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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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**Follow-up Recommendations 98 (2002) and 212 (2021) on the
project to build a motorway through the Kresna Gorge
(Bulgaria)**

**- JOINT REPORT BY THE COMPLAINANT AND THE
GOVERNMENT -**

Document prepared by
Ministry of Environment and Water, Bulgaria
and
Save the Kresna Gorge Coalition of NGOs



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

**Follow-up of Recommendation No. 98 (2002)
and Recommendation No. 212 (2021)
on the project to build a motorway
through the Kresna Gorge
(Bulgaria)**

**- JOINT REPORT BY THE GOVERNMENT AND COMPLAINANT (NGO's
coalition) -**

*Document prepared by
Ministry of Environment and Water, Bulgaria
and
Save the Kresna Gorge Coalition of NGOs*

-February 2025-

Complaint No. 2001/4 and Recommendations No. 98 (2002) and 212 (2021) on the project to build a motorway through the Kresna Gorge (Bulgaria) (Struma Motorway Lot 3.2)

Progress since December 2024

13 February 2025

I. Common actions taken to prepare and approve a "roadmap" for the motorway project implementation

In implementation of par. 163 of the decision of the 44th Standing Committee of the Convention and paragraphs 1 and 11 of Recommendation 212/2021 of the Standing Committee, representatives of the Bulgarian Government and Save the Kresna Gorge Coalition of NGOs worked together in December 2024 and January 2025 on drafting a roadmap for the further implementation of the project to build a motorway in the area of the Kresna Gorge (Bulgaria).

In mid-January 2025, a joint draft proposal of a roadmap was agreed between government experts and NGO representatives. It directly reflects the following recommendations of paragraphs 162 and 163 of the 44th Standing Committee decision:

- to find technically feasible routes for the Western lane outside the Kresna Gorge (par. 162 of the decision);
- to reformulate the current ToR (for identifying a complementing road to the Struma Motorway) to focus on how the second lane of the Motorway (from Sofia to Kulata) can be constructed (phased) next to the Eastern lane (Kulata – Sofia) (par. 162 of the decision);
- to undertake effective mitigation measures for both directions of traffic on the motorway to avoid adverse impact on the integrity of the sites (par. 162 of the decision);
- to leave the existing E79 and the bypass of Kresna town as a complementary road, not consider the existing road as the Western lane of the planned Struma Motorway from Sofia to Kulata (par. 162 of the decision);
- to include a competent environmental team to perform environmental studies in parallel with the technical design (par. 162 of the decision);
- the studies and future EIA procedure must be implemented as soon as possible (par. 162 of the decision);
- invited the parties to jointly elaborate a roadmap for the implementation of the project respecting the timelines under the TEN-T Regulation (by 2030), and the Bulgarian authorities to take a legally binding commitment to enact it (par. 163 of the decision).

From mid-January to early February 2025, the joint proposal for a roadmap prepared by experts was agreed within the government and was finally approved on 12 February 2025 by Decision № 62 of the Council of Ministers (we attach a translation of the decision and the officially approved “roadmap”). The Council of Ministers is the highest administrative executive body of the Government and its decisions are binding for all central, regional, and local executive authorities in Bulgaria.

II. Termination of the design contract from 2024

On 9 January 2025, the Road Infrastructure Agency cancelled the tender from 2024 for the identification of a complementary road parallel to the Struma Motorway from 2024 and will reformulate the terms of reference of a new tender in accordance with par. 162 of the decision of the 44th Standing Committee of the Convention. In essence, this is also the first specific step to implement the roadmap.

III. Expert group to monitor the implementation of the “roadmap”

In implementation of par. 163 of the decision of the 44th Standing Committee of the Convention and points 1 and 11 of Recommendation 212/2021 of the Standing Committee, the roadmap foresees the establishment of a permanent expert group to follow up its implementation, with the participation of the competent institutions (Ministry of Regional Development and Public Works, Road Infrastructure Agency, Ministry of Environment and Water, Ministry of Transport and Communications, State Agency Road Safety) and stakeholders (Save the Kresna Gorge Coalition of NGOs). The Council of Ministers decision also stipulated its creation, as well as an obligation of its Chairperson to regularly report the progress on the implementation of the roadmap to the Council of Ministers.

