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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

31<sup>st</sup> meeting  
Strasbourg, 29 November – 2 December 2011

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**Specific Site - File open**

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

**REPORT BY THE NGO**

*Document prepared by:*  
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## SUMMARY

This document provides information on the implementation of Recommendation No. 130 (2007) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route, Bulgaria, up to the end of July 2011.

It appears that the Bulgarian authorities are still not making sufficient progress in implementation of most aspects of the Recommendation. The case continues to be at a very critical stage. In addition to the wind farm projects, Balchik and Kaliakra proposed Emerald Network/Natura 2000 sites are being damaged by a large number of other developments, including tourist complexes, golf courses and infrastructure, which are also being planned and consented without proper regard to the nature value of the sites.

At the end of November 2008 the European Commission sent the Bulgarian Government a first warning letter (Letter of Formal Notice) because of the lack of adequate protection of Kaliakra Important Bird Area (IBA) – both the approved SPA (Special Protection Area) and the area of the IBA that is excluded from Natura 2000. Thus the EC opened a second infringement procedure against Bulgaria related to Kaliakra. The first was opened in June 2008 when the Commission sent Bulgaria a first warning letter because of insufficient designation of 6 IBAs as SPAs, including Kaliakra. In late October 2009 the European Commission opened a third infringement procedure against Bulgaria by sending a first warning letter in relation to the huge level of wind farm development along the Black Sea Coast without proper EIA procedures.

Without international intervention, Balchik and Kaliakra Emerald Network/Natura 2000 sites of exceptional value for globally threatened birds and other animals, plants and habitats listed in the Annexes of the Habitats Directive and Appendices of the Bern Convention, could be further damaged – there has already been irreparable damage. Further, other sites of international value along the Northern Black Sea coast have also recently become threatened by wind farm development. This situation is in contravention of Articles 2, 3, 4 and 6(b) of the Convention, as well as Recommendations No. 93 (2002) and No. 108 (2003) of the Standing Committee.

We thus urge the Bern Convention to take further action, as appropriate, to assist Bulgaria to avoid irreversible damage to Europe's natural heritage. Although there have been some positive steps taken by the Bulgarian authorities since the change of government in late 2009, sadly it seems that without further international pressure the Black Sea coast sites will be damaged further.

Most urgently, the NGOs request that the Bureau:

- ask the Bulgaria Government for a progress report on implementation of the recommendation, as well as clear action plan of activities for implementing the recommendation.
- Urge the EC, immediately, to progress the general SPA designation infringement against Bulgaria in relation to Kaliakra IBA, as well as the particular infringement case on lack of adequate protection of Kaliakra.

## RECOMMENDATION No. 130 (2007) – STATE OF IMPLEMENTATION

On 30 November 2006 the Bern Convention on European Wildlife and Natural Habitats ‘opened a file’ on wind farm development on the Via Pontica bird migration route along the Bulgarian Black Sea coast. On 29 November 2007 the Bern Convention adopted recommendation 130 (2007) following the on-spot appraisal carried out in 2007, and consideration of updated information on the case.

In the following sections of the report, we first describe the progress on implementation of each aspect of the recommendation and then outline key developments in relation to the wind farm developments at Kaliakra and Balchik.

1. Review relevant decisions, at the local, regional and national level, concerning wind energy plants and ensure that new plants are not built in the region unless Environmental Impact Assessment (EIA) prove they do not have a substantial negative effect on the biological diversity protected under the Convention - EIA reports should be more precise and scientifically sound than those already presented and should formulate independent peer reviewed conclusions;

### Review of decisions

To date (July 2011) none of the relevant decisions mentioned above have been reviewed.

The wind farm project of EVN LTD (formerly owned by Universum Energy Ltd) is still stopped by the Ministry of Environment and Water (MoEW). The Supreme Administrative Court took a decision in favor of MoEW. Nevertheless, the EVN Company lobbied BSPB to support the wind farm project. BSPB stated on its position that the wind farm is not suitably located, as well as that EVN Company should comply with the requirements of MoEW and the decision of the court. The project is stopped so far but not completely cancelled.

Since July 2010, when BSPB made a full updated analysis of the information about wind farm development in Bulgaria, including numerous proposals for large-scale projects in Dobrudzha, 558 new wind turbines has been planned and are under EIA procedure now. As a result, in Dobrudzha there are now in total 3606 operational, approved or planned wind turbines, and there are no intentions to stop this process of increasing development. In the last year about 50 of the approved turbines have been built and are operational. At least 10 are under construction.

