

KRESNA GORGE CASE UPDATE

39TH MEETING OF THE **STANDING COMMITTEE**, 3-6 DECEMBER 2019, STRASBOURG

ON BEHALF OF "SAVE KRESNA GORGE" COALITION:

DANIEL POPOV, EA ZA ZEMIATA – FRIENDS OF THE EARTH BULGARIA

ANDREY KOVATCHEV, BALKANI WILDLIFE SOCIETY

SUMMARY – OUR DEMANDS AND LAST DECISION

WE ASKED THE 38TH STANDING COMMITTEE TO:

- ❖ *URGENTLY REOPEN THE KRESNA GORGE CASE FILE*
- ❖ *SUPPORT INDEPENDENT ASSESSMENT OF THE FLAWED EIA/AA 2017*
- ❖ *CARRY OUT AN ON-THE-SPOT APPRAISAL TO ENSURE AN OUTCOME IN CONFORMITY WITH THE BERN CONVENTION*

THE DECISION OF THE 38TH STANDING COMMITTEE:

“THE COMMITTEE DECIDED TO KEEP THE FILE AS POSSIBLE AND TO AWAIT THAT THE APPLICATION PACKAGE TO THE EUROPEAN COMMISSION IS SUBMITTED AND THE EVALUATION BY THE EUROPEAN COMMISSION SERVICES IS MADE AVAILABLE, AS THIS WILL CERTAINLY BE DONE TAKING INTO ACCOUNT THE EU ACQUIS ON NATURE CONSERVATION.”

IMPORTANT NEW DEVELOPMENTS:

- LETTER 17.09.2019 FROM KARMENU VELLA, COMMISSIONER TO STEFANOVA, HESLOP, BLAKE AND STOYANOVA ON INFRINGEMENT COMPLAINT CHAP(2017)02186

THE COMMISSIONER FOR ENVIRONMENT EXPRESSED CONCERN THAT THE E79 INTENSE TRAFFIC CAUSES SIGNIFICANT MORTALITY OF EU PROTECTED SPECIES AND DETERIORATES THE NATURA 2000 SITES

EUROPEAN COMMISSION OBSERVATIONS ON THE MAJOR PROJECT "STRUMA MOTORWAY LOT 3.2" 15/10/2019

"FOLLOWING A **THOROUGH ANALYSIS OF THE DOCUMENTS CONTAINED IN THE PROJECT APPLICATION**, THE COMMISSION SERVICES CONSIDER..."

- "...THE PROJECT DOES NOT COMPLY WITH THE ARTICLE 6(3) OF THE HABITATS DIRECTIVE...THE BULGARIAN AUTHORITIES HAVE NOT FULFILLED THE BASIC REQUIREMENTS OF THE HABITATS DIRECTIVE"
- "THE CURRENT APPROPRIATE ASSESSMENT DOES NOT COMPLY WITH THE ARTICLE 6(3) OF THE HABITATS DIRECTIVE"
- "THE ASSESSMENT OF THE IMPACTS ON NATURA 2000 SITES HAS NOT TAKEN FULLY INTO ACCOUNT ALL COMPONENTS OF THE PROJECT"
- "THE PROJECT WAS ASSESSED AS NOT HAVING SIGNIFICANT IMPACT ON THE TWO AFFECTED NATURA 2000 SITES ON THE BASIS OF SEVERAL MITIGATION MEASURES, THE EFFECTIVENESS OF WHICH IS UNCERTAIN, THUS NOT COMPLYING WITH THE REQUIREMENTS OF THE HABITAT DIRECTIVE"