IV. The technical design of the bypass of Kresna town with regard to the passing of the Vlahina River

In implementation of par. 159 of the decision of the 44th Standing Committee of the Convention in January 2025, a meeting was held with the participation of the Road Infrastructure Agency, the Ministry of Environment and Water, State Agency Road Safety, NGOs, and the company building the bypass of Kresna town. Immediately afterwards, the BALKANI Wildlife Society NGO organized a meeting with expert herpetologists from the Bulgarian Academy of Sciences to discuss mitigation measures in this road section.

The parties finally agreed on some changes in the envisaged mitigation measures in this section of the bypass (about 600 meters crossing the left tributary of the Struma River in the Kresna Gorge). These amendments include:

1. Increase the size of the facilities that serve both for water drainage and to ensure the passage of animals from 2 x 2 m to 3 x 3 m by providing them at a higher embankment height so that they are of a shorter length (possibly up to 20 m). This should provide sufficient lighting and create passage conditions for most reptile species.
2. Construct the fencing facilities at half the height of the embankment, which will allow the reptile habitat to be restored at the bottom.

V. The preliminary mitigation measures for existing E79 road in the Kresna Gorge

In implementation of par. 161 of the decision of the 44th Standing Committee of the Convention, a meeting was held in January 2025 with the participation of the Road Infrastructure Agency, the Ministry of Environment and Water, the State Agency Road Safety, NGOs and the contractor of the measures.

The NGOs supported the maintenance and adaptation of the existing culverts, but expressed concern about the planned construction of 1.2 m high reptile fences, which are not accompanied by defragmentation facilities and may prove to be an additional cumulative barrier to the daily and seasonal movements of reptile species. Immediately thereafter, the BALKANI Wildlife Society NGO organized a meeting between expert herpetologists from the Bulgarian Academy of Sciences and the contractor of the measures. On 10 February 2025, the NGO and the expert herpetologists submitted to the Road Infrastructure Agency a statement summarizing all scientific and conservation proposals for revision and adaptation of the envisaged mitigation measures. The final discussion of these proposals with the government institutions is pending.

VI. Discussion on the applicable procedures for the future EIA and AA

The issue of the applicable and legal procedures for the future environmental impact assessment (EIA) and appropriate assessment (AA) remains a matter of future agreement. The roadmap foresees that this issue will be discussed and resolved as soon as possible within the framework of the established expert group with the participation of government institutions and NGOs (see point III of this update and point 7 of the attached roadmap).

Appendices: Appendix 1 – Translation of the Decision № 62 of the Council of Ministers and the officially approved “roadmap”

**REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS**

D E C I S I O N N o . 6 2

of 12 February 2025

ADOPTING A ROADMAP FOR THE COMPLETION OF THE STRUMA MOTORWAY

**THE COUNCIL OF MINISTERS
DECIDED:**

- 1.** Adopts a Roadmap for the completion of the Struma Motorway.
- 2.** Instructs the Deputy Prime Minister and Minister of Transport to set up a standing expert group to monitor the implementation of the roadmap, with the participation of representatives of the competent institutions (Ministry of Regional Development and Public Works, Road Infrastructure Agency, Ministry of Environment and Water, Ministry of Transport and Communications, and State Agency Road Safety) and stakeholders (representatives of the Save Kresna Coalition).
- 3.** Instructs the Chair of the expert group referred to in p. 2 to report in writing on the progress of the implementation of the roadmap to the Council of Ministers on a quarterly basis.

PRIME MINISTER:

**SECRETARY GENERAL OF THE
COUNCIL OF MINISTERS:**

Annex

Roadmap for the completion of the Struma Motorway

The completion of the remaining part of the Struma Motorway is a high priority objective, which is particularly important for many reasons. The transport route is part of the Trans-European Transport Network (TEN-T), ensuring the best connectivity of Bulgaria with its neighboring countries, as well as between northern and southern parts of Europe. The motorway is of strategic importance, as it is part of the ‘Solidarity Lanes’ made necessary by Russia’s aggression against Ukraine.

At the same time, the Kresna Gorge is an area of extraordinary biodiversity and plays an important role in the conservation of European wildlife and natural habitats. Two sites of the Natura 2000 European network have been designated in the area. Species and habitats protected in the gorge are highly vulnerable to the impact of infrastructure. The speedy completion of the Struma Motorway and diverting transit traffic away from the gorge has a crucial role to play in their preservation.