1502 of the planned wind turbines in Dobrudzha are concentrated in the territories of Kavarna, Balchik and Shabla Municipalities. Two new wind turbines are planned in Kavarna municipality – one in the Bulgarevo area, in Kaliakra IBA, and a second one – close to its western border.

By the end of June 2011 there are at least 278 wind turbines operational in Dobrudzha. Almost all of them (245) are located in Coastal Dobrudzha – 213 in Kavarna Municipality, 20 – in Shabla Municipality and 12 in Balchik Municipality. 143 of the already operational turbines were approved by RIEW Varna without EIA. In the table below is presented the level of development at the end of 2009 and in June 2011. It clearly shows that construction of wind turbines in Coastal Dobrudzha continues. There is no evidence that any additional assessments have been done before construction.

**Table 1. Operational wind turbines in Dobrudzha at the end of 2009 and in June 2011**

Location of operational wind turbines	Number of operational wind turbines	
	end 2009	30 June 2011
<b>Dobrudzha</b>	<b>215</b>	<b>278</b>
<b>Coastal Dobrudzha</b>	<b>208</b>	<b>245</b>
Kavarna Municipality	192	213
Shabla Municipality	9	20
Balchik Municipality	7	12
<b>Inland Dobrudzha</b>	<b>7</b>	<b>14</b>

By 30 June 2011, in total 2087 wind turbines were approved by RIEW Varna in Dobrudzha. Of the approved turbines 839 are located in Coastal Dobrudzha (Municipalities Kavarna, Balchik and Shabla);- 52 turbines have been approved during the last year. It is just a matter of time until all these turbines are constructed as the construction works in Dobrudzha continue. Of the turbines that are approved but still not constructed 65 fall in Kaliakra IBA. Thirteen of these were approved after the issue of Recommendation 130(2007) of the Bern Convention.

At June 2011 998 wind turbines are currently under EIA procedure, with the majority of the decisions to carry out EIA taken after the change of the Government in 2009. In Coastal Dobrudzha, EIA procedures are on-going for 306 wind turbines, of which 7 are situated in Kaliakra IBA.

Following the detailed analysis given above it can be concluded that the Government has not taken action to reconsider any of the decisions taken, and continued to issue new decisions after the adoption of Recommendation 130 (2007). It seems that since the 2009 elections the new Government has become more responsible, because more projects are now subject to EIA. However, the majority of these projects are inland. All the non-steppe habitats of Kaliakra IBA, , are now built up with operational wind farms . Further, all the IBA is surrounded by operational and approved wind turbines, and more proposals to build turbines are still appearing, although now at a slower rate.

The wind farm development is also expanding to the north, south and to the west, covering big areas of Dobrudzha and creating a huge potential barrier on the Via Pontica migration route. When BSPB first started to alert the Bern Convention about the expected problems with migratory birds in Dobrudzha and the Black Sea Coast, there were only a few wind farm projects, situated in the most problematic places. Now, six years later the problem is not solved – Kaliakra's future has not been secured. Instead the problem is expanded - the Kaliakra IBA has the potential to become completely isolated by windfarm development and many other IBAs, as well as Kaliakra and Balchik, are directly affected – Shabla, Durankulak, Belite Skali, Batova, Chairya, Suha Reka, Hursovka Reka and Provadiisko-Royaksko Plateau.

2. Fully reconsider the development of approved windfarm projects in the Balchik and Kaliakra region situated within or nearby sites designated as important bird areas and special areas of conservation;

Other than the decision to stop construction of the EVN project (see above) the MoEW/RIEW did not reconsider any of the approved windfarms projects in or near the Balchik and Kaliakra IBAs.

Since our 2009 report for Bern there are no new approved wind turbines in Kaliakra and Balchik IBAs, but new turbines continue to be approved in the areas surrounding these IBAs, as well as in other IBAs in Dobrudzha listed above. From the analysis presented at the Bern convention in 2010, by the end of June 2011 we have new approved turbines in 10 km around IBAs as follows:

- 15 turbines close to **Kaliakra IBA** - the total number of approved turbines becomes 39
- 2 turbines close to **Balchik IBA** - the total number of approved turbines becomes 9;
- 15 turbines close to **Shabla Lake Complex IBA** – the total number of approved turbines becomes 38;
- 15 turbines close to **Durankulak Lake IBA** - the total number of approved turbines becomes 34;
- 2 turbines close to **Belite Skali IBA** - the total number of approved turbines becomes 30;
- 32 turbines close to **Suha Reka IBA** - the total number of approved turbines becomes 43;
- 42 turbines close to **Provadiisko-RoyakskoPlateau** - the total number of approved turbines becomes 60.

