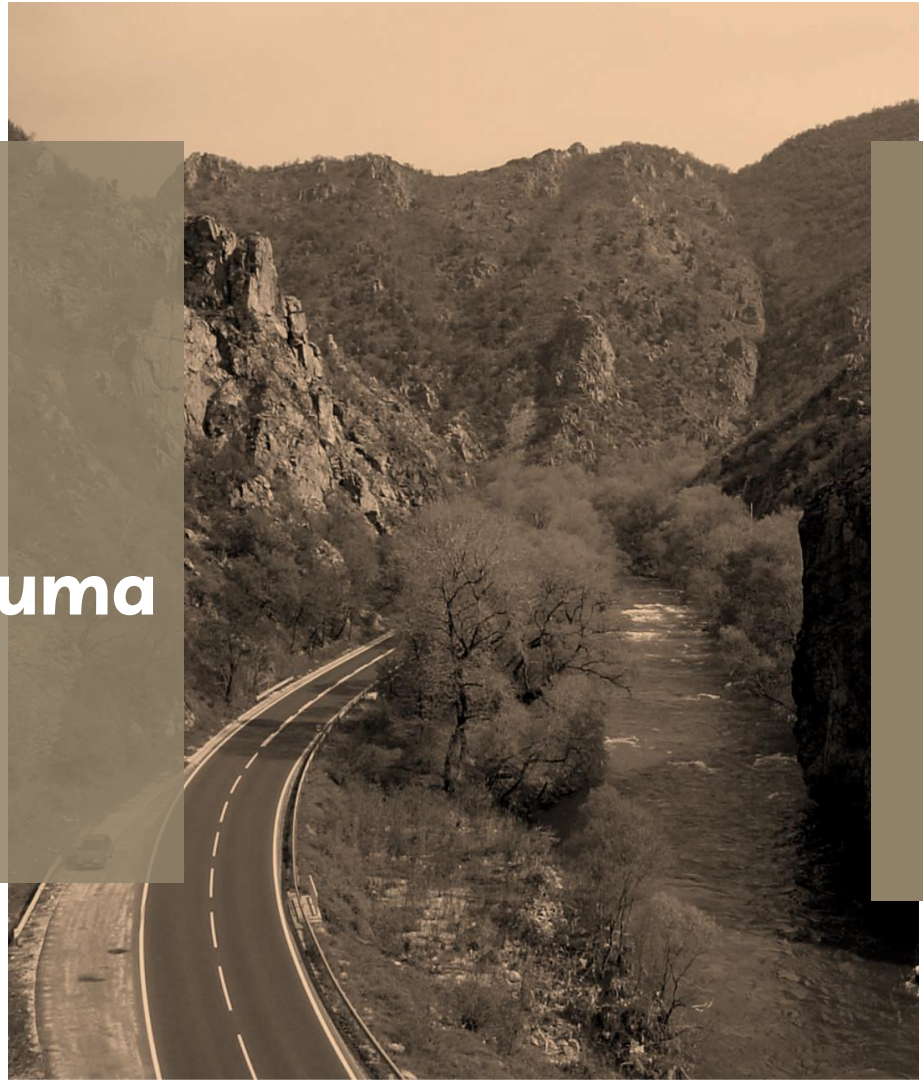
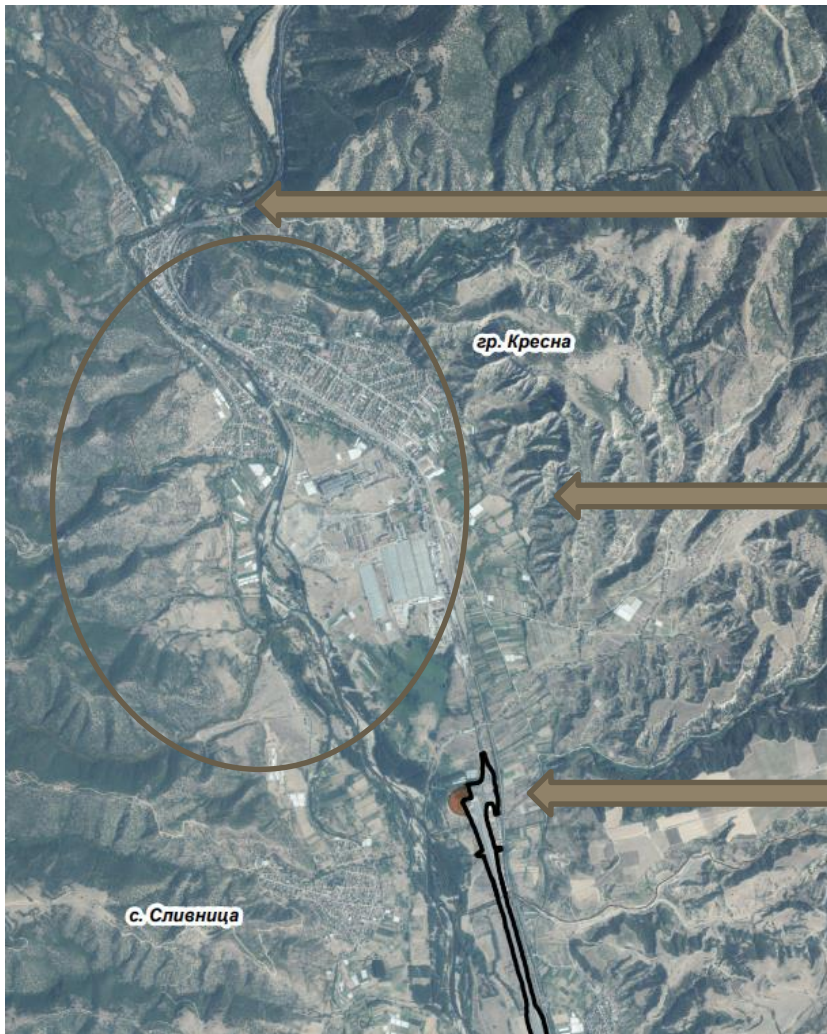


