

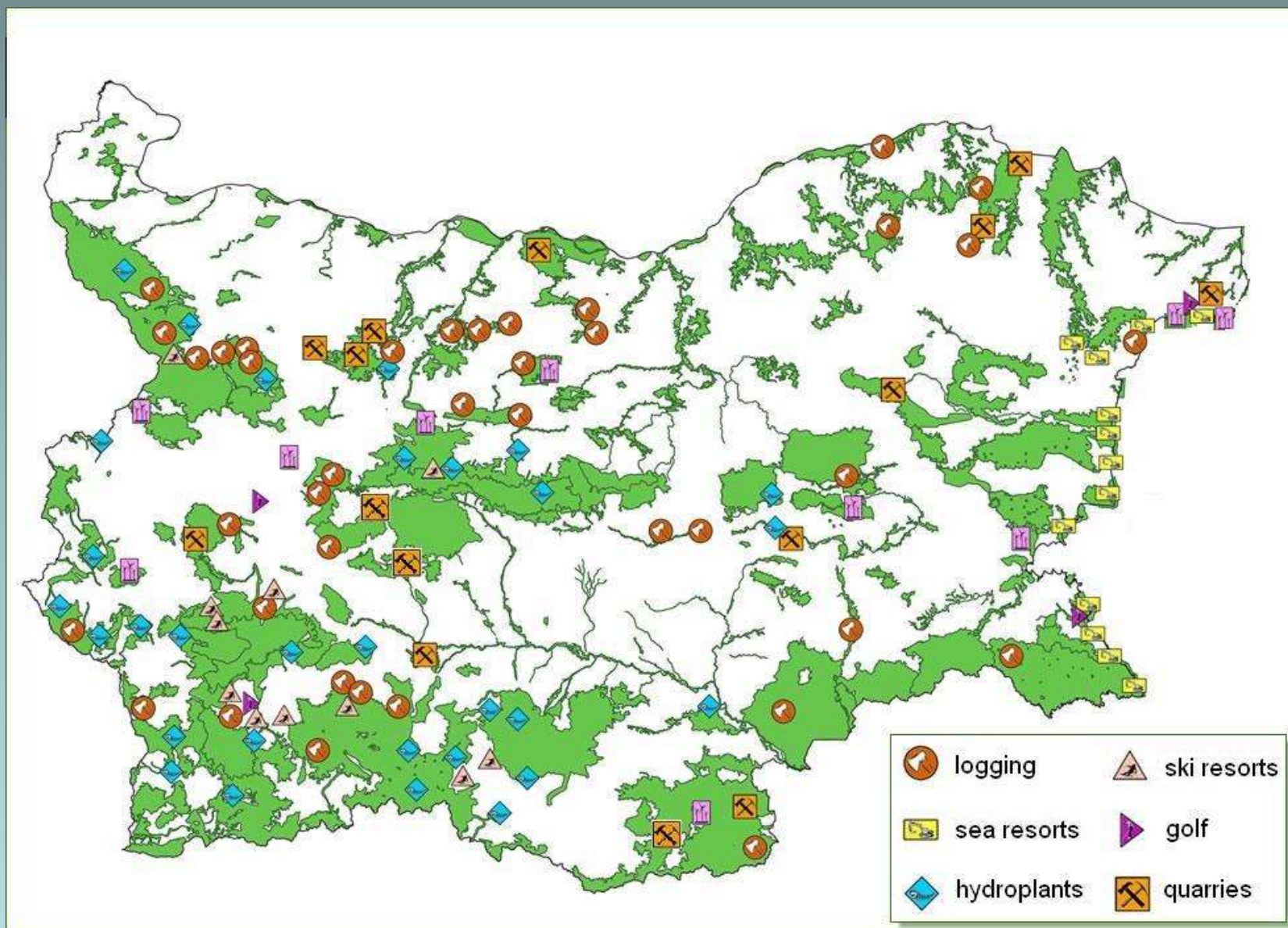
EU infringements to Bulgaria, can we call it a success story?