Given the need to ensure compliance with EU law and improve this vital transport link, the Bulgarian authorities and the EC reached an agreement in February 2024 on the way forward, in pursuance of which Council of Ministers Decision 146 of 29 February 2024 was adopted.

The construction of the Struma Motorway in the section of the Kresna Gorge is also in the focus of attention of the Council of Europe’s Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). The Standing Committee of the Convention examines the case annually as a so-called “possible file”. In 2021, following an advisory mission by Convention experts, Recommendation 212 (2021) was adopted, which encouraged a better collaboration with stakeholders and efficient use of available data in the decisions to implement the project.

The 44th meeting of the Standing Committee, with the cooperation of the Secretariat of the Bern Convention, achieved convergence of positions between the Bulgarian authorities and the complainant NGO Save Kresna Coalition. The two parties agreed on the need to make progress on the project, taking into account all environmental, technical, and procedural aspects and issues so far. Based on this arrangement, the Standing Committee, having heard the Parties and taking into account the alignment of positions between them, decided to maintain the case as a potential file and decided:

- The Standing Committee of the Bern Convention urged the Bulgarian authorities to focus on finding technically feasible routes for the construction of the Western lane of Struma Motorway from Sofia to Kulata outside the Kresna Gorge. The Committee urged the Bulgarian Authorities to reformulate the current ToR (for identifying a complementing road to the Struma Motorway) to focus on how the second lane of the Motorway (from Sofia to Kulata) can be constructed (phased) next to the Eastern lane (Kulata–Sofia) with effective mitigation measures to avoid adverse impact on the integrity of the sites and leave the existing E79 and the bypass of Kresna town as a complementary road;

- The studies and future EIA procedure must be implemented as soon as possible and must not consider the existing road as the Western lane of the planned Struma Motorway from Sofia to Kulata. The construction of a western lane next to the eastern will further decrease the pressure inside the gorge;
- Invited the Bulgarian authorities and the NGO Save Kresna Coalition to jointly elaborate a roadmap for the implementation of the project respecting the timelines under the TEN-T Regulation (by 2030), and the Bulgarian authorities to take a legally binding commitment to enact it.

In implementing the Decision of the 44th meeting of the Standing Committee of 6 December 2024, this roadmap, drawn up in cooperation with the representatives of Save Kresna Coalition, complements the agreements reached between the European Commission and the Bulgarian Government, subject the following basic principles:

- Taking into account, in future steps, the stability of administrative acts, while ensuring that all necessary measures are taken to protect and restore the habitats and species affected;
- The construction of the Eastern lane of the Struma Motorway should start as soon as possible, including as an important step in alleviating traffic pressure on species and habitats in the gorge;
- Focusing efforts on finding technically feasible possibilities to divert transit traffic out of the Kresna Gorge, and using the existing road through the gorge only as a local one;
- Enhance dialogue and involve stakeholders in the process to ensure that habitat and species conservation considerations are taken into account;
- Providing the necessary environmental expertise to support optimal technical solutions;
- Mobilizing the efforts of all institutions and stakeholder support to implement the studies and applicable procedures under environmental legislation as soon as possible.

With this roadmap, the Council of Ministers entrusts the actions of the institutions responsible for the implementation of the project, so as to ensure that the legal, technical, and environmental aspects are duly taken into account during the preparation and implementation of the project.

No	Action	Effect/requirements	Deadline	Responsible institution
I. Steps to fully ensure the transport route Sofia – Kulata in the section from Simitli to Kresna				
1.	Set up a permanent expert group to monitor the implementation of the roadmap, with the participation of the competent institutions (MRDPW, RIA, MEW, MTC, SARS) and stakeholders (representatives of Save Kresna Coalition)	Objective: provision of information and expert discussion	February 2025	CoM
2.	Terminate the public procurement contract ‘Development of a pre-investment study and design to ensure the Sofia – Kulata route, outside the Kresna Gorge’		9 January 2025 Completed	RIA/ MRDPW

