

# Kresna Gorge case update

38<sup>th</sup> meeting of the **Standing Committee**, 27-30 November 2018, Strasbourg

On behalf of “Save Kresna Gorge” coalition:

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# Summary

## **Imminent threat to Kresna Gorge – violating Recommendation 98(2002)**

- 140,000 citizens call for European nature laws to be respected and Kresna Gorge saved from destruction.
- New environmental impact assessment (2017) is deeply flawed, contradicts Bern Recommendation 98(2002).
- €57 million new funding granted by European Investment Bank for completion of Struma Motorway.
- Construction work on the territory of the Natura 2000 site and tender procedures for Lot 3.2 have already started.
- No action yet from the European Commission in response to NGO complaint.
- Completing the G10.5 motorway plan will greatly and irreversibly damage Kresna Gorge's unique nature.
- At least one alternative in full compliance with the Bern Convention Recommendation 98(2002) still exists.
- The Government can still revise the EIA decision and choose an alternative which satisfies the requirements of the Convention.

## **We ask the Standing Committee to:**

- ❖ *Urgently reopen the Kresna Gorge case file*
- ❖ *Support independent assessment of the flawed EIA/AS 2017*
- ❖ *Carry out an on-the-spot appraisal to ensure an outcome in conformity with the Bern Convention*

# Kresna Gorge and the European TEN-T corridor

The new Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) from 2017 concerns ONLY the last remaining Kresna Gorge section (Lot 3.2)

BUT it is not consistent with – and does not consider:

- Art. 4 of the Convention
- Recommendation 98/2002 of the Standing Committee
- 2008 EIA/AA report conclusions and Decision on the entire Struma motorway project

# The new EIA/AS (2017) :

## **Concludes:**

- Upgrade of the existing road through the Gorge, excluding the option of a local road;
- 50% of the Struma motorway high speed traffic within the Gorge;
- The adopted alternative directly impacts and deteriorates of Natura 2000 site “Kresna Gorge” and habitats of protected species (snakes, tortoises, bats etc.)

## **But it is flawed:**

- Contradicting to the 2008 EIA conclusions assumes “mitigation measures” will be effective against threat from increased and faster traffic – but without evidence
- Does not assess the impact of “rehabilitation” of the road for the Gorge
- Ignores the concerns of people and NGOs presented during the EIA process
- Does not assess all alternatives on an equal basis

# Less damaging alternatives are still possible – but unduly dismissed by the new EIA (2017)

At least three less damaging alternatives were proposed during the official procedure, that would fulfil the requirements of Art.4, recommendation 98/2002, and 2008 EIA decision:

1. Full Eastern bypass – proposed by NGOs, included in the EIA/AS, rejected as no mitigation measures were assessed ONLY for this option;
2. Full western tunnel – proposed by NGOs, included in the EIA/AS, rated by the AS report with the lowest impact on Natura 2000 site, but rejected by the EIA report;
3. Infrastructure of tunnels, east of the existing road, above the existing railway line, combining motorway and railway – proposed by engineering company and citizens, NOT included in the EIA/AS.

# Final decision of the Bulgarian Administrative Court, October 2018

The adjudication ruled in favour of the Bulgarian Government – but crucially *does not take into account*:

- The violation of Art.4 of the Convention and Recommendation 98/2002
- The deficiencies of the new EIA/AA 2017
- The contradiction with 2008 EIA/AA decision

# Struma motorway marches forward...

- The last Governmental report (T-PVS/Files(2018)15) rejected all statements, data and requests of interested parties, including 100 Bulgarian biodiversity scientists, without solid grounds.
- Construction inside Kresna Gorge expected to start in early 2019, beginning with two junctions at either end. Tenders are ongoing. Early preparatory work already begun.
- The European Commission DG ENVI have stated they will react to NGO complaint *only after* the submission of application for EU funds to DG REGIO. But this may leave things too late...
- With a loan from the European Investment Bank, and Bulgaria's practice of national pre-financing, experience shows that significant construction work could happen inside Kresna gorge sooner – **within months**.

# For these reasons we ask the Standing Committee to:

- ❖ *Urgently reopen the Kresna Gorge case file*
- ❖ *Carry out an on-the-spot appraisal to enable a common understanding of the situation, and come to a decision that is in conformity with the requirements of the Bern Convention.*
- ❖ *Commission an independent assessment of the flawed EIA/AS 2017, in order to check if all options have been assessed in the same method and quality;*



Highway construction  
16km from the Kresna Gorge