Bankia, 06.December.2011



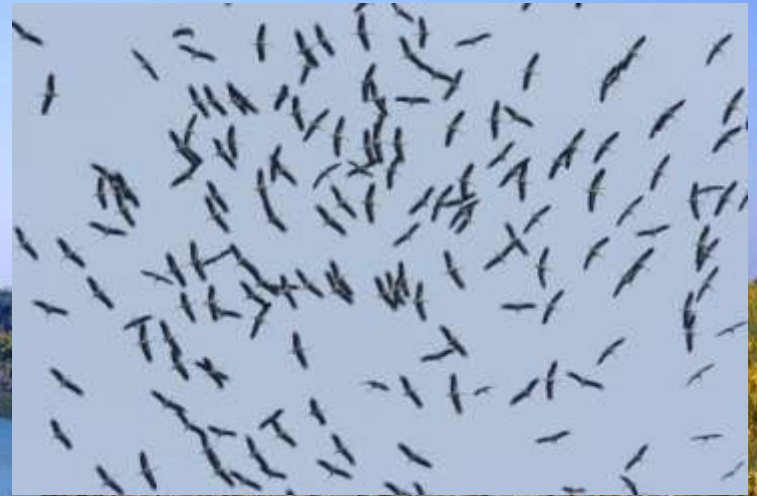
Alexander Dountchev, APB

Threats to Natura 2000



Illegal practices in the Bulgarian Natura 2000

Kaliakra IBA

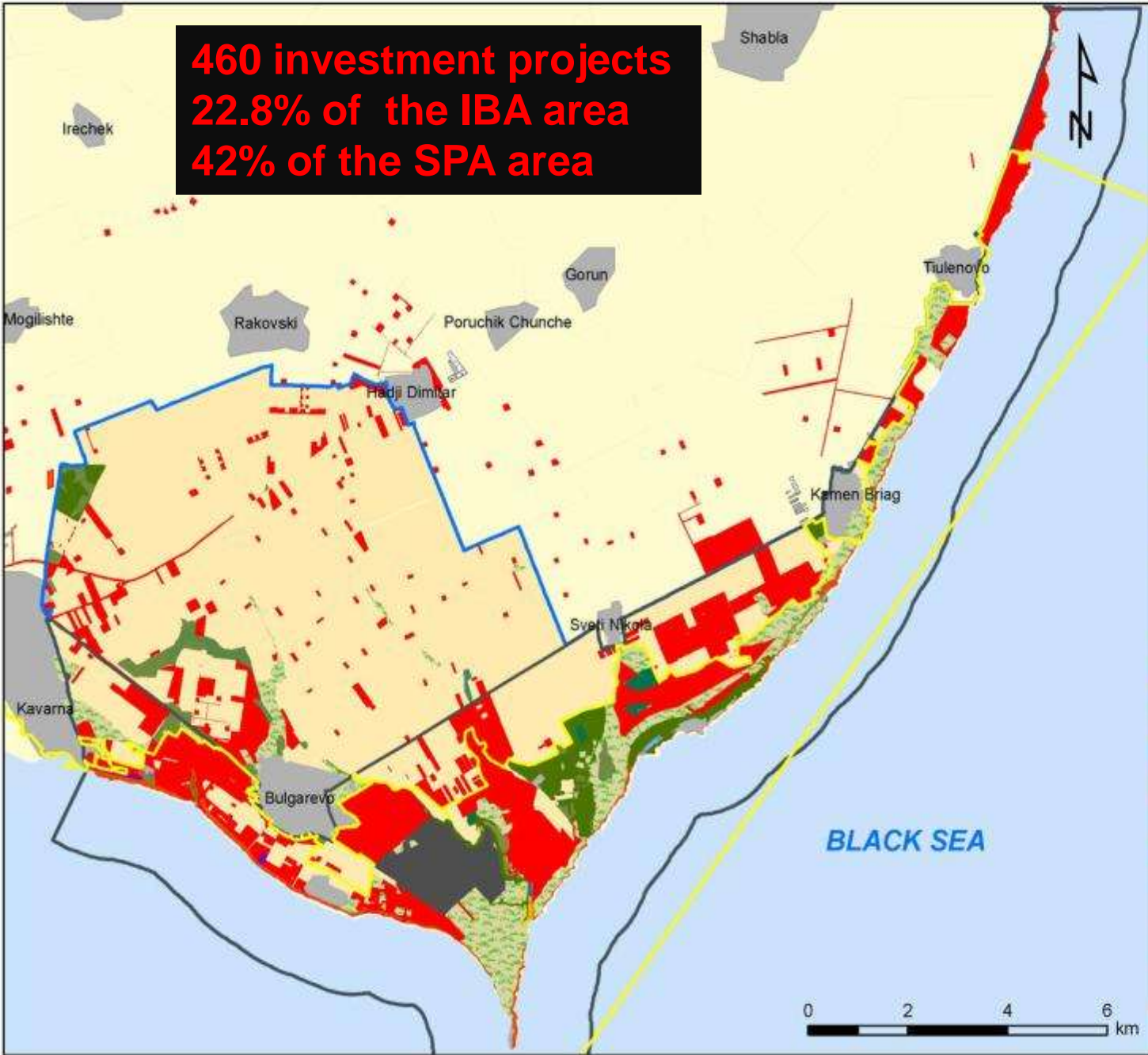


№ 2007/4850 – Infringement procedure concerning the reduction of the designation area of 6 SPAs (Kaliakra, Rila, Pirin, etc).

- **Legal grounds for complaint:** Art. 4 (1) of the Habitats Directive (designation of sites);
- **Scientific facts for complaint:** Inventory of the Important Bird Areas in Bulgaria (2006)
- **Unofficial reasons for the ungrounded reduction of the designation area:** Economical reasons (ski-resort projects, wind-farm projects);
- **Results of the infringement procedure:** 5 out of 6 sites are designated,
- **Experience:** You need top scientific research



460 investment projects
22.8% of the IBA area
42% of the SPA area



KALIAKRA
 Loss of bird habitats - April 2008

Legend

- IBA (Proposed SPA)
- Approved SPA
- Kaliakra_pSCI
- Destroyed by windfars
- Destroyed by urbanisation
- Expected habitat loss

Bird habitat types

- Temperate Broad-Leaved Deciduous Forests
- Temperate Riverine and Swamp Forests
- Temperate Heath and Scrub
- Sclerophyllous Scrub
- Steppes and dry calcareous grasslands
- Mesophyllie Grasslands
- Coastal Sand Dunes and Sand Beaches
- Standing Freshwater
- Standing Brakish and Saltwater
- Water-fringe Vegetation
- Sea Cliffs and Rocky Shores
- Screens
- Arable Land (incl. crops, tree lines, hedges)
- Orchards, Groves and Tree Plantations
- Forestry Plantations
- Towns, Villages, Industrial Zones
- Fallow Land, Waste Places