# Kresna Gorge and Struma Motorway Lot 3.2

43<sup>rd</sup> Standing Committee 2023





Start of Kresna Gorge

Kresna town

Road junction –  
outside protected sites &  
outside the Kresna Gorge

# Recommendation 1: Cooperation beyond usual consultancy type of engagement

- ❑ Established 3 working groups
- ❑ Consulted documents which legally are not required to be consulted
- ❑ Invited complainants to report jointly
- ❑ Efforts will continue throughout construction and maintenance

## Recommendation 2, 3 and 9: Engagement of stakeholders

- ❑ This is a continuous process
- ❑ WG Rules of procedure stipulate a strive for consensus
- ❑ There are conflicting positions of the civil society and local communities which need to be balanced
- ❑ However the authorities have the obligation to follow the law – procedures, deadlines, taking action

## Recommendation 4: Common functional data-support mechanism, creating a common GIS database and a best practices library

### Database available at:

- <https://www.moew.government.bg/bg/baza-danni-za-razprostranieneto-na-vidovete-i-mestoobitaniyata-predmet-na-opazvane-v-rajona-na-kresnenskoto-defile-v-izpulnenie-na-preporuka-212-2021-na-postoyanniya-komitet-na-bernskata-konvenciya/>

### Non-exhaustive list of available data:

- Data on the distribution and the conservation status of habitats and species
- Information on designation and management of protected sites, including site-specific conservation objectives
- Methodologies on collecting, validating and interpreting biodiversity data
- Monitoring reports for reptiles in the Kresna gorge
- A platform for viewing and downloading geospatial data
- EIA and AA Reports for Lot 3.2. of Struma Motorway and other relevant data for the project
- Guidelines, recommendations, best practices and publications related to the distribution and status of species and habitats, the management of protected areas and the AA procedures, incl. the study “Restoring Ecological Networks Across Transport Corridors in Bulgaria

## Recommendation 5: Monitor the functionality of mitigation measures

The Decision allowing the implementation of urgent mitigation measures on the existing E-79 road includes the legal obligation to monitor:

- ❑ The condition of facilities
- ❑ Their usage by target species
- ❑ Mortality of target species
- ❑ Overall condition of populations

## **Recommendation 6: Avoidance, mitigation and conservation**

- ❑ The preliminary design amended to address possible habitat loss
- ❑ SSCOs adopted in the ordinance and ground for all further environmental procedures
- ❑ The ordinances introducing the SSCOs introduce protection and conservation measures
- ❑ A management plan will be developed.

## Recommendation 7: Assess all alternatives in additional review/analysis

- ❑ The analysis considers all three options assessed in the 2017 EIA – G 10.50, G 20 and the Long tunnel
- ❑ It confirms the findings of the 2017 EIA Decision that the G10.50 alternative is the most environmentally preferable option
- ❑ Published on <https://api.bg/bg/am-struma-lot-3-2.html>
- ❑ Sent to the commission and referred to with a link in the Progress Report sent by the Government for the current Standing Committee



## **Recommendation 8: Cumulative potential negative effects of linear infrastructure**

- ❑ The AA review addresses in detail the cumulative impact
- ❑ Examines **all existing, ongoing and planned projects and plans** – 164 projects in total
- ❑ Impacts with regard to loss or degradation of habitats, fragmentation of habitats, and disturbance of species have been considered

## Recommendation 10: Technical workshop in Kresna

- Support the organization of a technical workshop
- We provided our comments on the proposed concept

## **Recommendation 11: NGO responsibilities to cooperate, share data, engage constructively**

- All obligations are to the authorities
- Public interest is not unified and one-sided and needs to be balanced

# Court proceedings initiated by NGOs

8 court proceedings - from January 2023 until now

Initiated on complaints on **anything** related to the Kresna Gorge:

- against the **establishment of SSCOs** for "Kresna" and "Kresna Ilindentzi"
- against **implementation of urgent measures** which are according to the EC's instructions measures to be taken promptly and regardless of the development of the project
- against **actions and letters** which are **not** administrative acts
- against the approval of the DDP for the road junction **entirely outside** the Gorge.

# Results from the courts proceedings

- ❑ **6 cases - terminated with court judgments which have entered into force (final)**
  - complaints are entirely rejected as inadmissible (brought up against acts which are not subject to independent judiciary control or due to lack of legitimate interest in appealing on the part of the applicants)
  - complaints are entirely rejected as unfounded (due to substance not having been proved)
- ❑ **2 cases - pending before second court instance; first court instance **entirely rejected****

## General conclusions from the court judgments:

- ❑ the complaints are inadmissible
- ❑ the complaints are unfounded and unsubstantiated
- ❑ the applicants have no legal interest in appealing the acts of the administration
- ❑ the rights and legitimate interests of the applicants have not been affected
- ❑ non-payment of court fees (EUR 5,-) and non-receipt of court notices

# Kresna Gorge and Struma Motorway Lot 3.2

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**Thank you for  
the attention!**