aims of conservation of the NATURA 2000 sites is a part of the information system.

The assurance of connection network between the register and the spatial data for the plans, programs, projects and the investment proposals on the one hand will facilitate the competent authorities and the experts dealing with assessment for compatibility in their assessment of the cumulative impacts from the realization of the plans, programs, projects and the investment proposals on the topic and the aims of the protected areas conservation, and on the other hand it will improve

considerably the administrative control. Thus, the project as a whole will contribute for optimization of the management of the network of protected areas and it will facilitate the protection of the areas, which in its turn will contribute for diminishing the biodiversity in the country.

Ban on the construction of wind power generators in NATURA 2000 sites

In 26 of the Natura 2000 sites designated under the Birds Directive establishes a ban on the construction of wind power generators as follows: BG0000156, BG0000270, BG0002003, BG0002021, BG0002026, BG0002041, BG0002043, BG0002050, BG0002051, BG0002053, BG0002059, BG0002066, BG0002072, BG0002076, BG0002077, BG0002098, BG0002109, BG0002113, BG0000191, BG0000271, BG0002002, BG0002044, BG0002060, BG0002061, BG0002060, BG0002097.

Measures derived from the National Action Plan on Energy from the Renewable Energy Sources 2011-2020.

In order to prevent significant adverse effects (mortality, barrier effect, disturbance, loss of feeding grounds, driving away) on species which are to be protected in the NATURA 2000 sites, facilitate acquirement of favourable conservation status, to stop the loss of biological diversity, securing safe migration routes for the migratory birds (pelicans, storks, cranes, birds of prey and waterfowl), the **National Action Plan on Energy from the Renewable Energy Sources 2011-2020** (NAPRES) introduces a ban to conduct new assessment procedures under the Environmental Protection Law and the Biological Diversity Law for WPG (only procedures already started will be completed) on the territory of:

1. Agricultural lands and forests within the boundaries of Natura 2000 network excluding projects for local autonomous power supply and projects on environmentally degraded terrains.

2. Agricultural lands and forests outside the boundaries of Natura 2000 network:

- in Dobruja Area (includes all municipalities in Dobrich district and municipalities Aksakovo, Alfatar, Silistra and Kajnarja);
- in East Rhodopi Area (includes municipalities Krumovgrad, Momchilgrad, Ivajlovgrad, Majarovo, Ljubimec, Kyrjali, Stambolovo and Kirkovo)
- in municipalities Burgas, Pomorie, Kameno, Ajtos, Ruen, Sozopol i Primorsko;
- at least 6 kilometers away from the boundaries of Natura 2000 SPA: BG0002017, BG0002091, BG0002007, BG0002010, BG0002003, BG0002078, BG0002020, BG0002070, BG0000332, BG0002030, BG0002058, BG0002062, BG0000237, BG0000270, BG0002027, BG0000152, BG0002066, BG0002021, BG0000191, BG0002045, BG0002054, BG0002082, BG0002038, BG0000271, BG0002025, BG0000240 и BG0002108;
- at least 2 kilometers away from the boundaries of Natura 2000 SPA: BG0002046, BG0002015, BG0002086, BG0002067, BG0000242, BG0002009, BG0002023, BG0002028, BG0002008, BG0002096, BG0002094, BG0002095, BG0002104, BG0002018, BG0002024, BG0002110, BG0002006, BG000206, BG0002065, BG0002001, BG0002088, BG0002099, BG0002103, BG0002057, BG0002069, BG0002022 и BG0002081.

This restriction ensures that in the future no Renewable Energy projects will assessed or approved on the territory of the sites of NATURA 2000 and with a significant parameter around them, as well as within vulnerable areas outside NATURA 2000 ecological network. On the other side, Environmental Protection Law and Biological Diversity Law introduce five year limit of validity for Environmental Impact Assessments and Appropriate Assessments. Due to this limitation most projects that are cause for complains from the Bulgarian environmental protection community will not be executed.

Institutional strengthening

In recent years the Ministry has made efforts to strengthen the structures responsible for the establishment and management of the Natura 2000 network. Vastly are increased the number of

employees, seminars and specialized training are conducted to enhance their capacity. Been implemented or are in the process of implementing several major projects, including related with assessment of species and habitats conservation status and establishment of information system on NATURA 2000 in Bulgaria. In the process are involved as employees of the Ministry and the Regional Inspectorates of Environment and Water, as well as partners from other governmental administrations, scientific organizations and NGOs.

OTHER RELATED INFORMATION:

Information concerning the investment proposal “Development of a windfarm consisting 95 wind turbines and 2 substations” in the area of villages Vaklino, Chernomorci, Smin, Staevtsi, Bojanovo, Granichar, Zahari Stojanovo and Bejanovo, all in Dobrich district with investor Wind Energy consortium (SMIN PROJECT)

Investment proposal “*Development of a windfarm consisting 95 wind turbines and 2 substations*” in the area of villages Vaklino, Chernomorci, Smin, Staevtsi, Bojanovo, Granichar, Zahari Stojanovo and Bejanovo, all in Dobrich district with investor Wind Energy consortium, has undergone Appropriate assessment (AA) and Environmental impact assessment (EIA) as required by the Environment Protection Law and Biological Diversity Law. The procedure was finalized with a Decision on the Environmental Impact Assessment № BA-7/2012 issued by the Director of Regional Inspectorate of Environment and Water (RIEW) - Varna which approve the investment proposal.

