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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Environment and Water of Bulgaria*



REPUBLIC OF BULGARIA

MINISTRY OF ENVIRONMENT AND WATER

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 after the 43rd Standing Committee meeting

15 February 2024

Progress towards the implementation of Recommendation 212 (2021):

Struma Motorway is a road of international importance, strategic part of the core TEN-T network (the former Trans European Corridor IV, presently Orient/East-Mediterranean Corridor) and a top priority infrastructure project for the EU.

Struma Motorway Lot 3.2 is a complex project facing technical and environmental challenges. It is of great economic and strategic importance but more importantly, further delay of the implementation of this last section of the Motorway will have irreversible detrimental effect on the species and habitats.

The Bulgarian authorities are determined to finalize this strategic part of the TEN-T network, thus ensuring connectivity of Europe in the South-North transport corridor. In this respect, the implementation of Lot 3.2 is being and will remain a priority.

Having in mind the environmental sensitivity and the unique biodiversity in the area, the Bulgarian authorities have taken the necessary steps to ensure the elaboration of the Site-Specific Conservation Objectives (SSCOs). A review of the conclusions of the Appropriate Assessment report for Lot 3.2. of Struma Motorway in the light of the adopted SSCOs (AA review) has also been developed. These tasks were implemented especially to ensure that the adopted alternative does not have significant impact on the species and habitats in the two protected sites, especially in view of the SSCOs elaborated for them.

As already reported, the AA review is done, based on a methodology consulted and approved by Jaspers and taking into account the comments of both JASPERS and the EC on the initial drafts. During the consultation process on the methodology of the review key aspects as prioritization of habitats and species, assessment of cumulative impacts, effectiveness of the mitigation measures, etc. were thoroughly analyzed taking into account the relevant good examples from other projects.

The results of the review reconfirm the conclusions of the 2017 EIA/AA Decision that G10.50 for Lot 3.2 is the most environmentally preferable also in the light of the SSCOs. It also provides detailed analyses that this option has no significant impacts on the habitats and species and with the mitigation measures envisaged in the EIA Decision, the conservation status of species will not be affected and might even improve.

Following a review of the analysis by the competent services of the European Commission, a technical meeting between DG Environment and DG Regio and the Bulgarian authorities was held on 08 February 2024.

The conclusions of the meeting are as follows:

“Taking into account the need to ensure compliance with EU law and that it is important to make progress on the project in order to improve this vital transport connection, the agreed way forward is as follows:

A. The Bulgarian authorities will carry out the following actions:

- 1. The maintenance of the existing defragmentation facilities (cleaning up and adaptation of existing culverts) on the E79 road and the construction of 3 new culverts and appropriate fencing, in order to minimise mortality of protected species and maximise connectivity in the gorge (timing: immediate and urgent action);*
- 2. The necessary measures for ensuring the safe operation of the E79 road, such as the enforcement of the existing speed limitations (poles, speed cameras) plus the renovation of 6 emergency resting areas should be enacted immediately;*
- 3. The construction of the eastern lane, going from Kulata to Sofia outside of the gorge (as included in the G.10.50 alternative) (timing: as soon as possible for the Bulgarian Authorities);*
- 4. The assessment of the impact of the lane of the Struma Motorway Lot 3.2 going from Sofia to Kulata:*
 - The Bulgarian Authorities to include in the ToR for the feasibility study for the new road complementing Struma Motorway an obligation for the Consultant to study an option of the new route outside the gorge to act as the lane from Sofia to Kulata of the Struma Motorway. The study should cover reasonable alternatives, which will be subject to an EIA/AA procedure;*
 - If the Authorities decided that the Sofia to Kulata lane of the Struma Motorway Lot 3.2 should be implemented on the existing E79 road, the implementation will be preceded by an impact assessment in view of the SSCOs, fully considering the “improvement” SSCOs and fully addressing the concerns expressed since October 2019 by the Commission (i.e. ensuring all project components are assessed; the cumulative impacts are properly assessed, including with the railway; the criteria for assessing the impacts are scientifically based and comprehensive; the effectiveness of mitigation measures is ensured). The result of this assessment should be endorsed within an EIA/AA procedure.*
- B. The construction of the eastern lane going from Kulata to Sofia (point 3 above) should be done in a way that does not prevent the realisation of alternatives for the construction of the remaining lane going from Sofia to Kulata;*
- C. The construction of the remaining lane going from Sofia to Kulata, should only start after the assessment of the impacts is performed (as expressed in point 4 above) and having ascertained that the chosen alternative will not adversely affect the integrity of the site concerned.*

Given that Bulgaria is fully responsible for ensuring conformity of all EU funded projects with EU law under shared management, a legally binding decision to seal the agreement and enact the above conditions should be taken.

The Commission will continue to monitor the general compliance of Bulgaria with authorisation of developments under the Habitats Directive through its case 2008(4461).”

In the light of the agreements reached, the efforts of the Bulgarian authorities will be focused on the implementation of the agreed way forward, while observing all necessary procedural and legal safeguards for the environment.

In addition, we would like to thank the Secretariat for their efforts on the preparation of the Technical Workshop on “Challenges & Opportunities for the conservation of reptiles and large carnivores during linear infrastructure development in south-east Europe” in line with Recommendation 212 (2021), which will be held in the period 22-24 April 2024.

In conclusion, the Bulgarian authorities welcome the progress achieved in the implementation of Recommendation 212 (2021) and will continue to support the constructive partnership and good cooperation with all stakeholders.
