

Kresna Gorge - need to open the file

42th meeting of the **Standing Committee**, December 2022, Strasbourg

On behalf of “Save Kresna Gorge” coalition:

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Recommendation 212 (2012) not implemented:

In 2022, the Bulgarian Government failed to implement ANY of the points of Recommendation 212(2021), and namely to:

1. Establish a fundamental cooperation relationship between the government and complainants;
2. Ensure a functional and transparent engagement mechanism with the complainants and other relevant stakeholders (scientific bodies, NGOs, civil society including representatives of the local communities) by establishing common working groups (on themes such as biodiversity, traffic safety etc.).
3. As a priority, initiate a concrete cooperation with complainants and other relevant stakeholders for the finalization of the Site-Specific Conservation Objectives for the two Natura 2000 sites, as well as in the review of the 2017 EIA/AA report/study
9. Address the concerns and the needs of the local society - i.e., loss of agricultural land and the restricted local mobility
11. Follow the above recommendations with regard to cooperation with the authorities of Bulgaria, including by sharing data, engaging in cooperation bodies and activities, and agreeing on a detailed time plan of next steps.

New developments 1: construction works in the Kresna gorge



[#SaveKresnaGorge](#)

- Clearance works and destruction of habitats in the Kresna gorge, October 2022:
 - 5 lay-bys presented as "mitigation measures"

The so-called ”mitigation measures”

- An on-site inspection on 26.10.2022 found **construction works on the road E-79 in the Kresna Gorge**, destruction of habitats, with no Appropriate assessment (Article 6.3), which is required
- The works are done by Road Infrastructure Agency – aiming *implementation of part of the measures for mitigation, specified in EIA Decision No. 3-3/2017*



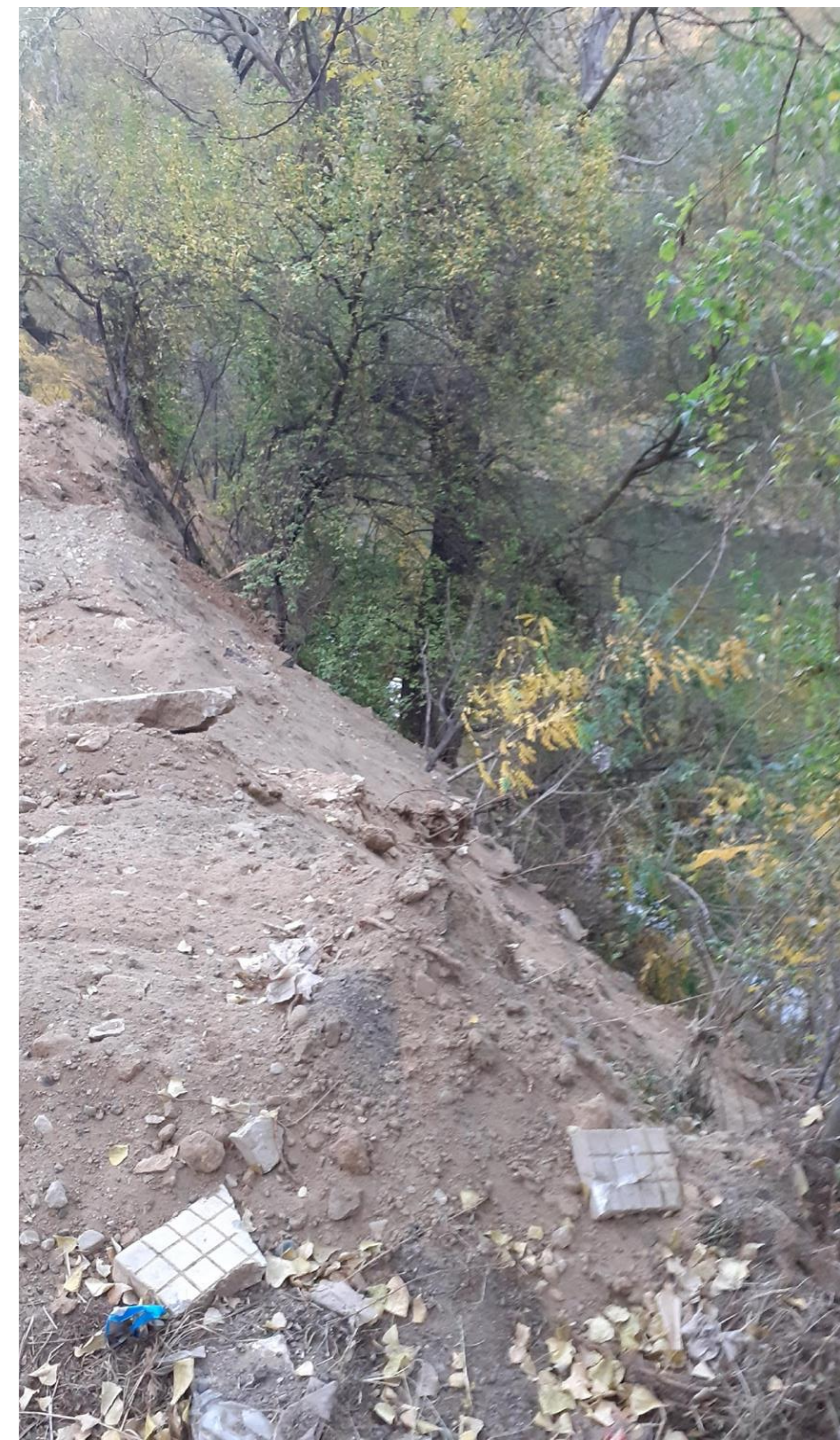
Clearance of vegetation in preparation for asphalt coverage, October 2022