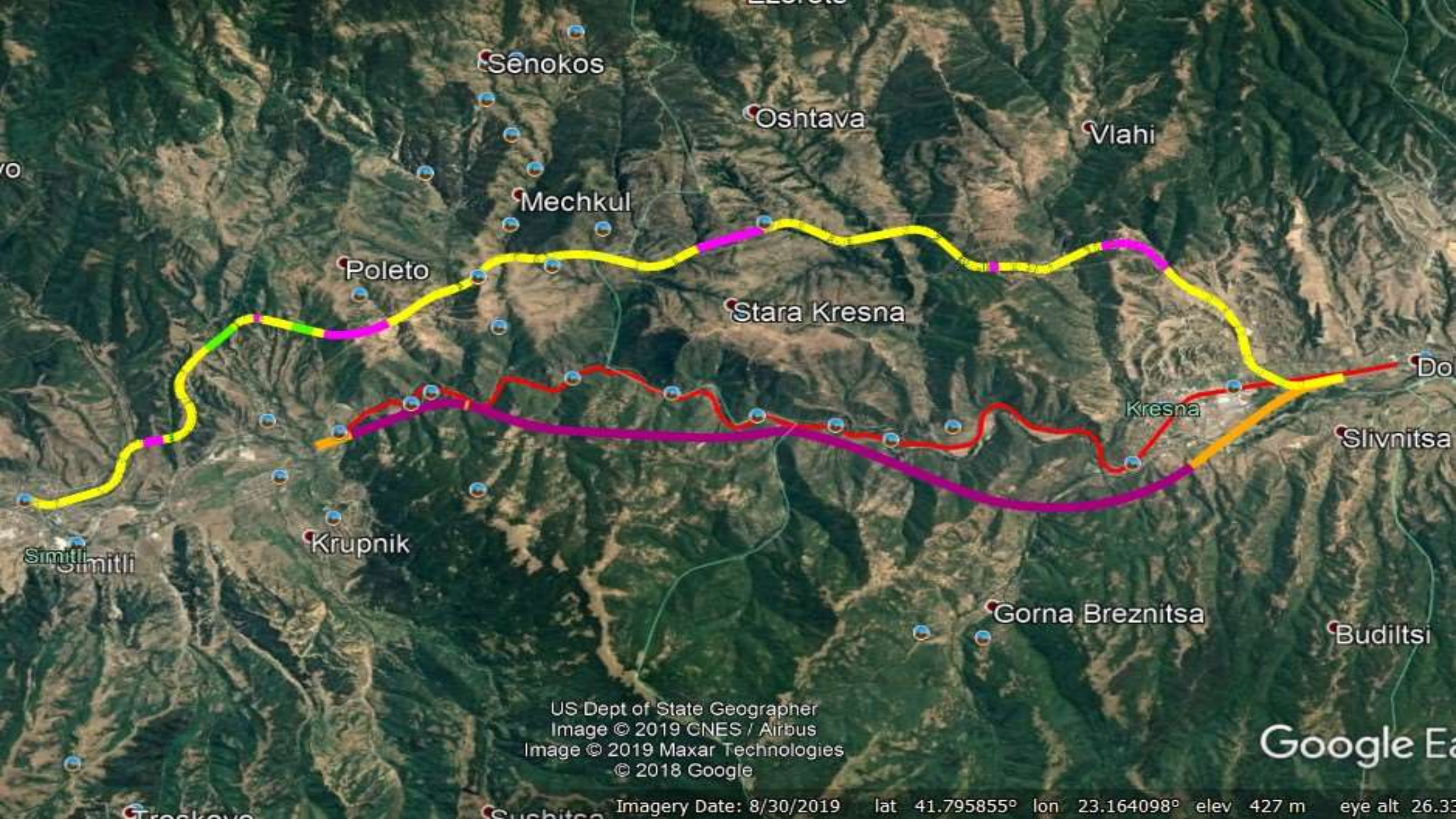
EUROPEAN COMMISSION OBSERVATIONS ON THE MAJOR PROJECT “STRUMA MOTORWAY LOT 3.2” – 15/10/2019

- “EIA/AA MISMATCH WITH THE CURRENT PROJECT SCOPE...THERE ARE DIFFERENCES, RELATED TO IMPORTANT STRUCTURES, BETWEEN THE TECHNICAL SPECIFICATIONS OF THE PROJECT SUBJECT OF EIA/AA AND APPROVED BY THE EIA DECISION AND THE PROJECT SUBMITTED FOR CO-FINANCING AS DESCRIBED IN THE PROJECT APPLICATION”
- “THE ASSESSED IMPACTS CAUSED BY AIR POLLUTION ON HABITATS AND SPECIES ARE BASED TO A MODEL WHICH IS NOT APPROPRIATE FOR THE SPECIFIC CONDITIONS OF THE GORGE AND THE IMPACTS FROM NOISE ON PROTECTED SPECIES ARE NOT ASSESSED”
- “BULGARIA HAS FAILED TO ESTABLISH SITE-SPECIFIC CONSERVATION OBJECTIVES FOR SCI KRESNA - ILINDENSI”
- “THE EXISTING ROAD E79 CAUSES HIGH PRESSURE FROM PASSENGER SAFETY AND ENVIRONMENTAL PERSPECTIVE DUE TO THE LACK OF MITIGATION MEASURES IN THE KRESNA GOIRGE SITE”

EUROPEAN COMMISSION OBSERVATIONS ON THE MAJOR PROJECT “STRUMA MOTORWAY LOT 3.2” – 15/09/2019

EUROPEAN COMMISSION FURTHER REQUIRES:

- THE EIA AND AA SHOULD BE REVISED AND IMPROVED
- URGENT DESIGNATION OF THE SPECIAL CONSERVATION AREAS AND ESTABLISHMENT OF OBJECTIVES AND MEASURES
- ADDRESSING PRESSURES OF THE EXISTING E79 ROAD
- *“IT IS NECESSARY TO RECONSIDER THE SCOPE OF THE PROJECT AND INCLUDE THE IMPLEMENTATION OF THE NECESSARY MEASURES ON THE E79 IN THE APPLICATION FORM”*
- IMPROVED PROJECT MANAGEMENT THROUGH INVOLVEMENT OF *“ADEQUATE ENVIRONMENTAL EXPERTISE AND APPROPRIATE INVOLVEMENT OF STAKEHOLDERS”* AND *“BY INCLUDING EXPERTS WITH INTERNATIONAL EXPERIENCE”*



Senokos

Oshtava

Vlahi

Mechkul

Poletto

Stara Kresna

Kresna

Krupnik

Gorna Breznitsa

Slivnitsa

Budiltsi

Simitli

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Google Earth

Imagery Date: 8/30/2019 lat 41.795855° lon 23.164098° elev 427 m eye alt 26.33

LEGAL FRAMEWORK AND VIOLATIONS OF THE BERN CONVENTION

- ART. 4 OF THE BERN CONVENTION, PARAGRAPH 2 OF THE RESOLUTION No. 1 (1989) - TO ENSURE THE CONSERVATION OF KRESNA GORGE AND AVOID OR MINIMISE AS FAR AS POSSIBLE ANY DETERIORATION OF SUCH AREAS
- ART. 9, PARA 1 OF THE CONVENTION REGARDING DEROGATIONS, ESPECIALLY THE NEED TO DEMONSTRATE "THAT THERE IS NO OTHER SATISFACTORY SOLUTION AND THAT THE EXCEPTION WILL NOT BE DETRIMENTAL TO THE SURVIVAL OF THE POPULATION CONCERNED:"
- AR. 1, 3(A) AND 3(B) OF THE RECOMMENDATION No. 16 (1989) AND RESOLUTION No. 3 (1996) AND RESOLUTION No. 6 (1998), ARTICLES 2.1, 2.3 OF THE RESOLUTION No. 8 (2012) – TO DEFINE SPECIFIC SHORT AND LONG-TERM SITE OBJECTIVES FOR THE KRESNA GORGE AS PART OF EMERALD NETWORK
- ART. 1, 2, 3, 4 AND 6 OF THE RECOMMENDATION No. 98 (2002) OF THE STANDING COMMITTEE - THE DECISION ON THE ROUTING OF THE MOTORWAY IS TAKEN ON THE BASIS OF AN IN-DEPTH ENVIRONMENTAL IMPACT ASSESSMENT, CONSIDERING NOT ONLY TECHNICAL AND ECONOMIC CRITERIA BUT ALSO ENVIRONMENTAL ONES. CONSIDER THE POSSIBILITY OF ABANDONING THE OPTION OF ENLARGING THE CURRENT ROAD

WE CONSIDER THE CASE URGENT AS THE RISK OF CONSTRUCTION WITHIN THE GORGE IS IMMINENT

- ❖ IN AUGUST 2019 THE BULGARIAN COUNCIL OF MINISTERS APPROVED 370 MLN EURO NATIONAL CO-FINANCING FOR LOT 3.2 WHICH IS FAR ABOVE THE USUAL CO-FINANCING TO THE EU FUNDS
- ❖ THE PRIME MINISTER AND OTHER HIGH LEVEL OFFICIALS STATED THAT HE COMMITTED TO BUILD THE MOTORWAY ON BOTH SIDES OF THE GORGE ONLY.
- ❖ THE MOTORWAY ADVANCES AND THERE IS A CHOSEN CONTRACTOR FOR LOT 3.2.1

FOR THESE REASONS WE ASK THE STANDING COMMITTEE TO:

- ❖ *URGENTLY REOPEN THE KRESNA GORGE CASE FILE*
- ❖ *MANDATE THE INVOLVEMENT OF INDEPENDENT EXPERTS TO ENSURE THE BEST SUPPORT TO THE BULGARIAN GOVERNMENT IMPLEMENTING THE GOALS OF BERN CONVENTION FOR PROTECTION OF THE EUROPEAN WILDLIFE AND NATURAL HABITATS IN KRESNA GORGE*

