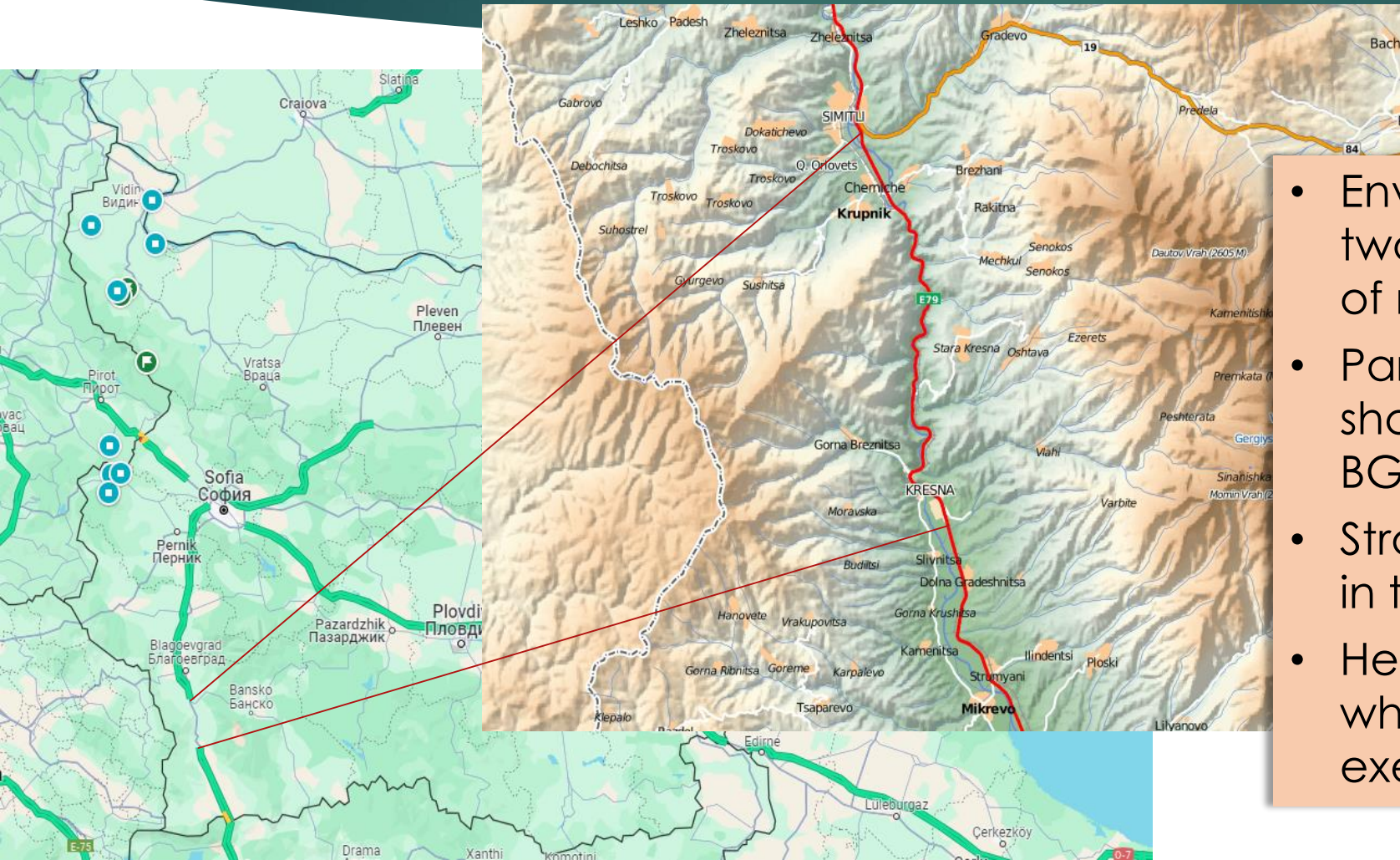


Motorway through Kresna Gorge

44TH STANDING COMMITTEE 2024

Strategic importance of the project



- Environmentally sensitive area with two Natura 2000 sites and a number of national protected territories
- Part of core TEN-T network and shortest connection between RO, BG and GR
- Strategic to ensure regional security in the current geopolitical situation
- Heavy traffic on existing road, which cannot be rerouted, exercises pressures on wildlife