3. Investigate the possibility of relocating the windfarm projects already under construction as well as the single turbines (whose building is possible without EIA) in order to restore the integrity of sites to be considered as Natura 2000 sites, IBAs, or under other protection status;

According to our information, the Bulgarian authorities have not taken any actions to implement this point and do not plan to implement this recommendation.

4. Select alternative locations for future and not yet operating turbines based on appropriate data (including long-term monitoring of biodiversity) and assessments (e.g. using multicriteria-analysis); key bird areas, potential SPAs, IBAs, intensive bird migration corridors and sites regularly used by large flocks of roosting species such as storks and wintering geese must be avoided by windfarm development;

According to our information, the Bulgarian authorities have not taken any actions to implement this point. According to the information presented above about windfarm development in Dobrudzha, it seems that the Government do not plan to implement this recommendation at all. Although large scale studies are planned for the next year and a half, that there is an Strategic environmental review financed by EBRD and Strategic environmental assessment of the wind energy sector, no any practical efforts are made to apply the recommendation to approved but not yet constructed wind turbines. The government does not provide also clear position about alternatives for future new wind farms, because continue to approve wind turbines in Dobrudzha.

5. Assess the impact of the current operating turbines;

The Bulgarian authorities have taken no action to implement this point. So far only investors do monitoring of the two big wind farms in Kaliakra IBA. INOS 1 do not publish the results from their monitoring. AES Geopower published a report on wintering geese, with data collected before the start of operation of windfarm. INOS 1 company provided reports to RIEW, but their period for reporting expired and results of monitoring are not clear.

AES Geopower provide reports to RIEW. The report from last autumn migration (which is the first one for the operational wind farm) clearly shows that white storks continue to pass at risky altitudes (below 200 m) through the area of the wind farm, and even huge flocks of storks overnight there. Thus, the park needed to stop quite frequently, but neighboring wind turbines were not stopped.

On 22 October 2010 a Griffon Vulture was killed at AES Geopower wind farm. The RIEW Varna recorded the case, but did not give any prescriptions to the investors as a result.

Since September 2010 two projects started to be implemented in Coastal Dobrudzha, which include as one of the activities monitoring of impacts of wind turbines on birds. One project is targeted at Red-breasted goose conservation (Financed by EC LIFE+ fund; to be implemented by BSPB) and one national scale project is targeted at elaborating a sensitivity map and guidance in relation to wind farms and birds (financed by Environmental Operational Programme through MoEW; to be implemented by a Bulgarian-Dutch consortium including BSPB and ALTERA). Details are given below.

There is no information about any impact monitoring being carried out at any of the other windfarms in Dobrudzha.

6. Conduct a Strategic Environmental Assessment (SEA) of Bulgaria's wind energy programme, taking into account possible conflicts of wind energy production within the most intensive bird movements areas, in particular along the Black Sea coast;

The Ministry of Economy and Energy (MoEE) is the competent authority to implement this point. The National Energy Strategy was subject to SEA assessment in the beginning of 2010. It stressed that the Dobrudzha area is very sensitive to wind farm development. In November 2010, a Strategic Environmental Assessment (SEA) of the National Plan for Development of Renewable Energy was ready and open for public consultation. The SEA has very strong recommendations not to have further development of wind farms in Coastal Dobrudzha, to reconsider the decisions for approved

but not yet constructed wind farms in Kavarna and Shabla Municipalities, as well as to remove the big and risky windfarms from Kaliakra IBA. Because of the very strong opposition from the investors, MoEE organized a public hearing, which was held in May 2011. Despite the fact that the Deputy Minister of the Economy supported the SEA, the Ministry in general complained against the requirement for removal of windfarms and required the recommendation to be changed. The procedure for approval of the SEA and the plan is still not been finalised by the end of June 2011 and it is still uncertain if the strong recommendations given by the SEA will be finally adopted by MoEW.

7. Establish a strict moratorium on further turbines and windfarm projects in the coastal areas of Bulgaria until EIA and SEA reports mentioned in paragraphs 1 and 6 are completed;

After the failure of the government to set a strict moratorium on wind farm development as required in the Bern Convention Recommendation (see previous NGO report), and apart from the designation orders for Kaliakra, Shabla Lake Complex, and Durankulak Lake SPAs which stipulate a full ban on wind farm construction, nothing has been done in this direction. In mean time, the processes of construction and approval of wind turbines continue, as described above.