Source: BSPB, 2008

Kaliakra pSCI/SPA 2007



08.08.2006 16:33

Kaliakra pSCI/SPA 2008



28/08/2008

№ 2008/4260 – Infringement procedure concerning the destruction of Kaliakra IBA (Via Pontica) after 1.1.2007 as result of the illegal authorization of wind-farm projects before 1.1.2007

- **Legal grounds for complaint:** Art 4 (4) of the Birds Directive and Art. 6 (2) of the Habitats Directive (Kaliakra SPA was still not designated when the projects were authorized).
- **Evidences:** Inventory of the Important Bird Areas in Bulgaria (official publication 2006), GIS-analysis, EIA documents and building permits for the wind-farms and other projects, complaints to the court, etc.
- **Reasons for the illegal authorization of wind-farm projects:** Corruption, non-appliance of assessment of the cumulative effect during the EIA procedure, bad-quality of the EIA-reports and decisions.
- **Results of the infringement procedure:** moratorium on new projects, EU requirement for strategic planning and possibility for dismounting;
- **Experience:** You need lobby in EC and EP, and you need top scientific research







Tsarevo Municipality Master Spatial Plan

M 1:100 000

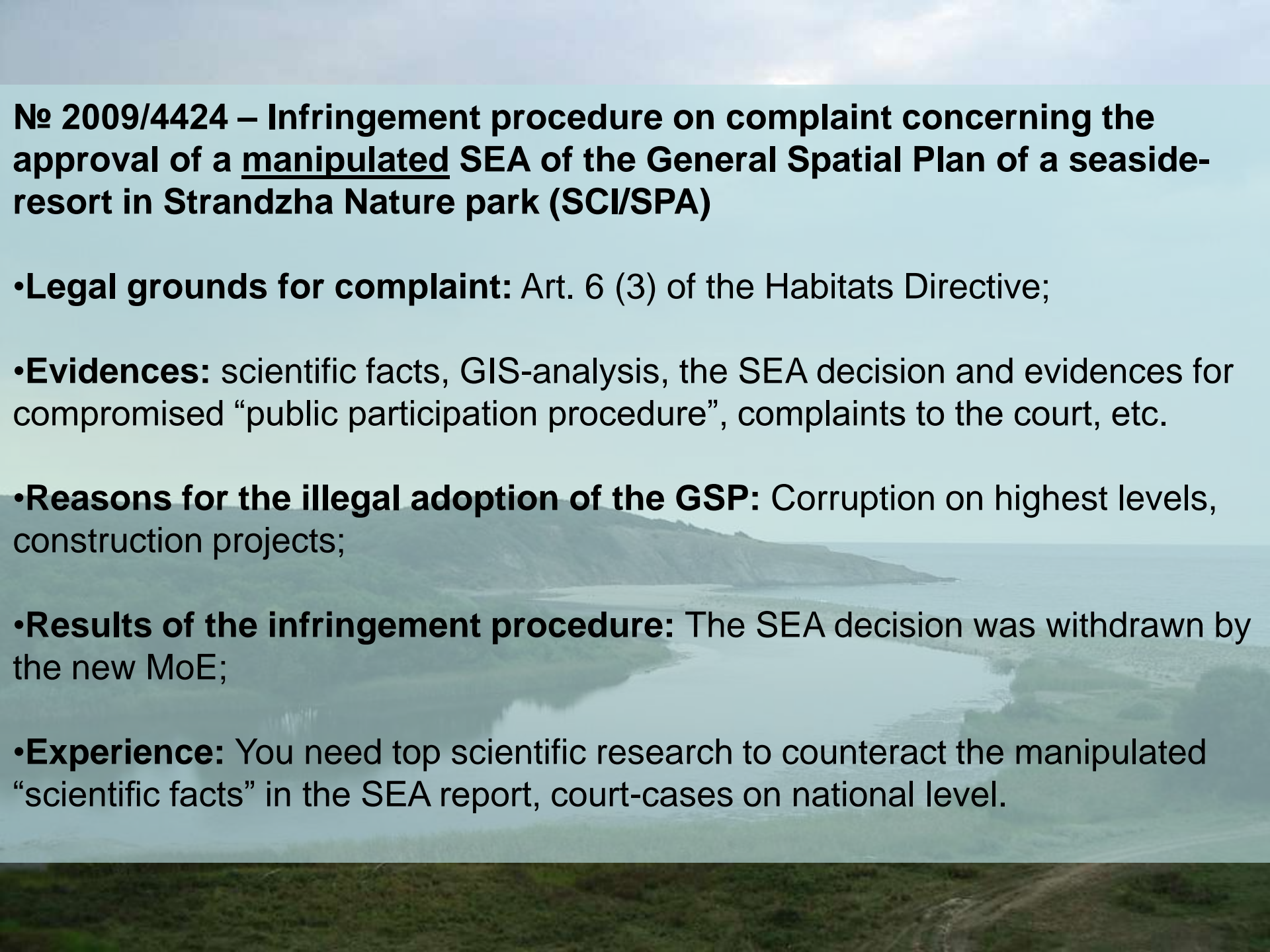


Legend

-  existing urban areas
-  planned urbanisation
-  natural habitats
-  border of Strandja SPA