No	Action	Effect/requirements	Deadline	Responsible institution
3.	Develop ToR for a public procurement contract for comprehensive provision of the transport route in the section from Simitli to Kresna, including the design of the selected option	<p>The studies should focus on fully ensuring the transport route in the section from Simitli to Kresna, leading to the diversion of transit traffic out of the Kresna Gorge, as well as identifying effective integrated mitigation measures for both traffic directions to reduce to negligible levels the impacts on the conservation object in protected areas.</p> <p>Require the contractor to provide a competent environmental team to carry out environmental studies in parallel with the technical studies and design</p> <p>Prepare, within six months from the start of implementation, the data necessary to submit a notification to the competent environmental authority</p> <p>Preliminary discussion on the ToR with Save Kresna Coalition</p> <p>Discussion of the results of the execution of the contract within the expert group under p. I.1</p> <p>Include the preparation of a conceptual design</p>	15 February 2025	RIA/ MRDPW
4.	Conduct a public procurement procedure for the 'Development of a conceptual design to ensure the transport route Sofia - Kulata in the section from Simitli to Kresna outside the Kresna Gorge'		February 2025	RIA/ MRDPW

No	Action	Effect/requirements	Deadline	Responsible institution
5.	Sign the public procurement contract		Indicative June 2025	RIA/ MRDPW
6.	Implementation of the public procurement contract	Discuss the results of the contract within the expert group referred to in p. I.1 Conduct in parallel the procedures under environmental legislation	At least 6 months	Contractor RIA
7.	Notify the competent environmental authority and conduct the procedure under environmental legislation	The applicable EIA/AA procedure will be determined after the initial technical studies have been carried out and discussed within the expert group referred to in p. I.1. As early as possible: after the initial technical and environmental studies have been carried out, but no later than six months from the start of the public procurement contract Conduct an applicable procedure under the Environment Protection Act and the Biological Diversity Act for the solution proposed in the studies to ensure the Sofia–Kulata transport route in the section from Simitli to Kresna and to divert transit traffic out of the Kresna Gorge Carry out the procedure under environmental legislation in parallel with technical studies and design Include in the Terms of Reference for the EIA (ToR) and EIA/AA reports an assessment of the cumulative impacts of both traffic directions, including by identifying integrated mitigation measures to avoid significant adverse effect to the conservation object in protected areas	Within legal deadlines but no later than 12 months from notification	RIA MoEW

No	Action	Effect/requirements	Deadline	Responsible institution
		Take into account and motivate in the ToR, reports and EIA/AA decision that the road through the Kresna Gorge (E79) will only be considered as a complementary/local road and will not perform the functions of a western lane on the motorway (as foreseen in the Eastern option G10.50).		
8.	Conduct a public procurement procedure for design (technical design and Detailed Land-use Plan – Land Plot Plan phase) and construction		by June 2027	RIA
9.	Preparation of the technical design and Detailed Land-use Plan – Land Plot Plan phase		December 2027	RIA MRDPW
10.	Proceeding, approval of the Detailed Land-use Plan – Land Plot Plan, and terrain provision		September 2028	
11.	Completion of construction		June 2031	RIA Contractor
II. Implementation of temporary mitigation and safety measures				
1.	Cleaning and adaptation of existing culverts and construction of 3 new culverts and suitable fencing facilities	Discussion with representatives of Save Kresna Coalition of the measures and their adaptation, where necessary	240 days from discussion	

No	Action	Effect/requirements	Deadline	Responsible institution
	to reduce the mortality of protected species and improve habitat connectivity in the Kresna			
2.	Maintaining flexible traffic poles to limit overtaking		Permanent	RIA
3.	Provision of automated technical means for speed control		Deadline under p. II.1	RIA MoI
4.	Restoration of 6 emergency refuge areas	Maintenance of vegetation in the green traffic islands	Deadline under p. II.1	RIA
5.	Discussion with representatives of Save Kresna Coalition on ongoing road maintenance activities	Where possible, issue recommendations to be taken into account to prevent mortality of species	1 month from implementation of measures under p. II.1	RIA, MoEW
III. Post-project actions				
1.	Rehabilitation of the existing road (E79) with implementation of mitigation measures	After completion of the lane from Kulata to Sofia and diversion of two-way traffic along it Within the scope of the existing road	2031	RIA
2.	Draw up and implement a Plan for maintenance and restoration measures in the Kresna Gorge area, including	As per Recommendation 212 (2021)		MoEW

No	Action	Effect/requirements	Deadline	Responsible institution
	the implementation of monitoring activities on the performance and functionality of the facilities			