8. Respect the need to focus on the avoidance of the impacts coming from outside having negative effects on areas of recognised conservation importance;

The Bulgarian authorities have taken no actions to implement this point.

9. Take into account the following guidance to improve EIAs for future and not yet operating turbines, including in accordance with “Regulation about the conditions and the order for accomplishment of assessment for compatibility of plans, projects, programmes and investment intentions with the subject and the aims of the conservation of protected zones”:

- further research and monitor birds, bats, other fauna, vegetations and key landscape-ecological structures and processes influencing biodiversity; to this end long-term monitoring of flora and fauna, review and validation of all data is required, including those from NGOs, institutes and independent scientists;
- apply collision modelling of cumulative effects of several wind farms or turbines along intensive flyways, followed by the assessment of the suitability of localities using multicriteria-analysis methods;
- develop compulsory procedures to peer review the completeness and quality of biodiversity chapters of EIAs and their conclusions before continuing the administrative and legal processes;

Since April 2011 the MoEW initiated the implementation of a project “Mapping and identifying the FCS [Favourable Conservation Status] of habitats and birds Phase I”, with a special section “Birds: Identification and minimizing the risks for the wild birds”.

The main goals of the project related to the “Birds” section are:

- An elaborated methodology for monitoring of bird migration prepared and submitted in the Executive Environmental Agency<sup>1</sup> under the Ministry of Environment and Water
- Development of a system for early warning, which will regulate the work of the wind generators
- Development of guidance for conservation of wild birds during wind farm development in Bulgaria
- Development of a map and GIS model with the territories at high risk for birds caused by windfarm development

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<sup>1</sup> The Agency is responsible for all kind of monitoring of the environment in the country (air, soil, water, biodiversity, protected areas, Natura 2000)

The minimizing of risks for wild birds is one of the main activities of the project, which aims to identify the most important sites, which are used by the birds on migration for roosting and foraging as well as the main migratory routes in order to ensure their conservation and minimising the risks caused by realisation of **new investment proposals** and projects in these territories.

The duration of the project is approximately 2 years. The project is implemented by a Bulgarian-Dutch consortium including BSPB and ALTERA.

10. Develop guidelines for appropriate planning of the construction of windfarms and/or individual turbines, taking account of the following issues in order to integrate biodiversity conservation concerns:

- initiate a broad debate on the precautionary principle regarding development projects in relation to sites with outstanding biodiversity values;
- take measures for the removal of turbines in case of unacceptable bird collisions where no alternatives exist; this requires the drafting of a set of mitigating and compensatory measures when biodiversity losses occur;

The government is planning to create guidelines as part as the project described above.

## KALIAKRA CASE

### THE KALIAKRA WIND FARM PROJECTS

By 1 July 2011 an assessment of operational, approved and planned wind turbines in the area of municipalities of Kavarna (big part), Shabla, Balchik (part) and General Toshevo (part), that falls into 15 km from the Black Sea coast has been carried out. As a result, it was clarified that there are in total 1258 wind turbines consented by the RIEW Varna, under procedure of approval or planned just in this localised area. They are presented in the table and the map in figure 1 below.

**Table 2.**

Stage of construction / approval	Number of turbines	Turbines in Kavarna Municipality	Turbines in Shabla Municipality	Turbines in Balchik Municipality	Turbines in General Toshevo Municipality
Operational	240	209 <sup>2</sup>	20	7	4
Constructed, but still not operational	12	12	0	0	0
Approved, under construction	3	0	3	0	0
Approved by RIEW, not yet constructed	596	366	131	84	15
<b>Total approved and operational</b>	<b>851</b>	<b>587</b>	<b>154</b>	<b>91</b>	<b>19</b>
<b>Planned wind turbines and wind turbines approved by municipality</b>	<b>407</b>	<b>147</b>	<b>170</b>	<b>32</b>	<b>58</b>
<b>Total number of turbines</b>	<b>1258</b>	<b>734</b>	<b>324</b>	<b>119</b>	<b>77</b>