The EC on the so-called mitigations measures

- EC observations from 2019 on *EIA Decision No. 3-3/2017* - *“the project has been assessed as not having significant impact ... on the basis of several mitigation measures the effectiveness of which is uncertain”*

- The EU funded consultant’s report (2021): *“Documents on the so-called “mitigation measures” have been reviewed, but no evaluation of the appropriateness of the proposed measures was possible, since the technical measures were not linked to the ecological effects on PHS.”*

Destruction of habitats at the river bed, October 2022



Conclusion:

Physical changes and damages on habitats were inflicted in the Kresna Gorge without new Appropriate assessment in line with the adopted Natura 2000 objectives or any other consultation with environmental authorities



**Clearance works in the Kresna gorge,
October 2022**

New developments 2: Complainants and other stakeholders were eliminated from the decision-making

Flawed or no results from the working groups (recommended by the Bern Convention in 2021):

- WG1: flawed finalisation of the results for Site Specific Conservation Objectives (SSCOs) of NATURA 2000 sites in Kresna in October 2022
under Ministry of Environment and Waters
- WG 2 (AA) and WG3 (road safety and socio-economic issues) have not started work
under Ministry of Regional Development and Public Work.

New developments – WG 1

- In July 2022 Working Group 1 from Recommendation 212 (2021) reached a consensus on the Site Specific Conservation Objectives (SSCOs) of the Kresna NATURA 2000 sites and the document was submitted for public consultations.
- On 13 October 2022 a meeting of the National Biodiversity Council (NBC) under the Ministry of Environment rejected the consensus product. A product prepared by the private consultancy company DICON, not published nor subject to public consultations, was voted and adopted.

The adopted product sets the ground to justify the selected alternative in 2017 that passes through the gorge:

- The conservation objectives for reptiles (2 species of land tortoises and 2 snakes) include mitigation measures, related to the Struma motorway.
- The biological data on bear (*Ursus arctos*) is inadequate.
- Does not reflect the conservation priorities of the NATURA 2000 sites and their role for the NATURA 2000 coherence (for ex. as a reptile bio-corridor).

But, in fact:

when we read the reports of EU funded experts it is explicitly reported that:

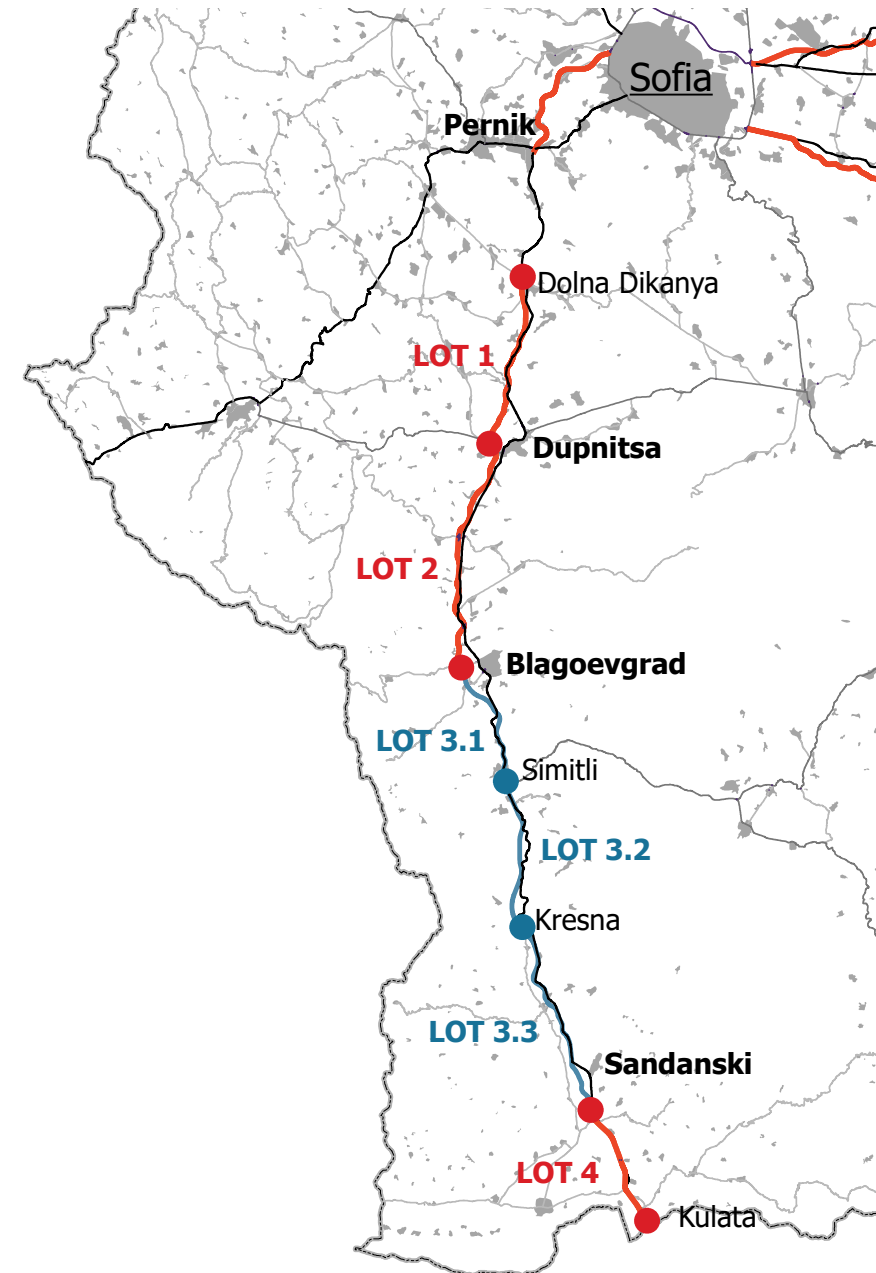
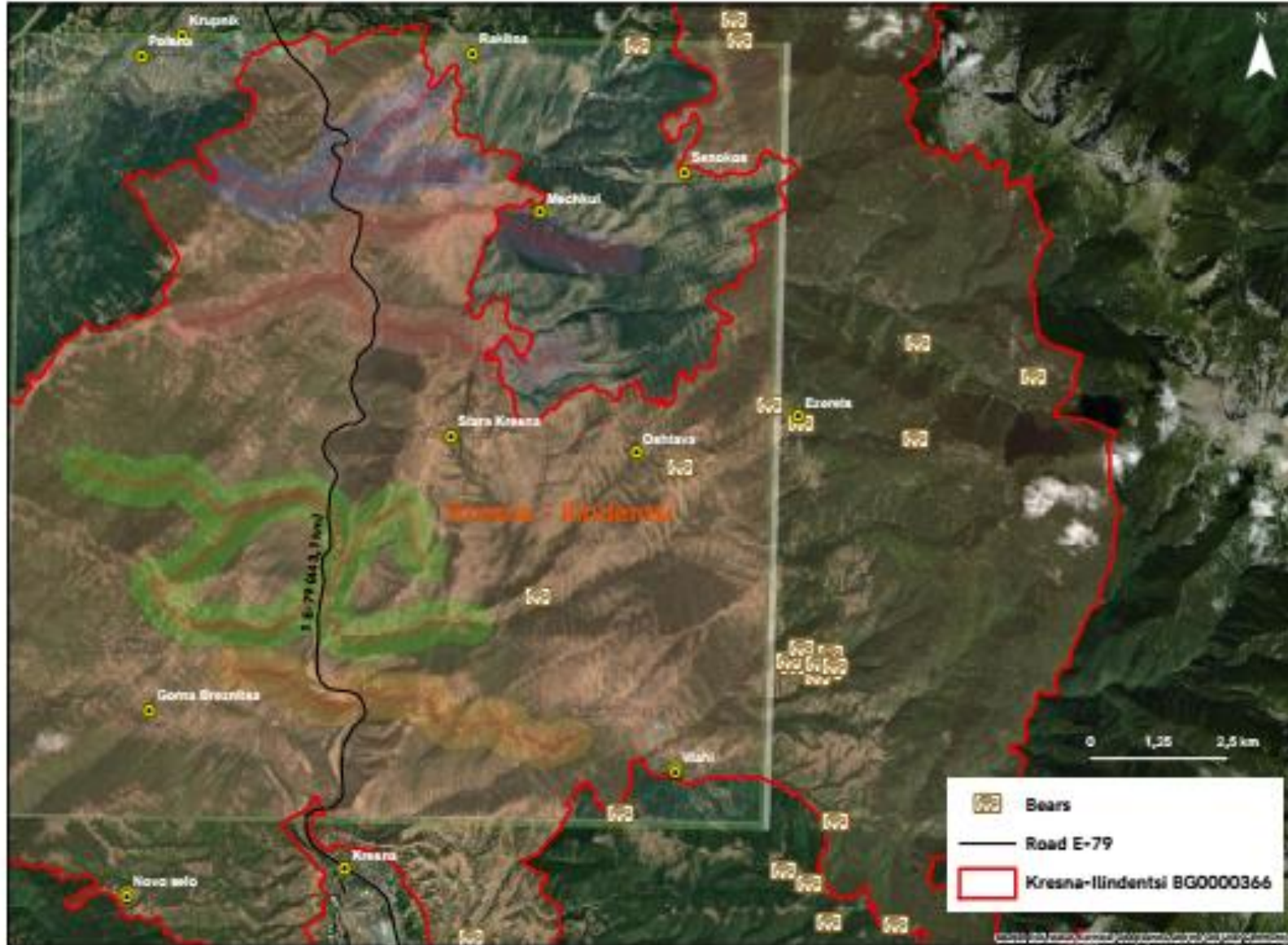
*“the EU consultants **have not received much of new data** collected through 2020 DICON project, except for few examples”*

