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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
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RECOMMENDATION
ON THE WINDFARMS PLANNED NEAR BALCHIK AND
KALIAKRA, AND OTHER WIND FARM DEVELOPMENTS
ON THE VIA PONTICA ROUTE (BULGARIA)

Document
prepared by
the Directorate of Democratic Participation



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 200 (2018) of the Standing Committee, adopted on 30 November 2018, on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under Article 14 of the Convention,

Having regard to the objectives of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 1, paragraph 2, of the Convention calls on Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1, of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4 of the Convention also stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimize as far as possible any deterioration of such areas;

Recalling that Article 4 of the Convention further provides that each Contracting Party shall give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas;

Referring to the other provisions of the Convention relating to the protection of habitats and the conservation of species;

Recalling its Recommendation No. 117 (2005) on the plan to set up a wind farm near the town of Balchik and other wind farm developments on the Via Pontica route (Bulgaria);

Recalling its Recommendation No. 130 (2007) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria);

Noting the Bern Convention on-the-spot appraisal (OSA) undertaken in Bulgaria on 15-16 May 2018, which had six specific objectives agreed by all concerned parties prior to the mission;

Noting that one of the objectives of the OSA mission was to collect information on the status of implementation and functioning of already developed and planned wind farms in the Kaliakra area, with a view to assessing the actualization needs of Recommendation No. 130 (2007);

Referring to the OSA mission report prepared by Mr Dave Pritchard and available in document T-PVS/Files (2018)25;

Noting that despite some progress achieved in the implementation of Recommendation No. 130 (2007), some substantial parts have not been fully implemented so far and there is room for more effective action by the national authorities;

Noting that the OSA mission report makes clear proposals on the way forward during the next 12 months;

Agreeing that the present Recommendation complements Recommendation No. 130 (2007), by providing guidance on concrete steps to undertake to improve the implementation of Recommendation No. 130 (2007);

Recommends to the Bulgarian Government:

1. The comprehensive independent assessment of the impact of operational windfarms in the Kaliakra area which was recommended by the Bern Convention Standing Committee in 2015 (amplifying paragraph 5 of Recommendation No. 130 of 2007) should be undertaken without delay, according to scientifically appropriate methods to be agreed in advance. It should include information from the current collision mortality monitoring but should also address other impacts such as displacement, barrier effects, disturbance and habitat change; and it should arrange to draw on collaborative sharing of information between windfarm operators, regional authorities, NGOs, academic researchers and others. An interim report of the results should be transmitted to the Bern Convention Bureau before February 2019, and a final report before August 2019;
2. A broader regime for on-going monitoring and assessment of potential impacts of the Kaliakra area windfarms during their operation should be developed, ensuring that it inter alia:
 - follows scientifically appropriate methods agreed in advance,
 - addresses all types of potential impacts, including collisions, disturbance, displacement, barrier effects and habitat changes,
 - includes observations at both windfarm sites and comparable areas with no windfarm developments, so as to provide “control” comparisons,
 - is coordinated across all the Kaliakra installations,
 - is undertaken in conjunction with research by NGOs, supported by data-sharing agreements,
 - takes the opportunity to undertake related research where it would be appropriate and cost-effective to associate this with the field efforts already being made on monitoring and assessment,
 - makes information about the methods and systems used available in a form which would allow these to be replicated at other windfarm sites elsewhere,
 - feeds results and insights (through the authorities) into national processes for planning and assessment of future developments;
3. Windfarm operators and other land owners, managers and authorities should explore options for creating conservation gains for migratory birds and habitats in or around the Kaliakra area (e.g. through habitat creation/restoration and management investments, designation of additional protected areas, etc), as a way of aiming partially to offset the risks and/or damage introduced by the completed windfarm developments, and/or in any event to contribute to agreed conservation priorities;
4. The conservation impact achieved by measures undertaken in response to point (iii) above should be thoroughly evaluated, and if judged in any way to be less successful than hoped, or if the exploration of options itself has not advanced significantly within one year of the date of the present Recommendation, then alternative options for removal of existing operational wind turbines from Kaliakra should be investigated and implemented as appropriate;