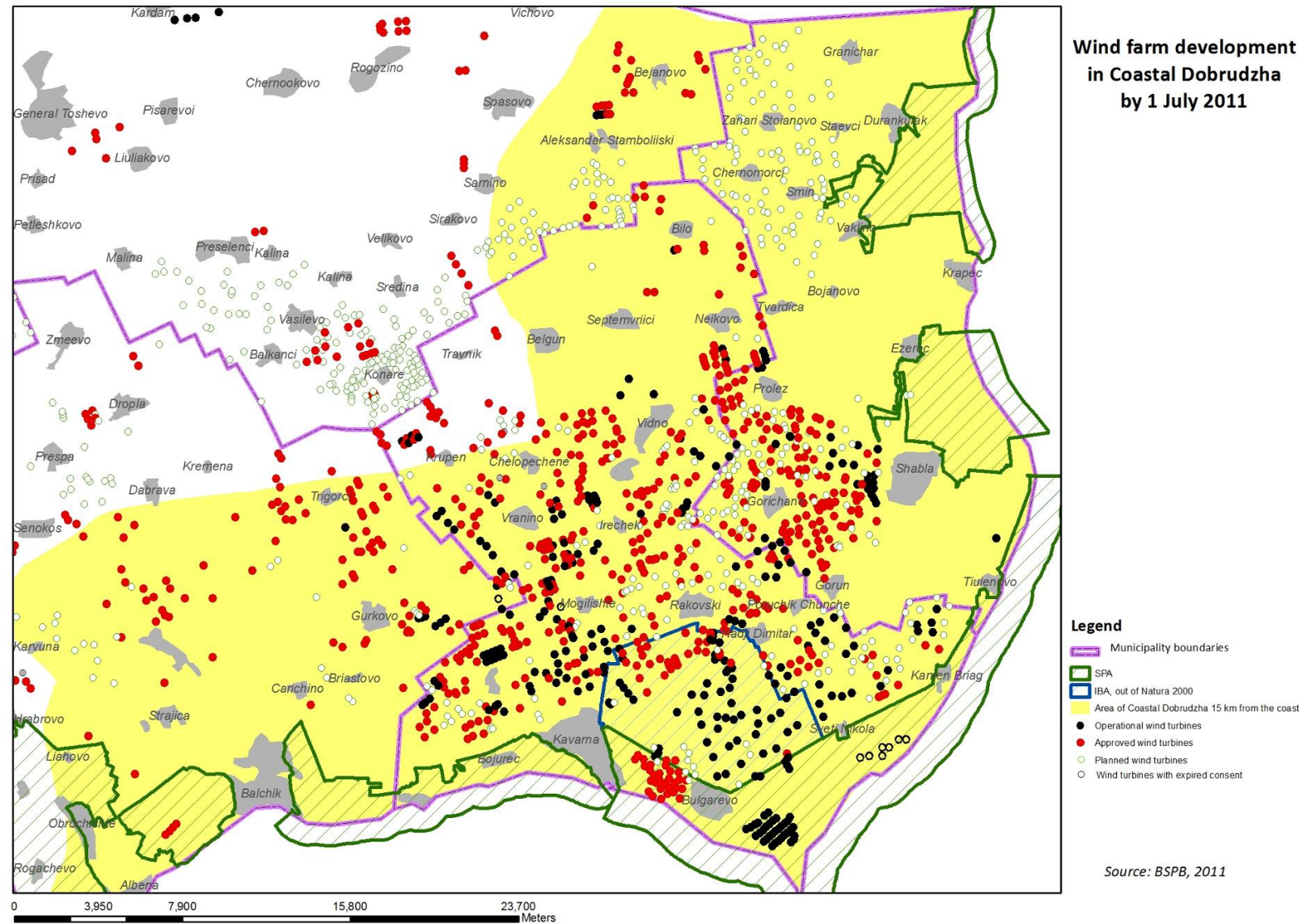
In total 143 wind turbines out of 834 approved turbines are approved through full EIA procedure (EIA report elaborated and approved). This represents 17% of the approved wind turbines. Of them 92 are already operational (86 in Kaliakra IBA), which represents 11% of the approved wind turbines. 32 are stopped at this stage (EVN project in Kaliakra SPA) because the parameters of the investment project are changed. The EIA approvals of two wind farm projects for a total of 9 wind turbines expired in 2010 and they might not be constructed. Seven of them are located in Kaliakra SPA. Ten wind farms were approved in 2008 through EIA procedure. Three of them were under construction on 1 March 2011. (Figure 2).

