



Strasbourg, 2<sup>nd</sup> December 2022

T-PVS(2022)MISC

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

42<sup>nd</sup> meeting

Strasbourg, hybrid meeting, 28 November - 2 December 2022

---

Opening of the meeting: 2.00 pm CET on Monday, 28<sup>th</sup> November 2022

**LIST OF DECISIONS  
AND ADOPTED TEXTS**

*Document prepared by  
the Secretariat of the Bern Convention*

## 7.2 POSSIBLE FILES

### ➤ 2001/4 - Bulgaria: Motorway through the Kresna Gorge

Relevant documents: T-PVS/Files(2022)75 – Government Report  
T-PVS/Files(2022)74 – Complainant Report  
T-PVS/Files(2022)47 – Joint Government / Complainant Report

The Standing Committee thanked the Ministry of Environment and Water of Bulgaria and complainant “Save Kresna Gorge” coalition for their oral presentations. It also took note that a joint-report had been sent to the Bureau in Autumn.

The Committee took note of the information of the authorities that the Working Group on reviewing the Site-Specific Conservation Objectives (SSCOs) had completed its work in July 2022, and that some of its conclusions had been taken into account in the final decision. Furthermore, the Working Groups 2 and 3 had had to be re-constituted due to numerous changes in staff in Bulgarian institutions and agencies, but that the work was planned to begin by the end of the year based on the adopted SSCO. Finally, they informed that no new construction works were ongoing, only safety-related maintenance within the scope of the existing road. Finally, the mitigating measures along the existing E79 road to address current pressures are important and should be implemented following their assessment for compliance with the SSCO.

The Committee took note of the information of the complainant who expressed its disappointment that the consensus-based conclusions of Working Group 1 had for the most part not been taken into account and that cooperation with the government had disappeared following the change in government in August. They raised other concerns including the effectiveness of the mitigation measures proposed, and signals from the government that the EIA/AA Revision may not take place despite it being an obligation from the European Commission. They raised concerns that there was ongoing construction in the gorge.

The Standing Committee also took note of the intervention of the European Commission that it had been informed that the SSCO for the two concerned Natura 2000 sites had been adopted by the Bulgarian authorities on 25<sup>th</sup> October 2022, that it had reminded the Bulgarian authorities that setting these objectives is only a preparatory step ahead of revision of or development of a new EIA/AA, that the mitigation measures deriving from the EIA No. 3-3/2017 were considered of questionable effect, and that it had noted with concern information about ongoing construction works.

The Committee also took note of the complainant’s request to open the file. Following a discussion, a vote was required, after which the result was:

12 votes (Austria, Czech Republic, Estonia, Finland, Germany, Hungary, Luxembourg, Monaco, Norway, Switzerland, Ukraine and United Kingdom) were in favour of opening the file.

8 votes (Azerbaijan, Bulgaria, Cyprus, Georgia, North Macedonia, Poland, Serbia and Türkiye) were against opening the file.

There were 8 abstentions (Belarus, Denmark, France, Latvia, Malta, Republic of Moldova, Montenegro and Sweden).

Due to technical reasons the vote against opening the file of one Party was not accounted.

In accordance with the Rules of Procedure which require a two-thirds majority of the votes cast, the file was not opened.

The Standing Committee appealed to the Government, together with the Complainants, to fully implement Recommendation 212 (2021) and to revise the EIA/AA report, following the advice of the European Commission, on the potential impact of the motorway, thus respecting Recommendation 98 (2002). It reminded Bulgaria not to start any construction before the Recommendation was fulfilled. Given the ongoing cooperation problems between the Government and NGOs, it instructed the Bureau to consider at its next meeting if a Bern Convention Mediation procedure could be a productive problem-solving instrument for this case.

The file remains possible and both parties were invited to present updates on the case and progress in relation to the Recommendation at the 1<sup>st</sup> Bureau meeting in 2023.