Strandja Nature Park
Strandja SPA/pSCI

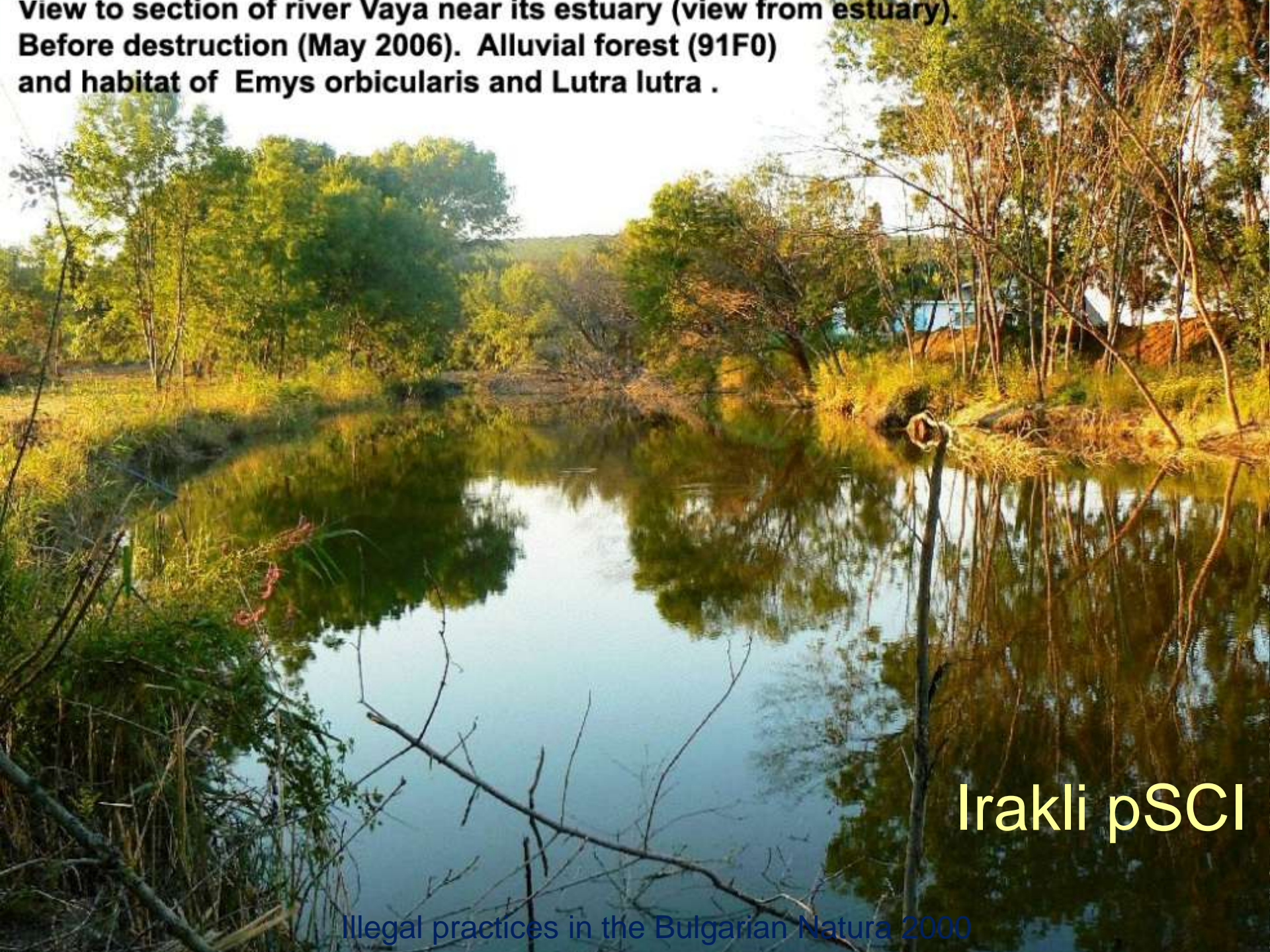
Т Р П Ц М



№ 2009/4424 – Infringement procedure on complaint concerning the approval of a manipulated SEA of the General Spatial Plan of a seaside-resort in Strandzha Nature park (SCI/SPA)

- **Legal grounds for complaint:** Art. 6 (3) of the Habitats Directive;
- **Evidences:** scientific facts, GIS-analysis, the SEA decision and evidences for compromised “public participation procedure”, complaints to the court, etc.
- **Reasons for the illegal adoption of the GSP:** Corruption on highest levels, construction projects;
- **Results of the infringement procedure:** The SEA decision was withdrawn by the new MoE;
- **Experience:** You need top scientific research to counteract the manipulated “scientific facts” in the SEA report, court-cases on national level.

