

AGREEMENT

for performing actions in implementation of Protocol Decision under item 43 of an operative meeting of the Council of Ministers dated 08.05.2025

related to implementation of the Struma Motorway

Today,, in the city of Sofia, the parties:

1. Road Infrastructure Agency, with headquarters and management address: city of Sofia 1606, 3 Makedonia Str., with UIC under BULSTAT: 000695089, represented by Eng. Yordan Valchev, in his capacity of Chairperson of the Management Board, hereinafter referred to as RIA;

2. BALKANI Wildlife Society, UIC 831467860, represented by Petko Tsvetkov, Chairperson of the Management Board and a person with individual representative power, hereinafter referred to as “representatives of non-governmental organizations (NGOs)”;

3. Bulgarian Biodiversity Foundation, UIC 121540285, represented by Yordanka Slavova in her capacity of Executive Director, hereinafter referred to as “representatives of non-governmental organizations (NGOs)”;

4. Association of Parks in Bulgaria, UIC: 131066056, represented by Simeon Arangelov, Chairperson of the Management Board and a person with individual representative power, hereinafter referred to as “representatives of non-governmental organizations (NGOs)”;

5. Association “For the Earth - Access to Justice”, UIC 177012094, represented by Meglena Antonova and Ivaylo Popov, hereinafter referred to as “representatives of non-governmental organizations (NGOs)”;

Agreed as follows:

DECLARATORY PART

1. The completion of the remaining part of the Struma Motorway is of high priority and of particular national and European importance. The transport route is part of the Trans-European Transport Network (TEN-T), providing the best connectivity of Bulgaria with its neighbouring countries, as well as between the northern and southern parts of Europe. The motorway is of strategic importance, as it is part of the ‘solidarity corridors’ that have become necessary in view of Russia’s aggression against Ukraine.

2. At the same time, the Kresna Gorge area is a territory of exceptional biodiversity and plays an important role in the conservation of the European wild flora and fauna and natural habitats. Two areas of the European Natura 2000 protected areas network have been declared in the region. The rapid completion of the Struma Motorway and the removal of transit traffic from the gorge is of utmost importance for their conservation.

3. The Bulgarian authorities and the EC reached an agreement in February 2024 on the further

actions, in implementation of which a Decision of the Council of Ministers 146 of 29 February 2024 was adopted.

4. The construction of the Struma Motorway in the section of the Kresna Gorge is also in the attention of the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention). The Convention's Standing Committee examines the case annually as a so-called "possible file". In 2021, following a consultative mission of Convention experts, Recommendation 212 (2021) was adopted to promote improved cooperation with the stakeholders in making the decisions to implement the project.

5. At the 44th meeting of the Standing Committee, with the cooperation of the Secretariat of the Berne Convention, a convergence of positions was achieved between the Bulgarian authorities and the applicant, NGO Coalition "Let's Save the Kresna Gorge". The two countries agreed on the need to make progress on the project, taking into account all environmental, technical, and procedural aspects and problems of its development so far. Based on this agreement, the Standing Committee, after hearing the parties and taking into account the convergence of the positions between them, decided to keep the case as a potential file, and decided:

- The Standing Committee of the Bern Convention called on the Bulgarian authorities to focus on finding technically feasible routes for the construction of the western lane of the Struma Motorway from Sofia to Kulata outside the Kresna Gorge. The Committee called on the Bulgarian authorities to reformulate these Terms of Reference (to define a complementary road to the Struma Motorway) in order to focus on how the second lane of the motorway (from Sofia to Kulata) can be built (in stages), immediately adjacent to the east lane (Kulata – Sofia), with effective impact mitigation measures to avoid damage to the subject and objectives of the protected areas and to leave the existing E79 road in the Kresna Gorge and the bypass of the city of Kresna as a complementary road.

- The studies and the future EIA procedure should be carried out as soon as possible and should not consider the existing road as a western lane of the planned Struma Motorway from Sofia to Kulata. The construction of a western lane, adjacent to the eastern one, will further reduce the pressure inside the gorge.