Project implementation process

2017

- EIA Decision approving G10.50 option
- Confirmed by the Supreme Administrative Court

2019

- Comments by the EC, specifically that the AA was carried out in the absence of SSCOs

2022

- SSCOs for the two NATURA 2000 sites adopted

2023

- Review of the 2017 EIA/AA report in the light of the SSCOs
- Confirms the findings of the 2017 EIA

Feb 2024

- Bulgarian authorities and the EC reach an agreement on the “way forward”

Agreed “way forward”

- ▶ Bulgarian authorities to move ahead, as soon as possible, with the construction of the new lane outside the Kresna Gorge from the east, as envisaged in the Eastern alternative G10.50
- ▶ Implementation of interim defragmentation and road safety measures

And also

- ▶ The construction of the remaining carriageway to start only after an assessment of the impacts has ascertained that the chosen alternative will not adversely affect the integrity of the sites
 - ▶ Conduct a study for routes outside the Kresna gorge
 - ▶ If a decision is taken to implement the remaining lane on the existing E79 road it has to be preceded by an impact assessment in view of the SSCOs, also ensuring the effectiveness of mitigation measures. The result of this assessment should be endorsed within an EIA/AA procedure.

Good faith efforts of Bulgaria

- ▶ Standing Committee **recommendations fully implemented**
- ▶ **Continuous efforts to ensure wildlife conservation** within the legal and procedural framework of a sovereign state governed by the rule of law
- ▶ **Additional procedural requirements would only delay critical infrastructure development without providing additional environmental benefits**

And also

- ▶ Readiness to involve civil society stakeholders in all processes but in a constructive way, respecting the authority and obligations of each party
 - ▶ Continuous invitations to submit joint reports
 - ▶ Technical workshop collaboration in preparation and joint conclusions drafting
 - ▶ Agreed (during the Monitoring Committee meeting of the Transport Connectivity Program) to elaborate a road map for the implementation of the project that describes the next steps in greater detail
 - ▶ Reaching an agreement on how to proceed

Comment by the Bulgarian authorities on the Bureau's Decision

- ▶ The **case file system is not a compliance assessment procedure**. It should be used in good faith, proportionately, and in a cooperative manner and not be applied arbitrarily or without consideration of all aspects of the project and the respective national legal and procedural frameworks; otherwise, its very purpose will be degraded;
- ▶ The decision **exceeds the Bureau's strictly administrative and technical support functions**, suggesting that it has conducted a substantive analysis of the case file; it also undermines legal certainty, disrupts established procedural frameworks, and creates unwarranted procedural instability;
- ▶ It is **detrimental to the achievement of the Convention's objectives** to antagonize a Contracting party by continuously disregarding the efforts it has been making;
- ▶ In practical terms, **moving forward requires to work together to alleviate the situation on the ground while respecting the legal certainty**. It is not beneficial to continuously demand a "new" EIA for "old" alternatives. Additional procedural requirements would delay critical infrastructure development and lead to further deterioration of biodiversity in the gorge;
- ▶ Our efforts, fully in line with the SC recommendations, continue to be focused on safeguarding the habitats and species in the gorge, which can be facilitated by taking transit traffic out of it.

Logic of future steps and prerequisites

Overarching requirement – basic level of trust and continuous commitment to biodiversity

- Technical design **only for the lane outside the gorge** in a way that does not prevent the realisation of alternatives
- ToR for the Studies for a complementary road (offers evaluated) include the option of this new route to serve as the remaining lane

