



Strasbourg, 25 October 2022

T-PVS/Files(2022)74

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 28 November - 2 December 2022

Possible File: 2001/04

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

- REPORT BY THE COMPLAINANT -

*Document prepared by
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Earth Bulgaria, Bulgarian Society for the Protection of Birds, Green Policy Institute, Vlahi Nature
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Dear Ladies and Gentlemen,

The Report below is a product of the NGO complainant only, due to the fact that, as of August 2022, the new care-taker government has ceased any dialog on any decision or undertakes in a consensus manner, as required by Recommendation 212 (2021).

Factual description:

1. The Working Group within the Ministry of Environment, created to implement Recommendation 212 (2021), has [finalized their product with consensus decision](#) in June 2022, as reported to the Bern Convention Secretariat on 11th August 2022. The Working Group had [online streaming of the meetings](#) and discussions and representatives of the European Commission and the Road Infrastructure Agency were invited as observers. [The final set of conservation priorities and objectives](#) for Natura 2000 zones in Kresna Gorge were submitted for public consultation.
2. On 12th August 2022, immediately after the new care-taker Government was installed, the NGO complainant submitted letters to the Ministry of Environment and Ministry of Regional Development requesting meetings for planning and accelerated implementation of the work on Recommendation 212 (2021). These letters remained unanswered.
3. On 13th October 2022 an official sitting of the National Biodiversity Council under the Ministry of Environment approved by voting the detailed and specific objectives of Natura 2000 zones in Kresna Gorge.

Deficiencies of the 13th October decision:

- The constitution of the National Biodiversity Council consists of 14 representatives of Governmental institutions most of them with no expertise on biodiversity conservation, 5 representatives of The Bulgarian Academy of Sciences, 5 representatives of other scientific institutes and universities, one environmental NGO representative, one representative of NGO of landscape architects;
- The NGO complainants were not invited at the discussion and were not allowed to express their arguments at the meeting;
- There was no online streaming of the meeting and by today, we have not been able to see a detailed protocol of the [discussion and the voting](#);
- The consensus product of the Working Group of Recommendation 212 (2021) was rejected and a product prepared by a private consultancy company was adopted, which has not been published, or subject of the public consultations as required by law;
- The submitted written statements of conservation NGOs and biodiversity scientists from Bulgarian Academy of Sciences were not been taken into account;

Main concerns:

The detailed and specific objectives on Kresna zones approved by the National Biodiversity Council suffer from the following serious deficiencies.

- They do not reflect the conservation priorities of the NATURA 2000 site in the Kresna Gorge and its role as a reptile bio-corridor for the coherence of the network, which are of key importance for the Kresna case and are an imperative norm of Art. 4.4 of Directive 92/43;
- An important example is the Brown Bear (*Ursus arctos*) - contrary to all known scientific information about the species, the approved objectives claim that the Brown Bear does not occur and has no habitats in the NATURA 2000 site. The adopted document claims that it only migrates through it through specially drawn "corridors". The artificial design of such narrowed

corridors does not reflect the actual habitats and will jeopardize the defragmentation of the species and the correct implementation of Art. 6.3 of the Habitats Directive.

- The conservation objectives for reptiles (2 species of land tortoises and 2 snakes) include mitigation measures, related to the Struma motorway, which sets the ground to justify the selected alternative that passes through the gorge. Having mitigation measures in a document defining the Natura 2000 goals is unacceptable and against art. 6.3 Habitat Directive Appropriate Assessment. The right approach would be to propose, elaborate, assess their effectiveness and approve appropriate measures only within the AA/EIA procedure.
 - The adopted conservation objectives are incomplete - threats, ecological requirements are incomplete and not reflected, not the best available and actual scientific information is used. The achieved scientific consensus during the process, was finally rejected by the authorities.
4. The other two working groups, to be established and coordinated under the Ministry of Regional Development and Public Works - on “revision of AA/EIA” and “road safety and local needs” - are still not established, do not have any progress and we, as NGOs, have no information what is the plan for them.
 5. The EU funds Operational Programme “Transport Connectivity” 2021-2027 which is the main source of financing of the Struma motorway was approved with EUR 140 mil. allocated for the finalization of Lot 3.2 (Kresna Gorge) which is up to 5 times less than all existing financial projections of the project.

Our opinion is that the Bulgarian Government failed to implement the 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.

In conclusion, NGOs ask again for an official opening of the file on the case, as we see clear signs that the protection of the Kresna gorge is again under imminent threat and the care-taker Government has restored the old regime of non-communication and maladministration practices.

Sincerely yours,

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Andrey Kovatchev – Balkani Wildlife Society,

Anelia Stefanova – CEE Bankwatch Network,

On behalf of the NGO [Save Kresna gorge coalition](#).