**View to section of river Vaya near its estuary (view from estuary).
Before destruction (May 2006). Alluvial forest (91F0)
and habitat of *Emys orbicularis* and *Lutra lutra* .**



Irakli pSCI

**View to lower section of river Vaya and alluvial forest (91F0) - after destruction (May 2007).
Destroyed alluvial forest and habitat of *Emys orbicularis* and *Lutra lutra* .
On the right side - the parcel of Swiss properties company. Still there is possibility for restoration.**



Irakli pSCI

Ski resort Bansko in Pirin pSCI/SPA

Тодорин връх (2746 м)



Image © 2008 DigitalGlobe
Image © 2008 TerraMetrics
Image NASA

© 2005 Google

inter 41°46'34.56" N 23°26'42.82" E elev 5952 ft

Illegal practices in the Bulgarian forests

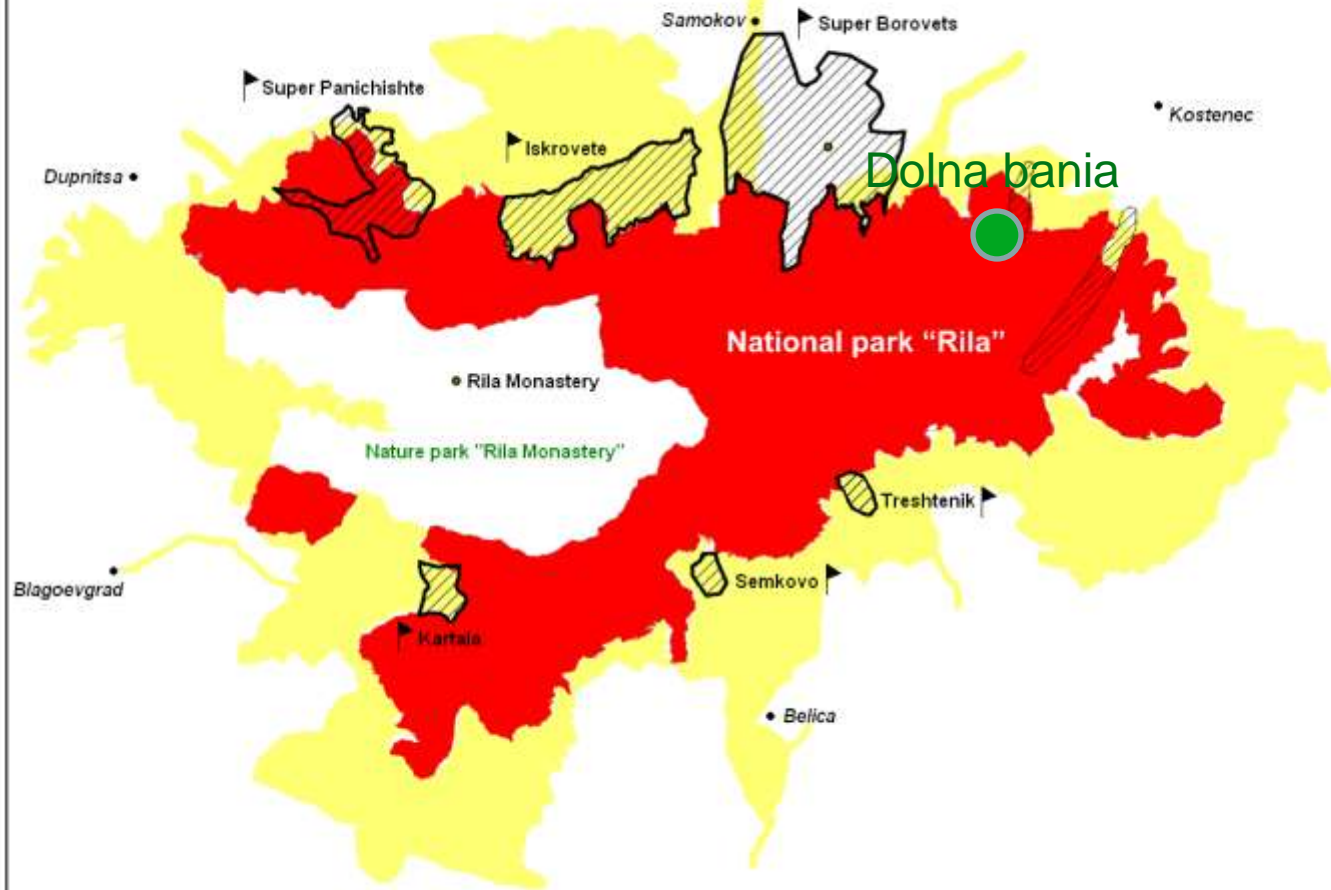
Streaming 100%

Eye alt 6805 ft



**A ski run in the Pirin pSCI/SPA
(endemic *Pinus peuce* forests)**

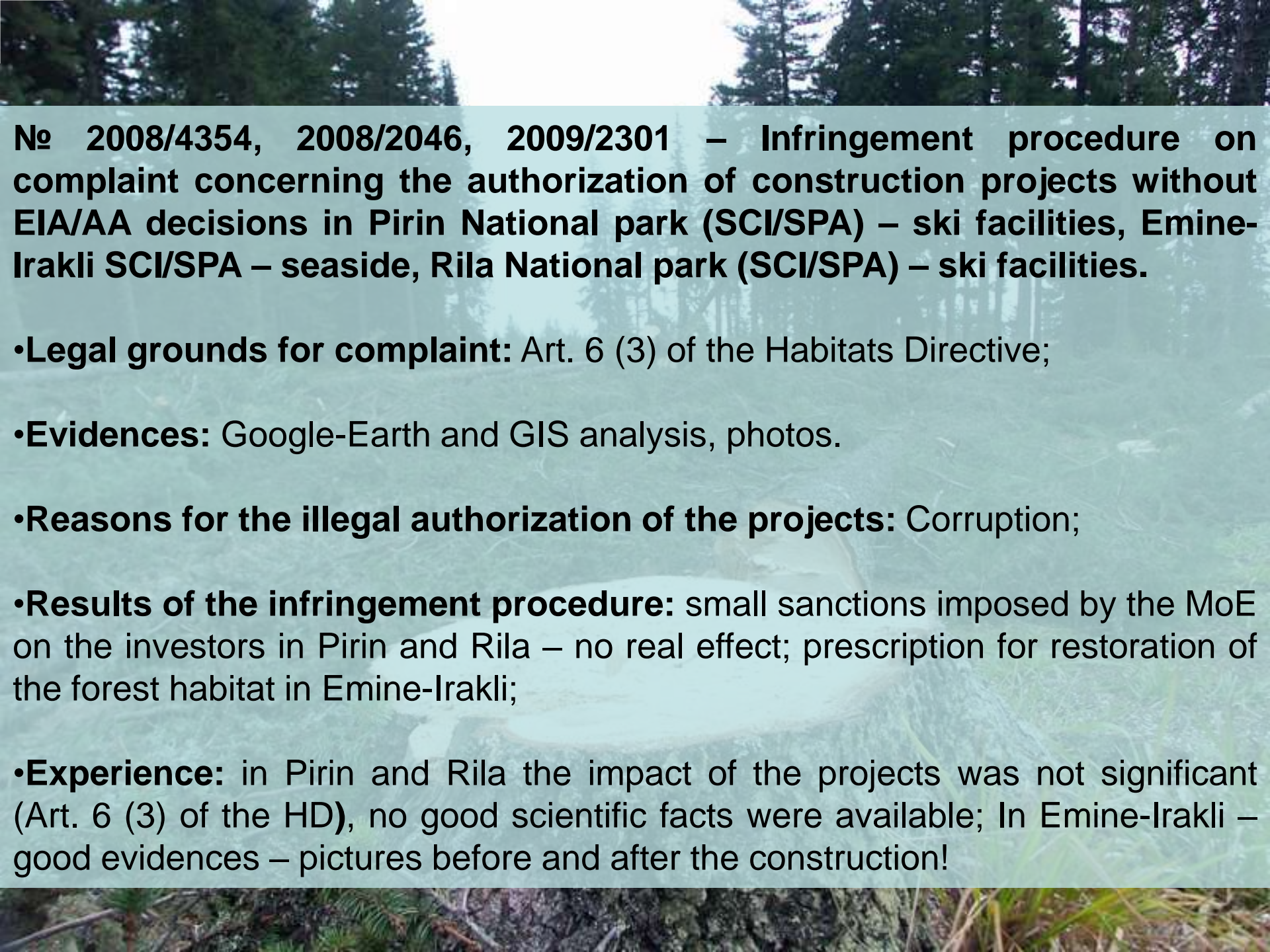
NATURA 2000 vs. ski resorts in Rila mountain



Legend

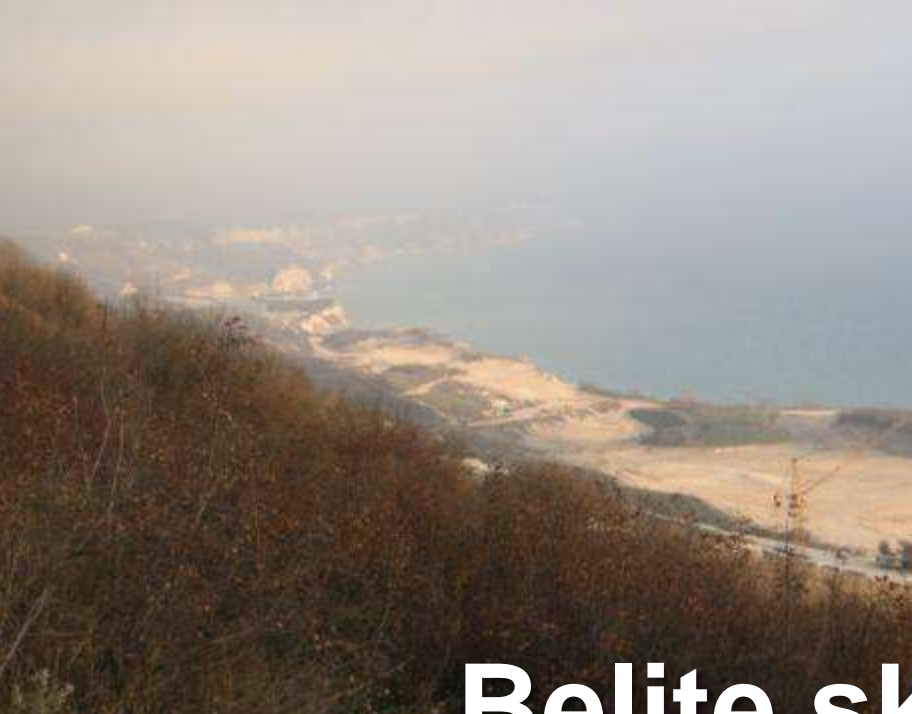
-  Ski resorts
-  pSCI "Rila"
BG0000495
-  pSCI "Rila-buffer"
BG0001188
still not on the national list
-  towns