*“Until the end of the project, **no additional data was made available to EC consultants.**”*

*“Although the contract was extended, **it was not possible to implement all three activities and to complete the project consequently.** Even task 2 could not be completed, since there are still a number of protected habitat types and species (PHS) for which no site-specific conservation objectives (SSCOs) at all have been provided, and a number of PHS which could not be finalized, **since the given comments and recommendations have not been included.**”*

Conclusion: the currently adopted detailed and specific objectives on Kresna zones are NOT approved by the EU funded consultants and are strongly opposed by the biodiversity scientific community

Map bears – just one example



How did we get here: brief history of the Kresna gorge case

✓ 2002 on-the-spot appraisal mission and Recommendation No. 98 (2002) defines:

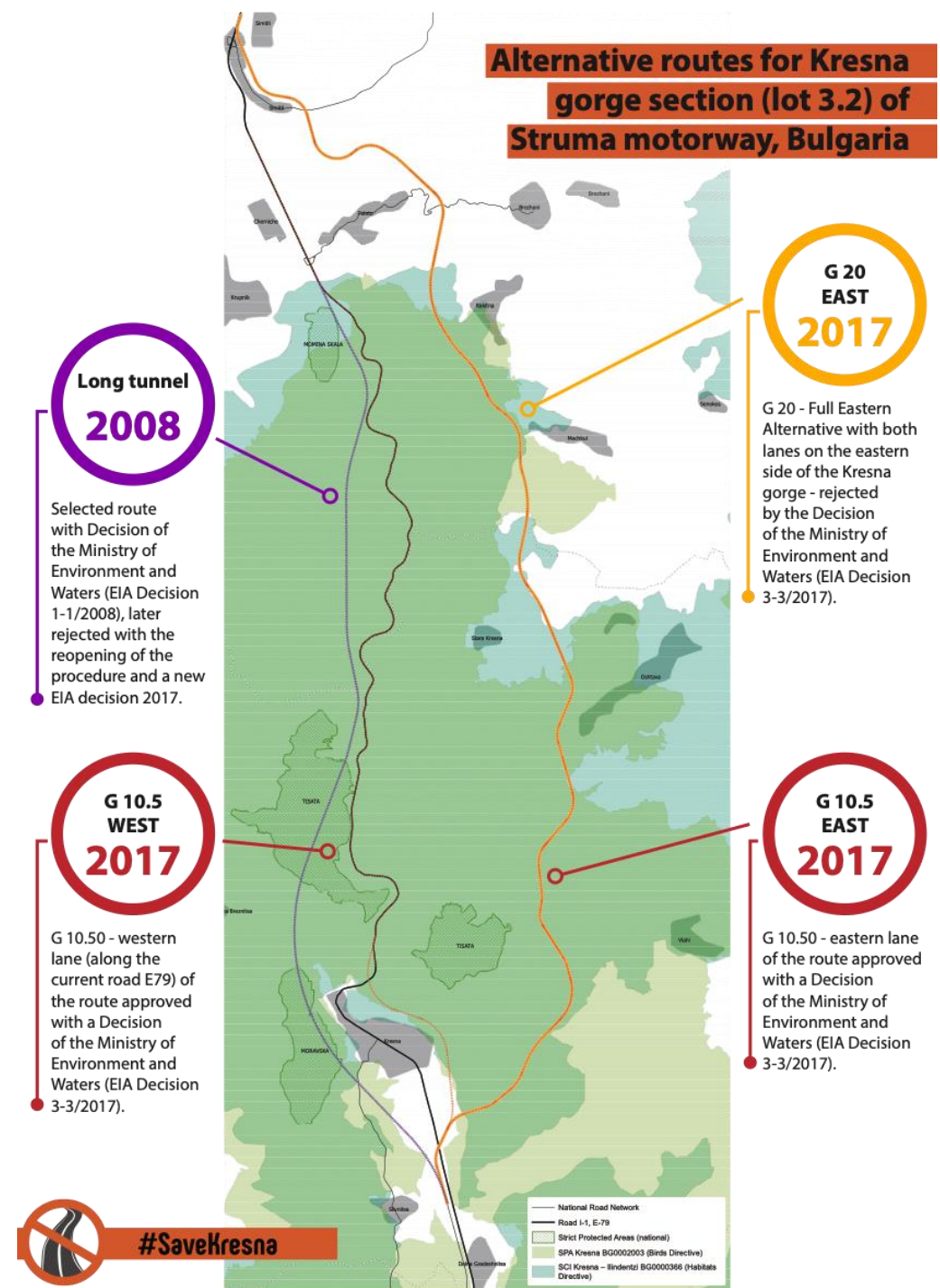
strong traffic pressure (mortality) in the Gorge
no effective mitigation inside the Gorge is possible

