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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

30th meeting
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**Wind farms in Balchik and Kaliakra –Via Pontica
(Bulgaria)**

REPORT BY THE GOVERNMENT

*Document prepared by:
the Ministry of Environment and Water, Bulgaria*

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**INFORMATION ON IMPLEMENTATION OF THE RECOMMENDATION NO. 130 (2007) OF
THE BERN CONVENTION STANDING COMMITTEE ON THE WINDFARMS PLANNED NEAR BALCHIK
AND KALIAKRA, AND OTHER WIND FARM DEVELOPMENTS ON THE VIA PONTICA ROUTE
(BULGARIA)**

In connection with the application of Recommendation 130 (2007) of the Standing Committee of the Bern Convention regarding construction of Wind Farms in the region of Kaliakra, Bulgaria provides the following information about the progress reached thereafter:

I. Concerning the strategic planing.

• ***Bulgarian Energy Strategy by year 2020***

By Standpoint on Ecological Assessment № 3-2/2010, the Minister of environment and water has coordinated the **Bulgarian Energy Strategy by year 2020**

The condition of the protected areas is analyzed in the document regarding the realized and/or in a process of coordination investment proposals, plans and projects for starting new energy resources (mainly Wind Parks). An increased concentration of such projects in the protected areas has been accounted for and the following measures have been proposed:

- complex measures, mitigating and decreasing the adverse impact on the natural habitats and habitats of species, including birds being object of protection in the corresponding sites;
- specific measures for the sites, taking into account the possible adverse impacts, originating from the character of the types of intentions;

A generalized conclusion is taken, that the application of the Energy Strategy under observing of the included recommendations and mitigating measures will not lead to significant extend of the adverse impact on the subject and the goals of conservation of the protected sites from Ecological Network NATURA 2000.

• ***National Renewable Energy Action Plan (2011-2020).***

The elaborated national plan assigned by the Ministry of Economy, Energy and Tourism is in fulfillment of requirements of *Directive 2009/28/EU on encouragement the use of renewable energy resources*. The national plan has a subject the determination of the national goals of Bulgaria on the part of renewable energy resources by 2020 and relevant measures for reaching these goals. The national plan outlines the frame of the possibility to realize investment proposals for power generation from renewable energy sources - photovoltaic installations, wind generators, small water power stations.

The goal of this strategic planning concerning the renewable energy sources is to outline the frame on one hand in respect of the territory - the sensitive territories being marked down, where a construction of such installations will be not possible, taking into account all proceeded up to now renewable energy sources (regardless if they have been realized or not realized), and on other hand in respect of the quantitative measurement of the possibility to construct renewable energy sources (for example related to the possibility for access to the power line network).

In connection with the aforementioned, the goal is this strategic planning to be realized in exceptionally detailed manner. Because of this, an analysis is completed on the side of Ministry of Environment and Water therefore which are the concrete sites in territorial aspect with permitted Renewable Energy Sources, what is their number, where are they located and correspondingly how many are the constructed already as well as their distance from other infrastructure objects and urbanized territories. This information has been already submitted to the principal of the plan – Ministry of the Economy, Energy and Tourism with the goal to be taken into account and reflected during its elaboration.

According to the requirements of *Directive 2001/42/EC for assessment the impact of some plans and programs on the environment and Directive 92/43/ for protection of the natural habitats and wild flora and*

fauna, an EIA procedure is carried out as well as an Assessment for compatibility of the plan with Art.6 of the Habitat Directive. Up to now the presented EIA Report on the impact of the National Renewable Energy Action Plan on the protected sites from NATURA 2000 network has been given positive evaluation of its quality and the said has been published for 30 days public access on the internet site of Ministry of Environment and Water.

II. Concerning imposing moratorium on the permission for Renewable Energy Sources Projects

Aiming a possibility for realization of strategic planning of the territories and the sites, where it will be possible construction of Wind Generators and in order to avoid cases when project approvals are taken "by part", the Ministry of Environment and Water has elaborated obligatory instructions addressed to the Regional Inspectorates of, (being regional competent authorities regarding EIA procedures) for reduction the process on issuing permissions, in compliance with the environmental legislation, until admission of the National Renewable Energy Action Plan (2011-2020).

The instructions are structured according to the different types of Renewable Energy Sources (RES), comprised in the plan and they contain specific requirements to the different intentions/projects. Thus practically, despite that a formal moratorium will be not imposed, the same goal will be reached - namely a halt on non-planning approval of RES projects, until admission of the plan, which will outline the national map for power generation from RES.

According to the instructions, under intentions for wind generators, the peculiarities of every concrete case related to the scale, capacity, types of generators, location etc. peculiarities of the intention as a whole are supposed to be taken into account as an absolute condition under the assessment of the necessity of EIA procedure, incl. toward the accompanying objects and activities, especially - road access, possibilities for connection to the existing power line network, correspondingly necessity of construction also of new power line network to the determined power node, as well as all other objects and activities, connected with the construction and exploitation of the wind generators.

When the cumulative impact is taken into account, the existing in the corresponding Regional inspectorate data and procedures for intentions in the proximity to the proposed site not only for wind generators but also for other intentions or other existing objects and activities as well as the existing or determined use of the near located properties, are supposed to be considered. Such kind of data should be required from the corresponding investor and/or they should be provided by consultations with the specialized competent authorities.

By these instructions given to the Regional inspectorates practically the same result will be reached as by imposing actual moratorium on RES construction.

Information is submitted monthly to the EC about what decisions for approval of wind generators have been issued. Up to now only decisions have been issued enacting EIA procedures. Besides, the accomplishing of EIA is required for all submitted notifications for investment intentions, regardless their scale (wind parks or single wind generators).

III. Concerning the preventive protection of NATURA 2000 sites.

Since March - up to now 8 orders have been issued by the Minister of the environment and water for declaration of NATURA 2000 protected sites aiming conservation of wild birds, which includes a ban for construction of wind generators.

IV. Concerning already permitted installations for generation power by wind generators.

Ministry of Environment and Water carefully considers the possibility and the legal reasons for talks to the banks, funding projects for construction of wind generators for attracting their attention that financial means are supposed to be allowed only for those projects which entirely meet the requirements of the national and European legislation.

In this connection the following fact should be considered that real financial funding is ensued only for less than 10 % from the issued permissions for RES construction. A large part of the projects will be not realized in fact, and according to the national legislation, the issued act expires in frame of 5 years from the EIA decision issuing date. In case that the holder of decision, which should be re-confirmed due to expiration of 5 year period, would request such an re-confirmation, so the competent environmental authority will conform its decision with the admitted National Renewable Energy Action Plan (2011-2020).

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