- It invites the Bulgarian authorities and the NGO coalition "Save the Kresna Gorge" to jointly prepare a roadmap for the implementation of the project, observing the deadlines under the TEN-T Regulation (until 2030), and the Bulgarian authorities to make a legally binding commitment to its implementation.

6. Pursuant to the Decision of the 44th meeting of the Standing Committee of 6 December 2024, by Decision No. 62/12.02.2025 of the Council of Ministers, a roadmap was adopted, prepared in cooperation with the representatives of the Coalition "Save the Kresna Gorge", which complements the agreements reached between the European Commission and the Bulgarian government in compliance with the following basic principles:

- Taking into account in the future steps the stability of the administrative acts, while ensuring that all necessary measures are taken to protect and restore the affected habitats and species

- Construction of the eastern lane of the Struma Motorway should begin in the near future, including as an important step to relieve the traffic pressure on the species and habitats in the gorge

- Focusing efforts on finding technically feasible opportunities to take the transit traffic out of the Kresna Gorge, and using the existing road through the gorge only as a local one

- Enhancing the dialogue and providing the stakeholders' involvement in the process to ensure that considerations of the habitats and species conservation will be taken into account
- Mobilizing the efforts of all institutions and the support of stakeholders to implement the studies and the applicable environmental legislation procedures as soon as possible.

SUBJECT OF THE AGREEMENT

Taking into account the above circumstances and on the grounds of a Decision of the Council of Ministers from an operational meeting held on 08.05.2025 and Decision of the Management Board of the RIA, adopted on the basis thereof, objectified in Minutes No. ПД-15-1464 of a meeting held on 16.05.2025, the parties agreed as follows:

Art. 1. The Agreement is concluded for the implementation of actions for the completion of LOT 3.2 of the Struma Motorway and the complete provision of the Sofia – Kulata transport route in the Simitli - Kresna section, outside the Kresna Gorge, in the shortest possible time and in order to prevent significant damage to the subject and objectives of conservation in the Kresna Protected Area and the Kresna – Ilindentsi Protected Area.

Art. 2 RIA commits:

1. To award a public procurement with the subject “Preparation of preliminary design for the comprehensive provision of the transport route Sofia – Kulata in the section Simitli – Kresna, outside the Kresna Gorge” as soon as possible, based on an agreed ToR within the permanent expert group established by Order No. ПД-08-77 of 21.02.2025 of Deputy Prime Minister and Minister of Transport and Communications Grozdan Karadzhev

2. The route shall be designed based on a technical solution, which is immediately adjacent to the eastern lane of Lot 3.2. of the Struma Motorway under Eastern option D10.50, as wherever possible and to the maximum extent it will avoid affecting natural habitats and habitats of species in compliance with the technical solution and the planned facilities on the eastern lane of Lot 3.2 of the Struma Motorway under Eastern option D10.50, in order to achieve maximum efficiency and integration of the measures for both directions of movement to mitigate the effects and to a significant extent prevent damages to the integrity and the subject of conservation of NATURA 2000 protected areas. These integrated measures shall include, where possible:

a) reducing the area of embankments (wherever possible) and replacing them with facilities with a territorial scope within the traffic lanes (viaducts, bridge facilities, retaining walls)

b) reducing to a maximum degree the area of habitats and habitats of species subject to conservation in the protected areas affected by the project and in any case striving to reduce within this area cumulative impact for each habitat of less than 1%

c) ensuring the maximum possible defragmentation measures for the species wolf and brown bear, including: where possible, building low bridges and viaducts, as well as covered tunnels/overpasses; noise and light protective facilities at the defragmentation sites; effective fencing for these species for the entire route (following the experience of Via Egnatia); ensuring maintenance of defragmentation facilities during the operation

d) planning the construction with minimal use of access roads and the maximum possible use of the already built motorway lanes for construction purposes

3. Notify the competent environmental authority for determining the applicable Environmental Impact Assessment/Compatibility Assessment (EIA/CA) procedure after performing the initial technical and environmental studies and after discussing them in the expert group referred to in para. 1, but not later than 90 days from the start of the public procurement contract under para. 1 (providing the necessary information for the preparation of a notification under Art. 4 of the EIA Ordinance)

