

Kresna Gorge case update: a case of systematic flaws

**43th meeting of the Standing Committee
27.11-01.12.2023, Strasbourg**

On behalf of “Save Kresna Gorge” coalition:

Daniel Popov, EA Za Zemiata – Friends of the
Earth Bulgaria

Andrey Kovatchev, Balkani Wildlife Society





Protest in Sofia, April 2023

Protest in Kresna, 15 May 2023



What happened since 2022

1. **Systematic breach of NATURA 2000 legislation.**
2. **No institutional will to resolve the problem and no indication for a new and real EIA.**
3. **Construction works slowly but surely moves forward**

Kresna wants a motorway outside of the gorge

**15.05
2023**

Кресна иска магистрала ИЗВЪН дефилето!

пред кметството
на гр. Кресна



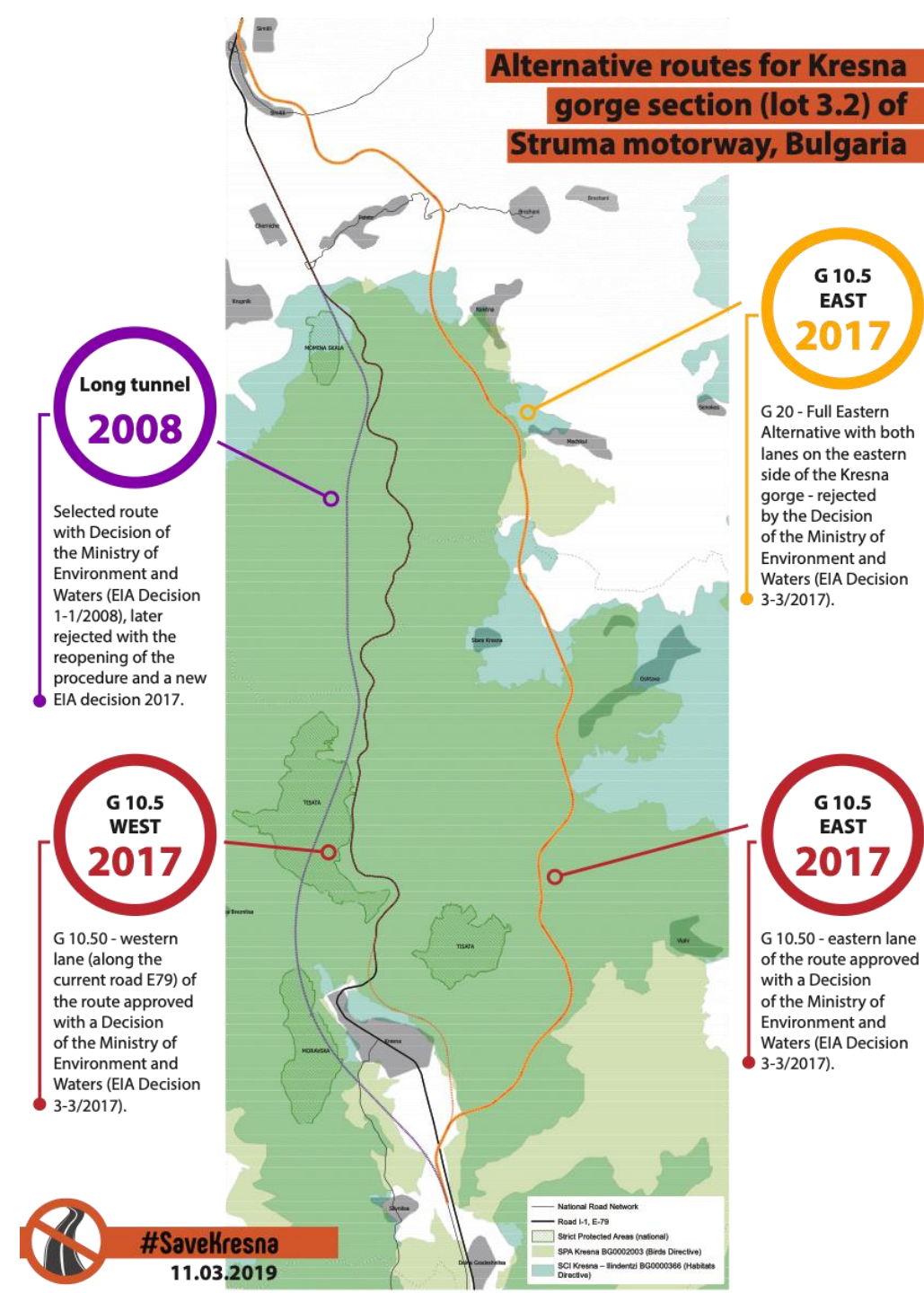
**на 16.05
(вторник)
те се ГОТВЯТ
да строят!**