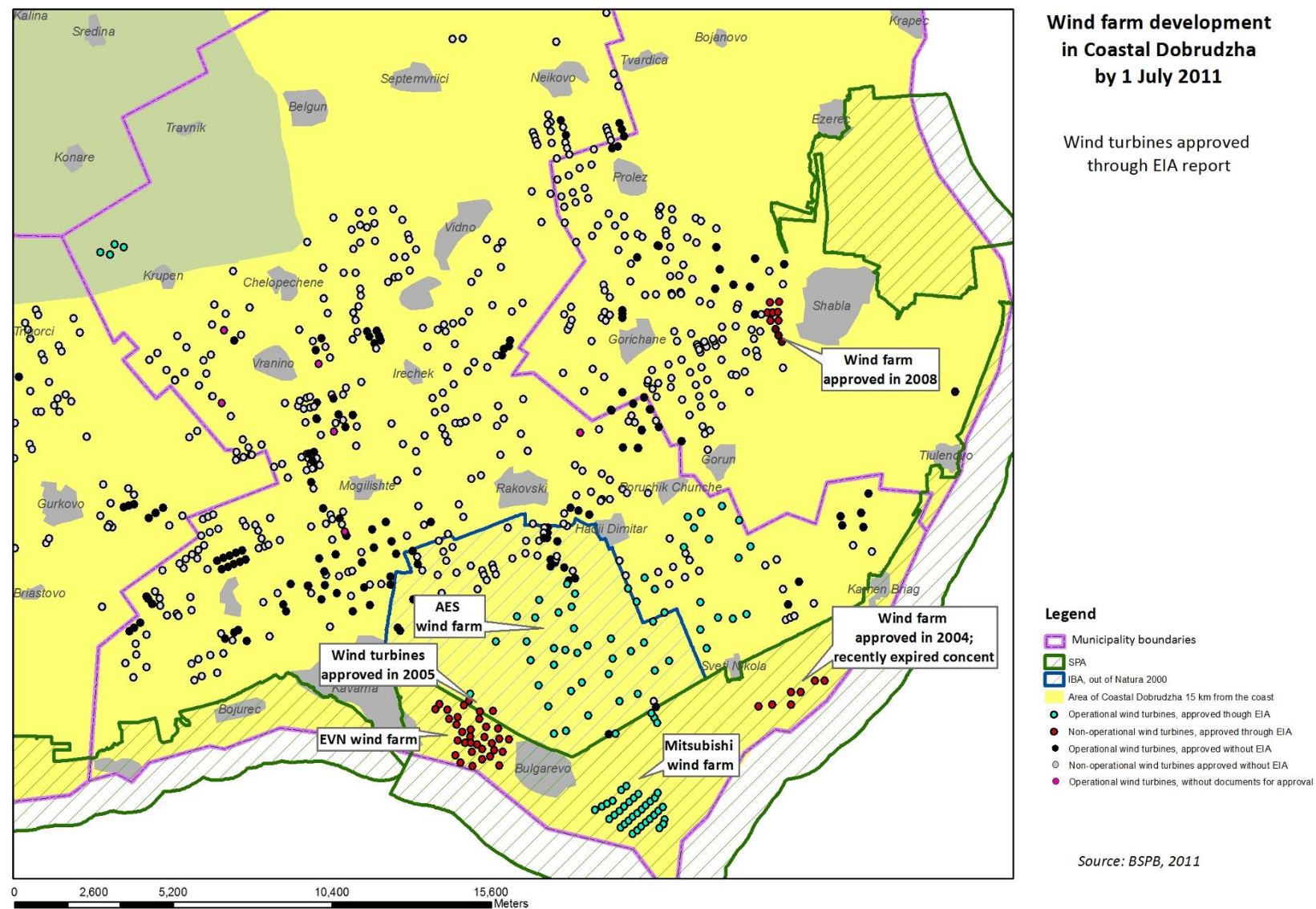
<sup>2</sup> Please note that 4 of the operational wind turbines in Kavarna Municipality fall out of the 15km-area from the coast. In total there are 213 wind turbines operational in Kavarna Municipality





**Figure 1 – Stage of approval/planning**



**Figure 2 – Operational wind farms**



For comparison, in the beginning of 2007 there were only 9 wind turbines constructed and operational in Kaliakra IBA as it was presented in details in the previous NGO report. Since then significant damage from wind farm development has already happened and the development in the area and around it has not stopped, despite the recommendation 130(2007) of the Bern Convention to stop further wind farm development in the region. There are no moves by the regulatory authorities to improve the situation.