4. Ensure the necessary arrangements so that the procedure under the environmental legislation is carried out in parallel with the conduct of technical studies and design of the transport route Sofia – Kulata in the section Simitli – Kresna, outside the Kresna Gorge

5. Include in the EIA/CA assignment assessment of the cumulative impacts from both traffic directions, including from other past, current, and/or expected future investment proposals/plans, programs, projects, by defining integrated mitigation measures to avoid significant damage to the subject of conservation in the protected areas. The EIA/CA assignment must take into account and motivate that the road through the Kresna Gorge (E79) will be considered only as a complementary/local road and will not perform the functions of a western lane of the motorway (as provided for in Eastern option D10.50)

6. Take all necessary actions to start the construction of the bypass of the town of Kresna without delay, but not later than 01.09.2025.

Art. 3 (1) Within 3 days of the entry into force of this Agreement, the representatives of the non-governmental organizations (NGOs) shall submit requests for refusal to contest all complaints on administrative cases against:

1. Decision No. 5-IIP/11.06.2024 of the Minister of Environment and Water assessing the need to carry out an environmental impact assessment for an investment proposal “Amendment to the investment proposal “Improvement of the route of Lot 3.2 of Struma Motorway (AM) under eastern variant D 10.50” with the Road Infrastructure Agency as the contracting authority

2. Letter ref. No. EO-8/13.03.2023 of the Minister of Environment and Water regarding the draft Detailed Development Plan - Plot Plan (DDP-PP) for Completion of Kresna Road Junction/ road connections No. 4, 5 and 6 per km 401+691.90 as per the mileage of Struma Motorway of Lot 3.2=397+000 as per the mileage of Struma Motorway, Lot 3.3, falling within the scope of Lot 3.2”

(2) In the event that the goal of building the two directions of traffic on the Struma Motorway from Sofia to the Kulata outside the Kresna Gorge is achieved and provided that an agreement is observed between the applicants and the Ministry of Environment and Water and the Regional Inspectorate of Environment and Water Blagoevgrad dated May 2025, including with regard to the waiving of court costs by the Ministry of Environment and Water and the Regional Inspectorate of Environment and Water – Blagoevgrad, the representatives of the non-governmental organizations (NGOs) shall undertake not to take administrative or legal actions both at the national and international level, through which the construction of the Struma Motorway and the bypass of the town of Kresna may be delayed, as well as to refrain from any actions that may delay in any way the operation and implementation of the future act under EIA/CA for the investment proposal for complete provision of the transport route Sofia – Kulata in the section Simitli – Kresna, outside the Kresna Gorge, and against the construction of the eastern lane of LOT 3.2 of the Struma Motorway (as provided for in Eastern variant D10.50 approved by EIA Decision No. 3-3/2017 and Decision No. 5- IIP/2024 of the Minister of Environment and Water).

Art. 4 The Parties shall exchange information in promoting the Agreement. The Agreement is translated into English and is reported by the Parties to the EC services and to the bodies of the Berne Convention, as a step in the implementation of Recommendation 212 (2021) and the Decision of the 44th Standing Committee of the Convention. The Agreement itself is public information within the meaning of the Access to Public Information Act (APIA) and environmental information within the meaning of Art. 19, para. 2 of the EPA.

Art. 5 The Agreement expires with the completion of the construction for the complete provision of the transport route Sofia – Kulata in the section Simitli – Kresna, outside the Kresna Gorge.

Art. 6 This Agreement shall be amended by mutual consent of the parties hereto.

Art. 7 This Agreement shall enter into force on the day of its signature by all parties.

Art. 8 The Agreement has been signed in five identical copies by the representatives for each of the parties.

Art. 9 The parties hereby agree to come forward with general public information about this Agreement.

For RIA:

[Signature: Illegible]

FOR NGO REPRESENTATIVES:

[Signature: Illegible]

ENG. YORDAN VALCHEV

CHAIRPERSON OF THE RIA
MANAGEMENT BOARD

[Stamp: Road Infrastructure Agency, Sofia]

BALKANI Wildlife Society

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Bulgarian Biodiversity Foundation

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the Parks in Bulgaria]*

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Biodiversity Foundation,
BBF]*

Association of the Parks in Bulgaria

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Association “For the Earth – Access to Justice”