1. Breaching Natura 2000 legislation

- **Infringement procedure** (INFR(2018)2352) in Court, for failing to protect and manage its Natura 2000 sites, including Kresna-Illindentsi SCI and Kresna SPA, many years after the deadline.
 - Rejected consensus product for Conservation objectives of Working Group 1 from Recommendation 212 (2021). October 2022
- *“many developments representing a **major threat to conservation objectives** have been authorised”*
 - *“a check of authorisations granted in Natura 2000 sites in 2019-2020 showed that **this structural problem persists** and plans and projects **continue to be authorised based on inadequate assessments**, or even in the absence of appropriate assessments”*

2. No institutional will to resolve the issue

- In 2015 - applying the “salamy” approach, the institutions stopped the implementation of 2008 EIA decision of a long tunnel bypassing the “environmentally sensitive Kresna Gorge”;
- In 2017 - the same institutions approved in an EIA decision with already rejected in 2008 route alternative G10,50 passing through the Kresna Gorge;



2. No indication for a new EIA or real revision

- In 2019 the EC services rejected the financing of the G10,50 option as, according to their observations, the 2017 EIA violates the Habitat directive requirements;
- Since 2019, EC, Bern Convention and Complainants request a revision of the 2017 AA and EIA according to the Habitat Directive requirements.

Instead, a so called “AA review” started in 2023

- Direct contract (no tender) with the **same consultancy company which prepared the 2017 EIA**
- Its conclusion **confirms the 2017 EIA selected alternative G10.50** through the gorge
- The “AA review” **does not follow the legal requirements** of Habitats Directive, the Bulgarian EIA and Biodiversity Protection Act
- The AA review report **was not approved by WG2**
- The “AA review” was submitted by the Government to the European Commission for “approval” ...!!!

3. Construction works in the Gorge, October 2022...

The Regional Inspectorate of the Ministry of Environment **officially found destruction of habitats of 4 reptile NATURA 2000 species – 2 tortoises and 2 snakes**

Conclusion: physical changes and damages on habitats were inflicted in Kresna Gorge without new Appropriate assessment according to the adopted Natura 2000 objectives or any other consultation with environmental authorities



...and continued officially in May 2023

On May 16th, 2023, construction began on the southern part of Lot 3.2 – a road junction with Lot 3.3

- The official documentation states that **it is part of lot 3.2** as approved by the 2017 EIA decision
- But... it was not assessed by the 2017 EIA



Construction contracts - concluded in April 2023

- 2017 EIA is the legal basis for this construction and it is referred to in the contracts;
 - The contracts are explicitly for the realization of G10,50 option
- ➔ In the annex to the contracts, it is stated that they will enter into force when **funding is allocated** and when the European Commission "**approves**" the "**AA review**"

Conclusions:

- ✓ The approved by the 2017 EIA G10.50 option passing through the Kresna Gorge is **in violation** with the EU and BG environmental legislation;
- ✓ The biodiversity scientific community (over 100 scientists) rejected G10,50 in the Kresna Gorge at the 2017 EIA procedure;
- ✓ Bulgarian, EU and Bern Convention experts rejected the mitigation measures in the Kresna Gorge as **“uncertain” and impossible for evaluation**;
- ✓ If the European Commission "approves" the so called "AA review", construction according to EIA 2017 will start immediately;
- ✓ The Bulgarian responsible environmental and transport authorities still support the G10.50 - construction has started step by step and there is no proceedings on revision of the 2017 EIA

Recommendations to Standing Committee

- An **official opening of the file on the case**, as we see:
 - construction works through the gorge have started;
 - signed contracts with construction companies for the whole Lot 3 2 motorway section;
 - no respect to and implementation of Recommendations 98 (2002) and 212 (2021).

The protection of the Kresna gorge is again under imminent threat and keeping the case as a Possible File has not helped in solving the conflict for 7 years.

- The Standing Committee to request from the Bulgarian government **to stop construction** until a **new EIA decision** on the motorway in line with EU legislation is provided.
- The Standing Committee to request from the Bulgarian government **to revise the FIA/AA** including a thorough analysis of all reasonable alternatives outside the Kresna Gorge.

Save Kresna gorge! Thank you!