5. The successor plan to the Bulgarian National Renewable Energy Action Plan 2011-2020 should re-confirm (and enhance where necessary) the latter's prohibition on wind energy developments in sensitive locations;
6. The Bulgarian authorities should provide the Bern Convention Bureau with a short report by March 2019 on the specific ways in which the legal provisions, policy requirements, standards, established practices or other aspects of environmental assessments (SEA/EIA/AA) in Bulgaria meet each of the individual points in paragraphs 1, 4, 8 and 9 of Recommendation No. 130 (2007) or will do so in future (with an indication of the expected timeframe), giving particular attention to the points in the Recommendation concerning cumulative assessment and peer review;
7. The Bulgarian authorities should promote the dissemination (including translation where necessary) and use within the country of the guidance on windfarms and birds developed under the auspices of the Bern Convention (Gove et al. 2013), and the international standards and best practice guidance on EIA/SEA adopted under the Conventions on Biodiversity, Migratory Species and Wetlands, together with related materials produced by the International Association for Impact Assessment;
8. Options should be explored for developing a proposal (which could be submitted to potential funders) for a project to build enhanced capacity in Bulgaria on knowledge exchange and best practices in the assessment and management of wind energy impacts on wildlife;
9. The Conservation Action Plan for the Red Breasted Goose population in Bulgaria should be funded and implemented without delay, and periodic summary reports on its implementation should be transmitted to the Bern Convention Standing Committee, beginning with a first report in November 2018. Those responsible for the Plan should ensure that thorough and coordinated monitoring of the species' population status and trends receives sustained high priority attention;
10. The findings of the on-the-spot appraisal should be shared with the Secretariats of the AEWA and Eurobats Agreements, the Convention on Migratory Species and the European Commission, given that all of these bodies have shared interests in the issues it covers,

Invites the Bureau to the Standing Committee to the Bern Convention and the Committee itself to:

1. Monitor the implementation of the present Recommendation through scheduled reviews by both the Bureau and the Standing Committee at their meetings throughout 2019, in advance of which the Bulgarian authorities are requested to submit a progress report on each of the points above.

Annex 1: Recommendation No. 130 (2007) of the Standing Committee on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria) (adopted by the Standing Committee on 29 November 2007)

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Pointing out that Article 1, paragraph 2, of the Convention calls on the Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Pointing out that, in pursuance of Article 3, paragraph 2, of the Convention, “Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna”;

Recalling that Article 4 of the Convention stipulates that “Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats”;

Recalling that Article 4 of the Convention also stipulates that “The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimize as far as possible any deterioration of such areas”;

Recalling that Article 4 of the Convention further stipulates that “The Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas”;

Referring to the other provisions of the Convention relating to the protection of habitats and the conservation of species;

Recalling its Recommendation No. 117 (2005), adopted on 1st December 2005, on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route (Bulgaria);

Drawing attention to its Recommendation No 109 (2004) on minimizing adverse effects of wind power generation on wildlife;

Referring to BirdLife International’s report: “Wind farms and Birds: an analysis of the effects of wind farms on birds, and guidance on environmental assessment criteria and site selection issues” [document T-PVS/Inf (2003) 12];

Recognising the value of wind power and other renewable sources of energy in the fight against climate change;

Recognising the value of SEA/EIA and policy guidance to provide certainty to investors and industry, and protection for the environment, including biodiversity;

Recognising the importance of the Bulgarian Black Sea coast as a part of the Via Pontica migration route of major global importance for birds breeding in at least 17 European countries;

Aware that within this area there are a number of key areas where migrating birds concentrate and the siting of wind farms in these locations is likely to be particularly problematic;

Further aware that the first wind farm developments along this coast will set a precedent for future developments;

Referring to Mr Eckhart Kuijken’s report (document T-PVS/Files (2007) 27) on wind farms in Balchik and Kaliakra in Bulgaria, drawn up following meetings with the Bulgarian authorities and interested stakeholders and a site visit, and its concern that risks to migratory and resident species may

be significant, especially given the ecological importance of Via Pontica as an internationally recognised long-distance migration corridor;

