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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting  
Strasbourg, 29 November – 3 December 2021

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**Open File: 2004/2**

**Wind farms in Balchik and Kaliakra –Via  
Pontica  
(Bulgaria)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
the Bulgarian Society for the Protection of Birds / BirdLife Bulgaria*

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For more than 16 years the Kaliakra wind farm case has been followed by the Bern Convention Standing Committee because of the risk and impacts on migratory birds due to wind farm development in Kaliakra IBA.

On 14 January 2016 the European Court of Justice issued a ruling in regard to the Kaliakra case (C-141/14), where it found that Bulgaria failed to comply with EU nature conservation law, in particular the Birds Directive, Habitats Directive and EIA Directive. Bulgaria is under a legal obligation to take the necessary measures to comply with the judgment of the Court (art. 260 TFEU). The decision of the Court confirmed at the highest level, what was also set in the Recommendation 130 (2007) of the Bern Convention, in particular to inadequate protection of the Kaliakra IBA, because of construction of the wind turbines.

After reviewing the ECJ judgment we state that the impacts on the site should be removed and the sites restored and we believe that the way to do that is to remove the wind turbines. If further independent studies need to be undertaken to study impact and review the present evidence, then these need to be done in a timely manner, and measures taken in the interim to avoid further deterioration of the sites. These actions are also in compliance of the requirements set in the Recommendation 130 (2007), especially points 3, 4 and 5.

We admire the efforts of the Bern Convention to encourage the Bulgarian Government in finding an adequate solution in regards to the Kaliakra Windfarms case, which include justified, scientifically grounded and time-oriented actions, included in the new recommendation 200(2018).

**In the following review we provide a short summary of the state of art and efforts made during the last year on case file Wind farms in Balchik and Kaliakra–ViaPontica in regard to Recommendation 200(2018):**

#### **On recommendation points 1&2**

We would like to notice that for the last year the Bulgarian government do not publish any follow up on points 1 and 2 of the Recommendation 200(2018), in particular the implementation of extended monitoring, either inform us about any progress or involve us in any discussion in this regard.

#### **On recommendation point 3**

We do not have information about any new activities in this direction. There are also no results published by for the project on restoration of steppe habitats, about which we informed the Convention in 2019. There is no progress on elaboration of Kavarna Municipality Spatial Plan which have to ensure sufficient habitats for birds as part of territorial planning of the municipality.

#### **Recommendation 4**

We do not have information about any action taken on the ground. So far the Government did not provide any plans for removal of wind farms, but as long as it continues to state that all the options are exhausted, the removal remains the only option.

#### **Recommendation 5**

The moratorium on new wind farm developments in Dobrudzha and other sensitive areas along Via Pontica migration route expired in the end of 2020. Since the beginning of 2021 the investors in wind energy become active again renewing large-scale projects in geographical area of Dobrudzha. One of these projects is relatively closely located to Shabla Lake Complex, in Coastal Dobrudzha. The trend clearly shows that new wave of large-scale windfarm projects is taking place at present and there are no any official guarantee that sensitive areas will be avoided. Thus, we asked the Ministry of Environment to provide us public information about the scale of investment interest in terms of active projects, as well as the steps taken by the Ministry to ensure preventive protection of habitats of migratory birds. Until the date of this report we did not received information because the Ministry ask for longer period to provide it.

In addition, we contacted to Ministry of Energy to receive more information about the strategic planning process for the next 10 years. In response, the Ministry of Energy inform us that an **Integrated Plan for Energetics and Climate of Republic of Bulgaria 2021-2030 (IPEC)** has been adopted in 2020, including

some public consultations that take place in situation of COVID 19. The Ministry of Environment did not report the adoption of this very important strategic document last year, nevertheless that the Ministry took place in the elaboration of the document. The interesting point is that this document is already adopted, but the elaboration of Strategic Environmental Assessment of the plan is still under elaboration (the procedure is not completed). As the document is public, we made review in light of the point 5 of the Recommendation 200(2018) and conclude the following:

- The document only briefly and generally says that all the Renewable energy projects will be implemented only if all the procedures under the Environment Protection Act and Biodiversity Act are met. Our long-term experience shows that such statement is too general and not necessarily have as result objective and qualitative procedures. The requirements of the Recommendation 200(2018) are not mentioned at all and especially the requirement for further moratorium along Via Pontica for the next 10 years.
- Only briefly is mentioned that wind energy generators have negative impacts on birds in sensitive areas. Unfortunately, the Bird Sensitivity Map, elaborated in 2013 is not mentioned at all and there is no reference to it and to the guidance for wind farms development to minimize risks for birds.

**At this stage the point 5 of the Recommendation is not implemented by the Government and even no indications that it would be happen.** The only positive aspect of IPEC is that preferences will be given to small renewable energy projects in industrial and urban areas. However, it will not prevent for large scale windfarm project to be implemented in sensitive areas, as the general policy will encourage development of wind energy sector. As long as we receive more information about recent scale of development of wind farms sector in Bulgaria and how it impacts the sensitive areas, we will provide this information to the Bern Convention in addition to this report.

#### **Recommendation 6**

Nevertheless, of the detailed explanation of the Government under point 6 of the Recommendation, some important aspects, set in the Recommendation 130(2007) are not fulfilled yet, as the ex-ante evaluation and preventive protection procedure (EIA, AA and SEA) does not work properly in Bulgaria. In addition, there is a real threat recently to weaken the legislation by making amendments in the Biodiversity Act, which will cause much less legal protection not biodiversity than in present. We propose that the Convention continue to ask this recommendation point to be implemented.

#### **Recommendation 7**

We confirm that required documents, produced by the Bern convention are not yet available for the public in Bulgaria in Bulgarian language. As far as the official language in the country is Bulgarian all these documents should be translated in Bulgarian. In addition, we should notice that the placement of document on internet is not enough to state that it is sufficiently promoted. The Government should take active measures in this direction and should report on them.

#### **Recommendation 8**

We do not have information about any steps taken by the Government to implement this point

#### **Recommendation 9**

Since 2020 part of the actions under the Red-breasted Goose Action Plan started to be implemented by Shabla Municipality as part of project funded by the Environment Operational Programme. Most of the activities, subject of the project, are not related to minimizing the impacts of windfarms on Red-breasted Goose. Only one activity related to elaboration of ecological requirements of the species is important in this respect as it provides guidance for standards and measures to be included in further management plans and other documents, where protection of Red-breasted Goose is properly addressed. However, this documents is still under elaboration and we hope that it will include restrictions for windfarm development in sensitive areas. During the last year BSPB continue to implement measures upon this plan, that related to control on hunting and also lobby for continuation of application of agri-environmental measures during the next period of EU funding for agriculture.

**Recommendation 10**

We do not have information on the progress of implementation of this point.

In conclusion we could state that the implementation of Recommendation 200(2018) could be considered as it is started, but far from being fully and effectively implemented.

**We recommend to the Bern Convention Standing Committee to continue to follow the case until all the recommendations are fully and sustainably implemented; values for the site for migratory birds is restored and migratory corridor via Kaliakra area is safe for migratory birds.**