

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 212 (2021) of the Standing Committee, adopted on 3rd December 2021, on the project to build a motorway through the Kresna Gorge (Bulgaria).

The Standing Committee to 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;

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, paragraph 2 further 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 minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 3 further provides 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;

Recalling its Recommendation No. 98 (2002) on the project to build a motorway through the Kresna Gorge (Bulgaria);

Considering that the Kresna Gorge and its surroundings contain rare and endemic species and habitats of European importance that are conservation priorities and which Bulgaria has undertaken to protect;

Recognising the role of the gorge on an international scale as a prime axis of migration for migratory birds and insects and also at regional level as a point of exchange for the different types of vegetation and animal populations;

Having regard to the importance of the biodiversity and of the ecological networks existing in the area and the value of the archaeological heritage;

Aware of the foreseeable ecological impact of the motorway project on this natural sanctuary unique in the Balkans region;

Mindful of the need to reconcile the economic and ecological issues raised by this project and convinced of the necessity of identifying a route compatible with the natural and human environment;

Considering that the Kresna Gorge falls within two Natura 2000 network sites (BG0000366 Kresna Ilindentsi SCI and BG0002003 Kresna SPA) and is thus subject to EU Habitats, Birds and other environmental directives, and noting the expert support the European Commission provided to Bulgaria on this case;

Taking note of the report of the online advisory mission (document T-PVS/Files(2021)75) carried out by independent experts on 25-27 August 2021;

Agreeing that the current Recommendation complements Recommendation No. 98 (2002);

Recommends to the Government of Bulgaria to:

1. Establish a fundamental cooperation relationship between the government and complainants, going beyond the usual informative and consultancy type of engagement, and maintaining it during construction, operation and maintenance, and as part of the Natura 2000 sites management – related activities.
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 re-activation of the Steering committee for the building of the “Struma” Motorway and 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 finalisation 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 on the potential impact of the motorway and in its potential revision, which should be done in light of the newly set SSCOs;
4. Develop a common functional data-support mechanism, creating a common GIS database and a best practices library, using commonly-agreed methodologies (on collecting, validating and interpreting the data) and tools towards supporting the production of and enriching the locally available scientific knowledge and ensure a commonly-agreed process of using best available information for data-driven solutions. This mechanism has to focus on all relevant species in assessing the impact of the future motorway (one reference is the study “Restoring Ecological Networks Across Transport Corridors in Bulgaria. Identification of bottleneck locations and practical solutions” (2008) which identified umbrella-species for the regional bio-corridors such as the brown bear, wolf, and bats, but also bird species);
5. Include in the ongoing monitoring programme the assessment of functionality for the target species of the mitigation measures that have been already implemented on the European road E-79 and make sure that the complementary fencing is not / will not create significant new barriers for other species, as a basis for further decisions;
6. Implement the principle of Mitigation Hierarchy giving priority to avoidance, as the Struma Motorway project is evaluated in relation to two Natura 2000 sites. Even in the case of avoidance, two actions have to be addressed:
 - a. If the final solution will be outside of Kresna area, it still has to include all the appropriate mitigation and compensation measures in order to secure the permeability of the motorway for all the species of local fauna and the overall cohesion of the protected areas network of South-West

- Bulgaria and the South-Eastern Balkans in order to implement the principles of Green Infrastructure EU Strategy and to develop a functional TEN-G;
- b. Set up and implement a Kresna Gorge Conservation and Restoration Plan following the Green Deal Strategy of the European Union at local / regional level, based on the needs for conservation of all the species and habitats which are the subject of protection in the two Natura 2000 sites;
 7. Assess all motorway alternatives during the additional review/analysis of the EIA/AA report/study and during the potential revision of the EIA/AA, in order to fulfil the basic requirements of the Habitats, Birds and EIA Directives;
 8. Seek solutions that will address, alongside the impacts of the new motorway, the cumulative potential negative effects of existing and future linear features (European road, railway, Struma River), as well as opportunities of potential ecological restoration (of affected habitats and connectivity);
 9. Address the concerns and the needs of the local society - i.e., loss of agricultural land and the restricted local mobility (access to properties, safe passage for people and livestock, the impact on local businesses including eco-tourism etc.);
 10. Consider organising a technical workshop/s in Kresna focused on best practices relevant for the Kresna Gorge and Struma Motorway case involving all concerned stakeholders, and possibly in collaboration with the Bern Convention, Infrastructure & Ecology Network Europe, or other international bodies;

Invites the complainants, relevant NGOs, scientific community, and civil society to:

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 (inspired by the proposal in the mission report).