



13.1.2011

NOTICE TO MEMBERS

Subject: Petition 1062/2008 by the Initiative Committee ‘Veliko Turnovo for the Forest’ (Bulgarian), and 879 co-signatories, on the Bulgarian authorities’ failure to enforce Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora in connection with construction activities in a Natura 2000 area in central Bulgaria

1. Summary of petition

The petitioners refer to construction activities in progress in Veliko Turnovo, which the local authorities have approved and which the petitioners consider to be contrary to the provisions of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. The petitioners also point out that the area in question is on the Natura 2000 list and that the construction plans will disrupt the town’s architectural and cultural heritage. As the petitioners have appealed unsuccessfully to the responsible Bulgarian authorities, they ask the European Parliament to take the matter up.

2. Admissibility

Declared admissible on 15 December 2008. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 13 January 2011.

The Commission also received a complaint concerning the same area and after thorough examination of the submitted documents, the following facts were found:

- The projects which were considered to be in breach of the law are not located within the borders of any areas enlisted in the Bulgarian national list of Sites of Community Importance;

- From the information presented it follows that the competent authorities have revised the documents submitted to them and have made a decision that the projects shall not be subjected to an Environmental Impact Assessment (EIA) procedure since they are regulated by Annex II of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment¹ (as amended), i.e. they are projects, for which the necessity of carrying out an EIA is being examined on a case-by-case basis. An EIA is only required if a significant environmental impact is to be expected. The directive considers that Annex I projects could lead to such effects. As for Annex II projects, the competent authority assesses the level of impact on a case-by-case basis and EIA will only be required if it is considered that the project might have a significant impact. From the information made available to the Commission, it is evident that the national competent authority has assessed each case and come to the conclusion that there would be no significant effects on the environment and thus no EIA should be carried out;
- From the information presented it follows that the competent authorities have revised the documents submitted to them and have decided that the change in the Detailed Spatial Plan shall not be subjected to an EIA procedure since it falls in the range of Article 3, paragraphs 4 and 5 of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment², i.e. it is a plan for which the necessity of a SEA procedure is being examined on a case-by-case basis. A Strategic Environmental Assessment (SEA) is only required if a significant environmental impact is to be expected. The directive considers that the Article 3(2) plans/programmes could lead to such effects. As for the Article 3(4) and (5) plans/programmes, the competent authority assesses the level of impact on a case-by-case basis and a SEA will only be required if it is considered that the plan/programme might have a significant impact. From the information made available to the Commission it is evident that the national competent authority have assessed each case and come to the conclusion that there would be no significant effects on the environment and thus no SEA should be carried out.

Conclusions

The complaint was not registered for further analysis because it was concluded that the competent authority had properly implemented EC law. After consideration of the argument presented in the petition, the Commission sees no grounds for acting differently.

¹ OJ L 175, 5.7.1985

² OJ L 197, 21.7.2001