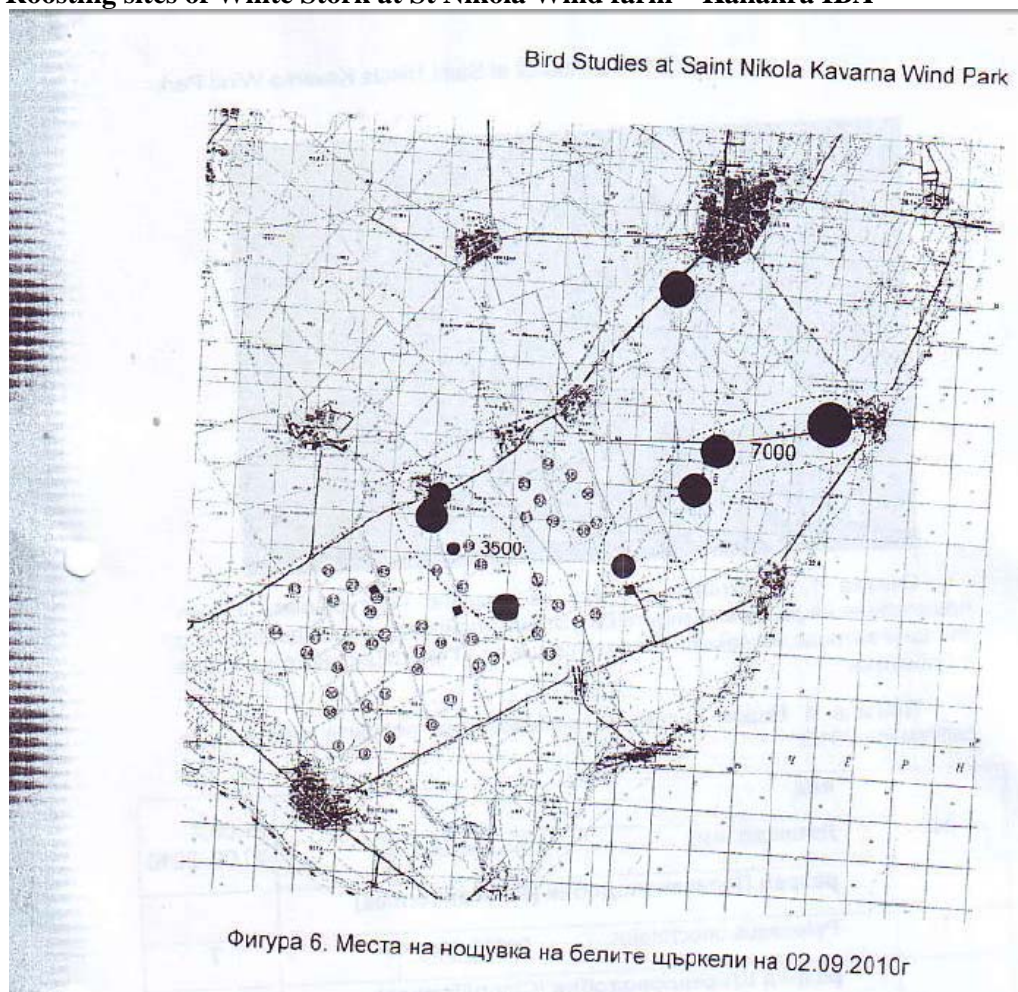
- **Geopower Energy** (7 turbine project in the region of Sveti Nikola)

No new information. The consent is recently expired, so this wind farm might not be constructed.

- **Geopower Energy (AGE)** (53 turbine project North of village of Balgarevo; 47 of the turbines are located in Kaliakra IBA)

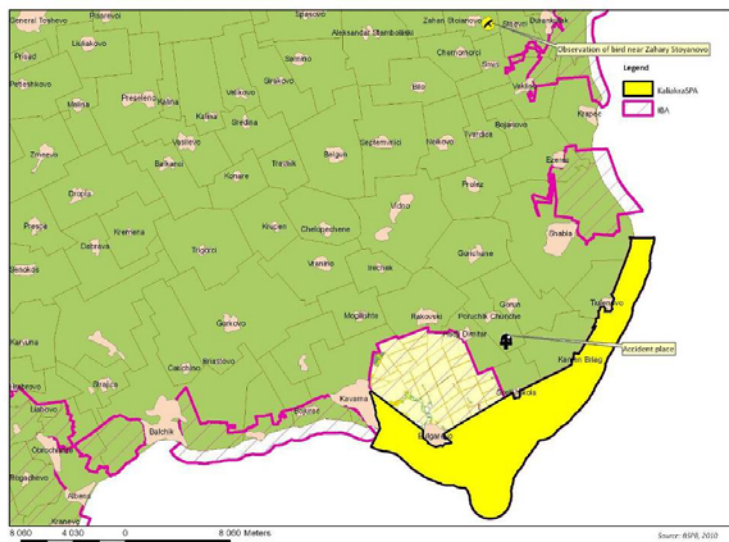
The windfarm is operational since January 2010. According to the monitoring reports the storks continue to use the area as a migratory path, flying at very low height, as well as a roosting site (see the maps below, from the AES monitoring report). Thus our concern is that large numbers of storks are exposed to high risk of collision with wind turbines. Last Autumn the wind farm was stopped because of the storks, but it is not guaranteed that this mitigation system will always work.