Noting with concern that the report found that the decisions seem to have been based upon incomplete or partial information brought together in EIAs that minimise the likely effects of windfarms at the very core areas of mass migration, contrary to the results of more detailed ornithological monitoring during longer periods;

Further noting with concern its findings as to the significant ecological problems that development of windfarms at Balchik and Kaliakra is likely to cause, given the presence of precious steppe vegetation in most current and future windfarm locations, and the specific topography and landscape structure, including cliffs and bare steppe plateaus, suitable for migrating soaring birds;

Aware that information from NGOs and investors was available for consideration as part of the analysis of this case;

Emphasising the need, before any decision within the SEA and EIA processes is taken, to carry out sufficiently thorough and detailed studies to inform the selection of wind farm sites;

Considering that the sites in Balchik and Kaliakra are important for the implementation of the Natura 2000/Emerald Networks;

Recommends the Bulgarian Government to:

1. review relevant decisions, at the local, regional and national level, concerning wind energy plants and ensure that new plants are not built in the region unless Environmental Impact Assessment (EIA) prove they do not have a substantial negative effect on the biological diversity protected under the Convention - EIA reports should be more precise and scientifically sound than those already presented and should formulate independent peer reviewed conclusions;
2. fully reconsider the development of approved windfarms projects in the Balchik and Kaliakra region situated within or nearby sites designated as important bird areas and special areas of conservation;
3. investigate the possibility of relocating the windfarm projects already under construction as well as the single turbines (whose building is possible without EIA) in order to restore the integrity of sites to be considered as Natura 2000 sites, IBAs, or under other protection status;
4. select alternative locations for future and not yet operating turbines based on appropriate data (including long-term monitoring of biodiversity) and assessments (e.g. using multicriteria-analysis); key bird areas, potential SPAs, IBAs, intensive bird migration corridors and sites regularly used by large flocks of roosting species such as storks and wintering geese must be avoided from windfarm development;
5. assess the impact of the current operating turbines;
6. conduct an Strategic Environmental Assessment (SEA) of Bulgaria's wind energy programme, taking into account possible conflicts of wind energy production within the most intensive bird movements areas, in particular along the Black Sea coast;
7. establish a strict moratorium on further turbines and windfarm projects in the coastal areas of Bulgaria until EIA and SEA reports mentioned in paragraphs 1 and 6 are completed;
8. respect the need to focus on the avoidance of the impacts coming from outside having negative effects on areas of recognised conservation importance;
9. take into account the following guidance to improve EIAs for future and not yet operating turbines, including in accordance with "Regulation about the conditions and the order for accomplishment of assessment for compatibility of plans, projects, programmes and investment intentions with the subject and the aims of the conservation of protected zones":
 - further research and monitor birds, bats, other fauna, vegetations and key landscape-ecological structures and processes influencing biodiversity; to this end long-term monitoring of flora and

fauna, review and validation of all data is required, included those from NGOs, institutes and independent scientists;

- apply collision modelling of cumulative effects of several wind farms or turbines along intensive flyways, followed by the assessment of the suitability of localities using multicriteria-analysis methods;
- develop compulsory procedures to peer review the completeness and quality of biodiversity chapters of EIAs and their conclusions before continuing the administrative and legal processes;

10. develop guidelines for appropriate planning of the construction of windfarms and/or individual turbines, taking account of the following issues in order to integrate biodiversity conservation concerns:

- initiate a broad debate on the precautionary principle regarding development projects in relation to sites with outstanding biodiversity values;
- take measures for the removal of turbines in case of unacceptable bird collisions where no alternatives exist; this require the drafting of a set of mitigating and compensatory measures when biodiversity losses occur;
- promote capacity building for specific and independent control of the ecological effects of turbines (in terms of experienced staff, equipment, legal base, cooperation with other institutions and NGOs, appropriate procedures, etc);
- to consider and properly investigate the social impacts of windfarms on local population and on the loss of nature and scenery as a significant source of recreation and eco-tourism.