Bulgarian Society for Protection of Birds and NGO Green Balkans appealed the above Decision to the higher authority, the Minister of Environment and Water.

As a result of the analysis of all documents and the motivation in the appeal, the Minister of Environment and Water issued **Decision №181/29.06.2012 revoking Decision № BA-7/2012** and returns the assessment procedure to the stage of Assessment Report of the Level of Impact.

The investor, Wind Energy consortium appealed the Decision of the Minister of Environment and Water to the High Administrative Court (HAC). HAC in three judge panel issued **Decision № 805/17.01.2013 revoking Decision №181/29.06.2012** of the Minister of Environment and Water.

The Decision of HAC was appealed by the Ministry of Environment and Water to a five judge panel of HAC. Currently the case is on-going.

Ministry of Environment and Water has a few possible courses of action in case HAC rules against it. Currently, we cannot comment specific steps that will be taken as they largely depend on the motifs in the Decision of the five judge panel of HAC. In any case, we stand by our opinion that Decision № BA-7/2012 by the Director of RIEW- Varna has a number of flaws and the investment proposal for the construction of wind farm should not proceed under the conditions specified in Decision № BA-7/2012.

May 2013

INFORMATION on implementation of the Recommendation No. 130 (2007) of the Bern Convention Standing Committee on the Windfarms planned near Balchik and Kaliacra, and other wind farm developments on the Via Pontica route (Bulgaria)

In connection with the application of Recommendation 130 (2007) of the Standing Committee of the Bern Convention regarding construction of Wind Farms in the region of Kaliacra, Bulgaria provides the following information about the progress reached thereafter:

National Action Plan on Energy from the Renewable Energy Sources 2011-2020 (NAPERES 2011-2020)

On 9 January 2013, the Council of Ministers adopted the *National Action Plan on Energy from the Renewable Energy Sources 2011-2020*. The Action Plan reflects the measures and conditions contained in the Opinion №1-2/2012 on the Strategic Environmental Assessment which the Minister of Environment and Water coordinated the National plan, in order to eliminate, reduce and as fully as possible offset any significant adverse effects of its implementation on Natura 2000 sites. In particular these are circumstances and bans, for the duration of the plan, on holding new coordination procedures under the Environmental Protection Act and Biological Diversity Act for wind generators located within the boundaries of Natura 2000 network as well as in designated areas outside the boundaries of Natura 2000 network in Dobruja Area, East Rhodopi Area and a distance of 2-6 km from some important for birds Natura 2000 sites (detailed information can be found in our report to the Bern Convention Standing Committee, September 2012)

Because for SEA opinion is allowed preliminary implementation that applies by its delivery - August 8, 2012, from that date until the adoption of the National Plan for RES - January 9, 2013 no approved wind generator projects in the areas covered of prohibitions listed in the SEA opinion.

Assessment of the status of issued decisions for the construction of wind turbines and wind power parks

As the Standing Committee was informed, in 2012 changes were made in the Biological Diversity Act (art. 31, paragraph 23, published in State Gazette 32/2012) and Environmental Protection Act (art 93, paragraph 7, published in State Gazette 53/2012) which establish the following:

- Assessment in conformity with Art 6 of Habitat Directive (AC) decision loses its validity if within 5 years after being issued the operator does not take steps to implement the project or the investment proposal or steps to have plan or the program approved.
- Decisions that state that no EIA are required lose their validity if within 5 years after being issued the operator does not take steps to implement the investment proposal

According to Paragraph 12 a (2) of the Transient and final provisions of Environmental Protection Act, the above limit of validity is applied to all decisions issued in accordance with the national legislation.

During the month of August 2012 launched the process of analyzing all proceed from the Varna Regional Inspectorate plans / projects / investments that covered by the five year prescription, introduced by the amendments to the Law on Environmental Protection and Biodiversity Act, in order to obtain information about their actual status. For the purpose of verifying the existence of issued building permits and the eventual realization of the objects are involved all appropriate authorities - Regional Inspectorate of Environment and Waters – Varna, Varna Regional Administration, Regional Directorate for National Construction Supervision - Varna , Office of Agriculture - Varna.

For the period 2003-2007 are issued 1014 decisions approving the plans, projects and investment plans. Of these, currently only 116 were built, including both wind and buildings for different types of activities and more. For the remaining 898 units. project is in effect for 5 year old, they do not have building permits issued and therefore they will not be realized.

To date we have the analyzes data for the period August 2007-January 2008, but work on the analysis continues. In summary, it can be represented as follows:

- Total number of approved decisions regarding construction of wind turbines - 62 for 100 turbines
- Number of decisions for the construction of wind turbines, which have not been issued building permits - 43;
- Number of building permits issued – 119
- Building permits expired – 6
- Number of building permits as valid (can be made) – 6
- Number of realized projects - 7

From the data it appears that a small part (5-6%) of proceeded wind turbines and wind power farms are put into practice. We would like to remind also that according to the Ministry of Economy, Energy and Tourism, Information on the companies own the distribution network (NEC and E.ON Bulgaria), the potential of the grid in the region of Dobrodza practice is now limited to constructed and connected turbines, and those who have contracted to join.

March 2013