**Figure 3 Roosting sites of White Stork at St Nikola Wind farm – Kaliakra IBA**



**Figure 4 Flight paths of White Storks through St Nikola wind farm at height below 200m**

In addition, a Griffon Vulture was killed by the blades of the “St. Nikolas” wind park near Kaliakra IBA in Bulgaria during the first-year of its operation. Despite the fact that the wind park is equipped with radar and has permanent staff, the death of an individual of such a rare species couldn’t be prevented. One of bird’s wings was completely cut off. The body was found at a distance of 92 m SSE from the wind turbine by a team of the Regional Inspectorate of Environment and Water (RIEW), representatives of the Bulgarian Society for the Protection of Birds/BirdLife Bulgaria (BSPB) and AES Geo Energy Company, the owner of the wind park. The wing of the bird was found in a distance of 300 m from the body (map 1, and pictures). The RIEW made a protocol for the accident but did not give any prescriptions to the investor.

**Figure 5. General situation of the Griffon Vulture case of 28 October 2010**



**Representatives of the Regional Inspectorate of MoEW and BSPB/BirdLife Bulgaria confirm the accident**



**Griffon vulture, killed by a turbine of the “Sveti Nikola” windfarm, near Kaliakra on 28 October 2010**



Having in mind these facts, BSPB tried to negotiate with the MoEW to comply fully with EU law – the Bird and habitat Directive and the case law, which means to fully designate Kaliakra IBA as SPA and to remove the dangerous wind turbines. The negotiations were unsuccessful.

- **Universum Energy Ltd.** – now owned by EVN Company. (32 turbines between Kavarna town and Balgarevo village located on steppe habitats)

No new information

- **INOS-1 Ltd** (35 turbines between Balgarevo village and the buffer zone of Cape Kaliakra nature reserve)

No new information

- **“Vertical-Petkov”** – (1 turbine out of 3 is constructed)

Operational. No new information.

Because there is no progress with the case on a national level, BSPB and BirdLife International has been working together with the European Commission on the opened infringement procedure.

BSPB and BirdLife International representatives met with European Commission desk officers on 16 September 2010 to discuss, among other cases, the Kaliakra infringement.

BSPB/Birdlife briefed the Commission on the results of an updated BSPB audit of wind energy developments in the Kaliakra area, which showed 1857 approved or planned turbines within 10km of the key SPAs with no strategic planning or cumulative assessment of the impacts of these on key wintering and migratory bird populations.

The possibility of compensation for the non-designated area of the Kaliakra IBA, as suggested by the Bulgarian government, was discussed. BSPB/BirdLife pointed out that this approach would and could not work, as there were no suitable areas in the region that provided the same ecological functions for wintering red-breasted geese and migrating birds (eg: stop-over sites for storks). The Commission had not yet managed to progress the case to Reasoned Opinion (second legal warning).

As a result of this meeting, BSPB/BirdLife provided the Commission with updated information as to the value of the Kaliakra IBA to wintering geese and migrating birds, along with examples of costings for the removal and de-commissioning/selling of turbines from other sites around the world.

On 30 September 2010 BirdLife representatives met with Elena Visnar Malinovska, Cabinet to Environment Commissioner Potocnik, and again (with BSPB colleagues) with Mrs Visnar, Mattias Buck and Kurt Vandenberghe (all Cabinet members) on 27 January 2011. In both meetings, BSPB/BirdLife raised the issue of lack of progress of the infringement cases concerning Kaliakra, and the continuing damage and deteriorating situation with regards to site protection in the region. The cabinet members confirmed that the Commission were taking the infringements seriously, and would be considering technical reports on the cases, due in March 2011.

Finally, on 18 May 2011, BSPB/BirdLife representatives met with Environment Commissioner Potocnik, who re-iterated the Commission’s commitment to take action to protect the Kaliakra site. He confirmed that the Commission would be taking further actions on this case in the Autumn of 2011.

## **BALCHIK CASE**

Investor “Tessa Energy” Ltd. (12 turbines approved by RIEW at Balchik IBA)

No new information about this project. No turbines are constructed on the site.