



EUROPEAN COMMISSION
Vice-President of the European Commission
Loyola de PALACIO
Deputy Head of Cabinet

Brussels, 30 AVR. 2004
A/697 - D/276

Environmental Association
« Za Zemiata »
P.O. Box 975
BG – 1000 Sofia

Dear Sir, Dear Madam,

Thank you for your letter of 9 February 2004 to Mrs de Palacio, in which you draw her attention to the environmental situation of Bulgaria, in relation to the trans-European transport network (TEN-T) projects. She has asked me to reply to you on her behalf.

I would like to draw your attention to the new TEN-T Guidelines, proposed by the European Commission in autumn 2003 and adopted by the European Parliament and Council on 21st April 2004. The new TEN-T Guidelines make clear that the EU environmental legislation applies to all TEN projects.

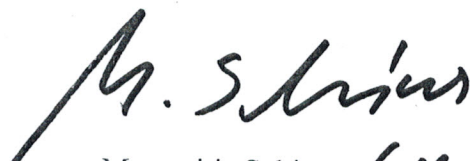
As you emphasise, when dealing with transport projects, Member States have to comply with an extensive body of EU legislation relating to the environment, including Environmental Impact Assessment (EIA Directive 85/337/EEC as amended by Directive 97/11/EC) and preservation of natural fauna and flora (Habitat Directive 92/43/EEC and Birds Directive 79/409/EEC). From 2004 onwards the provisions of Directive 2001/42/EC on the environmental assessment of plans and programmes (the “SEA” Directive) will also have to be implemented. You should note that the SEA Directive will apply not only to plans and programmes begun after 21st July 2004 but also in some cases to those begun before that date and not formally adopted before 21st July 2006. All these instruments aim at ensuring that environmental impacts are taken into account in the decision-making processes, especially when a negative impact on Natura 2000 sites is likely.

As concerns the Candidate Countries, from a legal point of view, EU legislation will only apply to them from accession onwards. However, the Commission takes the view that Candidate Countries should apply and implement the provisions of the environmental acquis during the pre-accession period. Therefore, if the Bulgarian State were to apply for EU funds for the TEN-T projects, it would have to, inter alia, apply the provisions of the EIA and SEA Directives. In addition, the applicant country should also investigate whether

environmentally sensitive areas are affected which might fall in the future under the provisions of the Habitats or Birds Directives. In light of the above, the Commission considers that Candidate Countries should, for all their transport infrastructure projects, comply with EU environmental Directives. This is always a requirement before any Community assistance is granted.

I hope this addresses your concerns.

Yours faithfully,


Margaritis Schinas (Mr.)