need for alternative motorway route outside the Gorge (existing road in the Gorge to be local)

✓ 2004 - opened case file;

✓ 2008 – EIA decision – alternative outside the Gorge is selected – a long tunnel and in 2010 – case file closed;

✓ 2017 – new EIA decision in violation with Recom. 98 and 2008 EIA decision;



How did we get here: brief history of the Kresna gorge case

✓ 2019 – the EC criticised the low quality and the misleading conclusions of the 2017 EIA report requesting revision and significant improvements:

- missing conservation objectives of the sites and lack of effective mitigation measures;
- the EIA decision does not comply with the Habitats Directive

✓ 2021 – report by the EU-funded external experts;

✓ 2021 – on-spot appraisal mission (on-line) of Bern Convention;

✓ Both expert mission confirmed that the biodiversity assessment and the mitigation measures proposed at the 2017 EIA Decision are **not compliant with the Habitats Directive** requirements;

✓ **Recommendation No. 212 (2021) of the Standing Committee, adopted on 3rd December 2021**



Infringement procedure on Natura 2000

Bulgaria is in the final stage (referral to Court) of the Infringement procedure (INFR(2018)2352), for failing to protect and manage its Natura 2000 sites, including Kresna-Ilindentsi SCI and Kresna SPA, many years after the deadline in 2014

- failing to designate as soon as possible and within six years at most as special areas of conservation ('SACs') 194 out of a total of 229 sites of Community importance ('SCIs'), adopted by Decisions 2009/93/EC, 2009/91/EC and 2009/92/EC of 12 December 2008 and Decision 2013/23/EU of 16 November 2012;
- systematically and persistently failing to fulfil its obligation to set detailed site-specific conservation objectives;
- systematically and persistently failing to fulfil its obligation to establish the necessary conservation measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the site, and
- failing correctly to transpose Article 6(1) into national law.

Thus showing clearly the priorities and the attitude of the responsible state institutions towards the protection of the network!

Our request to the Standing Committee:

NGOs ask for an **official opening of the file on the case**, due to:

- **the failure to implement Recommendation 212 (2021);**
- **the responsible institutions restored in 2022 lack of communication and maladministration practices;**
- **the imminent threat to the protection of the Kresna Gorge**

NGO proposal for decision:

“The Standing Committee decided to elevate the complaint of Kresna gorge case to an open file. The Standing Committee appeals to the Government, together with the Complainants, to implement Recommendation 212 (2021) and to revise the 2017 EIA report by including all meaningful alternatives outside the Kresna Gorge, thus, respecting Recommendation 98 (2002).”

Save Kresna gorge! Thank you!