Currently

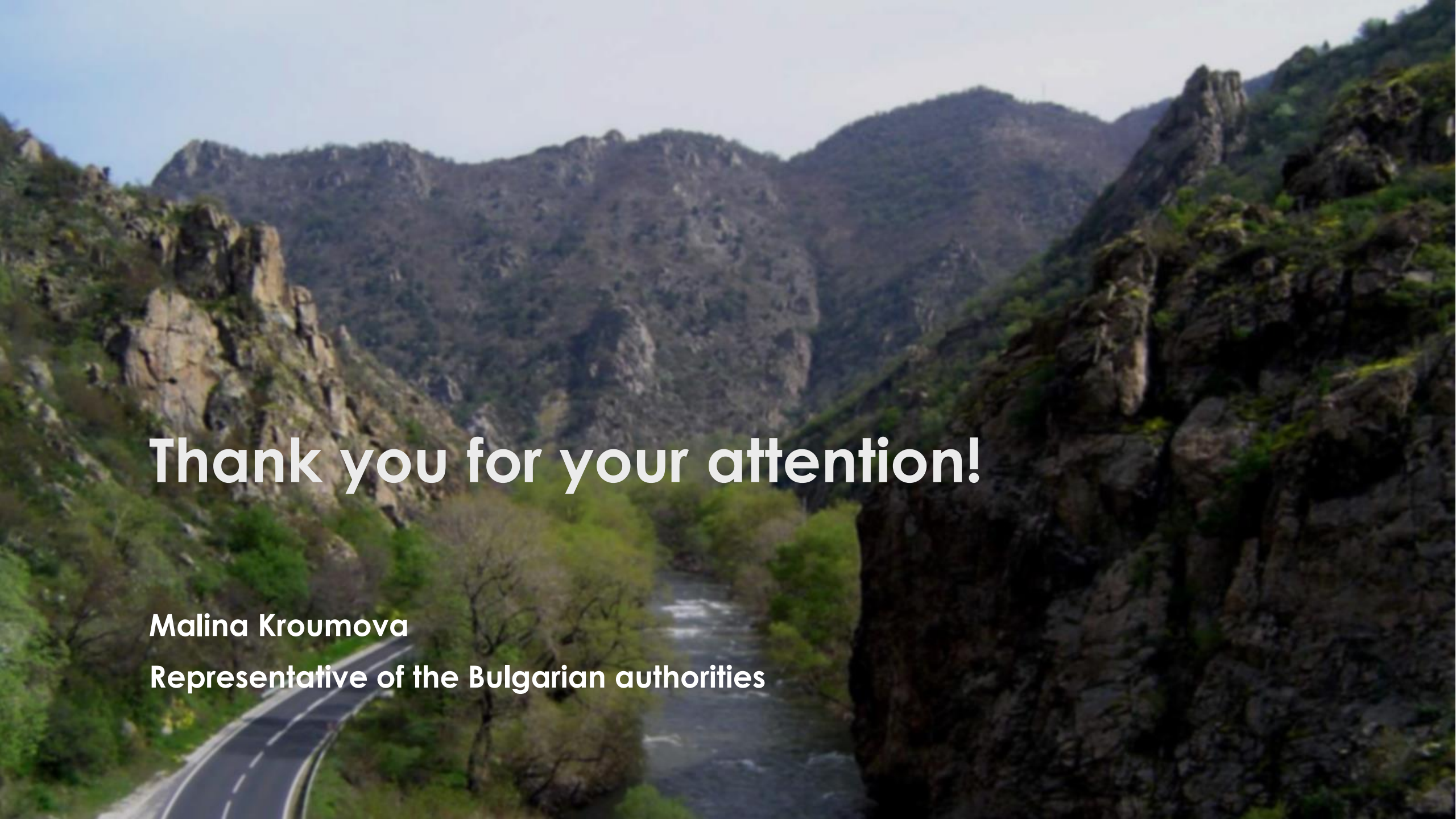
Take traffic out of the Gorge

- The eastern lane – Kulata – Sofia, needs to be constructed
- Will allow also reconstruction of the existing road which is deteriorating
- Implementation of **appropriate defragmentation measures**

- Efforts of the Bulgarian authorities **focused on finding a feasible route outside the gorge**
- Will be preceded by an EIA/AA procedure

Construction of the Sofia-Kulata lane

Readiness to actively involve the Complainant in next steps of project development

A scenic view of a mountain valley. In the foreground, a paved road with white dashed lines curves through a lush green landscape. To the right, a river flows through a narrow channel, surrounded by dense green trees. The background features rugged, rocky mountains with sparse vegetation under a clear blue sky. The overall scene is bright and natural.

Thank you for your attention!

Malina Kroumova

Representative of the Bulgarian authorities