0 2.5 5 10 km

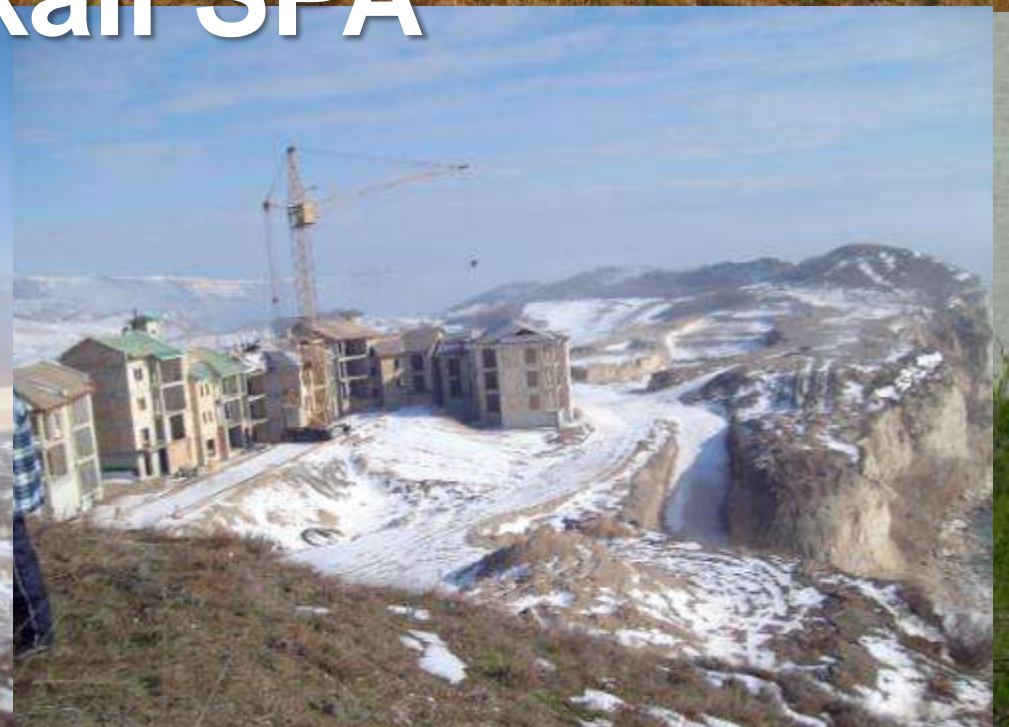
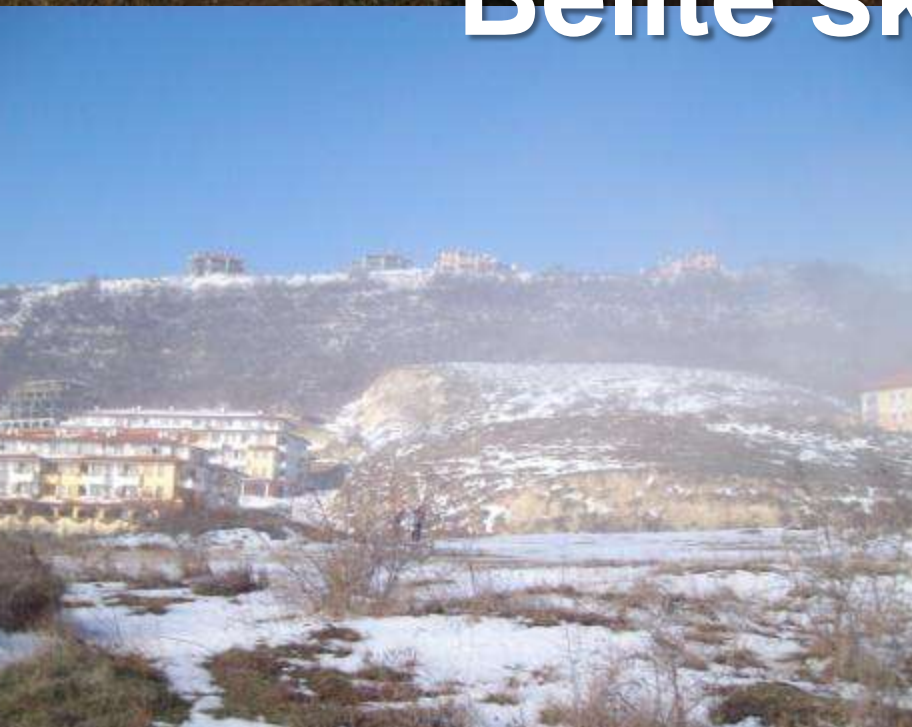


№ 2008/4354, 2008/2046, 2009/2301 – Infringement procedure on complaint concerning the authorization of construction projects without EIA/AA decisions in Pirin National park (SCI/SPA) – ski facilities, Emine-Irakli SCI/SPA – seaside, Rila National park (SCI/SPA) – ski facilities.

- **Legal grounds for complaint:** Art. 6 (3) of the Habitats Directive;
- **Evidences:** Google-Earth and GIS analysis, photos.
- **Reasons for the illegal authorization of the projects:** Corruption;
- **Results of the infringement procedure:** small sanctions imposed by the MoE on the investors in Pirin and Rila – no real effect; prescription for restoration of the forest habitat in Emine-Irakli;
- **Experience:** in Pirin and Rila the impact of the projects was not significant (Art. 6 (3) of the HD), no good scientific facts were available; In Emine-Irakli – good evidences – pictures before and after the construction!



Belite skali SPA



Kamchia Complex SPA



Coastal part of Kamchia Complex SPA - under threat of irreversible damage

Legend

-  "Kamcha Complex" SPA
-  Kamchia Reserve and its Buffer zone
-  "Kamchilsky Pyasatsi" Protected area
-  Investment project area for big summer resort of "Beta Forest" Ltd.



the area from satellite

Shkorpilovtzi village

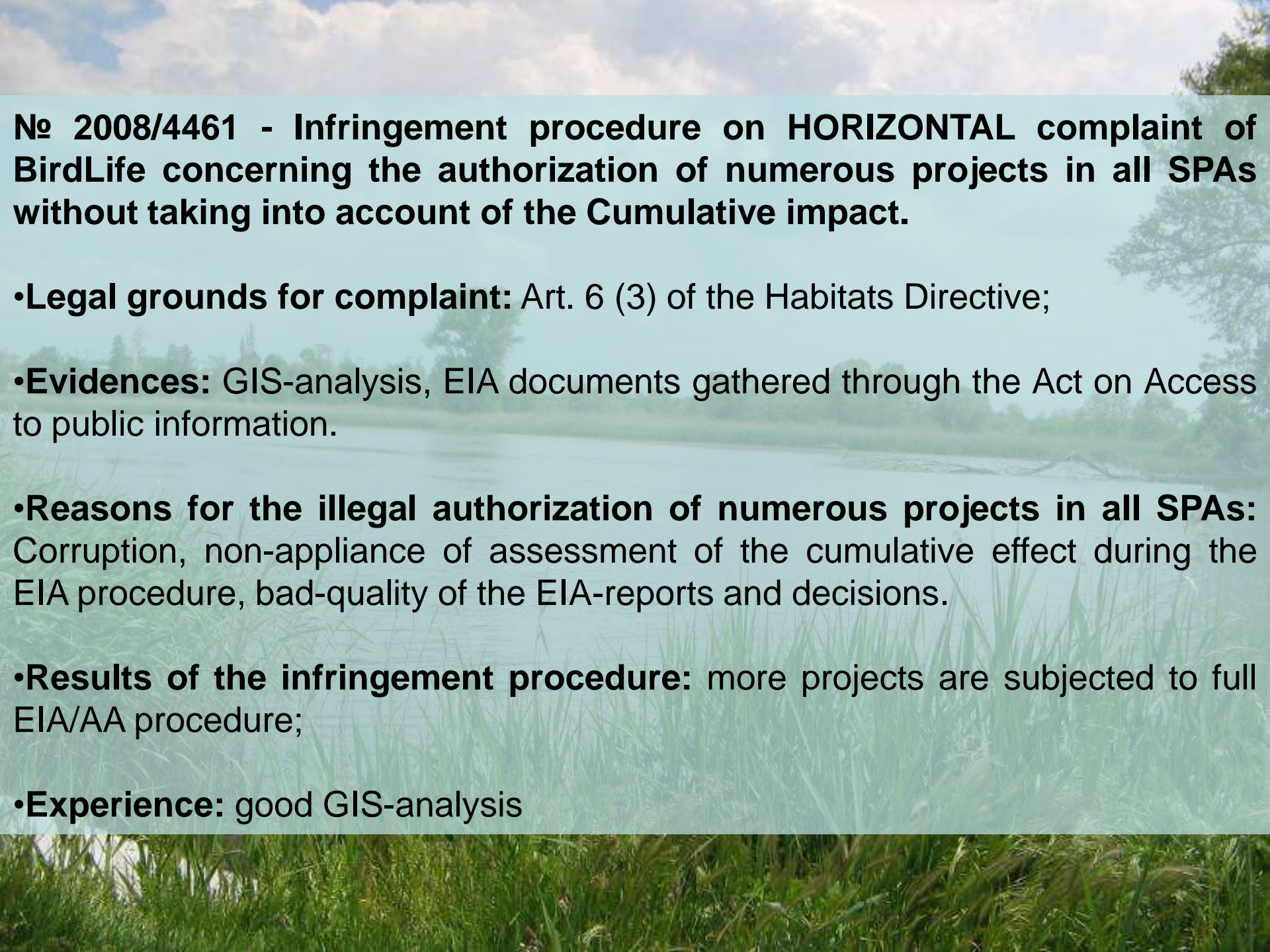
Central Balkan IBA





Chelopechene Fishponds SPA





№ 2008/4461 - Infringement procedure on HORIZONTAL complaint of BirdLife concerning the authorization of numerous projects in all SPAs without taking into account of the Cumulative impact.

- **Legal grounds for complaint:** Art. 6 (3) of the Habitats Directive;
- **Evidences:** GIS-analysis, EIA documents gathered through the Act on Access to public information.
- **Reasons for the illegal authorization of numerous projects in all SPAs:** Corruption, non-appliance of assessment of the cumulative effect during the EIA procedure, bad-quality of the EIA-reports and decisions.
- **Results of the infringement procedure:** more projects are subjected to full EIA/AA procedure;
- **Experience:** good GIS-analysis

A group of people is gathered on a city street at night, holding a large white banner with blue Cyrillic text. The text on the banner reads "РУЛА ВЪСЦИ НА КОСЪМ". The scene is illuminated by streetlights and building lights, creating a warm, orange glow. The background shows a city street with tram tracks, buildings, and trees. The overall atmosphere is that of a public demonstration or protest.

РУЛА ВЪСЦИ НА КОСЪМ

A good start for an infringement procedure is the PROTEST !
Thank you.